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FIRST, SECOND AND THIRD SPECIAL SESSIONS OF THE FORTY-EIGHTH LEGISLATURE

STATE OF WASHINGTON
AT
OLYMPIA, the State Capitol

1983 First Special Session
Convened April 25, 1983
Adjourned Sine Die May 24, 1983

1983 Second Special Session
Convened May 25, 1983
Adjourned Sine Die May 25, 1983

1983 Third Special Session
Convened September 10, 1983
Adjourned Sine Die September 10, 1983

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H. A. "BARNEY" GOLTZ, President Pro Tempore
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FIRST DAY, APRIL 25, 1983

JOURNAL OF THE SENATE
STATE OF WASHINGTON
1983 1ST SPECIAL SESSION
FORTY-EIGHTH LEGISLATURE

FIRST DAY

NOON SESSION

Senate Chamber, Olympia, Monday, April 25, 1983

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 Craswell, Haley, Hemstad, Kiskaddon, Lee, Moore, Pullen, Quigg and Sellar. On motion of Senator McCaslin, Senator Craswell was excused. On motion of Senator Bluechel, Senators Haley, Hemstad, Kiskaddon, Lee, Pullen, Quigg and Sellar were excused.

The Sergeant at Arms Color Guard, consisting of Pages Debbie Lindberg and Andrew Anderson, presented the Colors. Reverend Charles Loyer, retired pastor of Westminster United Presbyterian Church of Olympia, offered the prayer.

MESSAGE FROM THE GOVERNOR
PROCLAMATION BY THE GOVERNOR

The Washington State Legislature has all but concluded the 1983 Regular Session without finishing its essential tasks. It is therefore necessary for me to convene the legislature in extraordinary session for the purpose of addressing only the following:

The state budget and budget-related items
Revenues to support the budget
The Washington Public Power Supply System
Bills in dispute
Gubernatorial appointments

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 II, Section 7 of the State Constitution, do hereby convene the Washington State Legislature in extraordinary (special) session for a period not to exceed thirty days in the Capitol at Olympia at 12:00 noon on April 25, 1983.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 24th day of April, A.D. nineteen hundred and eighty-three.

(Washington State Seal)

JOHN SPELLMAN,
Governor of Washington

By the Governor
RALPH MUNRO
Secretary of State

PARLIAMENTARY INQUIRY

Senator Bottiger: “Mr. President, in his proclamation, the Governor lists those subject areas to be considered by the Legislature and states that the first special session shall not last longer than thirty days. My point of inquiry is, may the Governor limit this Senate to subject and/or time?”
REPLY BY THE PRESIDENT

President Cherberg: "Senator Bottiger. Article II, Section 12 of our State Constitution, as amended by the 68th Amendment, provides that special legislative sessions may be convened for a period of time not more than thirty consecutive days by a proclamation of the Governor. It also provides that the resolution concerning the legislature shall specify purpose or purposes for the convening of the special session and notes that specification of purpose shall be considered by the legislature, but shall not be mandatory.

"In answer to your point of parliamentary inquiry, the President would rule that in accordance with the State Constitution, the Governor may not limit the subject matter this body may consider and may not restrict the legislature's time to act to less than thirty days given to the legislature by the Constitution."

MOTION

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

MOTION

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

SENATE RESOLUTION 1983-66

by Senators Bottiger, Fleming, Hayner and Jones

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 Bender, Barr and Rinehart as a committee of three under the provisions of Senate Resolution 1983-66 to notify the House that the Senate is organized and ready to transact business.

MOTION

On motion of Senator Bottiger, the committee appointments were confirmed.

MOTION

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

SENATE RESOLUTION 1983-65

by Senators Bottiger, Fleming, Hayner and Jones

WHEREAS, The offices of the Senate were filled by competent persons during the Forty-eighth, 1983, Regular Session of the legislature; and

WHEREAS, These officers served in a distinguished and satisfactory manner; and

WHEREAS, The standing committees of the Senate were formed and operated properly and efficiently during the Forty-eighth, 1983, Regular Session of the Legislature;

NOW, THEREFORE, BE IT RESOLVED. That said officers, committee chairmen and committee members of the said regular session shall constitute the officers and committees of the 1983 Special Session of the Forty-eighth Legislature.

MOTION

Senator Bottiger moved adoption of the following resolution:

SENATE RESOLUTION 1983-67

by Senators Bottiger, Fleming, Vognild, Jones, Clarke and Hayner

BE IT RESOLVED. That the Senate Rules be amended as follows:

"RULE 28. Any senator shall have the right to compare an enrolled bill with the engrossed bill (before the president signs the same) and may note any objections in the Journal."

Debate ensued.
POINT OF ORDER

Senator Newhouse: "I suggest that the member was not addressing the resolution in question."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, speaking on the point of order, and asking Senator Goltz to keep his ears open and not talk asleep again, the point of order is poorly taken, because Senator McDermott is speaking about why the bill should not be deleted. I might say that by listening to the Governor on the radio today that he is sitting down there pouting and saying that we should get rid of, not only the leaders of the legislature but the whole legislature, and he can do it better. That is the same attitude that Senator McDermott is pointing out that we do need this rule, and the Governor thinks we do not need the legislature, but that is a matter of opinion.

"I find it very strange that you would raise the point of order, Senator Newhouse, when Senator McDermott was trying to point out why you should not delete the rules."

Senator Rasmussen demanded a roll call and it was sustained.

The President declared the question before the Senate to be the roll call on final passage of Senate Resolution 1983-67.

ROLL CALL

The Secretary called the roll on the final passage of Senate Resolution 1983-67 and the resolution passed the Senate by the following vote: Yeas, 24; nays, 16; absent, 1; excused, 8.


Voting nay: Senators Bauer, Bender, Conner, Gaspard, Granlund, Hughes, Hurley, McDermott, Metcalf, Patterson, Rasmussen, Rinehart, von Reichbauer, Warnke, Williams, Wojahn - 16.

Absent: Senator Moore - 1.


SENATE RESOLUTION NO. 1983-67, having received the constitutional majority was declared passed.

REPORT OF SPECIAL COMMITTEE

The special committee consisting of Senators Bender, Barr and Rinehart appeared before the bar of the Senate. Under the provisions of Senate Resolution 1983-66, the House was notified that the Senate 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 of Representatives consisting of Representatives Fisher, Mitchell, and Kreidler appeared before the bar of the Senate to notify the Senate the House of Representatives was organized and ready to transact business.

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

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

MESSAGES FROM THE HOUSE

April 25, 1983

Mr. President:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 21, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 25, 1983

Mr. President:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 22.
HOUSE CONCURRENT RESOLUTION NO. 23, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 21 by Representatives Heck and G. Nelson

Notifying Governor that Legislature is organized.

MOTIONS

On motion of Senator Bottiger, the rules were suspended. House Concurrent Resolution No. 21 was advanced to second reading and read the second time.

On motion of Senator Bottiger, the rules were suspended. House Concurrent Resolution No. 21 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Wojahn, Hayner and Hurley as a committee of three to join with a like committee from the House of Representatives under the provisions of House Concurrent Resolution No. 21 to notify the Governor that the Legislature is organized.

MOTION

On motion of Senator Bottiger, the committee appointments were confirmed.

At 12:34 p.m., there being no objection, the President declared the Senate to be at ease.

The President called the Senate to order at 12:39 p.m.

REPORT OF SPECIAL COMMITTEE

The special committee consisting of Senators Wojahn, Hayner, and Hurley appeared before the bar of the Senate. Under the provisions of House Concurrent Resolution No. 21, the Governor was notified that the Legislature is organized and ready to do business.

The report was received and the committee was discharged.

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 22 by Representatives Heck and G. Nelson

Reintroducing bills for the 1983 First Special Session.

MOTIONS

On motion of Senator Shinpoch, the rules were suspended. House Concurrent Resolution No. 22 was advanced to second reading and read the second time.

On motion of Senator Shinpoch, the rules were suspended. House Concurrent Resolution No. 22 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

POINT OF INQUIRY

Senator Newhouse: "Senator Bottiger, I have one procedural question. Say, that the measure when it first came to, for instance to this body from the House, and was amended here—if we bring it to its highest order that it might have received here, it might be on third reading, do we again put on those second reading amendments?"

Senator Bottiger: "Senator, that is a good question. It would go to its highest origin in the form that it came from the House. If there was a Senate amendment, it would go to second reading, so that the Senate amendment could be placed there."

The President declared the question before the Senate to be adoption of House Concurrent Resolution No. 22.
The motion by Senator Shinpoch carried and the resolution was adopted.

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 23  by Representatives Heck and G. Nelson

Limiting reintroductions for the 1983 First Special Session.

MOTIONS

On motion of Senator Shinpoch, the rules were suspended. House Concurrent Resolution No. 23 was advanced to second reading and read the second time.

On motion of Senator Shinpoch, the rules were suspended. House Concurrent Resolution No. 23 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Bottiger, I see no mention in here of the SeaFirst Bank bill. In the event that the court would declare it unconstitutional because it was not signed into law prior to the ending of the regular session of the Legislature, would you have to amend this concurrent resolution?"

Senator Bottiger: "Senator, you would. I sure hope that we are not here long enough for a court to have gone through the whole process to declare anything unconstitutional."

Senator Rasmussen: "You don't have much confidence in the courts."

The President declared the question before the Senate to be adoption of House Concurrent Resolution No. 23.

The motion by Senator Shinpoch carried and the resolution was adopted.

MOTION

At 12:50 p.m., on motion of Senator Shinpoch the Senate recessed until 2:15 p.m.

AFTERNOON SESSION

The President called the Senate to order at 2:15 p.m.

MOTION

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

SECOND READING

SENATE BILL NO. 3722, by Senator Hughes

Relating to hazardous waste.

MOTIONS

On motion of Senator Hughes, Second Substitute Senate Bill No. 3722 was substituted for Senate Bill No. 3722 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hughes, the rules were suspended. Second Substitute Senate Bill No. 3722 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 Hughes. I need a little more information. For instance, on the last line, it relates to servicing railroad equipment, boats and motor vehicles. Now, would a little boat shop--boat repairs or marinas--be subjected to a one hundred dollar fee?"

Senator Hughes: "Based on the waste generated, Senator Rasmussen. the Department will assess up to one hundred dollars. It may well be that they will be totally exempt. It will be based on a formula developed by the Department to assess the waste generated by that particular company or facility. The maximum they would be taxed would be one hundred dollars."

Senator Rasmussen: "Each little repair shop, garage, anyone of the numerous small businesses, because they do generate waste, even though they put it in the local garbage can, would be subject to the fee of up to one hundred dollars?"
Senator Hughes: "Well, there are other provisions in the bill that state that if they are involved, themselves, in waste reduction, the Department shall take that into consideration. This is permissive and not mandatory, Senator, so it may well be that many of these facilities will receive no assessment. But, if they are generating waste and they are not attempting waste reduction, then they could be, theoretically, taxed up to the maximum of one hundred dollars. There is discretionary judgment on the part of the Department and I'll say it again, I think one of the key questions is whether we can even do this. Most people believe that the federal language is quite preemptive and that we can not do this, but it is the preference of the majority of the members of the Parks and Ecology Committee and the Ways and Means Committee, that it would be more fair to assess generators of waste rather than the general public.

"I think if you are concerned about a fear of the Department going in and harassing every little garage at a maximum line of one hundred dollars, there is no reason to believe that will be the actuality. The Department says they will base their fee based on the waste generation and the role that facility plays in waste reduction."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Second Substitute Senate Bill No. 3722.

ROLL CALL

The Secretary called the roll on final passage of Second Substitute Senate Bill No. 3722, and the bill passed the Senate by the following vote: Yeas, 33; nays, 08; absent, 01; excused, 07.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Hayner, Hemstad, Hughes, Hurley, Jones, McDermott, McManus, Owen, Patterson, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 33.

Voting nay: Senators Barr, Benitz, Guess, Hansen, McCaslin, Metcall, Moore, Rasmussen - 8.

Absent: Senator Newhouse - 1.


SECOND SUBSTITUTE SENATE BILL NO. 3722, having received the constitutional majority, 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. 4245, by Committee on Parks and Ecology (originally sponsored by Senators Goltz, Kiskaddon, Hurley and Williams)

Revising provisions relating to hazardous waste management.

MOTION

On motion of Senator Hughes, the rules were suspended, Substitute Senate Bill No. 4245 was advanced to third reading, the second reading considered the third, and the bill was 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. 4245.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4245, and the bill passed the Senate by the following vote: Yeas, 41; nays, 00; absent, 01; excused, 07.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, McCaslin, McDermott, McManus, Metcall, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 41.

Absent: Senator Newhouse - 1.


SUBSTITUTE SENATE BILL No. 4245, having received the constitutional 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 Shinpoch, the Senate advanced to the seventh order of business.

THIRD READING
ENGROSSED SENATE BILL NO. 3519, by Senators Thompson, Zimmerman and Bauer (by Governor Spellman request)
Increasing state power to repair damage from the eruption of Mount St. Helens.
The bill was read the third time and placed on final passage.
Debate ensued.

MOTION
On motion of Senator Vognild, Senator Hughes was excused.
The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3519.

ROLL CALL
The Secretary called the roll on final passage of Engrossed Senate Bill No. 3519, and the bill passed the Senate by the following vote: Yeas, 36; nays, 05; absent, 00; excused, 08.
Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hurley, Jones, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Woody, Zimmerman - 36.
Voting nay: Senators Metcali, Patterson, Rasmussen, von Reichbauer, Wojahn - 5.
Excused: Senators Croswell, Haley, Hughes, Kiskaddon, Lee, Pullen, Quigg, Sellar - 8.
ENGROSSED SENATE BILL NO. 3519, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING
SECOND SUBSTITUTE SENATE BILL NO. 3272, by Committee on Ways and Means (originally sponsored by Senators Thompson, Zimmerman, Bauer and Talmadge)
Establishing the Coroner's System Improvement Act.
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 Second Substitute Senate Bill No. 3272.

ROLL CALL
The Secretary called the roll on final passage of Second Substitute Senate Bill No. 3272, and the bill passed the Senate by the following vote: Yeas, 33; nays, 05; absent, 03; excused, 08.
Voting nay: Senators McCaslin, Newhouse, Patterson, Rasmussen, von Reichbauer - 5.
Absent: Senators Benitz, Deccio, Fuller - 3.
Excused: Senators Croswell, Hansen, Hughes, Kiskaddon, Lee, Pullen, Quigg, Sellar - 8.
SECOND SUBSTITUTE SENATE BILL NO. 3272, having received the 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. 3507, by Senators Hurley, Talmadge, Warnke and Hughes
Modifying provisions relating to gubernatorial appointments.
The bill was read the third time and placed on final passage.
POINT OF ORDER

Senator Newhouse: "Mr. President, the resolution by which we limited the activities of this session mentioned the confirmation of gubernatorial appointments, but I would challenge this bill as being beyond the scope of our resolution."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, I should have mentioned these are all bills in dispute between the House and the Senate. If anybody finds in the contrary, let me know."

PARLIAMENTARY INQUIRY

Senator Metcalf: "A point of parliamentary inquiry. Now, we are passing Senate Bill No. 3507, so the House amendments that are in our book are not attached at this time. Is that right? We are just passing the original Senate Bill?"

REPLY BY THE PRESIDENT

President Cherberg: "That is correct."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3507.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3507, and the bill passed the Senate by the following vote: Yeas, 27; nays, 13; absent, 01; excused, 08.


Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Deccio, Guess, Hayner, Hemstad, Jones, McCaslin, Newhouse, Patterson, Zimmerman - 13.

Absent: Senator Fuller - 1.

Excused: Senators Croswell, Haley, Hughes, Kiskaddon, Lee, Pullen, Quigg, Sellar - 8.

ENGROSSED SENATE BILL NO. 3507, having received the 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. 3520, by Committee on Local Government (originally sponsored by Senators Woody, Zimmerman and Thompson)

Revising procedures regarding contested elections and challenged voters.

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. 3520.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3520, and the bill passed the Senate by the following vote: Yeas, 40; nays, 00; absent, 01; excused, 08.


Absent: Senator Fuller - 1.

Excused: Senators Croswell, Haley, Hughes, Kiskaddon, Lee, Pullen, Quigg, Sellar - 8.

SUBSTITUTE SENATE BILL NO. 3520, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.
MOTION

At 3:12 p.m., on motion of Senator Bottiger, the Senate adjourned until 10:00 a.m., Tuesday, April 26, 1983.

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

MORNING SESSION

Senate Chamber, Olympia, Tuesday, April 26, 1983

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 Hemstad, Hughes, Lee, Metcalf, McDermott, Pullen, Quigg, Rasmussen and Warnke. On motion of Senator Vognild, Senators Hughes, McDermott and Warnke were excused.

The Sergeant at Arms Color Guard, consisting of Pages Carla Paggiaro and Matthew Hinck, presented the Colors. Reverend Charles Loyer, retired pastor of Westminster United Presbyterian Church of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

April 25, 1983

Mr. President:
The House has passed:
SUBSTITUTE HOUSE BILL NO. 234,
SUBSTITUTE HOUSE BILL NO. 235, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 25, 1983

Mr. President:
The House has passed: ENGROSSED SENATE BILL NO. 3519, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

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

THIRD READING

SENATE CONCURRENT RESOLUTION NO. 122, by Senators Goltz and Bluechel

Resolving to send two delegates to the first international planning meeting for Expo '86.

The resolution 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 Concurrent Resolution No. 122.

ROLL CALL

The Secretary called the roll on final passage of Senate Concurrent Resolution No. 122, and the resolution passed the Senate by the following vote: Yeas, 40; nays, 00; absent, 06; excused, 03.


Absent: Senators Hemstad, Lee, Metcalf, Pullen, Quigg, Rasmussen - 6.

Excused: Senators Hughes, McDermott, Warnke - 3.

SENATE CONCURRENT RESOLUTION NO. 122, having received the constitutional majority, was declared passed.
MOTIONS

On motion of Senator Goltz, Senate Concurrent Resolution No. 122 was ordered immediately transmitted to the House of Representatives.

On motion of Senator Bluechel, Senators Hemstad, Lee, Metcalf and Pullen were excused.

THIRD READING

ENGROSSED SENATE BILL NO. 3858, by Senators Barr, Thompson, Zimmerman, Bauer and Deccio

Authorizing the annexation of areas outside cities and towns upon consent of the property owners.

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. 3858.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3858, and the bill passed the Senate by the following vote: Yeas, 43; nays, 00; absent, 01; excused, 05.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Kiskaddon, McCaslin, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellars, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 43.

Absent: Senator Jones - 1.

Excused: Senators Hughes, Lee, McDermott, Metcalf, Warnke - 5.

ENGROSSED SENATE BILL NO. 3858, having received the 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. 4137, by Committee on Institutions (originally sponsored by Senator Granlund)

Modifying provisions relating to adult corrections.

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. 4137.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4137, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 01; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellars, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 44.

Absent: Senator Deccio - 1.

Excused: Senators Hughes, McDermott, Metcalf, Warnke - 4.

SUBSTITUTE SENATE BILL NO. 4137, having received the 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. 3056, by Committee on Commerce and Labor (originally sponsored by Senators Vognild and Newhouse) (by Department of Labor and Industries request)

Revising laws on enforcement of contractor registration.
On motion of Senator Vognild, the rules were suspended and Substitute Senate Bill No. 3056 was returned to second reading and read the second time.

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

On page 1, line 16, strike "Upon" and insert "If the name of the contractor allegedly or apparently in violation of this chapter is not known, or if the name of the contractor does not appear on the latest list of registered contractors compiled under RCW 18.27.120(1), upon"

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

On page 6, after line 27, insert the following:

"Sec. 18. Section 6, chapter 77, Laws of 1963 as amended by section 1, chapter 61, Laws of 1977 ex. sess. and RCW 18.27.060 are each amended to read as follows:

(1) A certificate of registration shall be valid for one year and shall be renewed on or before the expiration date. The ((director)) department shall issue to the applicant a certificate of registration upon compliance with the registration requirements of this chapter.

(2) If the department approves an application, it shall issue a certificate of registration to the applicant. The certificate shall be valid for:

(a) One year;

(b) Until the bond expires; or

(c) Until the insurance expires, whichever comes first. The department shall place the expiration date on the certificate.

(3) A contractor may supply a short-term bond or insurance policy to bring its registration period to the full one year.

(4) If a contractor's surety bond or other security has an unsatisfied judgment against it or is canceled, or if the contractor's insurance policy is canceled, the contractor's registration shall be automatically suspended on the effective date of the impairment or cancellation. The department shall give notice of the suspension to the contractor.

Sec. 19. 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 are each amended to read as follows:

(1) The department shall ((annually, starting July 1, 1973)) compile a list of all contractors registered ((pursuant to the provisions of)) under this chapter and update ((such)) the list at least bimonthly. ((Such)) The list shall be considered as public record information and shall be available to the public upon request: PROVIDED, That the department may charge a reasonable ((reproduction)) fee under RCW 42.17.300.

(2) The department shall inform any person, firm, or corporation, if a contractor is registered, and if a contractor is bonded or insured, without charge except for a reasonable fee under RCW 42.17.300 for copies made.

Sec. 20. Section 2, chapter 161, Laws of 1973 1st ex. sess. and RCW 18.27.140 are each amended to read as follows:

It is the purpose of this chapter to afford protection to the public including all persons, firms, and corporations furnishing labor, materials, or equipment to a contractor from unreliable, fraudulent, financially irresponsible, or incompetent contractors.

NEW SECTION. Sec. 21. Section 6, chapter 126, Laws of 1967 and RCW 18.27.085 are each hereby repealed.

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 6, line 30, after "Sec. 19," strike all the material down to and including "1984." and insert "Sections 1 through 17 of this act shall take effect January 1, 1984."

POINT OF INQUIRY

Senator Guess: "Senator Vognild, I don't want the record to show that you made a statement that I don't believe is true. You said that if the contractor's registration—if the bond expired or his insurance expired, then his registration expired. As I read this, it says that a contractor may supply a short-term bond or insurance policy to bring the registration period for one full year. I want to make extremely clear that that is the case."

Senator Vognild: "Thank you, Senator. I am looking at line 23. It says that 'a certificate shall be valid for' and then it lists three terms—one year until the bond expires or until the insurance expires, which ever comes first."

Senator Guess: "But you also have to read sub (3)—'a contractor may supply a short bond or an insurance policy.' This has been one of the big problems of administration over there. The contractor has insurance policies and has for many years been on a fiscal year basis. That fiscal year does not coincide with the Department's fiscal year and this is where so many of the people got into trouble and caused a great deal of dislocation. I want to make sure that we don't go
through that same hiatus again. As I see the amendment, it is now taken care of, but you didn't state it that way. That is what I want to make sure.

Senator Vognild: "Thank you, Senator."

The President declared the question before the Senate to be adoption of the two amendments by Senator Vognild.

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

MOTION

Senator Vognild moved adoption of the following amendment:

On page 6, after line 27, insert the following:

"Sec. 18. Section 4, chapter 77, Laws of 1963 as last amended by section 1, chapter 11, Laws of 1977 ex. sess. and RCW 18.27.040 are each amended to read as follows:

(1) Each applicant shall, at the time of applying for or renewing a certificate of registration, file with the department a surety bond issued by a surety insurer who meets the requirements of chapter 48.28 RCW in a form acceptable to the department running to the state of Washington if a general contractor, in the sum of ([four]) six thousand dollars; if a specialty contractor, in the sum of ([two]) four thousand dollars, conditioned that the applicant will pay all persons performing labor, including employee benefits, for the contractor, will pay all taxes and contributions due to the state of Washington, and will pay all persons furnishing labor or material or renting or supplying equipment to the contractor and will pay all amounts that may be adjudged against the contractor by reason of negligent or improper work or breach of contract in the conduct of the contracting business. ([Any registered contractor with an unimpaired bond in effect on the date immediately preceding September 21, 1977, is hereby authorized to maintain such bond until the next annual renewal of such bond at which time the terms of this 1977 amendatory act must be complied with: PROVIDED. That:] A change in the name of a business or a change in the type of business entity shall not impair a bond for the purposes of this section so long as one of the original applicants for such bond maintains partial ownership in the business covered by the bond.

(2) Any contractor registered as of the effective date of this 1983 act who maintains such registration in accordance with this chapter shall be in compliance with this chapter until the next annual renewal of the contractor's certificate of registration. At that time, the contractor shall provide a bond, cash deposit, or other security deposit as required by this chapter and comply with all of the other provisions of this chapter before the department shall renew the contractor's certificate of registration.

(3) Any person, firm, or corporation having a claim against the contractor for any of the items referred to in this section may bring suit upon such bond in the superior court of the county in which the work is done or of any county in which jurisdiction of the contractor may be had. Action upon such bond or deposit shall be commenced by ([serving and]) filing ([of]) the complaint with the clerk of the appropriate superior court within one year from the date of expiration of the certificate of registration in force at the time the claimed labor was performed and benefits accrued, taxes and contributions owing the state of Washington became due, materials and equipment were furnished, or the claimed contract work was completed. Service of process in an action upon such bond shall be exclusively by service upon the department. Three copies of the complaint and a fee of ten dollars to cover the handling costs shall be served by registered or certified mail upon the department at the time suit is started and the department shall maintain a record, available for public inspection, of all suits so commenced. Service is not complete until the department receives the ten-dollar fee and three copies of the complaint. Such service shall constitute service on the registrant and the surety for suit upon the bond then and therefrom and to the extent of such tender the surety upon the bond shall be exonerated but if the actions commenced and pending at any one time exceed the amount of the bond then unimpaired, claims shall be satisfied from the bond in the following order:

- ([four]) (a) Labor, including employee benefits;
- ([four]) (b) Claims for breach of contract by a party to the construction contract;
- ([four]) (c) Material and equipment;
- ([four]) (d) Taxes and contributions due the state of Washington;
- ([four]) (e) Any court costs, interest, and attorney's fees plaintiff may be entitled to recover.

(5) In the event that any final judgment shall impair the liability of the surety upon the bond so furnished that there shall not be in effect a bond undertaking in the full amount prescribed in this section, the department shall suspend the registration of such contractor until the
bond liability in the required amount unimpaired by unsatisfied judgment claims shall have been furnished. If such bond becomes fully impaired, a new bond must be furnished at the increased rates prescribed by this section as now or hereafter amended.

(6) In lieu of the surety bond required by this section the contractor may file with the department a deposit consisting of cash or other security acceptable to the department.

(7) Any person having an unsatisfied final judgment against the registrant for any items referred to in this section may execute upon the security held by the department by serving a certified copy of the unsatisfied final judgment by registered or certified mail upon the department within one year of the date of entry of such judgment. Upon the receipt of service of such certified copy the department shall pay or order paid from the deposit, through the registry of the superior court which rendered judgment, towards the amount of the unsatisfied judgment. The priority of payment by the department shall be the order of receipt by the department, but the department shall have no liability for payment in excess of the amount of the deposit.

(8) The director may promulgate rules (and regulations) necessary for the proper administration of the security.

Renumber the remaining sections consecutively and correct internal references accordingly.

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

The President declared the question to be the roll call on the adoption of the amendment by Senator Vognild on page 6, line 27.

ROLL CALL

The Secretary called the roll and the motion by Senator Vognild carried and the amendment was adopted by the following vote: Yeas, 31; nays, 14; absent, 01; excused, 03.


Absent: Senator Jones - 1.

Excused: Senators Hughes, McDermott, Warnke - 3.

MOTIONS

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

On page 1, line 3 of the title, after "18.27.020;" insert "amending section 4, chapter 77, Laws of 1963 as last amended by section 1, chapter 11, Laws of 1977 ex. sess. and RCW 18.27.040;"

On page 1, line 3 of the title, after "18.27.020;" insert "amending section 6, chapter 77, Laws of 1963 as amended by section 1, chapter 61, Laws of 1977 ex. sess. and RCW 18.27.060; 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 2, chapter 161, Laws of 1973 1st ex. sess. and RCW 18.27.140;"

On page 1, line 4 of the title, after "18.27 RCW;" insert "repealing section 6, chapter 126, Laws of 1967 and RCW 18.27.085;"

On motion of Senator Vognild, the rules were suspended. Engrossed Substitute Senate Bill No. 3056 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate No. 3056.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3056, and the bill passed the Senate by the following vote: Yeas, 37; nays, 09; absent, 00; excused, 03.


Excused: Senators Hughes, McDermott, Warnke - 3.
ENGROSSED SUBSTITUTE SENATE BILL NO. 3056, having received the 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. 3079, by Committee on Local Government (originally sponsored by Senators Bauer and Sellar)

Authorizing insurance services for officials as well as employees of sewer districts.

MOTIONS

On motion of Senator Thompson, the rules were suspended and Substitute Senate Bill No. 3079 was returned to second reading and read the second time.

Senator Thompson moved adoption of the following amendment by Senators Thompson, Zimmerman and Bauer:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 261, Laws of 1961 as last amended by section 5, chapter 190, Laws of 1981 and RCW 56.08.100 are each amended to read as follows:

A sewer district, by a majority vote of its board of commissioners, may enter into contracts to provide health care services and/or group insurance and/or term life insurance and/or social security insurance for the benefit of its employees and may pay all or any part of the cost thereof. The sewer district may provide such insurance for its commissioners if the premiums for the insurance are paid by the individual commissioners who elect to receive it. Insurance under this section shall not be considered to be compensation. Any two or more sewer districts or one or more sewer districts and one or more water districts, by a majority vote of their respective boards of commissioners, may, if deemed expedient, join in the procuring of such health care services and/or group insurance and/or term life insurance, and the board of commissioners of each participating sewer and/or water district may by appropriate resolution authorize their respective district to pay all or any portion of the cost thereof.

Sec. 2. Section 2, chapter 261, Laws of 1961 as last amended by section 6, chapter 190, Laws of 1981 and RCW 57.08.100 are each amended to read as follows:

A water district, by a majority vote of its board of commissioners, may enter into contracts to provide health care services and/or group insurance and/or term life insurance and/or social security insurance for the benefit of its employees and may pay all or any part of the cost thereof. The water district may provide such insurance for its commissioners if the premiums for the insurance are paid by the individual commissioners who elect to receive it. Insurance under this section shall not be considered to be compensation. Any two or more water districts or any one or more water districts and one or more sewer districts, by a majority vote of their respective boards of commissioners, may, if deemed expedient, join in the procuring of such health care services and/or group insurance and/or term life insurance, and the board of commissioners of each participating sewer and/or water district may by appropriate resolution authorize their respective district to pay all or any portion of the cost thereof.

Sec. 3. Section 1, chapter 64, laws of 1955 as last amended by section 1, chapter 6, Laws of 1973 1st ex. sess. and RCW 53.08.170 are each amended to read as follows:

The port commission shall have authority to create and fill positions, to fix wages, salaries and bonds thereof, to pay costs and assessments involved in securing or arranging to secure employees, and to establish such benefits for employees, including holiday pay, vacations or vacation pay, retirement and pension benefits, medical, surgical or hospital care, life, accident, or health disability insurance, and similar benefits, already established by other employers of similar employees, as the port commissioner shall by resolution provide: PROVIDED, That any district providing insurance benefits for its employees in any manner whatsoever may provide business-related travel, liability, health, errors and omissions and accident insurance, for its commissioners, which insurance shall not be considered to be compensation. Port districts may provide nonbusiness-related insurance for its commissioners if the premiums for such insurance are paid by the commissioners receiving the insurance benefits. This insurance shall not be considered to be compensation.

The port commission shall have authority to provide or pay such benefits directly, or to provide for such benefits by the purchase of insurance policies or entering into contracts with and compensating any person, firm, agency or organization furnishing such benefits, or by making contributions to vacation plans or funds, or health and welfare plans and funds, or pension plans or funds, or similar plans or funds, already established by other employers of similar employees and in which the port district is permitted to participate for particular classifications of its employees by the trustees or other persons responsible for the administration of such established plans or funds: PROVIDED FURTHER, That no port district employee shall be allowed to apply for admission to or be accepted as a member of the state employees' retirement system after January 1, 1965 if admission to such system would result in coverage under
both a private pension system and the state employees' retirement system. It being the purpose of this proviso that port districts shall not at the same time contribute for any employee to both a private pension or retirement plan and to the state employees' retirement system. The port commission shall have authority by resolution to utilize and compensate agents for the purpose of paying, in the name and by the check of such agent or agents or otherwise, wages, salaries and other benefits to employees, or particular classifications thereof, and for the purpose of withholding payroll taxes and paying over tax moneys so withheld to appropriate government agencies, on a combined basis with the wages, salaries, benefits, or taxes of other employers or otherwise, to enter into such contracts and arrangements with and to transfer by warrant such funds from time to time to any such agent or agents so appointed as are necessary to accomplish such salary, wage, benefit, or tax payments as though the port district were a private employer, notwithstanding any other provision of the law to the contrary. The funds of a port district transferred to such an agent or agents for the payment of wages or salaries of its employees in the name or by the check of such agent or agents shall be subject to garnishment with respect to salaries or wages so paid, notwithstanding any provision of the law relating to municipal corporations to the contrary.

Sec. 4. Section 2, chapter 75, Laws of 1963 as amended by section 2, chapter 57, Laws of 1965 and RCW 41.04.190 are each amended to read as follows:

The cost of any such group policy or plan to any such public agency or body shall not be deemed additional compensation to the employees or elected (county) officials covered thereby (for services rendered), and any officer authorized to disburse such funds may pay in whole or in part to any such insurance carrier or health care service contractor the amount of the premiums due pursuant to any such contract.

Sec. 5. Section 22, chapter 34, Laws of 1939 as last amended by section 1, chapter 27, Laws of 1980 and RCW 52.12.010 are each amended to read as follows:

The affairs of the district shall be managed by a board of fire commissioners composed of (three) resident electors of the district. The members shall each receive twenty-five dollars per day, not to exceed seventy-five dollars per month, for attendance at board meetings and for performance of other services in behalf of the district. In addition, they shall receive necessary expenses incurred in attending meetings of the board or when otherwise engaged in district business, and shall be entitled to receive the same insurance available to all firemen of the district: PROVIDED, That the premiums for such insurance, except liability insurance, shall be paid by the individual commissioners who elect to receive it. This insurance shall not be considered to be compensation. In any district which has a fire department owning and operating motor-powered fire fighting equipment and employing personnel on a full time, fully paid basis, fire commissioners, in addition to expenses as aforesaid, shall each receive twenty-five dollars per day, not to exceed one hundred twenty-five dollars per month, for attendance at board meetings and for performance of other services on behalf of the district. Any commissioner may waive all or any portion of his compensation payable under this section as to any month or months during his term of office, by a written waiver filed with the secretary as provided in this section. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which said compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

The board shall fix the compensation to be paid the secretary and all other agents and employees of the district. The board may, by resolution adopted by unanimous vote, authorize any of its members to serve as volunteer firemen without compensation. A commissioner actually serving as a volunteer fireman may enjoy the rights and benefits of a volunteer fireman. The first commissioners shall take office immediately when qualified in accordance with RCW 29.01.135 and shall serve until after the next general election for the selection of commissioners and until their successors have been elected and have qualified and have assumed office in accordance with RCW 29.04.170.

NEW SECTION. Sec. 6. The local government committees of the senate and house of representatives shall study compensation and other benefits provided to officials of special purpose districts and report their findings and any recommendations to the senate and house of representatives on or before January 1, 1984."

POINT OF INQUIRY

Senator Rasmussen: "Is that the only amendment that is in here—sewer and fire districts?"

Senator Thompson: "Sewer districts, fire districts, water districts, and port districts."

Senator Rasmussen: "Well, I seem to find one here on page 6, section 4. It seems to be a little different than sewer districts and fire districts."

Senator Thompson: "Senator Rasmussen, the sections set forth cover only the districts that I have cited."

Senator Rasmussen: "Well, the one that I am reading says 'the cost of any such group policy or plan to any such public agency or body shall not be deemed
additional compensation to the employees or elected; and county is struck out, 'officials covered thereby.' Now, I don't know what reference—"

Senator Thompson: "That language appears with each reference. Senator Rasmussen, to assure that should the elected official opt to take advantage of this opportunity to buy insurance out of his own pocket, that that opportunity will not be deemed a compensation under this act."

MOTION

On motion of Senator Rasmussen, further consideration of Substitute Senate Bill No. 3079 was deferred.

THIRD READING

SENATE BILL NO. 3090, by Senators Talmadge and Hughes

Modifying the budget and accounting act.

MOTIONS

On motion of Senator Talmadge, the rules were suspended and Senate Bill No. 3090 was returned to second reading and read the second time.

Senator Talmadge moved adoption of the following amendment:

On page 3, following line 25, insert:

"NEW SECTION. Sec. 3. There is added to chapter 43.88 RCW a new section to read as follows:

The optional budget appendix containing a proposal for expenditures in the ensuing fiscal period from revenue sources derived from proposed changes in existing statutes shall be no more detailed than the required budget document setting forth a proposal for expenditures in the ensuing fiscal period based upon anticipated revenues for such fiscal period from the source and at the rates existing by law at the time of submission of the budget document."

POINT OF INQUIRY

Senator Fuller: "Senator Talmadge, I just completely do not understand the amendment. Will you tell me what it says?"

Senator Talmadge: "Sometimes it is terrible to behold the wonders of the House of Representatives. Apparently, there was some concern on their part about the budget notes that accompanied the budget document coming out of the respective Ways and Means Committees. From what I can understand of this amendment, I had something of the same problems that you did, but apparently they wanted to specify what detail would be required in the budget notes that accompanied the House budget and the Senate budget. That is what this is designed to do in the Budget and Accounting Act, and more than that. I can't tell you other than the fact that they adopted this over in the House."

Senator Fuller: "Your assumption is that whoever has to fulfill this requirement will understand it?"

Senator Talmadge: "My understanding is that that would be the case."

POINT OF INQUIRY

Senator Lee: Senator Talmadge, I think I understand what they are trying to get at. A year ago or so, we changed the Budget and Accounting Act that said that the Governor not only should submit a budget that he thought was an appropriate spending level, but he also needed to submit one that did not increase any kind of revenue that was in the existing revenue level. When that came out, it was about four pages, as opposed to the other document which was well over an inch thick. This amendment is saying that one can be no more lengthy than the other. Now, if that is the case and that is what this language says, what penalty is there if the Governor does not adhere to that requirement?"

Senator Talmadge: "Senator, I am not certain what the penalties are for violation of the Budget and Accounting Act. Perhaps, recalling back to the days of Governor Ray, we could throw the Governor in jail, rather than the Governor throwing all of us in jail for violation of the Budget and Accounting Act. I really don't know."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Talmadge.
The motion by Senator Talmadge failed and the amendment was not adopted.

PARLIAMENTARY INQUIRY

Senator Peterson: "Are the House amendments, as adopted by the House, still in the bill?"

REPLY BY THE PRESIDENT

President Cherberg: "No, Senator."

MOTION

Senator Peterson moved adoption of the following amendment by Representatives McMullen, Fiske and Fisher:

On page 3, after line 23, insert new sections to read as follows:

"NEW SECTION. Sec. 2. There is added to chapter 43.88 RCW a new section to read as follows:

Prior to January 15 of each year, each state agency shall separately itemize and submit to the secretary of the senate and chief clerk of the house any expenditures required, to be made by the agency under any federal court order. The secretary and chief clerk shall transmit this information to the appropriate standing committees. In each instance, the legislature shall review the expenditures mandated by the federal court order with a view to determining whether the program affected by the court order should be continued or eliminated and funds for the program either appropriated or not appropriated accordingly.

NEW SECTION. Sec. 3. Section 2 of 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."

Renumber remaining sections consecutively.

PARLIAMENTARY INQUIRY

Senator Talmadge: "I believe, with respect to the amendment that Senator Peterson is referring to, that the President has already ruled that amendment is beyond the scope and object of the bill."

REPLY BY THE PRESIDENT

President Cherberg: "The President believes that your statement is likely to be true, but does not recall for sure and will check it out."

RULING BY THE PRESIDENT

President Cherberg: "Senator Peterson, the message from the Senate to the House states that the President ruled the amendment on page 3, line 23, to Senate Bill No. 3090, beyond the scope and object of the bill. The Senate asked the House to recede from this amendment."

REMARKS BY SENATOR PETERSON

Senator Peterson: "Mr. President, I would still move that the body reconsider the amendment that was ruled out. What, in effect, it does is it takes us back into the Boldt decision again and requires that the Legislative standing committees review the expenditures that are forced upon the state relative to pressures of expenditures that we have to either appropriate or not appropriate to accommodate that position, and I would think that it would be in order. It does go on a referendum--this section of the bill--to the people and I see nothing wrong with this."

PARLIAMENTARY INQUIRY

Senator Hayner: "A point of parliamentary inquiry. I was under the impression that you just ruled that this amendment was out of the scope and object of the bill."

REPLY BY THE PRESIDENT

President Cherberg: "Yes, that is true. The rules also prohibit reconsideration. However, if the Senator wishes to introduce the amendment again, he may do so. Do you wish to submit the amendment, Senator Peterson?"

Senator Peterson: "Yes, Mr. President."
MOTION

On motion of Senator Peterson, the Senate began consideration of the amend­ment on page 3, line 23 to Senate Bill No. 3090.

PARLIAMENTARY INQUIRY

Senator Clarke: "I understand it, the amendment is now proposed before us as a House amendment to a Senate bill. Even though, on a previous occasion, scope and object has been sustained, it would again be necessary to raise the question as to this amendment formally. I have not raised the point of order yet, just a parliamentary inquiry. In other words, any member may raise that point of order?" 

REPLY BY THE PRESIDENT

President Cherberg: "Any member may have the opportunity to raise the point."

POINT OF ORDER

Senator Talmadge: "Mr. President, I will renew my previous point of order on this bill which was scope and object, with respect to this amendment."

MOTION

On motion of Senator Peterson, NEW SECTION. Sec. 3 was stricken from the amendment.

POINT OF ORDER

Senator Talmadge: "I still raise the point of order on the remaining Section 2 of the amendment."

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Talmadge, the President finds that Senate Bill No. 3090 is a measure which repeals obsolete sections of the budget and accounting act.

"The amendment proposed by Senator Peterson would require state agencies to itemize any expenditures required to be made pursuant to a Federal Court Order. Also, the Legislature is directed to review the expenditures in order to determine if the program should be continued or eliminated.

"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 House amendment proposed by Senator Peterson was ruled out of order.

MOTION

On motion of Senator Talmadge, the rules were suspended. Senate Bill No. 3090 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3090.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3090, and the bill failed to pass the Senate by the following vote: Yeas. 23; nays. 23; absent, 00; excused, 03.


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

Excused: Senators Hughes, McDermott, Warnke - 3.

SENATE BILL NO. 3090, having failed to receive the constitutional majority, was declared lost.
Modified requirements to WPPSS executive board membership.

MOTIONS

On motion of Senator Williams, the rules were suspended and Substitute Senate Bill No. 3266 was returned to second reading and read the second time.

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

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 43.52.290, chapter 8, Laws of 1965 as last amended by section 5, chapter 43, Laws of 1982 1st ex. sess. and RCW 43.52.290 are each amended to read as follows:

Members of the board of directors of an operating agency shall be paid the sum of fifty dollars per day as compensation for each day or major part thereof devoted to the business of the operating agency, together with their traveling and other necessary expenses. Such member may, regardless of any charter or other provision to the contrary, be an officer or employee holding another public position and, if he be such other public officer or employee, he shall be paid by the operating agency such amount as will, together with the compensation for such other public position equal the sum of fifty dollars per day. The common law doctrine of incompatibility of offices is hereby voided as it applies to persons sitting on the board of directors or the executive board of an operating agency and holding an elective or appointive position on a public utility district commission or municipal legislative authority or being an employee of a public utility district or municipality.

Sec. 2. Section 43.52.370, chapter 8, Laws of 1965 as last amended by section 2, chapter 43, Laws of 1982 1st ex. sess. and RCW 43.52.370 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the management and control of an operating agency shall be vested in a board of directors, herein sometimes referred to as the board. The legislative body of each member of an operating agency shall appoint a representative who may, at the discretion of the member and regardless of any charter or other provision to the contrary, be an officer or employee of the member, to serve on the board of the operating agency. Each representative shall have one vote and shall have, in addition thereto, one vote for each block of electric energy equal to ten percent of the total energy generated by the agency during the preceding year purchased by the member represented by such representative. Each member may appoint an alternative representative to serve in the absence or disability of its representative. Each representative shall serve at the pleasure of the member. The board of an operating agency shall elect from its members a president, vice president and secretary, who shall serve at the pleasure of the board. The president and secretary shall perform the same duties with respect to the operating agency as are provided by law for the president and secretary, respectively, of public utility districts, and such other duties as may be provided by motion, rule or resolution of the board. The board of an operating agency shall adopt rules for the conduct of its meetings and the carrying out of its business, and adopt an official seal. All proceedings of an operating agency shall be by motion or resolution and shall be recorded in the minute book which shall be a public record. A majority of the board members shall constitute a quorum for the transaction of business. A majority of the votes which the members present are entitled to cast shall be necessary and sufficient to pass any motion or resolution; PROVIDED, That such board members are entitled to cast a majority of the votes of all members of the board. The members of the board of an operating agency may be compensated by such agency as is provided in RCW 43.52.290: PROVIDED, That the ((per diem)) compensation to any member shall not exceed five thousand dollars in any year except for board members who are elected to serve on an executive board established under RCW 43.52.374((in which case per diem compensation to any member shall not exceed ten thousand dollars in any year).

(2) If an operating agency is constructing, operating, terminating, or decommissioning a nuclear power plant under a site certification agreement under chapter 80.50 RCW, the powers and duties of the board of directors shall include and are limited to the following:

(a) Final authority on any decision of the operating agency to purchase, acquire, construct, terminate, or decommission any power plants, works, and facilities except that once the board of directors has made a final decision regarding a nuclear power plant, the executive board established under RCW 43.52.374 shall have the authority to make all subsequent decisions regarding the plant and any of its components:
(b) Election of members to, (and), removal from, and establishment of salaries for the 
elected members of the executive board under RCW 43.52.374(1)(a); and 
(c) Selection and appointment of three outside directors as provided in RCW 
43.52.374(1)(b).

All other powers and duties of the operating agency, including without limitation authority 
for all actions subsequent to final decisions by the board of directors, including but not limited 
to the authority to sell any power plant, works, and facilities are vested in the executive board 
established under RCW 43.52.374.

Sec. 3. Section 2, chapter 3, Laws of 1981 1st ex. sess. as amended by section 3, chapter 43. 
Laws of 1982 1st ex. sess. and RCW 43.52.374 are each amended to read as follows:

(1) With the exception of the powers and duties of the board of directors described in RCW 
43.52.370(2), the management and control of an operating agency constructing, operating, 
terminating, or decommissioning a nuclear power plant under a site certification agreement 
under chapter 80.50 RCW is vested in an executive board established under this subsection and 
consisting of eleven members.

(a) Five members of the executive board shall be elected to four-year terms by the board 
of directors from among the members of the board of directors. The board of directors may 
provide by rule for the composition of the five members of the executive board elected from 
among the members of the board of directors so as to reflect the member public utility districts' 
and cities’ participation in the joint operating agency’s projects. Members elected to the execu-
tive board from the board of directors are ineligible for continued membership on the executive 
board if they cease to be members of the board of directors. The board of directors may 
also provide by rule for the removal of a member of the executive board, except for the out-
side directors. Members of the board of directors may be elected to serve successive terms on 
the executive board. Members elected to the executive board from the board of directors shall 
receive a salary from the operating agency at a rate set by the board of directors.

(b) Six members of the executive board shall be outside directors. Three shall be selected 
and appointed by the board of directors, and three shall be selected and appointed by the 
governor and confirmed by the senate. All outside directors shall:

(i) Serve four-year terms on the executive board. However, of the initial members of the 
executive board, the board of directors and the governor shall each appoint one outside 
director to serve a two-year term, one outside director to serve a three-year term, and one 
external director to serve a four-year term. Thereafter, all outside directors shall be appointed 
for four-year terms. All outside directors are eligible for reappointment:

(ii) Receive [(per diem compensation and)] travel expenses on the same basis as the five 
members elected from the board of directors. The outside directors shall also receive a salary 
from the operating agency as fixed by the governor;

(iii) Not be an officer or employee of, or in any way affiliated with, the Bonneville power 
administration or any electric utility conducting business in the states of Washington, Oregon, 
Idaho, or Montana;

(iv) Not be involved in the financial affairs of the operating agency as an underwriter or 
financial adviser of the operating agency or any of its members or any of the participants in 
any of the operating agency’s plants; and

(v) Be representative of policy makers in business, finance, or science, or have expertise in 
the construction or management of such facilities as the operating agency is constructing or 
operating, or have expertise in the termination, disposition, or liquidation of corporate assets.

(c) The governor may remove outside directors from the executive board for incompetency, 
misconduct, or malfeasance in office in the same manner as state appointive officers 
under chapter 43.06 RCW. For purposes of this subsection, misconduct shall include, but not 
be limited to, nonfeasance and misfeasance.

(2) Nothing in this chapter shall be construed to mean that an operating agency is in any 
manner an agency of the state. Nothing in this chapter alters or destroys the status of an oper-
ating agency as a separate municipal corporation or makes the state liable in any way or to 
any extent for any preexisting or future debt of the operating agency or any present or future 
claim against the agency.

(3) The eleven members of the executive board shall be selected with the objective of 
establishing an executive board which has the resources to effectively carry out its responsi-
bilities. All members of the executive board shall conduct their business in a manner which in 
their judgment is in the interest of all ratepayers affected by the joint operating agency and its 
projects.

(4) The executive board shall elect from its members a chairman, vice chairman, and 
secretary, who shall serve at the pleasure of the executive board. The executive board shall 
adopt rules for the conduct of its meetings and the carrying out of its business which shall 
include provisions requiring public notice and allowing public attendance at all meetings of 
the executive board or any subgroup thereof. Such rules shall be in compliance with the open 
public meetings act, chapter 42.30 RCW. All proceedings shall be by motion or resolution and 
shall be recorded in the minute book, which shall be a public record. A majority of the execu-
tive board shall constitute a quorum for the transaction of business.
With respect to any operating agency existing on April 20, 1982, to which the provisions of this section are applicable:

(a) The board of directors shall elect five members to the executive board no later than sixty days after April 20, 1982; and

(b) The board of directors and the governor shall select and appoint the initial outside directors and the executive board shall hold its organizational meeting no later than sixty days after April 20, 1982, and the powers and duties prescribed in this chapter shall devolve upon the executive board at that time.

(6) The executive board shall select and employ a managing director of the operating agency and may delegate to the managing director such authority for the management and control of the operating agency as the executive board deems appropriate. The managing director's employment is terminable at the will of the executive board.

(7) Members of the executive board shall be immune from civil liability for mistakes and errors of judgment in the good faith performance of acts within the scope of their official duties involving the exercise of judgment and discretion. This grant of immunity shall not be construed as modifying the liability of the operating agency.

The operating agency shall undertake the defense of and indemnify each executive board member made a party to any civil proceeding including any threatened, pending, or completed action, suit, or proceeding, whether civil, administrative, or investigative, by reason of the fact he or she is or was a member of the executive board, against judgments, penalties, fines, settlements, and reasonable expenses, actually incurred by him or her in connection with such proceeding if he or she had conducted himself or herself in good faith and reasonably believed his or her conduct to be in the best interest of the operating agency.

In addition members of the executive board who are utility employees shall not be fired, forced to resign, or demoted from their utility jobs for decisions they make while carrying out their duties as members of the executive board involving the exercise of judgment and discretion.

NEW SECTION. Sec. 4. There is added to chapter 43.52.RCW a new section to read as follows:

(1) The legislature intends that the business and deliberations of joint operating agencies conducted by their boards of directors, executive boards, committees and subcommittees be conducted openly and with opportunity for public input.

(2) The board of directors, executive board, and all committees or subcommittees thereof shall comply with the provisions of chapter 42.30 RCW, in order to assure adequate public input and awareness of decisions.

On page 1, line 1 of the title after "agencies:" strike the remainder of the title and insert "amending section 43.52.290, chapter 8, Laws of 1965 as last amended by section 5, chapter 43, Laws of 1982 1st ex. sess. and RCW 43.52.290; amending section 43.52.370, chapter 8, Laws of 1965 as last amended by section 2, chapter 43, Laws of 1982 1st ex. sess. and RCW 43.52.374; and adding a new section to chapter 43.52 RCW."

MOTION

On motion of Senator Williams, the rules were suspended. Engrossed Substitute Senate Bill No. 3266 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 Williams. I was just working my way through this bill. On page 6, it indicates that the members elected to the executive board and the board of directors shall receive a salary from the operating agency at a rate set by the board of directors. That is new language and I was not aware of it. Is that a new policy? What are we doing here?"

Senator Williams: "Yes, it is. The members that are appointed by the Governor—their salaries are set by the Governor. The reason for this, now, is to allow the board to set the salaries for the executive board of the inside members and allow parity, then, for all the members on the board. That is the reason—giving them that option to do so."

Senator Vognild: "Thank you. Do you know what the salaries are now?"

Senator Williams: "I do not."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3266.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3266, and the bill passed the Senate by the following vote: Yeas, 44; nays, 0; absent, 0; excused, 0.
SECOND DAY, APRIL 26, 1983

Voting yea: Senators Barr, Bauer, Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Melcaft, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 44.

Voting nay: Senator Conner - 1.

Absent: Senator Bender - 1.

Excused: Senators Hughes, McDermott, Warnke - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3266, having received the 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 Shinpoch, the Senate resumed consideration of Substitute Senate Bill No. 3079 and the pending striking amendment by Senators Thompson, Zimmerman and Bauer, deferred earlier today.

On motion of Senator Thompson, the following amendment to the striking amendment was adopted:

- On page 3, line 37, strike all of section 4, and renumber accordingly.

The President declared the question before the Senate to be adoption of the amendment, as amended, by Senators Thompson, Zimmerman and Bauer.

The motion by Senator Thompson carried and the amendment, as amended, was adopted.

MOTION

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

- On line 15 of the title amendment, after "RCW 53.080.170;" strike the material through "RCW 41.04.190:" on line 17.

On motion of Senator Thompson the rules were suspended, Engrossed Substitute Senate Bill No. 3079 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 Thompson, I am looking at NEW SECTION 6, which provides for a study on the subject of compensation for these districts. I am just wondering whether or not that shouldn't be the subject of a separate floor resolution, rather than part of this particular bill?"

Senator Thompson: "Senator Patterson, we consider it appropriate here, because it facilitates cooperation of the two bodies in addressing the complexities of this area, and we will have that good purpose, I believe."

Senator Patterson: "I am not questioning the purpose, Senator. I am just questioning whether or not it ought to be part of the bill which deals with, basically, insurance and other factors for these special districts. I am just wondering whether or not a study should be part of the bill itself, which will be in law for sometime to come and then you will have to take it out. That is all I am saying."

Senator Thompson: Senator Patterson, it is not unusual and we anticipate a bill growing out of that study, at which time we could strike this section."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3079.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3079, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 00; excused, 03.

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

Excused: Senators Hughes, McDermott, Warnke - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3079, having received the 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 President reverted the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE
April 26, 1983

Mr. President:
The Speaker has signed:
HOUSE CONCURRENT RESOLUTION NO. 21.
HOUSE CONCURRENT RESOLUTION NO. 22.
HOUSE CONCURRENT RESOLUTION NO. 23. and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

The President signed:
HOUSE CONCURRENT RESOLUTION NO. 21.
HOUSE CONCURRENT RESOLUTION NO. 22.
HOUSE CONCURRENT RESOLUTION NO. 23.

MOTION

At 11:50 a.m., on motion of Senator Shinpoch, 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 Shinpoch, the Senate advanced to the sixth order of business.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 118. by Senators Craswell, Conner, Owen and Granlund

Establishing the Andrew W. Anderson recreational fishing area.

The resolution was read the second time.

MOTION

On motion of Senator Owen, the rules were suspended. Senate Concurrent Resolution No. 118 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

POINT OF INQUIRY

Senator Bolliger: "Senator Rasmussen, do I have your assurance that there is nothing in this resolution pertaining to barbless hooks?"

Senator Rasmussen: "I don't think that the barbless hooks are related to the fishing pier, but I am sure there are many tourists who will come and know nothing about our strange ruling on barbless hooks, and that they will be fishing illegally and that is the sad part about these silly regulations that are put on by some of our departments. I am glad you asked that question, Senator Bolliger. I hope the fisheries inspectors will be rather lenient with our tourists when they come in fishing with the same type of hook that they use in their own state."

The President declared the question before the Senate to be the roll call on final passage of Senate Concurrent Resolution No. 118.

ROLL CALL

The Secretary called the roll on final passage of Senate Concurrent Resolution No. 118 and the resolution passed the Senate by the following vote: Yeas, 41; nays, 00; absent, 05; excused, 03.

Voting yea: Senators Barr, Bender, Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson.
SECOND DAY, APRIL 26, 1983

Absent: Senators Bauer, Conner, Fleming, Quigg, Williams - 5.
Excused: Senators Hughes, McDermott, Warnke - 3.

SENATE CONCURRENT RESOLUTION NO. 118, having received the constitutional majority, was declared passed.

MOTION

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

THIRD READING

SUBSTITUTE SENATE BILL NO. 3434, by Committee on Commerce and Labor (originally sponsored by Senators Peterson, Sellar and Vognild)

Modifying definition of "member" for gambling enforcement purposes.

MOTIONS

On motion of Senator Vognild, the rules were suspended. Substitute Senate Bill No. 3434 was returned to second reading and read the second time.
On motion of Senator Bluechel, Senator Clarke was excused.
On motion of Senator Vognild, the following amendment was adopted:
On page 12, line 15 after "winnings" insert "taxes, license fees."

MOTIONS

On motion of Senator Vognild, the following amendment was adopted:
On page 12, line 25 following "organization" strike "; and (d)" and insert "(e) such event shall not be held on the premises of a licensee, as defined in RCW 66.20.160, more than four calendar days per calendar month; and (e)"

Senator Vognild moved adoption of the following amendment:
On page 17, line 20 after "subsection" insert "PROVIDED FURTHER, that a voluntary contribution to defray club expenses averaging no more than one dollar per player per hour may be made by the players in a social dice game with a record of such contributions to be maintained by the organization for a period of three years."

POINT OF ORDER

Senator Metcall: Mr. President, I respectfully question the scope and object. This goes a major step further than the bill. This expands the gambling in our state substantially and, I think, it is clearly beyond the scope and object."

REPLY BY THE PRESIDENT

President Cherberg: "Senator Metcall has raised the point that the amendment changes the scope and object of the bill."

MOTION

On motion of Senator Shinpoch, further consideration of Substitute Senate Bill No. 3434 was deferred.

President Pro Tempore Goltz assumed the chair.

THIRD READING

SUBSTITUTE SENATE BILL NO. 3490, by Committee on Local Government (originally sponsored by Senators Goltz, Deccio and Granlund)

Changing the procedures for appointing the local health officer in counties with home rule charters.

MOTIONS

On motion of Senator Thompson, the rules were suspended. Substitute Senate Bill No. 3490 was returned to second reading and read the second time.
On motion of Senator Bluechel, Senator Quigg was excused.
On motion of Senator Thompson, the following amendment was adopted:
On page 3, after line 17, insert the following:
*NEW SECTION Sec. 5. There is added to chapter 70.05 RCW a new section to read as follows:
Each city or town which is part of a county health department established under chapter 70.05 RCW or a combined city-county health department established under chapter 70.08 RCW, or is purchasing health services from a health department under a contract authorized by RCW 70.05.150 or 70.08.090, shall pay such sums to support the operations of such department as are agreed upon by the city or town and the jurisdiction operating the department, in accordance with guidelines established by the department of social and health services in consultation with the state board of health, which specify those services or types of services that cities, towns, and counties must provide, and those services which are optional. If no agreement can be reached between the jurisdiction operating the health department and such city or town following a reasonable period of good faith negotiations, including mediation where appropriate, the matter shall be resolved by a board of arbitrators which shall be convened at the request of either party. The board of arbitrators shall consist of a representative of the jurisdiction operating the health department, a representative from the city or town involved, and a third representative appointed by the other two representatives. If no agreement can be reached regarding the third representative, the third representative shall be appointed by a judge of the superior court of the county of the jurisdiction operating the department. The determination by the board of arbitrators of the amount to be paid by the city or town shall be binding on all parties. The cost, if any, of the representative appointed by each party shall be borne by that party. The cost, if any, of the third representative shall be shared equally by both parties.

NEW SECTION. Sec. 6. There is added to chapter 70.05 RCW a new section to read as follows:

All expenses incurred by the state or county in carrying out the provisions of chapters 70.05 and 70.08 RCW, any other public health law, or the rules enacted under such laws by the state department of social and health services or the state board of health shall be paid by the city or town by which or on whose behalf such expenses were incurred. The local health officer shall certify the amount agreed upon or determined by arbitration under section 5 of this act which remains unpaid by each city or town to the fiscal or warrant issuing officer of such city or town.

If the certified expense is not paid by the city or town within thirty days after the end of the fiscal year, the local health officer shall certify the amount due to the auditor of the county in which the city or town is situated, who shall promptly issue a warrant on the county treasurer payable out of the current expense fund of the county, or in accordance with the procedures of the fiscal agent of the combined city-county health department. Any sums paid in this manner shall be reimbursed by the county auditor out of the money due the city or town at the next monthly settlement or settlements of the collection of taxes and until the certified amount is satisfied and shall be transferred to the county's current expense fund or to the fiscal agent of the combined city-county health department.

MOTION

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

On page 1, line 6 of the title, after "70.05.053;" strike "and"
On page 1, line 8 of the title, after "70.05.080" insert "and adding new sections to chapter 70.05 RCW"

MOTION

On motion of Senator Thompson, the rules were suspended, Engrossed Substitute Senate Bill No. 3490 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3490.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3490, and the bill passed the Senate by the following vote: Yeas, 42; nays, 02; absent, 01; excused, 04.


Voting nay: Senators Pullen, Rasmussen - 2.

Absent: Senator Seliar - 1.

Excused: Senators Clarke, Hughes, McDermott, Warnke - 4.
ENGROSSED SUBSTITUTE SENATE BILL NO. 3490, having received the 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 SUBSTITUTE SENATE BILL NO. 3856, by Committee on Judiciary (originally sponsored by Senator Talmadge)

Changing provisions relating to criminal law.

MOTIONS

On motion of Senator Talmadge, the rules were suspended. Engrossed Substitute Senate Bill No. 3856 was returned to second reading and read the second time. On motion of Senator Talmadge, the following amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 9A.48.070, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.48.070 are each amended to read as follows:

(1) A person is guilty of malicious mischief in the first degree if he knowingly and maliciously:

(a) Causes physical damage to the property of another in an amount exceeding one thousand five hundred dollars; ((or))
(b) Causes an interruption or impairment of service rendered to the public by physically damaging or tampering with an emergency vehicle or property of the state, a political subdivision thereof, or a public utility or mode of public transportation, power, or communication; or
(c) Causes an impairment of the safety, efficiency, or operation of an aircraft by physically damaging or tampering with the aircraft or aircraft equipment, fuel, lubricant, or parts.

(2) Malicious mischief in the first degree is a class B felony.

Sec. 2. Section 10, chapter 38, Laws of 1975-'76 2nd ex. sess. and RCW 9A.56.110 are each amended to read as follows:

"Extortion" means knowingly to obtain or attempt to obtain by threat property or services of the owner, as defined in RCW 9A.56.010(8) and specifically includes sexual favors.

Sec. 3. Section 9A.76.170, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.76.170 are each amended to read as follows:

(1) Any person having been released by court order or admitted to bail with the requirement of a subsequent personal appearance before any court of this state, and who knowingly fails ((without lawful excuse)) to appear as required is guilty of bail jumping. ((Unless otherwise established, the failure to appear when required shall be inferred to have been without lawful excuse:))

(2) Bail jumping is:

(a) A class A felony if the person was held for, charged with, or convicted of murder in the first degree;
(b) A class B felony if the person was held for, charged with, or convicted of a class A felony other than murder in the first degree;
(c) A class C felony if the person was held for, charged with, or convicted of a class B or class C felony;
(d) (A gross misdemeanor if the person was held for, charged with, or convicted of a class E felony;
(e)) A misdemeanor if the person was held for, charged with, or convicted of a gross misdemeanor or misdemeanor.

Sec. 4. Section 7, chapter 186, Laws of 1973 1st ex. sess. and RCW 69.41.070 are each amended to read as follows:

Whoever violates any provision of this chapter shall, upon conviction, be fined and imprisoned as herein provided:

(1) For a violation of RCW 69.41.020, the offender shall be guilty of a felony.
(2) For a violation of RCW 69.41.030 involving the sale, delivery, or possession with intent to sell or deliver, the offender shall be guilty of a felony.
(3) For a violation of RCW 69.41.030 involving possession, the offender shall be guilty of a misdemeanor.
(4) For a violation of RCW 69.41.040, the offender shall be guilty of a felony.
(5) For a violation of RCW 69.41.050, the offender shall be guilty of a misdemeanor.
(6) Any offense which is a violation of chapter 69.50 RCW other than RCW 69.50.401(c) shall not be charged under this chapter.

Sec 5. Section 4, chapter 171, Laws of 1982 and RCW 69.52.030 are each amended to read as follows:

(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(1), in the course of professional practice or research.

(5) This chapter shall not apply to offenses defined and punishable under the provisions of RCW 69.56.401(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. 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.

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

MOTION
On motion of Senator Talmadge, the rules were suspended. Reengrossed Substitute Senate Bill No. 3856 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Reengrossed Substitute Senate Bill No. 3856.

ROLL CALL
The Secretary called the roll on final passage of Reengrossed Substitute Senate Bill No. 3856 and the bill passed the Senate by the following vote: Yeas, 43; nays, 00; absent, 02; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Henstad, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 43.

Absent: Senator Conner, Fleming - 2.

Excused: Senators Clarke, Hughes, McDermott, Warnke - 4.

REENGROSSED SUBSTITUTE SENATE BILL NO. 3856, having received the constitutional 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 2:12 p.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President Pro Tempore called the Senate to order at 3:56 p.m.

MOTION
At 3:56 p.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m. Wednesday, April 27, 1983.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.
THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, April 27, 1983

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 Bluechei, Haley and Hansen.

The Sergeant at Arms Color Guard, consisting of Pages Melissa Moore and Joe Vachon presented the Colors. Reverend Charles Loyer, retired pastor of Westminster United Presbyterian Church of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

April 26, 1983

Mr. President:
The House has passed:
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 245.
SUBSTITUTE HOUSE BILL NO. 251.
SUBSTITUTE HOUSE BILL NO. 296.
ENGROSSED SUBSTITUTE HOUSE BILL NO. 495.
HOUSE BILL NO. 524.
HOUSE BILL NO. 725.
ENGROSSED SUBSTITUTE HOUSE BILL NO. 740.
ENGROSSED SUBSTITUTE HOUSE BILL NO. 796, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 26, 1983

Mr. President:
The House has passed:
SUBSTITUTE HOUSE BILL NO. 43,
SECOND SUBSTITUTE HOUSE BILL NO. 226,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 231, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 26, 1983

Mr. President:
The House has passed:
ENGROSSED HOUSE BILL NO. 2,
SUBSTITUTE HOUSE BILL NO. 39,
HOUSE BILL NO. 72.
ENGROSSED HOUSE BILL NO. 74,
SUBSTITUTE HOUSE BILL NO. 139,
ENGROSSED HOUSE BILL NO. 239,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 240,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 278,
ENGROSSED HOUSE BILL NO. 399,
HOUSE BILL NO. 420,
ENGROSSED HOUSE BILL NO. 428,
ENGROSSED HOUSE BILL NO. 570, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk
POINT OF ORDER

Senator Rasmussen: "Mr. President, I have been asked who is making up the calendar of the day. Rule 50—'the Committee on Rules shall have charge of the daily second and third reading calendar of the Senate and shall direct the secretary of the senate the order in which the bills shall be considered by the senate and the Committee on Rules shall have the authority' and it goes on to say to rerefer bills at any time. I submit to you, Mr. President, that the Committee on Rules has not met this session. I have no knowledge of whose making up the calendar. I think it is very important that we follow the rules, and the Rules Committee should have a consideration of these bills before they are put on the calendar. I would ask you to rule on that, please."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, the Senate passed a resolution directing that the bills returned from the House shall go directly to the third reading calendar. That resolution passed, to the best of my knowledge, without opposition and under that resolution the bills returning from the House are on the third reading calendar."

REMARKS BY SENATOR NEWHOUSE

Senator Newhouse: "Mr. President, I believe that the wording was that they shall achieve the highest status that they had in the previous session, which would not be necessarily the third reading calendar on the floor, but the third reading in Rules, according to precedent we have had in previous years."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, speaking to the point raised by Senator Bottiger, I am not arguing that point. I am saying that it is up to the Rules Committee to decide whether the bills are properly on the calendar and the order in which they shall be on. It clearly states in Rule 50 that that is the duty of the Rules Committee. I have no knowledge of who is making up the calendar, but I am quite positive, in my own mind, that the Rules Committee, having not met, it is not the Rules Committee. I would urge the President to consider that and that we proceed in order with the rules."

POINT OF INFORMATION

Senator Jones: "Mr. President, a point of information, I would like to scratch any rumors that we are writing Senator Rasmussen's script. He does his own."

Debate ensued.

MOTION

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

The President called the Senate to order at 10:25 a.m.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Rasmussen, the President believes that as far as Rule 50 is concerned the point is well taken.

"However, House Concurrent Resolution No. 22 was adopted by both the House and the Senate. The President believes that this constitutes a joint rule of the Legislature at least in this instance and thus supercedes Senate Rule No. 50.

"The Secretary advises that the bills are in the same position as shown by the official Senate Docket at adjournment sine die. Therefore, the bills on the respective calendars are properly before the Senate."

POINT OF ORDER

Senator Rasmussen: "Mr. President, one further point. The resolution was adopted in a previous session and doesn't govern this session in control of the Rules Committee."
THIRD DAY, APRIL 27, 1983

REPLY BY THE PRESIDENT

President Cherberg: "The President believes that in this instance, Senator, that it does."

PARLIAMENTARY INQUIRY

Senator Kiskaddon: "Does that mean from your ruling that we would work, then, from the top to the bottom of the calendar in order?"

REPLY BY THE PRESIDENT

President Cherberg: "That is a question that the body must decide, Senator Kiskaddon."

Senator Kiskaddon: "Then, would it take a motion each time if we did not do them from the top to the bottom?"

President Cherberg: "Senator, your point is well taken, in the sense that the bills may be considered as ordered by the Senate Rules Committee. However, Rule 50 also states that the Senate may change the order of consideration of bills on the second or third reading calendar."

MOTION

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

THIRD READING

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 127, by Senators Shinpoch, Bottiger, Hayner, Fleming and Jones (by Lieutenant Governor request)

Establishing a joint select legislative committee on international trade, tourism and investment.

The resolution 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 Concurrent Resolution No. 127.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Concurrent Resolution No. 127, and the resolution passed the Senate by the following vote:

Yeas, 46; nays, 00; absent, 03; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Granlund, Guess, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCasin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinnehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.


ENGROSSED SENATE CONCURRENT RESOLUTION NO. 127, having received the constitutional majority, was declared passed.

MOTIONS

On motion of Senator Vognild, Senator Hansen was excused.

On motion of Senator Zimmerman, Senators Bluechel and Haley were excused.

THIRD READING

ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 113, by Committee on State Government (originally sponsored by Senators Warnke and Vognild)

Providing for a legislative study of government reorganization.

The resolution 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 Engrossed Substitute Senate Concurrent Resolution No. 113.
ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Concurrent Resolution No. 113, and the resolution passed the Senate by the following vote: Yeas, 26; nays, 20; absent, 00; excused, 03.


Voting nay: Senators Benitz, Clarke, Craswell, Deccio, Fuller, Guess, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman – 20.


ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 113. having received the constitutional majority, was declared passed.

MOTION

Senator Bottiger: "Mr. President, I move that the members of the Senate be allowed to speak only once and be limited to three minutes on each motion or amendment, except that the mover of the motion shall be allowed to open and close debate, and also that members be prohibited from yielding their time.

"This motion shall remain in effect through sine die of the 48th Legislature."

Debate ensued.

POINT OF INQUIRY

Senator Pullen: "Senator Bottiger, I just wanted to clarify the portion of your motion dealing with yielding of time. In other words, sometimes the chairman of a committee will speak on the bill and will use up his three minutes, and then some­one else who may have a legitimate question for the chairman—perhaps to establish legislative intent—if a second person who hasn't spoken wants to ask a question of say—the chairman of the committee who has spoken and has used up his time, then is the question of the second person considered his time, or is that prohibited under the rule, because that would be considered yielding of time?"

Senator Bottiger: "Senator Pullen, as I understand the previous rule of the Chair, the time is charged to the asker of the question. No one has been fussy about this when it was constructive. However, if there was an organized attempt to ask questions to extend debate, then somebody might raise a point of order."

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Bottiger to limit debate.

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

ROLL CALL

The Secretary called the roll and the motion by Senator Bottiger carried by the following vote: Yeas, 24; nays, 21; absent, 01; excused, 03.


Voting nay: Senators Barr, Benitz, Clarke, Craswell, Deccio, Fuller, Guess, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Patterson, Pullen, Quigg, Rasmussen, Sellar, von Reichbauer, Zimmerman – 21.

Absent: Senator Newhouse – 1.


MOTIONS

On motion of Senator Shinpoch, Senate Concurrent Resolution Nos. 101, 107, 119 and 124, which were on the second reading calendar, were returned to the Committee on Rules.

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

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 3434 and the pending amendment by Senator Vognild to page 17, line 20, deferred April 26, 1983.
RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Metcalf the President finds that Substitute Senate Bill No. 3434 is a measure which increases the amount of money that non-profit organizations may collect from fund raising activities and allows members of an organization to participate in gambling activities at any chapter.

"The amendment proposed by Senator Vognild, simply permits the payment of a voluntary contribution by social dice game players to help defray club expenses.

"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 was ruled in order.

Debate ensued.

POINT OF INQUIRY

Senator Pullen: "Senator Vognild, the last half of the amendment states that a record of such contributions must be maintained by the organization for a period of three years. Is that intended to be a rolling three-year period, such that after a period into the future they will eliminate the record back three years in the past, or is this intended to be a single three-year period from the effective date of the act and at the end of that three-year period they will no longer be keeping such records?"

Senator Vognild: "It's intended to be a rolling three-year period to coincide with the general application of the laws by the Gambling Commission."

Further debate ensued.

POINT OF INQUIRY

Senator Guess: "Senator Vognild, do the houses that have dice games realize that this amendment is on the floor of the Senate?"

Senator Vognild: "Yes, they do."

Senator Guess: "Are they going to have to set up a bookkeeping system and a computer in order to have somebody sit there with a teller machine so they can determine that every hour on the hour somebody puts a buck into the--are they going to have slots or how are they going to do that?"

Senator Vognild: "The amendment says that the contribution is voluntary. The intention of the record keeping is that the club simply keep records of the amount of money that they received from this sort so the Gambling Commission will have that on record."

Senator Guess: "But it says that 'a record of such contributions to be maintained with it'--do you mean that you're going to have to put everybody's name on the records that you're going to keep?"

Senator Vognild: "No, Senator. I would presume that they will make a recording once a day on how much money was contributed by particular people."

Further debate ensued.

POINT OF ORDER

Senator Rasmussen: "On a previous discussion I raised the point of order, does it require a sixty percent vote on gambling issues?"

RULING BY THE PRESIDENT

President Cherberg: "Yes, Senator Rasmussen, you did. If you wish, I will announce that now.

"In reply to Senator Rasmussen's inquiry as to the percentage of votes required to pass Substitute Senate Bill No. 3434, the President believes that this measure expands gambling by a substantial increase in the amount of money that nonprofit organizations may raise from fund-raising activities.

"The President further believes that any legislation which liberalizes, extends or expands gambling requires a sixty percent vote."

The President declared the question before the Senate to be adoption of the amendment by Senator Vognild to page 17, line 20.

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

On motion of Senator Vognild, the rules were suspended. Engrossed Substitute Senate Bill No. 3434 was advanced to third reading, the second reading considered the third, and the bill was 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. 3434.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3434, and the bill passed the Senate by the following vote: Yeas, 31; nays, 14; absent, 1; excused, 3.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Granlund, Hughes, Hurley, Jones, Kiskaddon, McManus, Moore, Owen, Patterson, Peterson, Quigg, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Woody - 31.


Absent: Senator Newhouse - 1.


ENGROSSED SUBSTITUTE SENATE BILL NO. 3434, having received the constitutional 60% 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 Shinpoch, Engrossed Senate Bill No. 3243 and Substitute Senate Bill No. 3589, which were on the second reading calendar, were returned to the Committee on Rules.

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 3519.

MOTION

At 11:10 a.m., on motion of Senator Shinpoch, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.
There being no objection, the President advanced the Senate to the eighth order of business.

MOTION

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

SENATE RESOLUTION 1983-17

By Senators Conner and Owen
WHEREAS, The Hood Canal bridge was reopened to traffic on October 24, 1982; and

WHEREAS, The Hood Canal bridge is an integral part of the highway system of the State of Washington, and a vital link to the Olympic peninsula; and

WHEREAS, The bridge tolls were substantially increased upon re-opening of the bridge; and

WHEREAS, The Olympic peninsula has been severely impacted by the loss of the Hood Canal bridge from February 13, 1979 to October 24, 1982; and

WHEREAS, The increased bridge tolls have created an additional financial burden on the residents of the Olympic peninsula;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, that the Transportation Commission shall reduce the tolls on the Hood Canal bridge, if at any time during the biennium the toll revenue from the bridge will be substantially greater than the combination of the debt service as required by the 1963 ferry and Hood Canal bridge refunding revenue bond covenants, and the cost of maintaining and operating the bridge and its related toll facilities; and

...
BE IT FURTHER RESOLVED, That the Transportation Commission shall no longer charge a toll for crossing the Hood Canal bridge when the outstanding bonds and other obligations required by the 1963 ferry and Hood Canal bridge refunding revenue bond covenants are satisfied.

MOTION

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

SENATE RESOLUTION 1983-39

By Senators Warnke and Pullen
WHEREAS, The small entrepreneur is the backbone of the private enterprise system which is integral to the foundations of our state and nation; and
WHEREAS, In the state of Washington, where the logging industry is of vital importance, the welfare of independent loggers such as Clyde Sprague, a logger who has toiled for over thirty years in the forests of this state, is of paramount concern; and
Whereas, A foreign firm recently refused to honor its contractual obligation to purchase logs from Clyde Sprague, thereby doing great financial damage to Mr. Sprague and great psychological damage to other independent loggers; and
WHEREAS, The stability, viability, and reliability of foreign and domestic purchasers of timber in this state and their compliance with contractual obligations is important to the well-being of the citizens of this state;
NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, that the members of the Senate express their support of the logging and timber industry and the individual loggers of the state of Washington and the interest in developing methods to better facilitate resolution of disputes involving contracts and compliance with contractual obligations; and
BE IT FURTHER RESOLVED, That foreign governments are hereby requested to exert pressure on their national firms to adhere faithfully to all contractual obligations; and
BE IT FURTHER RESOLVED, That copies of this resolution be transmitted to the Washington State Department of Commerce and Economic Development, the members of the congressional delegation from Washington State, the United States State Department and the governments of those foreign countries normally doing business with Pacific Northwest loggers.

MOTION

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

SENATE RESOLUTION 1983-43

By Senators Haley, Rasmussen, Metcalf, BluecheIl, Deccio, McCaslin, Craswell, Zimmerman, Granlund, von Reichbauer, McManus, Hurley, Hayner, Pullen, Quigg, Sellar and Jones
WHEREAS, The week of April 24 through 30, 1983 has been proclaimed both National Organ Donation Awareness Week and The Third Annual Organ Donation Week in Washington State; and
WHEREAS, Organ Donation Awareness Week originated in our own state in 1981; and
WHEREAS, Those who care and have foresight may save another’s life, improve someone’s life, or contribute to the advancement of medical science by becoming an organ donor; and
WHEREAS, Despite the generosity of persons who have volunteered to donate organs, many medically eligible patients fail to receive organ transplants due to a lack of suitable donors;
NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That the citizens of this State be urged, particularly during Organ Donation Awareness Week, to pledge an anatomical gift of themselves to those who are less fortunate; and
BE IT FURTHER RESOLVED, That the Washington State Medical Association Auxiliary, the Washington State Medical Association, the Organ Donation Association, Honorary State Chairmen Nancy Evans and Sally Gorton, and National Honorary
Chairman Barbara Bush, each be commended for their efforts in organizing Organ Donation Awareness Week.

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 234, by Committee on Transportation (originally sponsored by Representatives Martinis and Isaacson) (by Governor Spellman request)

Adopting the transportation budget.

The bill was read the second time.

MOTION

Senator Peterson moved that the following Committee on Transportation amendment not be adopted:

"NEW SECTION. Sec. 1. The transportation budget of the state is hereby adopted and, subject to the provisions hereinafter set forth, the several amounts hereinafter specified, or so much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds hereinafter named to the designated state agencies and offices for salaries, wages, and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 1985.

NEW SECTION. Sec. 2. FOR THE TRAFFIC SAFETY COMMISSION
Highway Safety Fund Appropriation—State $271,672
Highway Safety Fund Appropriation—Federal $5,733,875
Total Appropriation $6,005,547

NEW SECTION. Sec. 3. FOR THE BOARD OF PILOTAGE COMMISSIONERS
General Fund—Pilotage Account Appropriation—State $71,900

NEW SECTION. Sec. 4. FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT
Motor Vehicle Fund Appropriation $514,276

(1) The funds appropriated under this section may not be used for the matching funds program.

(2) The state auditor shall conduct a legal/fiscal audit of the expenditure of funds appropriated under this section to determine if the expenditures are consistent with the conditions and limitations of the motor vehicle fund. The audit shall be submitted to the legislative transportation committee by July 1, 1984.

NEW SECTION. Sec. 5. FOR THE COUNTY ROAD ADMINISTRATION BOARD
Motor Vehicle Fund Appropriation—State $284,502

The county road administration board shall monitor expenditures by counties of county road levy revenues and shall report all expenditures of these revenues for other than road construction and maintenance purposes to the legislative transportation committee annually beginning January 1, 1984.

NEW SECTION. Sec. 6. FOR THE COUNTY ROAD ADMINISTRATION BOARD
Motor Vehicle Fund—Rural Arterial Trust Account Appropriation—State $12,500,000

(1) The appropriation in this section is provided for implementing and administering the program of financial assistance to counties for the construction and improvement of county major and minor collector roads in rural areas.

(2) The appropriation in this section is contingent upon the enactment of Substitute House Bill No. 235 during the 1983 session of the legislature.

NEW SECTION. Sec. 7. FOR THE URBAN ARTERIAL BOARD
Motor Vehicle Fund—Urban Arterial Trust Account Appropriation—State $64,225,900

The appropriation in this section is provided for implementing and administering the program of financial assistance to cities and counties in urban areas for urban arterial highways, roads, and streets and is subject to the following conditions and limitations:

(1) The appropriation includes $6,000,000 from the proceeds of the sale of first authorization bonds provided for by RCW 47.26.420 through 47.26.427.

(2) The appropriation includes $550,000,000 from the proceeds of the sale of Series III Urban Arterial bonds provided for by RCW 47.26.420 through 47.26.427, contingent on the enactment of Substitute House Bill No. 235 during the 1983 session of the legislature.
THIRD DAY, APRIL 27, 1983

(3) During the 1983-85 biennium, the urban arterial board shall not authorize any additional projects which in the board’s judgment cannot be placed under contract for construction within eighteen months of authorization.

NEW SECTION. Sec. 8. FOR THE STATE PATROL

Motor Vehicle Fund—State Patrol Highway Account Appropriation $103,518,024
Highway Safety Fund Appropriation $11,875
Total Appropriation $103,529,899

The appropriations in this section are subject to the following condition or limitation: The highway safety fund appropriation in this section is provided for the vehicle equipment safety commission.

NEW SECTION. Sec. 9. FOR THE WASHINGTON STATE PATROL

(1) Provide funds to study the feasibility of co-location in a new facility with the department of emergency services. “MV, State Patrol Hiwy Acct,” as used in this section, means the state patrol highway account in the motor vehicle fund.

Reappropriation Appropriation

MV. State Patrol Hiwy Acct 118.000

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<td>Through 6/30/83</td>
<td>7/1/85 and Thereafter</td>
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(2) To provide minor repairs and improvements to existing facilities.

Reappropriation Appropriation

MV. State Patrol Hiwy Acct 262,600

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<td>Through 6/30/83</td>
<td>7/1/85 and Thereafter</td>
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(3) To design, construct and equip a new weigh station and truck inspection facility at the southbound I-5 weight station at Bellingham.

Reappropriation Appropriation

MV. State Patrol Hiwy Acct 462,700

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<td>Through 6/30/83</td>
<td>7/1/85 and Thereafter</td>
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(4) To provide for maintenance and emergency repair projects to protect equipment and buildings.

Reappropriation Appropriation

MV. State Patrol Hiwy Acct 65,000

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<th>Estimated Costs</th>
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<td>Through 6/30/83</td>
<td>7/1/85 and Thereafter</td>
<td>65,000</td>
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NEW SECTION. Sec. 10. FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE

Motor Vehicle Fund Appropriation—State $1,628,000

NEW SECTION. Sec. 11. FOR THE TRANSPORTATION COMMISSION

General Fund—Aeronautics Account Appropriation—State $802
General Fund Appropriation—State $1,771
Motor Vehicle Fund—Puget Sound Capital Construction Account Appropriation—State $15,772
Motor Vehicle Fund—Puget Sound Ferry Operations Account Appropriation—State $44,575
Motor Vehicle Fund Appropriation—State $336,228
The appropriations in this section are provided for the salaries, wages, and other expenses necessary for the operation of the transportation commission and commission staff.

NEW SECTION. Sec. 12. FOR THE DEPARTMENT OF TRANSPORTATION—EXECUTIVE MANAGEMENT AND MANAGEMENT SERVICES—PROGRAM S

General Fund—Aeronautics Account Appropriation—State $ 7,098
General Fund Appropriation—State $ 15,675
Motor Vehicle Fund—Puget Sound Capital Construction Account Appropriation—State $ 139,599
Motor Vehicle Fund—Puget Sound Ferry Operations Account Appropriation—State $ 394,546
Motor Vehicle Fund Appropriation—State $ 20,116,112
Total Appropriation $ 20,673,030

The appropriations in this section are provided for executive management, management services, and costs billed to the department of transportation by other agencies. $584,000 of the motor vehicle fund—state appropriation is contingent on the enactment of Substitute House Bill No. 235 during the 1983 session of the legislature.

NEW SECTION. Sec. 13. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MANAGEMENT AND SUPPORT—PROGRAM P

Motor Vehicle Fund Appropriation—State $ 12,558,638

The appropriation in this section is provided for the management and support of the highway programs, for any necessary increase in stores, for necessary pit and stockpile sites and write-off of obsolete stores, pits, and stockpiles. $300,000 of the appropriation is contingent on the enactment of Substitute House Bill No. 235 during the 1983 session of the legislature.

NEW SECTION. Sec. 14. FOR THE DEPARTMENT OF TRANSPORTATION—CONSTRUCTION MANAGEMENT AND SUPPORT—PROGRAM D

Motor Vehicle Fund Appropriation—State $ 19,621,769

The appropriation in this section is provided for the improvement and construction of buildings and other highway plant construction, for management and support of the highway construction programs, and for administrative support necessary to support cities and counties in obtaining federal aid. $1,600,000 of the appropriation is contingent on the enactment of Substitute House Bill No. 235 during the 1983 session of the legislature.

NEW SECTION. Sec. 15. FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC TRANSPORTATION AND PLANNING—PROGRAM T

(1) For public transportation and rail programs:
General Fund Appropriation—State $ 462,000
General Fund Appropriation—Federal $ 5,448,000
General Fund Appropriation—Local $ 198,000
(2) For planning and research:
Motor Vehicle Fund Appropriation—State $ 2,852,000
Motor Vehicle Fund Appropriation—Federal $ 10,085,000
Total Public Transportation and Planning Appropriation $ 19,045,000

The appropriations 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.

NEW SECTION. Sec. 16. FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC TRANSPORTATION AND PLANNING—PROGRAM T

General Fund Appropriation—State $ 200,000

The reappropriation in this section is provided for the completion of studies authorized and funded by the consent order between Chevron USA and the United States department of energy.

NEW SECTION. Sec. 17. FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM W

Motor Vehicle Fund—Puget Sound Reserve Account Appropriation—State $ 4,057,207
Motor Vehicle Fund—Puget Sound Ferry Operations Account Appropriation—State $ 45,000,000
Motor Vehicle Fund—Puget Sound Capital Construction Account Appropriation—State $ 42,113,000
Motor Vehicle Fund—Puget Sound Capital Construction Account Appropriation—Federal $ 4,000,000
Total Appropriation $ 95,170,207
The appropriations in this section are provided for the management and support of the marine transportation division of the department of transportation and for the operation, maintenance, and capital improvements of the Washington state ferry system. $15,265,000 of the motor vehicle fund—Puget Sound capital construction account—state appropriation is contingent upon the enactment of Substitute House Bill No. 235 during the 1983 session of the legislature. The appropriations are subject to the following conditions and limitations:

(1) The Puget Sound reserve account appropriation is provided to carry out RCW 47.60.420.
(2) The Puget Sound ferry operations account appropriation is provided for the operation and maintenance of the Washington state ferries, supplementing revenues available from the Washington state ferry system. The Puget Sound ferry operations account appropriation includes $22,400,000 transferred from the Puget Sound capital construction account in accordance with RCW 47.60.505. Upon enactment of Substitute House Bill No. 235, the amount transferred from the Puget Sound capital construction account shall be $17,700,000.
(3) The Puget Sound capital construction account appropriation is provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriation of state funds from the Puget Sound capital construction account contains $27,600,000 of the proceeds from the sale of bonds authorized by RCW 47.60.560: PROVIDED, That the transportation commission in consultation with the legislative transportation committee may authorize the use of current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation. $5,600,000 of these bond proceeds are contingent upon the enactment of Substitute House Bill No. 235 during the 1983 session of the legislature.
(4) The department of transportation may transfer any appropriation contained in this section, subject to the prior approval of the transportation commission.
(5) Effective May 1, 1983, the tolls on the Hood Canal bridge shall be reduced to $2.00 for an automobile, pickup, van, or motor home licensed under 8,000 pounds gross weight. A book of twenty tickets for a one-way crossing by these vehicles shall be $32.00. A book of ten tickets for one-way crossing by these vehicles available only to senior citizen purchasers of sixty-five years of age or older shall be $16.00. The commission shall establish a thirty-day period within which all ticket books previously issued shall be redeemable.

NEW SECTION. Sec. 18. FOR THE DEPARTMENT OF TRANSPORTATION—AERONAUTICS—PROGRAM F

General Fund—Aeronautics Account Appropriation—State $ 1,786,000
General Fund—Aeronautics Account Appropriation—Federal $ 95,500
Total Appropriation $ 1,881,500

The appropriations in this section are provided for management and support of the aeronautics division, state fund grants to local airports, development and maintenance of a statewide airport system plan, maintenance of state-owned emergency airports, federal inspections, and the search and rescue program. $584,000 of the general fund aeronautics account—state appropriation is contingent upon the enactment of Senate Bill No. 3211 during the 1983 session of the legislature.

NEW SECTION. Sec. 19. FOR THE DEPARTMENT OF TRANSPORTATION—SEARCH AND RESCUE—PROGRAM F

General Fund—Search and Rescue Account Appropriation—State $ 111,000

The appropriation in this section is provided for directing and conducting searches for missing, drowned, overdue, or presumed drowned general aviation aircraft; for safety and education activities necessary to insure safety of persons operating or using aircraft; and for the Washington wing civil air patrol in accordance with RCW 47.68.370.

NEW SECTION. Sec. 20. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MAINTENANCE AND OPERATIONS—PROGRAM M

Motor Vehicle Fund Appropriation—State $ 150,294,367
Motor Vehicle Fund Appropriation—Local $ 3,119,000
Total Appropriation $ 153,413,367

The appropriations in this section are for the maintenance and operations of state highways, maintenance and operations of highway plants, and associated management and support.

NEW SECTION. Sec. 21. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY CONSTRUCTION—PROGRAM A

Motor Vehicle Fund Appropriation—State $ 106,100,000
Motor Vehicle Fund Appropriation—Federal and Local $ 118,700,000
Total Appropriation $ 224,800,000

The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects designated as category "A" under RCW 47.05.030.
$45,100,000 of the motor vehicle fund—state appropriation is contingent upon enactment of Substitute House Bill No. 235 during the 1983 session of the legislature.

NEW SECTION. Sec. 22. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY CONSTRUCTION—PROGRAM B
Motor Vehicle Fund Appropriation—State $46,400,000
Motor Vehicle Fund Appropriation—Federal and Local $428,400,000
Total Appropriation $474,800,000

The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects on the interstate system designated as category "B" under RCW 47.05.030.

The motor vehicle fund state appropriation will be funded with the proceeds of the sale of bonds authorized in RCW 47.10.790 and 47.10.801: PROVIDED, That the transportation commission may authorized the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

Sec. 23. Section 2. chapter 316, Laws of 1981 as amended by section 2. chapter 19. Laws of 1982 and RCW 47.10.802 are each amended to read as follows:

Upon request being made by the transportation commission, the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by RCW 47.10.801 in accordance with chapter 39.42 RCW. The amount of such bonds issued and sold under RCW 47.10.801 through 47.10.809 in any biennium may not exceed the amount of a specific appropriation therefor. Such bonds may be sold from time to time in such amounts as may be necessary for the orderly progress of the state highway improvements specified in RCW 47.10.801. The amount of bonds issued and sold under RCW 47.10.801(1)(d) in any biennium shall not, except as provided in that section, exceed the amount required to match federal-aid interstate funds available to the state of Washington under 23 U.S.C. Sec. 104 and available for obligation. The transportation commission shall give notice of its intent to sell bonds to the legislative transportation committee before requesting the state finance committee to issue and sell bonds authorized by RCW 47.10.801(1)(d).

NEW SECTION. Sec. 24. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY CONSTRUCTION—PROGRAM C
Motor Vehicle Fund Appropriation—State $132,000,000
Motor Vehicle Fund Appropriation—Local $900,000
Total Appropriation $132,900,000

The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects designated as category "C" under RCW 47.05.030.

The motor vehicle fund state appropriation will be funded with the proceeds from the sale of bonds authorized in RCW 47.10.801: PROVIDED, That the transportation commission in consultation with the legislative transportation committee may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

$32,000,000 of the motor vehicle fund—state appropriation is contingent upon enactment of Substitute House Bill No. 235 during the 1983 session of the legislature.

NEW SECTION. Sec. 25. FOR THE DEPARTMENT OF TRANSPORTATION—COUNTRY-CITY PROGRAM—PROGRAM R
Motor Vehicle Fund Appropriation—State $1,638,578
Motor Vehicle Fund Appropriation—Federal and Local $129,629,300
Total Appropriation $131,267,878

The appropriations in this section are provided for the County-City Program. The appropriations are subject to the following conditions and limitations:

(1) The appropriations contain $497,578 of state funds and $89,553,342 of federal and local funds for reimbursable expenditures for the location, design, right of way, and construction on city streets and county roads and other nonstate highways, including the unexpended balance of state funds from the sale of bonds for Columbia Basin county roads authorized in chapter 121, Laws of 1951, chapter 311, Laws of 1955, and chapter 121, Laws of 1965, for reimbursable expenditures on cooperative projects authorized by state and/or federal laws, and for expenditures through federal emergency relief acts.

(2) The appropriations contain $241,000 of state funds and $1,259,000 of local funds for reimbursable expenditures for maintenance on city streets, county roads, and other nonstate highways and for expenditures in accordance with RCW 47.56.720.

(3) The appropriations contain $900,000 of state funds for the guarantee, pursuant to RCW 47.56.712, for the payment of principal of and interest on the Spokane River toll bridge revenue refunding bonds as the bonds become due, but only to the extent that net revenues from the operation of the bridge are insufficient therefor.

(4) The appropriations contain $8,353,958 of local funds for miscellaneous sales and services to others.
The appropriations contain $463,000 of local funds for the ongoing maintenance of the east half of the Hood Canal bridge.

(6) Appropriation of $30,000,000 federal funds for the construction of the West Seattle bridge and for federal-aid secondary funds is contained in this section.

NEW SECTION. Sec. 26. FOR THE DEPARTMENT OF TRANSPORTATION

General Fund Appropriation——Federal ........................................ $ 1,200,000

The appropriation in this section is provided for supportive services to on-the-job training programs for minority construction workers and for minority contractors' training programs: PROVIDED. That this appropriation shall be fully reimbursable from federal funds.

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

Motor Vehicle Fund——RV Account Appropriation Transfer——State:

For transfer to the Motor Vehicle Fund ........................................ $ 369,072

The appropriation transfer in this section is provided for the construction and maintenance of recreation vehicle sanitary disposal systems at rest areas on the state highway system. This appropriation is part of the motor vehicle fund construction and maintenance appropriations.

Sec. 28. Section 4. chapter 151. Laws of 1977 ex. sess. and RCW 47.01.041 are each amended to read as follows:

The executive head of the department of transportation shall be the secretary of transportation, who shall be appointed by the transportation commission, and shall be paid a salary to be fixed by the governor in accordance with the provisions of RCW 43.03.040. The secretary shall be an ex officio member of the commission without a vote. The secretary shall be the chief executive officer of the commission and be responsible therein) to it, and shall be guided by policies established by it. The secretary shall serve until removed by the commission, but only for incapacity, incompetence, neglect of duty, malfeasance in office, or failure to carry out the commission's policies. Before a motion for dismissal shall be acted on by the commission, the secretary shall be granted a hearing on formal written charges before the full commission. An action by the commission to remove the secretary shall be final.

Sec. 29. Section 6. chapter 151. Laws of 1977 ex. sess. as amended by section 1, chapter 59. Laws of 1981 and RCW 47.01.061 are each amended to read as follows:

The commission shall meet at such times as it deems advisable but at least once every month. It may adopt its own rules and regulations and may establish its own procedure. It shall act collectively in harmony with recorded resolutions or motions adopted by majority vote of at least four members. The commission may appoint an administrative secretary, and shall elect one of its members chairman for a term of one year. The chairman shall be able to vote on all matters before the commission.

The commission shall submit to each regular session of the legislature held in an odd-numbered year its own budget proposal necessary for the commission's operations separate from that proposed for the department. (Such proposal shall include the cost of such staff as the commission deems necessary to fulfill its responsibilities in an independent manner. The budget proposal shall provide for personnel, policy analysts, legal counsel, consultants, and technical and clerical personnel as needed; who shall be commission employees, shall be responsible to the commission and shall have no employment relation or affiliation with the department or the legislature.)

Each member of the commission shall receive compensation of sixty dollars per day for each day actually spent in the performance of duties, and actual necessary traveling and other expenses in going to, attending, and returning from meetings of the commission, and actual and necessary traveling and other expenses incurred in the discharge of such duties as may be requested by a majority vote of the commission or by the secretary of transportation, but in no event shall a commissioner be compensated in any year for more than one hundred twenty days, except the chairman of the commission who may be paid compensation for not more than one hundred fifty days. Service on the commission shall not be considered as service credit for the purposes of any public retirement system.

Sec. 30. Section 10. chapter 151. Laws of 1977 ex. sess. and RCW 47.01.101 are each amended to read as follows:

The secretary shall have the authority and it shall be his or her duty, subject to policy guidance from the commission:

(1) To serve as chief executive officer of the department with full administrative authority to direct all its activities;

(2) To organize the department as he or she may deem necessary to carry out the work and responsibilities of the department effectively;

(3) To designate and establish such transportation district or branch offices as may be necessary or convenient, and to appoint assistants and delegate any powers, duties, and functions to them or any officer or employee of the department as deemed necessary to administer the department efficiently;

(4) To direct and coordinate the programs of the various divisions of the department to assure that they achieve the greatest possible mutual benefit, produce a balanced overall effort, and eliminate unnecessary duplication of activity;
To adopt all department rules (which) that are subject to the adoption procedures contained in the state administrative procedure act, except rules subject to adoption by the commission pursuant to statute;

(6) To maintain and safeguard the official records of the department, including the commission's recorded resolutions and orders;

(7) To provide full staff support to the commission to assist it in carrying out its functions, powers, and duties and to execute the policy established by the commission pursuant to its legislative authority;

(8) To execute and implement the biennial operating budget for the operation of the department in accordance with chapter 43.88 RCW and with legislative appropriation and, in such manner as prescribed therein, to make and report to the commission and the legislature deviations from the planned biennial category A highway construction program necessary to adjust to unexpected delays or other unanticipated circumstances.

(9) To exercise all other powers and perform all other duties as are now or hereafter provided by law.

Sec. 31. Section 7, chapter 173, Laws of 1963 as last amended by section 7, chapter 122, Laws of 1979 ex. sess. and RCW 47.05.070 are each amended to read as follows:

((ffl)) The transportation commission shall approve and present to the governor and to the legislature prior to its convening, a recommended budget for the ensuing biennium. The biennial budget shall include details of proposed expenditures, and performance and public service criteria for construction, maintenance, and planning activities in consonance with the comprehensive six-year program and financial plan adopted under provisions of RCW 44.40-0.070 and 47.05.040 ((as now or hereafter amended)).

(((2) Prior to October 1st of each odd numbered year, the transportation commission shall prepare and adopt, and may thereafter revise from time to time, a biennial operating budget for all of its activities in conformity with legislative appropriations.))

NEW SECTION. Sec. 32. The motor vehicle fund revenues are received at a relatively even flow throughout the year. Expenditures exceed the revenue during the accelerated summer and fall highway construction season, creating a negative cash balance during the heavy construction season. The legislature recognizes that the department of transportation may require interfund loans or other short-term financing to meet temporary seasonal cash requirements.

NEW SECTION. Sec. 33. The department of transportation may, after consultation with the legislative transportation committee, transfer any motor vehicle fund appropriations contained in sections 12 through 14 of this act into sections 20, 21, and 24 of this act, and the motor vehicle fund appropriation contained in section 20 of this act may be transferred to sections 21 and 24 of this act for expenditure.

NEW SECTION. Sec. 34. It is the intent of the legislature that the amounts assumed in this act for all revolving funds for services provided by other agencies shall not be exceeded without the prior approval of the legislative transportation committee and the department of transportation.

NEW SECTION. Sec. 35. The legislature recognizes the economic importance to the state of attracting new environmentally suitable industrial development, and that the availability of transportation services is a significant factor in attracting such industries. The transportation commission and the department of transportation shall consider these unique circumstances in determining priorities for capital expenditures.

NEW SECTION. Sec. 36. 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. 37. 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 President declared the question before the Senate to be the motion by Senator Peterson to not adopt the Committee on Transportation amendment.

The motion by Senator Peterson carried and the committee amendment was not adopted.

MOTION

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

On page 2, line 17, after "1984," insert the following:

"Until such audit is submitted to and approved by the legislative transportation committee, no new activities or projects beyond those actually funded during the 1981-83 biennium are authorized for expenditure from the motor vehicle fund."

MOTION

Senator Craswell moved that the following amendment by Senators Craswell, Owen and Patterson be adopted:
On page 7, line 33, following "$17,700,000." insert:
"The department of transportation may establish duty free shops on state ferries to supplement revenues otherwise available, subject to rules and regulations adopted by the secretary of transportation."

Debate ensued.
The President declared the question before the Senate to be adoption of the amendment by Senators Craswell, Owen and Patterson.
The motion by Senator Craswell failed and the amendment was not adopted.

MOTION

On motion of Senator Peterson, the rules were suspended, Substitute House Bill No. 234 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 Kiskaddon: "Senator Peterson, we have yet to pass the gas tax increase, and I guess my question is, what happens if we pass this budget and we don't pass the gas tax increase or if we pass the gas tax increase that might be--say four tenths, instead of six, what is the effect of the budget then?

Senator Peterson: "Well, obviously, Senator, the budget would have to be reevaluated and percented down accordingly. To answer your question, there would be an awful lot of maintenance and repair which would, obviously, be eliminated if the tax bill didn't pass in this budget."

Further debate ensued.

POINT OF INQUIRY

Senator Goltz: "Is my impression, Senator Peterson, that if this budget passes that the taxes which follow in the next bill balance one another--complement one another--so that if you vote for the project it will be necessary to vote for the taxes. Is that correct?"

Senator Peterson: "If you desire to have the improvements that the Department of Transportation has suggested, it will be necessary to follow up with the revenue that's built into the budget."

Further debate ensued.

MOTIONS

On motion of Senator Peterson, the rules were suspended and Substitute House Bill No. 234, as amended by the Senate, was returned to second reading and read the second time.

Senator Peterson moved to reconsider the vote by which the Committee on Transportation striking amendment failed to be adopted earlier.

The motion to reconsider the committee amendment carried and the Senate resumed consideration of the Committee on Transportation amendment.

MOTION

On motion of Senator Patterson, the following amendment to the Committee on Transportation amendment was adopted:

On page 2, line 6, after "1984." insert the following:
"Until such audit is submitted to and approved by the legislative transportation committee, no new activities or projects beyond those actually funded during the 1981-83 biennium are authorized for expenditure from the motor vehicle fund."

The President declared the question before the Senate to be adoption of the Committee on Transportation amendment, as amended, on reconsideration.

The motion by Senator Peterson carried and the committee amendment, as amended, on reconsideration, was adopted.

MOTION

On motion of Senator Peterson, the rules were suspended, Substitute House Bill No. 234 as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was 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. 234 as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 234, as amended by the Senate, and the bill passed the Senate by the following vote:

Yeas, 26; nays, 22; absent, 0; excused, 0.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Conner, Golitz, Granlund, Guess, Hansen, Hayner, Hemstad, Jones, McManus, Moore, Patterson, Peterson, Quigg, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Wojahn, Woody - 26.


Excused: Senator Bluechel - 1.

SUBSTITUTE HOUSE BILL NO. 234, 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. 235, by Committee on Transportation (originally sponsored by Representative Martinis) (by Governor Spellman request)

Modifying gas tax provisions (’83–’85 Biennium).

The bill was read the second time.

MOTION

Senator Peterson moved that the following Committee on Transportation amendment be adopted:

Strike everything after the enacting clause, and insert the following:

NEW SECTION. Sec. 1. The definitions set forth in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) “Rural arterial program” means improvement projects on those two systems of county roads in rural areas classified as major collectors and minor collectors in accordance with the federal functional classification system.

(2) “Rural area” means every area of the state outside of areas designated as urban areas by the state transportation commission with the approval of the secretary of the United States department of transportation in accordance with federal law.

(3) “Board” means the county road administration board created by RCW 36.78.030.

NEW SECTION. Sec. 2. There is created in the motor vehicle fund the rural arterial trust account. All moneys deposited in the motor vehicle fund to be credited to the rural arterial trust account shall be expended for the construction and improvement of county major and minor collectors in rural areas and for those expenses of the board associated with the administration of the rural arterial program.

NEW SECTION. Sec. 3. For the purpose of apportioning rural arterial trust account funds, the state is divided into five regions as follows:

(1) The Puget Sound region includes those areas within the counties of King, Pierce, and Snohomish.

(2) The northwest region includes those areas within the counties of Clallam, Jefferson, Island, Kitsap, San Juan, Skagit, and Whatcom.

(3) The northeast region includes those areas within the counties of Adams, Cheelan, Douglas, Ferry, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, and Whitman.

(4) The southeast region includes those areas within the counties of Asotin, Benton, Columbia, Franklin, Garfield, Kittitas, Klickitat, Walla Walla, and Yakima.

(5) The southwest region includes those areas within the counties of Clark, Cowlitz, Grays Harbor, Lewis, Mason, Pacific, Skamania, Thurston, and Wahkiakum.

NEW SECTION. Sec. 4. Funds available for expenditure by the board pursuant to section 2 of this act shall be apportioned to the five regions for expenditure upon county arterials in rural areas in the following manner:

(1) One-third in the ratio which the land area of the rural areas of each region bears to the total land area of all rural areas of the state;

(2) Two-thirds in the ratio which the mileage of county major and minor collectors in rural areas of each region bears to the total mileage of county major and minor collectors in all rural areas of the state.

The board shall adjust the schedule for apportionment of such funds to the five regions in the manner provided in this section before the commencement of each fiscal biennium.
NEW SECTION. Sec. 5. At the beginning of each fiscal biennium, the board shall establish apportionment percentages for the five regions defined in section 3 of this act in the manner prescribed in section 4 of this act for that biennium. The apportionment percentages shall be used once each calendar quarter by the board to apportion funds credited to the rural arterial trust account that are available for expenditure for rural major and minor collector projects. The funds so apportioned shall remain apportioned until expended on construction projects in accordance with rules of the board. Within each region, funds shall be allocated by the board to counties for the construction of specific rural arterial projects on major and minor collectors in accordance with the procedures set forth in this chapter.

NEW SECTION. Sec. 6. The board shall:

(1) Adopt rules necessary to implement the provisions of this chapter relating to the allocation of funds in the rural arterial trust account to counties;

(2) Adopt reasonably uniform design standards for county major and minor collectors that meet the requirements for trucks transporting commodities;

(3) Report biennially on the first day of November of the even-numbered years to the legislative transportation committee and the house and senate transportation committees regarding the progress of counties in developing plans for their rural major and minor collector construction programs and the allocation of rural arterial trust funds to the counties.

NEW SECTION. Sec. 7. The board may contract with the department of transportation to furnish any necessary staff services and facilities required in the administration of the rural arterial program. The cost of such services that are attributable to the rural arterial program, together with travel expenses in accordance with RCW 43.03.050 and 43.03.060 of the members and all other lawful expenses of the board that are attributable to the rural arterial program, shall be paid from the rural arterial trust account in the motor vehicle fund.

NEW SECTION. Sec. 8. In preparing their respective six-year programs relating to rural arterial improvements, counties shall select specific priority improvement projects for each functional class of arterial based on the rating of each arterial section proposed to be improved in relation to other arterial sections within the same functional class, taking into account the following:

(1) Its structural ability to carry loads imposed upon it;

(2) Its capacity to move traffic at reasonable speeds;

(3) Its adequacy of alignment and related geometric;

(4) Its accident experience; and

(5) Its fatal accident experience.

The six-year construction programs shall remain flexible and subject to annual revision as provided in RCW 36.81.121.

NEW SECTION. Sec. 9. Whenever a rural arterial enters a city or town, the proper city or town and county officials shall jointly plan the improvement of the arterial in their respective long-range plans. Whenever a rural arterial connects with and will be substantially affected by a programmed construction project on a state highway, the proper county officials shall jointly plan the development of such arterial with the department of transportation district administrator. The board shall adopt rules encouraging the system development of county-city arterials in rural areas and rural arterials with state highways.

NEW SECTION. Sec. 10. Upon receipt of a county's revised six-year program, the board as soon as practicable shall review and may revise the construction program as it relates to rural arterials for which rural arterial trust account moneys are requested as necessary to conform to (1) the priority rating of the proposed project, based upon the factors in section 8 of this act in relation to proposed projects in all other rural arterial construction programs submitted by the counties and within each region; and (2) the amount of rural arterial trust account funds that the board estimates will be apportioned to the region.

NEW SECTION. Sec. 11. The county road administration board and the urban arterial board shall jointly adopt rules to assure coordination of their respective programs especially with respect to projects proposed by the group of incorporated cities outside the boundaries of federally approved urban areas, and to encourage the system development of county-city arterials in rural areas.

NEW SECTION. Sec. 12. Counties receiving funds from the rural arterial trust account for construction of arterials shall provide such matching funds as established by rules recommended by the board, subject to review, revision, and final approval by the state transportation commission. Matching requirements shall be established after appropriate studies by the board, taking into account financial resources available to counties to meet arterial needs.

NEW SECTION. Sec. 13. Not later than November 1st of each even-numbered year the board shall prepare and present to the state transportation commission a recommended budget for expenditures from the rural arterial trust account during the ensuing biennium. The budget shall contain an estimate of the revenues to be credited to the rural arterial trust account.

The state transportation commission shall review the budget as recommended, revise the budget as it deems proper, and include the budget as revised as a separate section of the transportation budget which it shall submit to the governor pursuant to chapter 43.88 RCW.
NEW SECTION. Sec. 14. At the time the board reviews the six-year program of each county each even-numbered year, it shall consider and shall approve for inclusion in its recommended budget, as required by section 13 of this act, the portion of the rural arterial construction program scheduled to be performed during the biennial period beginning the following July 1st. Subject to the appropriating actually approved by the legislature, the board shall as soon as feasible approve rural arterial trust account funds to be spent during the ensuing biennium for preliminary proposals in priority sequence as established pursuant to section 10 of this act. Only those counties that during the preceding twelve months have spent all revenues collected for road purposes only for such purposes, including traffic law enforcement, as are allowed to the state by Article II, section 40 of the state Constitution are eligible to receive funds from the rural arterial trust account. The board shall authorize rural arterial trust account funds for the construction project portion of a project previously authorized for a preliminary proposal in the sequence in which the preliminary proposal has been completed and the construction project is to be placed under contract. At such time the board may reserve rural arterial trust account funds for expenditure in future years as may be necessary for completion of preliminary proposals and construction projects to be commenced in the ensuing biennium.

The board may, within the constraints of available rural arterial trust funds, consider additional projects for authorization upon a clear and conclusive showing by the submitting county that the proposed project is of an emergent nature and that its need was unable to be anticipated at the time the six-year program of the county was developed. The proposed projects shall be evaluated on the basis of the priority rating factors specified in section 8 of this act.

NEW SECTION. Sec. 15. Whenever the board approves a rural arterial project it shall determine the amount of rural arterial trust account funds to be allocated for such project. The allocation shall be based upon information contained in the six-year plan submitted by the county seeking approval of the project and upon such further investigation as the board deems necessary. The board shall adopt reasonable rules pursuant to which rural arterial trust account funds allocated to a project may be increased upon a subsequent application of the county constructing the project. The rules adopted by the board shall take into account but shall not be limited to, the following factors: (1) The financial effect of increasing the original allocation for the project upon other rural arterial projects either approved or requested; (2) whether the project for which an additional allocation is requested can be reduced in scope while retaining a usable segment; (3) whether the original cost of the project shown in the applicant’s six-year program was based upon reasonable engineering estimates; and (4) whether the requested additional allocation is to pay for an expansion in the scope of work originally approved.

NEW SECTION. Sec. 16. Notwithstanding any other provisions of this chapter, for the period beginning July 1, 1983, and ending June 30, 1985, the county road administration board shall once each calendar quarter apportion the funds then credited to the rural arterial trust account among the five regions of the state defined in section 3 of this act. At any time after the making of the quarterly apportionment, the board may allocate the funds apportioned to each region to counties within the region for the construction of specific rural arterial projects. The board shall allocate such funds to the counties based upon the priority rating of proposed projects for which rural arterial trust account moneys are requested by the counties. The board shall determine the priority of specific improvement projects based upon the rating of each proposed improvement in relation to all other proposed improvements within each region, taking into account the factors defined in section 8 of this act. Rural arterial trust account funds allocated to specific improvement projects under this section shall be paid in the manner provided in section 17 of this act. The board shall adopt emergency rules subject to the approval of the transportation commission providing for the implementation of this section.

This section shall expire on June 30, 1985.

NEW SECTION. Sec. 17. (1) Upon completion of a preliminary proposal, the county submitting the proposal shall submit to the board its voucher for payment of the trust account share of the cost. Upon the completion of an approved rural arterial construction project, the county constructing the project shall submit to the board its voucher for the payment of the trust account share of the cost. The chairman of the board or his designated agent shall approve such voucher when proper to do so, for payment from the rural arterial trust account to the county submitting the voucher.

(2) The board may adopt rules providing for the approval of payments of funds in the rural arterial trust account to a county for costs of preliminary proposal, and costs of construction of an approved project from time to time as work progresses. These payments shall at no time exceed the rural arterial trust account share of the costs of construction incurred to the date of the voucher covering the payment.

NEW SECTION. Sec. 18. The legislative body of any county feeling aggrieved by any action or decision of the board with respect to this chapter may appeal to the secretary of transportation by filing a notice of appeal within ninety days after the action or decision of the board. The notice shall specify the action or decision of which complaint is made. The secretary shall fix a time for a hearing on the appeal at the earliest convenient time and shall notify the county auditor and the chairman of the board by certified mail at least twenty days before
the date of the hearing. At the hearing the secretary shall receive evidence from the county filing the appeal and from the board. After the hearing the secretary shall make such order as in the secretary's judgment is just and proper.

Sec. 19. Section 7, chapter 120, Laws of 1965 ex. sess. as amended by section 4, chapter 235, Laws of 1977 ex. sess. and RCW 36.78.070 are each amended to read as follows:

The county road administration board shall:

1. Establish by regulation standards of good practice for county road administration;

2. Establish reporting requirements for counties with respect to the standards of good practice adopted by the board;

3. Receive and review reports from counties and reports of the county road administration engineer to determine compliance with legislative directives and the standards of good practice adopted by the board;

4. Report annually on the first day of July to the state department of transportation, the legislative transportation committee, and the house and senate transportation committees on the status of county road administration in each county. The annual report shall contain recommendations for improving administration of the county road programs;

5. Administer the rural arterial program established by sections 1 through 18 of this act.

Sec. 20. Section 36.81.121, chapter 4, Laws of 1963 as last amended by section 3, chapter 21, Laws of 1975 1st ex. sess. and by section 2, chapter 215, Laws of 1975 1st ex. sess. and RCW 36.81.121 are each reenacted and amended to read as follows:

1. (Prior to July 1, 1966) Each county having an urban area within its boundaries shall contain a separate section setting forth the six-year program for arterial road construction based upon its long-range construction plan and formulated in accordance with regulations of the urban arterial board. The six-year program for arterial road construction shall be submitted to the urban arterial board for its annual revision and adoption by the legislative authority of each county. The six-year program for arterial road construction shall be based upon estimated revenues available for such construction together with such additional sums as the legislative authority of each county may request for urban arterials only from the urban arterial trust account for the six-year period. The arterial road construction program shall provide for a more rapid rate of completion of the long-range construction needs of major arterial roads than for secondary and collector arterial roads, pursuant to regulations of the urban arterial board.

The six-year program of each county having an urban area within its boundaries shall contain a separate section setting forth the six-year program for arterial road construction based upon its long-range construction plan and formulated in accordance with regulations of the urban arterial board. The six-year program for arterial road construction shall be submitted to the urban arterial board for its annual revision and adoption by the legislative authority of each county. The six-year program for arterial road construction shall be based upon estimated revenues available for such construction together with such additional sums as the legislative authority of each county may request for urban arterials only from the urban arterial trust account for the six-year period. The arterial road construction program shall provide for a more rapid rate of completion of the long-range construction needs of major arterial roads than for secondary and collector arterial roads, pursuant to regulations of the urban arterial board.

(3) Each six-year program forwarded to the secretary in compliance with subsection (1) of this section shall contain information as to how a county will expend its moneys, including funds made available pursuant to chapter 47.30 RCW, for bicycles, pedestrians, and equestrian purposes.

Sec. 21. Section 46.68.090, chapter 12, Laws of 1961 as last amended by section 184, chapter 158, Laws of 1979 and RCW 46.68.090 are each amended to read as follows:

All moneys which have accrued or may accrue to the motor vehicle fund from the motor vehicle fuel tax and special fuel tax shall be first expended for the following purposes:

1. For payment of refunds of motor vehicle fuel tax and special fuel tax which have been paid and is refundable as provided by law;

2. For payment of amounts to be expended pursuant to appropriations for the administrative expenses of the offices of state treasurer, state auditor, and the department of licensing of the state of Washington in the administration of the motor vehicle fuel tax and the special fuel tax, which sums shall be distributed monthly;

3. For payments to the rural arterial trust account in the motor vehicle fund, an amount as provided in RCW 82.36.025(2).
imposition of excise taxes on motor vehicle and special fuels and that is distributed to the cities and towns pursuant lo RCW 46.68.100(1) and to the counties pursuant to RCW 46.68.100(2). Of the

portion of the motor vehicle fund

cent of the amount required to make such payments when due shall first be taken from that

account. after first being applied to administrative expenses of the urban arterial board and to

section (2) of this section.

of the motor vehicle fund

forty percent shall first be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels imposed by chapters 82.36, 82.37, and 82.38 RCW and which is distributed to the urban arterial trust account in the motor vehicle fund. subject, however, to the prior lien of the first authorization of bonds authorized by RCW 47.26-420, as reenacted by section 3, chapter 5, Laws of 1979.

any source. except such moneys which by law may not be used for the purposes set forth in this chapter.

the requirements for bond retirement or interest on any series III bonds. the amount required to make such payments on such bonds or interest thereon shall next be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the urban arterial trust account shall ever be insufficient to repay the first authorization bonds together with interest thereon. and the series II bonds or the interest thereon when due. the amount required to make such payments on such bonds or interest thereon shall next be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels imposed by chapters 82.36, 82.37, and 82.38 RCW and which is distributed to the urban arterial trust account in the motor vehicle fund. subject, however, to the prior lien of the first authorization of bonds authorized by RCW 47.26-420, as reenacted by section 3, chapter 5, Laws of 1979. If the moneys distributed to the urban arterial trust account shall ever be insufficient to repay the first authorization bonds together with interest thereon, and the series II bonds or the interest thereon when due, the amount required to make such payments on such bonds or interest thereon shall next be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the state, counties, cities, and towns pursuant to RCW 46.68.100 as now existing or hereafter amended. Any payments on such bonds or interest thereon taken from motor vehicle or special fuel tax revenues which are distributable to the state, counties, cities, and towns. shall be repaid from the first moneys distributed to the urban arterial trust account not required for redemption of the first authorization bonds or series II and series III bonds or interest on those bond issues.

any source. except such moneys which by law may not be used for the purposes set forth in this chapter.

(3), (4), and (5) of this section shall. for the purposes of this chapter, be referred to as the "net tax amount(?)".

Sec. 22. Section 33. chapter 83. Laws of 1967 ex. sess. as amended by section 16, chapter 317. Laws of 1977 ex. sess. and RCW 47.26.270 are each amended to read as follows:

Counties and cities receiving funds from the urban arterial trust account for construction of arterials shall provide such matching funds as shall be established by regulations recommended by the urban arterial board subject to review, revision, and final approval by the state (highway) transportation commission. Matching requirements shall be established after appropriate studies by the board taking into account (1) financial resources available to counties and cities to meet arterial needs, (2) the amounts and percentages of funds available for road or street construction traditionally expended by counties and cities on arterials, (3) in the case of counties, the relative needs of arterials lying outside urban areas, and (4) the requirements necessary to avoid diversion of funds traditionally expended for arterial construction to other street or road purposes or to nonhighway purposes: PROVIDED HOWEVER, that for projects funded subsequent to (the effective date of this 1977 amendatory act and prior to) July 1, (1963); 1977, cities and counties may use as matching funds any moneys received from any source, except such moneys which by law may not be used for the purposes set forth in this chapter.

Sec. 23. Section 8. chapter 5. Laws of 1979 and RCW 47.26.4252 are each amended to read as follows:

Any funds required to repay the authorization of series II bonds authorized by RCW 47.26-420, as reenacted by section 3, chapter 5, Laws of 1979, or the interest thereon when due, shall first be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels imposed by chapters 82.36, 82.37, and 82.38 RCW and which is distributed to the urban arterial trust account in the motor vehicle fund, subject, however, to the prior lien of the first authorization of bonds authorized by RCW 47.26-420, as reenacted by section 3, chapter 5, Laws of 1979. If the moneys distributed to the urban arterial trust account shall ever be insufficient to repay the first authorization bonds together with interest thereon, and the series II bonds or the interest thereon when due, the amount required to make such payments on such bonds or interest thereon shall next be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels imposed by chapters 82.36, 82.37, and 82.38 RCW and which is distributed to the urban arterial trust account in the motor vehicle fund.

(2) To the extent that moneys so distributed to the urban arterial trust account are insufficient to meet the requirements for bond retirement or interest on any series III bonds. sixty percent of the moneys required to make such payments when due shall first be taken from that portion of the motor vehicle fund (which) that results from the imposition of excise taxes on motor vehicle and special fuels and (which) that is distributed to the state. The remaining forty percent shall first be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels and that is distributed to the cities and towns pursuant to RCW 46.68.100(1) and to the counties pursuant to RCW 46.68.100(2). Of the moneys so distributed to the urban arterial trust account, the relative needs of arterials lying outside urban areas, and (4) the requirements necessary to avoid diversion of funds traditionally expended for arterial construction to other street or road purposes or to nonhighway purposes: PROVIDED HOWEVER, that for projects funded subsequent to (the effective date of this 1977 amendatory act and prior to) July 1, (1963); 1977, cities and counties may use as matching funds any moneys received from any source, except such moneys which by law may not be used for the purposes set forth in this chapter.

Sec. 24. Section 10, chapter 315. Laws of 1981 and RCW 47.26.4254 are each amended to read as follows:

(1) Any funds required to repay series III bonds authorized by RCW 47.26.420, or the interest thereon, when due shall first be taken from that portion of the motor vehicle fund (which) that results from the imposition of excise taxes on motor vehicle and special fuels imposed by chapters 82.36, 82.37, and 82.38 RCW and (which) that is distributed to the urban arterial trust account in the motor vehicle fund, subject, however, to the prior lien of the first authorization of bonds authorized by RCW 47.26-420. If the moneys so distributed to the urban arterial trust account, after first being applied to administrative expenses of the urban arterial board and to the requirements of bond retirement and payment of interest on first authorization bonds and series II bonds as provided in RCW 47.26.425 and 47.26.4252, are insufficient to meet the requirements for bond retirement or interest on any series III bonds. the amount required to make such payments on series III bonds or interest thereon shall next be taken from that portion of the motor vehicle fund (which) that results from the imposition of excise taxes on motor vehicle and special fuels and (which) that is distributed to the state, counties, cities, and towns pursuant to RCW 46.68.100 (as now existing or hereafter amended). subject, however, to subsection (2) of this section.

(2) To the extent that moneys so distributed to the urban arterial trust account are insufficient to meet the requirements for bond retirement or interest on any series III bonds, sixty percent of the moneys required to make such payments when due shall first be taken from that portion of the motor vehicle fund (which) that results from the imposition of excise taxes on motor vehicle and special fuels and (which) that is distributed to the state. The remaining forty percent shall first be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels and that is distributed to the cities and towns pursuant to RCW 46.68.100(1) and to the counties pursuant to RCW 46.68.100(2). Of the moneys so distributed to the urban arterial trust account, the relative needs of arterials lying outside urban areas, and (4) the requirements necessary to avoid diversion of funds traditionally expended for arterial construction to other street or road purposes or to nonhighway purposes: PROVIDED HOWEVER, that for projects funded subsequent to (the effective date of this 1977 amendatory act and prior to) July 1, (1963); 1977, cities and counties may use as matching funds any moneys received from any source, except such moneys which by law may not be used for the purposes set forth in this chapter.

Sec. 25. Section 3, chapter 8. Laws of 1979 and RCW 47.26.4253 are each amended to read as follows:

Any funds required to repay the authorization of series III bonds authorized by RCW 47.26-420, as reenacted by section 3, chapter 5, Laws of 1979, or the interest thereon when due, shall first be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels imposed by chapters 82.36, 82.37, and 82.38 RCW and which is distributed to the urban arterial trust account in the motor vehicle fund, subject, however, to the prior lien of the first authorization of bonds authorized by RCW 47.26-420, as reenacted by section 3, chapter 5, Laws of 1979. If the moneys distributed to the urban arterial trust account shall ever be insufficient to repay the first authorization bonds together with interest thereon, and the series II bonds or the interest thereon when due, the amount required to make such payments on such bonds or interest thereon shall next be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels imposed by chapters 82.36, 82.37, and 82.38 RCW and which is distributed to the urban arterial trust account in the motor vehicle fund.
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counties", cities", and towns' share of any additional amounts required in the fiscal year ending June 30, (1982) 1984, fifteen percent shall be taken from the counties' distributive share and eighty-five percent from the cities' and towns' distributive share. Of the counties", cities", and towns' share of any additional amounts required in each fiscal year thereafter, the percentage thereof to be taken from the counties' distributive share and from the cities' and towns' distributive share shall correspond to the percentage of funds authorized for specific county projects and for specific city and town projects, respectively, from the proceeds of series III bonds, for the period (after June 30, 1981, and) through the first eleven months of the prior fiscal year as determined by the chairman of the urban arterial board and reported to the state finance committee and the state treasurer not later than the first working day of June.

(3) Any payments on such bonds or interest thereon taken from motor vehicle or special fuel tax revenues (which) that are distributable to the state, counties, cities, and towns shall be repaid from the first moneys distributed to the urban arterial trust account not required for redemption of the first authorization bonds, series II bonds, or series III bonds or interest on these bonds.

Sec. 25. Section 82.36.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 342, Laws of 1981 and RCW 82.36.010 are each amended to read as follows:

For the purposes of this chapter:

(1) "Motor vehicle" means every vehicle (which) that is in itself a self-propelled unit, equipped with solid rubber, hollow-cushion rubber, or pneumatic rubber tires and capable of being moved or operated upon a public highway, except motor vehicles used as motive power for or in conjunction with farm implements and machines or implements of husbandry;

(2) "Motor vehicle fuel" means gasoline or any other inflammable gas (which) liquid, by whatsoever name such gasoline, gas, or liquid may be known or sold, the chief use of which is for the propulsion of motor vehicles or motorboats;

(3) "Distributor" means every person who refines, manufactures, produces, or compounds motor vehicle fuel and sells, distributes, or in any manner uses it in this state; also every person engaged in business as a bona fide wholesale merchant dealing in motor vehicle fuel who either acquires it within the state from any person retailing it within or importing it into the state, on which the tax has not been paid, or imports it into this state and sells, distributes, or in any manner uses it in this state;

(4) "Service station" means a place operated for the purpose of delivering motor vehicle fuel into the fuel tanks of motor vehicles;

(5) "Department" means the department of licensing;

(6) "Director" means the director of licensing;

(7) "Dealer" means any person engaged in the retail sale of liquid motor vehicle fuels;

(8) "Person" means every natural person, firm, partnership, association, or private or public corporation;

(9) "Highway" means every way or place open to the use of the public, as a matter of right, for purposes of vehicular travel;

(10) "Broker" means every person, other than a distributor, engaged in business as a broker, jobber, or wholesale merchant dealing in motor vehicle fuel or other petroleum products used or usable in propelling motor vehicles, or in other petroleum products which may be used in blending, compounding, or manufacturing of motor vehicle fuel;

(11) "Producer" means every person, other than a distributor, engaged in the business of producing motor vehicle fuel or other petroleum products used in, or which may be used in, the blending, compounding, or manufacturing of motor vehicle fuel;

(12) "Distribution" means all withdrawals of motor vehicle fuel for delivery to others, to retail service stations, or to unlicensed bulk storage plants;

(13) "Bulk storage plant" means, pursuant to the licensing provisions of RCW 82.36.070, any plant, under the control of the distributor, used for the storage of motor vehicle fuel to which no retail outlets are directly connected by pipe lines;

(14) "Marine fuel dealer" means any person engaged in the retail sale of liquid motor vehicle fuel whose place of business and or sale outlet is located upon a navigable waterway;

(15) "Weighted average retail sales price of motor vehicle fuel" means the average retail sales price excluding any federal excise tax of the several grades of motor vehicle fuel (other than special fuels taxed pursuant to chapter 82.36 RCW) sold by service stations throughout the state (less any state excise taxes on the sale, distribution, or use thereof) weighted to reflect the quantities sold at each different price.

(16) "Aggregate motor vehicle fuel tax revenues" means the amount of excise taxes to be paid by distributors, retailers, and users pursuant to chapters 82.36, 82.37, and 82.38 RCW (as now or hereafter amended) for any designated fiscal period, whether or not such amounts are actually received by the department of licensing. The phrase does not include fines or penalties assessed for violations:

(17) "Fiscal year" means a twelve-month period ending June 30th;

(18) "Fiscal half-year" means a six-month period ending June 30th or December 31st.
"State personal income" means the dollar amount published as total personal income of persons in the state for the calendar year by the United States department of commerce or its successor agency.

"State personal income ratio" for any calendar year means that ratio expressed in percentage terms that is the sum of one hundred percent, plus seventy percent of the percentage increase or decrease in state personal income for the calendar year under consideration as compared to state personal income for the immediately preceding calendar year.

"Motor vehicle fund revenue" means all state taxes, fees, and penalties deposited in the motor vehicle fund and all other state revenue required by statute to be deposited in the motor vehicle fund, but does not include (a) moneys derived from nonfuel tax sources which are deposited directly in the several accounts, (b) interest deposited directly in the several accounts within the motor vehicle fund, (c) federal funds, (d) proceeds from the sale of bonds, or (e) reimbursements to the motor vehicle fund for services performed by the department of transportation for others.

"Alcohol" means alcohol that is produced from renewable resources and is produced in this state or in a state that extends a tax exemption or credit for the sale of alcohol produced in this state for use in motor vehicle fuel that is at least equal to a tax exemption or credit for the sale of alcohol produced in the other state for use in motor vehicle fuel.

Sec. 26. Section 1, chapter 28, Laws of 1974 ex. sess. as last amended by section 1, chapter 6, Laws of 1982 1st ex. sess. and RCW 82.36.020 are each amended to read as follows:

Every distributor shall pay, in addition to any other taxes provided by law, an excise tax to the director at a rate computed in the manner provided in RCW 82.36.025 for each gallon of motor vehicle fuel sold, distributed, or used by him in the state as well as on each gallon upon which he has assumed liability for payment of the tax under the provisions of RCW 82.36.100:

Provided. That under such regulations as the director may prescribe sales or distribution of motor vehicle fuel may be made by one licensed distributor to another licensed distributor free of the tax. In the computation of the tax, one-quarter of one percent of the net gallonage otherwise taxable shall be deducted by the distributor before computing the tax due, on account of the losses sustained through handling. The tax imposed hereunder shall be in addition to any other tax required by law, and shall not be imposed under circumstances in which the tax is prohibited by the Constitution or laws of the United States. The tax herein imposed shall be collected and paid to the state but once in respect to any motor vehicle fuel. An invoice shall be rendered by a distributor to a purchaser for each distribution of motor vehicle fuel.

The proceeds of the motor vehicle fuel excise tax collected on the net gallonage after the deduction provided for herein and after the deductions for (refunds and costs of collection) payments and expenditures as provided in RCW 46.68.090 (as now or hereafter amended), shall be distributed as provided in RCW 46.68.100 (as now or hereafter amended).

Sec. 27. Section 6, chapter 317, Laws of 1977 ex. sess. as last amended by section 2, chapter 342. Laws of 1981 and RCW 82.36.025 are each amended to read as follows:

(a) During the fifth month of each fiscal half-year ending June 30th and December 31st of each year, the department of licensing shall compute a motor vehicle fuel tax rate to the nearest one-half cent per gallon of motor vehicle fuel by multiplying ten percent times the weighted average retail sales price of motor vehicle fuel, per gallon, sold within the state in the third month of such fiscal half-year. The department of licensing shall determine the weighted average retail sales price of motor vehicle fuel by state-wide sampling and survey techniques designed to reflect such prices for the third month of such fiscal half-year. The department shall establish reasonable guidelines for its sampling and survey methods.

(b) Subject to provisions of subsections (2) and (3) of this section the excise tax rate computed in the manner provided in subsection (1) of this section shall apply to the sale, distribution, or use of motor vehicle fuel beginning the fiscal half-year following computation of the rate and shall remain in effect for each succeeding fiscal half-year until a subsequent computation requires a change in the rate. For the first fiscal half-year after June 30, 1991: the motor vehicle fuel tax shall be thirteen and one-half cents per gallon.

(a) The motor vehicle fuel tax rate for any fiscal half-year shall not exceed sixteen cents per gallon nor exceed a rate as computed in this subsection:

(b) Each fiscal half-year at the time the department of licensing computes the excise tax rate for the ensuing fiscal half-year or a fiscal year, the department shall estimate the total aggregate motor vehicle fuel tax revenues and the total of all other state revenues which will accrue to the motor vehicle fund during the fiscal year. The estimated total aggregate motor vehicle fuel tax revenues for the fiscal year shall include those revenues which the department determines will accrue during the two fiscal half-years of the fiscal year, assuming the sale, distribution, and use of motor vehicle fuel and special fuel within the state for the two fiscal half-years of the fiscal year shall be at the same volume as during the fiscal half-year last ended; adjusted however for the historic variations in sales, distribution, and use according to half-yearly periods and for projected trends, and at the weighted-average retail sales price of motor vehicle fuel as last determined by the department of licensing.) The motor vehicle fuel
tax rate shall be computed as the sum of the tax rate provided in subsection (1) of this section and the additional tax rates provided in subsections (2) through (4) of this section.

(1) Except as required in subsection (5) of this section, a motor vehicle fuel tax rate of fifteen cents per gallon shall apply to the sale, distribution, or use of motor vehicle fuel from July 1, 1983, through June 30, 1984, and a motor vehicle fuel tax rate of seventeen cents per gallon shall apply thereafter.

(2) An additional motor vehicle fuel tax rate of one-third cent per gallon shall apply to the sale, distribution, or use of motor vehicle fuel, and the proceeds from this additional tax rate, reduced by an amount equal to the sum of the payments under RCW 46.68.090 (1) and (2) multiplied by the additional tax rate prescribed by this subsection divided by the motor vehicle fuel tax rate provided in this section, shall be deposited in the rural arterial trust account in the motor vehicle fund for expenditures under section 2 of this act.

(3) An additional motor vehicle fuel tax rate of one-third cent per gallon shall apply to the sale, distribution, or use of motor vehicle fuel, and the proceeds from this additional tax rate, reduced by an amount equal to the sum of the payments under RCW 46.68.090 (1) and (2) multiplied by the additional tax rate prescribed by this subsection divided by the motor vehicle fuel tax rate provided in this section, shall be deposited in the rural arterial trust account in the motor vehicle fund.

(4) An additional motor vehicle fuel tax rate of one-third cent per gallon shall be applied to the sale, distribution, or use of motor vehicle fuel, and the proceeds from this additional tax rate, reduced by an amount equal to the sum of the payments under RCW 46.68.090 (1) and (2) multiplied by the additional tax rate prescribed by this subsection divided by the motor vehicle fuel tax rate provided in this section, shall be deposited in the urban arterial trust account in the motor vehicle fund.

(5) (a) Before the start of each fiscal year, the department of licensing shall estimate the total aggregate motor vehicle fuel tax revenues and the total of all other revenues that will accrue to the motor vehicle fund during the fiscal year. The estimated total of all other state revenues to accrue to the motor vehicle fund during the fiscal year shall include those revenues (other than the aggregate motor vehicle fuel tax revenues) which the department of transportation with the concurrence of the office of financial management determines will accrue during the (two fiscal half-years of the) fiscal year, assuming that collections of such revenues for the (two fiscal half-years of the) fiscal year shall be at the same level as during the fiscal (half-year) year just ended, adjusted however for historic variations in collections according to yearly periods and for projected trends. But shall not include the proceeds of the sale of bonds, reimbursements to the motor vehicle fund for services performed by the department of transportation for others, moneys derived from nontax sources that are deposited directly in the several accounts within the motor vehicle fund, interest deposited directly in the several accounts within the motor vehicle fund, and federal funds. The estimated total aggregate motor vehicle fuel tax revenues for the fiscal year shall include those revenues that the department of licensing determines will accrue during the fiscal year, assuming the sale, distribution, and use of motor vehicle fuel and special fuel within the state for the fiscal year will be at the same volume as during the fiscal year last ended, adjusted however for the historic variations in sales, distribution, and use according to yearly periods and for projected trends.

((v)) (b) If the estimated aggregate motor vehicle fuel tax revenues plus all other state revenues that will accrue to the motor vehicle fund during a fiscal year as computed in ((v))), (a) of this subsection exceed the motor vehicle fund revenue limit in the fiscal year as computed in ((v))), (c) of this subsection, the rate of motor fuel tax (computed as) provided in subsection (1) of this section shall be reduced by one-half cent increments for the fiscal year only, commencing at the beginning of the (ensuing) fiscal (half-year) year, as may be necessary to reduce the estimated total revenues for the fiscal year to within the motor vehicle fund revenue limit.

((v))) (c) The motor vehicle fund revenue limit for any fiscal year shall be the previous fiscal year's motor vehicle fund revenue limit multiplied by the average state personal income ratio for the three calendar years immediately preceding the beginning of the fiscal year for which the limit is being computed. For purposes of computing the motor vehicle fund revenue limit for the fiscal year ending June 30, 1981, the phrase "the previous fiscal year's motor vehicle fund revenue limit" means the motor vehicle fund revenue collected in the fiscal year ending June 30, 1979, multiplied by the average state personal income ratio for the calendar years 1976, 1977, and 1978.

((v))) (f) The legislative transportation committee shall study and analyze each biennium the financial condition of the motor vehicle fund and accounts thereof with particular emphasis on RCW 82.36.010 and 82.36.025.
Sec. 28. Section 82.36.100, chapter 15, Laws of 1961 as last amended by section 3, chapter 317. Laws of 1977 ex. sess. and RCW 82.36.100 are each amended to read as follows:

Every person other than a distributor who acquires any motor vehicle fuel within this state upon which payment of tax is required under the provisions of this chapter, or imports such motor vehicle fuel into this state and sells, distributes, or in any manner uses it in this state shall, if the tax has not been paid, apply for a license to carry on such activities, file bond, make reports, comply with all regulations the director may prescribe in respect thereto, and pay an excise tax at the rate computed in the manner provided in RCW 82.36.025 for each gallon thereof so sold, distributed, or used during the fiscal (shall-be) year for which such rate is applicable in the manner provided for distributors, and the director shall issue a license to such person in the manner provided for issuance of licenses to distributors. The proceeds of the tax imposed by this section shall be distributed in the manner provided for the distribution of the motor vehicle fuel excise tax in RCW 82.36.020 (as now or hereafter amended). However, a distributor licensed under the provisions of this chapter may deliver motor vehicle fuel to an importer in individual quantities of five hundred gallons or less and assume the liability for payment of the tax to this state. Under such conditions, the importer (shall-be) is exempt from the requirements of this section. For failure to comply with the terms of this chapter such person (shall-be) is subject to the same penalties imposed upon distributors. The director shall pursue against such persons the same procedure and remedies for audits, adjustments, collection, and enforcement of this chapter as is provided with respect to distributors. Nothing (herein) in this section may be construed as classifying such persons as distributors.

Sec. 29. Section 3, chapter 22. Laws of 1963 ex. sess. as last amended by section 4, chapter 317. Laws of 1977 ex. sess. and RCW 82.37.030 are each amended to read as follows:

In consideration of the use of the public highways of this state, motor carriers who import motor vehicle fuel into the state of Washington in the fuel supply tank or tanks of commercial motor vehicles for use in propelling such vehicles on the highways (shall-be) are subject to a tax for such use of the highways as hereinafter provided. A tax at the rate computed in the manner provided in RCW 82.36.025 per gallon is hereby imposed upon every motor carrier measured and determined by the number of gallons of motor vehicle fuel so imported and actually used by the motor carrier in its operations within this state during the fiscal (shall-be) year for which such rate is applicable.

Sec. 30. Section 4, chapter 175. Laws of 1971 ex. sess. as last amended by section 3, chapter 40. Laws of 1979 and RCW 82.38.030 are each amended to read as follows:

1. There is hereby levied and imposed upon special fuel users a tax at the rate computed in the manner provided in RCW 82.36.025 per gallon or each one hundred cubic feet of compressed natural gas measured at standard pressure and temperature on the use of special fuel in any motor vehicle operated upon the highways of this state during the fiscal (shall-be) year for which such rate is applicable.

2. The tax shall be collected by the special fuel dealer and shall be paid over to the department as hereinafter provided: (a) With respect to all special fuel delivered by a special fuel dealer into supply tanks of motor vehicles or into storage facilities used for the fueling of motor vehicles at unbonded service stations in this state, or (b) in all other transactions where the purchaser is not the holder of a valid special fuel license issued pursuant to this chapter allowing the purchase of untaxed special fuel.

3. The tax shall be paid over to the department by the special fuel user as hereinafter provided with respect to the taxable use of special fuel upon which the tax has not previously been imposed.

It is expressly provided that delivery of special fuel may be made without collecting the tax otherwise imposed, when such deliveries are made by a bonded special fuel dealer to special fuel users who are authorized by the department as hereinafter provided, to purchase fuel without payment of tax to the bonded special fuel dealer.

NEW SECTION. Sec. 31. Sections 1 through 18 of this act shall constitute a new chapter in Title 36 RCW.

NEW SECTION. Sec. 32. 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. 33. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1983.

MOTION

Senator McDermott moved that the following amendment to the Committee on Transportation amendment be adopted:

On page 38, after line 8, insert:

"Sec. 30. Section 82.44.020, chapter 15, Laws of 1961 as last amended by section 2, chapter 14. Laws of 1982 2nd ex. sess. and RCW 82.44.020 are each amended to read as follows:

1. An excise tax is imposed for the privilege of using in this state any motor vehicle, except those operated under reciprocal agreements, the provisions of RCW 46.16.160 as now or
hereafter amended, or dealer's licenses. The annual amount of such excise tax shall be two percent of the fair market value of such vehicle.

(2) From and after August 1, 1978, and until August 1, 2008, an additional excise tax is imposed, in addition to any other tax imposed by this section, for the privilege of using in the state any such motor vehicle, and the annual amounts of such additional excise shall be two-tenths of one percent of the fair market value of such vehicle plus a tax of one-tenth of one percent of the fair market value of the vehicle dedicated to the DWI impact account created in chapter . Laws of 1983 (ESHB 239) and plus a tax of one-tenth of one percent of the fair market value of the vehicle dedicated to the noxious weed control fund for the department of agriculture which is hereby created.

(3) In no case shall the total tax be less than two dollars except for proportionally registered vehicles.

(4) In no case shall the total tax be less than two dollars except for proportionally registered vehicles.

(5) From and after the first day of July, 1982, until and including the thirtieth day of September, 1983, an additional tax is imposed equal to the taxes payable under subsections (1) and (2) of this section multiplied by the rate of tax applicable to the period shown as follows:

- July 1 - September 30, 1982 - 4%
- October 1 - June 30, 1983 - 7%
- July 1 - September 30, 1983 - 3%

POINT OF ORDER

Senator Peterson: "Mr. President, I would raise the question of scope and object on the amendment by Senator McDermott."

Debate ensued.

MOTION

At 2:24 p.m., on motion of Senator Fleming, the Senate was declared to be at ease.

The President called the Senate to order at 2:45 p.m.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 235.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Peterson the President finds that Substitute House Bill No. 235 is a measure which deals with the state motor vehicle fuel tax by adopting a flat rate tax and by increasing the amount that is collected from that tax in the next biennium.

"The amendment proposed by Senator McDermott, deals with the motor vehicle excise tax by increasing the tax by two-tenths of one percent of the fair market value of the vehicle with the proceeds divided between the DWI impact account and the noxious weed control fund in the Department of Agriculture.

"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 to the committee amendment was ruled out of order.

MOTION

Senator Zimmerman moved that the following amendments to the Committee on Transportation amendment be considered and adopted simultaneously:

- On page 2, line 10, after "RCW 36.78.030" insert "(4) 'Border counties; means those counties physically bordering on or included within a standard metropolitan statistical area, as determined by the United States census bureau, located wholly or partially in a state which does not impose a retail sales tax: and

- (5) Those counties physically bordering both on a state which does not impose a retail sales tax and a county specifed in subsection (4) of this section but lying to the east of the counties specified in subsection (4) of this section."

- On page 18, line 14, after "thereafter. ", insert the following: "PROVIDED, that in border counties, a motor vehicle fuel tax rate of twelve cents per gallon shall apply to the sale, distribution, or use of motor vehicle fuel."

Debate ensued.
Senator Jones: "Senator Zimmerman, your amendment seeks to exempt border counties from an increase in the gas tax. How do you justify the difference in tax rates between the border counties and the rest of the state?"

Senator Zimmerman: "Senate Bill No. 3258 passed the legislature and was signed into law on February 22, 1983. As part of that bill, the legislature provided that certain border counties along the Oregon border need not pay the increase in the sales tax that was imposed on the rest of the state. That was as a result of an amendment by Senator McDermott which passed the Senate on February 9, 1983. The border exemption is now a part of the law, and is in section 3 and section 6 of Chapter 7, Laws of 1983. Although there was also an increase in the B & O tax rate for those border counties, the revenue from the increase in the B & O tax rate did not nearly match the revenue from the sales tax exemption. If I remember correctly, the increase in the B & O tax for those counties would bring in $800,000 for this biennium, while the loss from the sales tax exemption would be some 6.5 million dollars. As such, by precedent, the legislature has adopted a clear policy of recognizing that taxes imposed on these border counties have a special and unique impact, not seen in the rest of the state. They are in a special situation, and Senate Bill No. 3258 is clear precedent for this amendment."

Senator Patterson: "Senator Zimmerman, I know you have tremendous problems down in the Portland area but have you given consideration to the rest of the state of Washington; to the fact that it borders along Idaho for many, many miles? Do you feel that maybe there is an adverse impact on the border communities that live along the Idaho border as well as that live along the Washington/Oregon border?"

Senator Zimmerman: "Senator Patterson, I agree wholeheartedly that there is definitely an adverse effect on the full border, particularly on the Oregon and on the Idaho borders. In terms of the Idaho border, specifically, I think that the Pullman/Moscow areas are very adversely affected in much the same way that the Oregon part is affected. If I had my druthers, I would certainly have this amendment deal with the entire border of Oregon and Idaho. Earlier this year, we presented that amendment. It was voted down by this body and I regret that. I obviously feel it's definitely a border problem—the entire border."

Senator Patterson: "So this would merely add to the inequity that we created some weeks ago."

Senator Zimmerman: "This is merely adopting—"

Senator Patterson: "But does it not add to the inequity that we created—exempting the sales tax?"

Senator Zimmerman: "It exaggerates that border problem. To that extent, it is merely adopting the McDermott amendment placing it on specific businesses of gas stations, which were not affected in terms of sales tax, because there isn't a sales tax on gas, but they are very specifically adversely affected in their particular case because of this gas tax being placed on them, but I have to agree with your point of view."

Senator Patterson: "That there is a tremendous inequity created by those counties with businesses located on the border of Idaho when they are not subjected or have the opportunity for the same exemption that you are providing for the Oregon border?"

Senator Zimmerman: "If there is any way we can include the entire Idaho border, as well as the rest of the Oregon/Washington border from Walla Walla to Ilwaco, I would vote and support that wholeheartedly."

Senator Patterson: "We could very simply amend your amendment, is that correct?"

Senator Zimmerman: "I would think of that as a friendly amendment."

POINT OF INQUIRY

Senator Wojahn: "Senator Zimmerman, the last time we were in Oregon, which was a couple of years ago, there were no self service gas stations in Oregon and I was told that they were not permitted to be involved—that they could not have self service gas stations in Oregon because of a state law. Now I don't know if that's true or not, all I know is that we couldn't find one. So, in view of that, it would seem
to me that gas was higher in Oregon than it was in Washington at that time, and in
view of the fact that there may not be any self service stations where the gasoline
is several cents a gallon cheaper, isn’t that a reasonable competition, if in fact,
they do not allow self service gas stations?”

Senator Zimmerman: “Senator Wojahn, they do not allow self service stations in
Oregon. They had a vote on that and they voted down legalizing self service gas
stations. That does have some effect on the gas prices there, but their gas prices
and their gas tax is so much lower than ours in terms of their operations, that there
is a definite differential already between Oregon and Washington. Of course, this
will increase that differential if this bill were passed in its present form without an
exemption on the border. But you are correct, yes.”

POINT OF INQUIRY

Senator Vognild: “Senator Talmadge, in the supplemental revenue package,
we passed an amendment similar to this, but I remember some differences, could
you tell me what they were?”

Senator Talmadge: “Senator Vognild, I think that the most clear kind of differ­
ential between this proposal and the proposal in the supplemental revenue pack­
age was that while the border counties were not required to pay the sales tax
increase that was imposed in that bill, the B & O tax surcharge was required for
retailers in the border counties. In other words, there was, in effect, a quick pro quò
diminution in the sales tax for retailers in the border counties that does not appear
in this proposal. This is simply an exemption which may, in fact, have some legal
problems, whereas in the supplemental revenue package it was clear that while
there was a lower sales tax for people in the border counties, that was to be made
up, at least, in substantial part by the B & O surcharge on retailers.”

POINT OF INQUIRY

Senator Hughes: “Senator Zimmerman, following the line of thought of Senator
Talmadge, is there any quick pro quò which you could offer? I guess I would like
to explain. Many of us who voted against the exemption for our counties that bor­
der Idaho felt that was a better alternative than the higher B & O and honestly
believe that the Portland magnet was a lot stronger than, let’s say, the Coeur
d’Alene magnet. I am wondering if you are going to offer a quick pro quò.”

Senator Zimmerman: “Thank you, Senator Hughes, for that question. It is very
logical, what you are describing. The point that I am trying to make is yes, the
increased Business and Occupational Tax, which is paid by all businesses includ­
ing service stations, will raise about $800,000 down there, but I must point out that
the service stations are the one industry—one business—that benefit not at all from
the fact that there is a lower sales tax, because they are not charging sales tax.
They are paying the additional B & O tax to supplement and help the other retail­
ers, but they are not benefitting from it. All they are doing is getting one more rea­
son for people to leave the state and buy the gas across the bridge.”

Senators Bottiger, Hansen and Vognild demanded the previous question and
the demand was sustained.

The President declared the question before the Senate to be adoption of the
amendments by Senator Zimmerman to the Committee on Transportation
amendment.

The motion by Senator Zimmerman failed and the amendments to the commit­
tee amendment were not adopted.

The President declared the question before the Senate to be adoption of the
Committee on Transportation amendment.

The motion by Senator Peterson carried and the committee amendment was
adopted.

MOTIONS

On motion of Senator Peterson, the following title amendment was adopted.

In line 8 of the title, after “46.68.090;” insert “amending section 33, chapter 83, Laws of 1967
ex. sess. as amended by section 16, chapter 317, Laws of 1977 ex. sess. and RCW 47.26.270;”
On motion of Senator Peterson, the rules were suspended and Substitute House Bill No. 235, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was 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. 235, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 235, as amended by the Senate, and the bill failed to pass the Senate by the following vote: Yeas, 08; nays, 39; absent, 01; excused, 01.

Voting yea: Senators Barr, Conner, Goltz, Guess, Hansen, McManus, Patterson, Quigg - 8.


Absent: Senator Hayner - 1.

Excused: Senator Bluechel - 1.

SUBSTITUTE HOUSE BILL NO. 235, as amended by the Senate, having failed the constitutional majority, was declared lost.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Peterson served notice that he would move to reconsider the vote by which Substitute House Bill No. 235, as amended by the Senate, failed to pass the Senate.

SECOND READING

SENATE JOINT RESOLUTION NO. 120, by Senator Moore

Authorizing a limited income tax.

MOTIONS

On motion of Senator McDermott, Substitute Senate Joint Resolution No. 120 was substituted for Senate Joint Resolution No. 120 and the substitute resolution was placed on second reading and read the second time.

Senator Patterson moved that the following amendment by Senators Patterson, Rinehart, Granlund, Hemstad, Metcalf, Bender, Zimmerman, Moore and Bottiger be adopted:

On page 1, after line 2, strike all the material down to and including "state." on page 2, line 22 and insert the following:

"The Senate and House of Representatives of the State of Washington recognize that many Washington State citizens and businesses believe that the current state tax system is unfair to them. Voters should be given the opportunity to choose between the current state tax system and a new state tax system.

Accordingly, at the November 8, 1983, state-wide general election there shall be submitted to the qualified voters of the state for their approval or rejection an amendment to Article VII of the Constitution of the State of Washington by adding a new section to read as follows:

"(1) The rate of the state general sales and use tax may not exceed four percent without the approval of the people by a majority vote at a state-wide November general election.

(2) The rate of the local general sales and use tax may not exceed one and six-tenths percent without the approval of the people by a majority vote at the appropriate local November general election.

(3) Every rate for every category of the state business and occupation tax may not exceed sixty-five percent of the rate in effect on March 31, 1982, without the approval of the people by a majority vote at a state-wide November general election.

(4) For property taxes payable in 1984 and every year thereafter, the state shall not levy a property tax.

(5) The income tax for individuals must be at a single rate which may not exceed four percent without the approval of the people by a majority vote at a state-wide November general election.

The rate for the individual income tax shall also be the rate for the income tax for all other taxpayers except those subject to the corporate income tax.

(6) The corporate income tax must be at a single rate which may not exceed twelve percent without the approval of the people by a majority vote at a state-wide November general election."
The election described in subsections (1), (3), (5), and (6) of this section shall be on a measure referred to the people by the legislature.

In order to maintain a balanced tax system, the ratios between the maximum constitutional rates for: (a) the state general sales and use tax; (b) the state business and occupation tax; (c) the individual income tax; and (d) the corporate income tax must not be altered. If the legislature proposes a change in the maximum constitutional rates to the voters, the proposed rates must not alter this ratio. If the legislature adopts rates below the maximum constitutional rates, the lower rates must not alter this ratio. However, this shall not prevent the legislature from rounding rates to the nearest tenth of a percent.

(8) Income is not property within the meaning of this Article.

(9) No local unit of government may impose an income tax.

For the purpose of coordination with the United States income tax laws, the legislature may adopt by reference United States statutes and regulations relating to income taxes including amendments to those statutes and regulations made after such adoption.

This constitutional amendment, if approved by the required number of voters at the November 8, 1983 general election, shall take effect when the legislature enacts an implementing statute or by February 1, 1984, whichever is earlier.

The Senate and House of Representatives further resolve that the Secretary of State shall assure that notice of this proposed constitutional amendment to adopt a new tax system is published at least four times during the four weeks preceding the election in every legal newspaper in the state.

Debate ensued.

MOTION

Senator McDermott moved the following amendment by Senators McDermott, Gaspard, Vognild, Shinpoch, Conner, Talmadge, Bottiger, Rasmussen, Bender, Wojahn, Goltz, Hurley, Bauer, Woody, Owen, McManus, Craswell, Lee, Guigg and Zimmerman to the amendment be adopted:

On page 2, line 4, after "(3) insert "No state or local unit of government may impose a sales tax on food products for human consumption off premises.

(4)"

Renumber remaining subsection accordingly.

POINT OF INQUIRY

Senator Deccio: "Senator McDermott, you are assuming that the possibility will arise that this new form of tax that Senator Rinehart is so excited about would not meet the required level of spending—you're taking off the one tax that can generate a lot of dollars. What you are suggesting would be the alternative when that day comes that this beautiful tax package does not generate the money to take the tax off food, then where do you go?"

Senator McDermott: "Senator Deccio, we will not go to a sales tax on food. We'll have to choose some other alternative. It will mean going back to the people and explaining why we need some change. What this amendment does is very tightly tie down the tax structure and I, also, want to tie down one of the major loop holes I see in it, which is that you can slide sideways to a sales tax on food. I think that, at that point, we will have to go to the people and say 'this is our problem, what do you think?' If they don't adjust it, we're going to wind up cutting programs."

Senator Deccio: "Another question—you talk about sliding sideways to pick up a food tax—you're going to cut that off—could you slide sideways to pick up anything else? Is there anything else that can be taxed or anything else not embodied in this income tax proposal that could be taxed that could raise the revenues in the event that the amount tied down in this proposal would not meet the revenue—the expenditures?"

Senator McDermott: "I think you could raise it on cigarettes, booze—things like that. I don't want to get into creating boogiemen, but I do think that food is one of those essentials in life—the food should not be taxed—that is why this is here. That is not to say that we are going to prevent any kind of other taxes being increased—the gas tax—you know a lot of things will still be possible. It's impossible to say in a constitutional amendment that you're not ever going to raise another tax in the history of the state, but I do think the food tax is a special case."

Further debate ensued.
Senator Pullen: "Senator McDermott, I'm very sympathetic to the intent of your amendment, but I wanted to understand what you meant by 'off premises.' You say that 'no state or local unit of government may impose a sales tax on food products for human consumption off premises.' I assume you're referring to--like a fast food hamburger stand or something like that. So would that mean that it is your intent that if a person orders a hamburger to go, he doesn't have to pay the sales tax and that if he eats it in the restaurant, he does, or are you referring to all fast food chains, for example--no matter whether they serve the food to go or serve it at the restaurant itself?"

Senator McDermott: "I used this language, because it is a term of art in taxation which would--it's the present situation where you pay a sales tax on things in a restaurant or in a fast food place, but you do not in a grocery store. That is basically the intent of the amendment."

Senator Pullen: "Then they would have to pay the sales tax, even if they ordered the food to go, with the intent that they would be consuming it off premises?"

Senator McDermott: "Yes."

The President declared the question before the Senate to be adoption of the amendment on page 2, line 4, to the amendment.

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

MOTION

Senator Metcalf moved that the following amendment by Senators Metcalf, Rinehart and Moore to the amendment be adopted:

On page 2, line 13, of the amendment, after "tax," insert "The state shall not take any action to require local government to increase property tax revenues."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Metcalf, Rinehart and Moore to the amendment.

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

MOTION

Senator Lee moved that the following amendment to the amendment be adopted:

On page 2, line 30, after the period insert "The state business and occupation tax shall be credited toward any corporate income tax."

POINT OF INQUIRY

Senator Shinpoch: "Senator Lee, those businesses who did not make a profit--did not pay income tax--would they have to pay a B & O tax?"

Senator Lee: "It is my understanding that they would have to pay a B & O tax, just as they do now--as sub (3)--which is delineated in this amendment. They would still have to pay a tax."

POINT OF INQUIRY

Senator Rasmussen: "Senator Lee, it is possible now to stack up tax credits where you are losing money--you can sell them to some other corporation, so you can hide your profit. Do you know if this company that Senator Shinpoch spoke of--because if you are not making money, can you still stack up those credits for a certain period of years? If not, you probably need a side amendment in here."

Senator Lee: "I think you are talking about the federal system. We do not have a system of that sort in the state of Washington. A business has to pay a business and occupation tax on its gross proceeds whether they are making tons of money or whether they are, in fact, in the hole and on the verge of bankruptcy. That would continue. We are only saying, with the amendment that I am proposing, that after you have paid that business and occupation tax--if you are making money
over and above that in the profit column—then you would need to pay an additional tax. You might even call it an excess profit tax, if you wish to call it something.”

Further 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 adoption of the amendment by Senator Lee to the amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Lee failed and the amendment to the amendment was not adopted by the following vote: Yeas, 14; nays, 32; absent, 2; excused, 1.

Voting yea: Senators Barr, Benitz, Clarke, Craswell, Deccio, Guess, Haley, Jones, Lee, McCaslin, Pullen, Quigg, Sellar, von Reichbauer - 14.


Absent: Senators Hayner, Newhouse - 2.

Excused: Senator Bluechel - 1.

MOTION

Senator Quigg moved that the following amendment to the amendment be adopted:

On page 2, line 16, after “percent,” insert “of income less the increase of net worth.”

Debate ensued.

POINT OF INQUIRY

Senator Hemstad: “Senator Quigg, I’m trying to understand the consequences of your amendment. Is this intended to say, basically, that any capital gains would be tax free? Is that in layman’s language the impact of it? In other words, if I invest in securities on the New York Stock Exchange and show a profit when I sell it and turn around and buy another security, I assume there would be no tax to be paid on that gain, under your amendment?”

Senator Quigg: “Senator, it would depend on what you did with all of your income. In other words, on that particular transaction there may not have been, but in the meantime you may have liquidated other holdings and spent more than you gained in that particular transaction, and therefore, over all, you would end up paying a tax. Once again, it is on the increase on net worth.”

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Quigg to the amendment.

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

MOTION

Senator Craswell moved the following amendments by Senators Craswell, Deccio, Quigg, Owen and McCaslin to the amendment be considered and adopted simultaneously:

On page 1, line 29, after “percent” strike all material down to and including “election” on line 32.

On page 1, line 35, after “percent” strike all material down to and including “election” on page 2, line 3.

On page 2, line 8, after “1982” strike all material down to and including “election” on page 2, line 10.

On page 2, line 16, after “percent” strike all material down to and including “election” on line 19.

On page 2, line 27, after “percent” strike all material down to and including “election” on line 30.

On page 2, line 31, strike all material down to an including “legislature” on line 35.

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 adoption of the amendments by Senators Crasswell, Deccio, Quigg, McCaslin and Owen to the amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Crasswell failed and the amendments to the amendment were not adopted by the following vote: Yeas, 14; nays, 30; absent, 4; excused, 1.

Voting yea: Senators Barr, Benitz, Clarke, Crasswell, Deccio, Guess, Jones, Lee, McCaslin, Owen, Pullen, Quigg, Sellar, von Reichbauer - 14.


Absent: Senators Conner, Hansen, Hayner, Newhouse - 4.

Excused: Senator Bluechel - 1.

MOTION

Senator Crasswell moved that the following amendments by Senators Crasswell, Deccio, Quigg and McCaslin to the amendment be considered and adopted simultaneously:

On page 2, line 4, after "(3)" delete all material through "election." on line 10 and insert "The state shall not impose any tax for the act or privilege of engaging in business activities."

On page 2, beginning on line 23, after "taxpayers" delete all material through "tax" on page 2, line 24

On page 2, beginning on line 26, after "at" delete all material through "election" on line 30 and insert "the state business and occupation tax".

On page 3, beginning on line 2, after "(b)" delete all material through "(d)" on line 4 and insert "the state business and occupation tax; and (c)"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Crasswell, Deccio, Quigg and McCaslin.

The motion by Senator Crasswell failed and the amendments to the amendment were not adopted.

MOTION

Senator Pullen moved the following amendment by Senators Pullen and Hansen to the amendment be adopted:

On page 3, after line 20, insert:

"(10) No state or local government may impose a business and occupation tax on the growing or producing for sale of any agricultural or horticultural produce or crop including products from animals, birds and insects."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Pullen and Hansen to the amendment.

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

MOTION

Senator Crasswell moved the following amendments by Senators Crasswell, Deccio, Quigg and McCaslin to the amendment be considered and adopted simultaneously:

On page 2, line 4, after "(3)" strike all material down to and including "election." on line 10 and insert: "The state shall not levy a business and occupation tax for the act or privilege of engaging in business activities."

On page 3, line 2, after "(b)" strike "the state business and occupation tax "(c)"

On page 3, line 4, after "and", strike "(d)" and insert "(c)"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senators Crasswell, Deccio, Quigg and McCaslin.

The motion by Senator Crasswell failed and the amendments to the amendment were not adopted.
THIRD DAY, APRIL 27, 1983

MOTION

Senator Craswell moved the following amendments by Senators Craswell, Deccio, Lee and McCaslin to the amendment be considered and adopted simultaneously:

On page 2, line 19, of the amendment after "election." insert "The first four thousand dollars of income for each wage earner shall be exempt from taxation under the state individual income tax. No other exemption shall be allowed."

On page 3, line 21, strike all material down to and including "adoption" on line 28.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Deccio, I just got the information here from the Ways and Means Committee—the federal poverty level for a family of three is $647 a month or $7,764 per year and a family of four, it would be $9,300.' Do you think this exemption is enough? We certainly wouldn’t want to be taxing someone at the poverty level."

Senator Deccio: "Senator Rasmussen, I think at the $4,000 level, the tax would be practically nil. I think the floor has to begin somewhere and you will find that the numbers would increase substantially before that person would be paying anything, including the $4,000 level."

The President declared the question before the Senate to be adoption of the amendments by Senators Craswell, Deccio, Lee and McCaslin to the amendment.

The motion by Senator Craswell failed and the amendments to the amendment were not adopted.

MOTION

Senator Craswell moved the following amendment by Senators Craswell, Deccio, Lee, Quigg, McCaslin and Owen to the amendment be adopted:

On page 2, line 13, after "a" strike "property tax." and insert:

"tax on real or personal property. The aggregate of all tax levied on real and personal property by all other taxing districts within the state now existing or hereafter created shall not in any year exceed sixty-four hundredths of one percent of the true and fair value of such property in money."

MOTION

On motion of Senator Vognild, Senator Goltz was excused.

Further debate ensued.

Senators Bottiger, Hansen and Shinpoch demanded the previous question and the demand was sustained.

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 adoption of the amendment by Senators Craswell, Deccio, Lee, Quigg, McCaslin and Owen to the amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Craswell failed and the amendment to the amendment was not adopted by the following vote: Yeas, 20; nays, 26; absent, 1; excused, 2.

Voting yea: Senators Barr, Benitz, Clarke, Craswell, Deccio, Fuller, Guess, Hansen, Hayner, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Owen, Pullen, Quigg, Sellar, von Reichbauer - 20.


Absent: Senator Peterson - 1.

Excused: Senators Bluechel, Goltz - 2.

MOTION

Senator Craswell moved the following amendment by Senators Craswell, Deccio, Quigg, Owen, McCaslin and Haley to the amendment be adopted:

On page 3, after line 20, insert:

"(10) The Legislature shall not authorize any new state tax or increase the rate of an existing state tax not limited in sections (1) through (6) of this Article."
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 adoption of the amendment by Senators Craswell, Deccio, Quigg, Owen, McCaslin and Haley.

ROLL CALL

The Secretary called the roll and the motion by Senator Craswell failed and the amendment to the amendment was not adopted by the following vote: Yeas, 20; nays, 27; excused, 2.

Voting yea: Senators Barr, Benitz, Clarke, Conner, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Jones, Lee, McCaslin, Newhouse, Owen, Pullen, Quigg, Rasmussen, Sellar, von Reichbauer - 20.


Excused: Senators Bluechel, Goltz - 2.

The President declared the question before the Senate to be adoption of the amendment by Senators Patterson, Rinehart, Granlund, Metcalf, Hemstad, Zimmerman, Bender, Moore and Bottiger, as amended.

The motion by Senator Patterson carried and the amendment, as amended, was adopted.

MOTIONS

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute Senate Joint Resolution No. 120 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

On motion of Senator McDermott, further consideration of Engrossed Substitute Senate Joint Resolution No. 120 was deferred.

MOTION

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

MOTION FOR RECONSIDERATION

Having served prior notice, Senator Talmadge moved that the Senate reconsider the vote by which Senate Bill No. 3090 failed to pass the Senate on April 26, 1983.

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 motion by Senator Talmadge to reconsider the vote by which Senate Bill No. 3090 failed to pass the Senate.

ROLL CALL

The Secretary called the roll and the motion by Senator Talmadge for reconsideration carried by the following vote: Yeas, 26; nays, 20; absent, 1; excused, 2.


Voting nay: Senators Barr, Benitz, Clarke, Craswell, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Quigg, Sellar, von Reichbauer, Zimmerman - 20.

Absent: Senator Deccio - 1.

Excused: Senators Bluechel, Goltz - 2.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3090, on reconsideration.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3090, on reconsideration, and the bill passed the Senate by the following vote: Yeas, 26; nays, 21; excused, 2.
THIRD DAY, APRIL 27, 1983


Voting nay: Senators Barr, Benltz, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Quigg, Sellar, von Reichbauer, Zimmerman - 21.

Excused: Senators Bluechel, Goltz - 2.

SENATE BILL NO. 3090, on reconsideration, having received the constitutional 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 Shinpoch, the Senate reverted to the fifth order of business.

INTRODUCTION AND FIRST READING

SCR 128 by Senators Talmadge, Hughes, Bauer, Woody, Moore, Metcalf, Rasmussen, Fleming, Wojahn, Gaspard and Bender

Creating the Joint Select Committee on Seattle–First National Bank crisis.

MOTIONS

On motion of Senator Shinpoch, the rules were suspended, Senate Concurrent Resolution No. 128 was advanced to second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Senate Concurrent Resolution No. 128 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Concurrent Resolution No. 128.

ROLL CALL

The Secretary called the roll on final passage of Senate Concurrent Resolution No. 128 and the resolution passed the Senate by the following vote: Yeas, 37; nays, 9; absent, 1; excused, 2.


Voting nay: Senators Barr, Benltz, Craswell, Guess, Haley, McCaslin, Pullen, Quigg, Sellar - 9.

Absent: Senator Deccio - 1.

Excused: Senators Bluechel, Goltz - 2.

SENATE CONCURRENT RESOLUTION NO. 128, having received the constitutional majority, was declared passed.

INTRODUCTION AND FIRST READING

SCR 129 by Senators McManus, Rinehart and Jones

Establishing a joint legislative committee on the arts.

MOTIONS

On motion of Senator Shinpoch, the rules were suspended, Senate Concurrent Resolution No. 129 was advanced to second reading and read the second time.

On motion of Senator McManus, the rules were suspended, Senate Concurrent Resolution No. 129 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Concurrent Resolution No. 129.

ROLL CALL

The Secretary called the roll on final passage of Senate Concurrent Resolution No. 129 and the resolution passed the Senate by the following vote: Yeas, 29; nays, 10; absent, 8; excused, 2.
SENATE CONCURRENT RESOLUTION NO. 129, having received the constitutional majority, was declared passed.

INTRODUCTION AND FIRST READING

SCR 130 by Senators Peterson, Guess, Sellar, Patterson, Haley, Barr, Hansen, Vognild, von Reichbauer, Bender, Granlund and Owen

Assigning topics of study to the Legislative Transportation Committee and the standing committees on transportation.

MOTIONS

On motion of Senator Shinpoch, the rules were suspended, Senate Concurrent Resolution No. 130 was advanced to second reading and read the second time.

On motion of Senator Shinpoch, the rules were suspended, Senate Concurrent Resolution No. 130 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

On motion of Senator Jones, Senators Benitz, Clarke, Kiskaddon, Lee, Newhouse and Sellar were excused.

The President declared the question before the Senate to be the roll call on final passage of Senate Concurrent Resolution No. 130.

ROLL CALL

The Secretary called the roll on final passage of Senate Concurrent Resolution No. 130 and the resolution passed the Senate by the following vote: Yeas, 41; excused, 8.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, McCaslin, McDermott, McManus, Metcall, Moore, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 29.

Voting nay: Senators Barr, Benitz, Clarke, Craswell, Haley, McCaslin, Metcall, Pullen, Quigg, von Reichbauer - 10.


Excused: Senators Bluechel, Goltz - 2.

SENATE CONCURRENT RESOLUTION NO. 129, having received the constitutional majority, was declared passed.

SCR 131 by Senators McDermott, Wojahn, Lee, Shinpoch, Kiskaddon and Bluechel

Establishing a joint committee to study ways to implement comparable worth.

MOTIONS

On motion of Senator Shinpoch, the rules were suspended, Senate Concurrent Resolution No. 131 was advanced to second reading and read the second time.

On motion of Senator McDermott, the rules were suspended, Senate Concurrent Resolution No. 131 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 McDermott, has this comparable worth bill passed the House? Has it passed both bodies and is it on the Governor's desk or has it passed both bodies and awaiting the Governor's signature? Has it been signed into law? What is its status?"

Senator McDermott: "Senator Pullen, both the House budget and the Senate budget contained a million and half dollars for implementation of the comparable worth studies, which has been done in the past. The bill is, I think, presently residing in the Senate. I am quite certain it will pass by the time we leave here in thirty days."
Further debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Wojahn, I'm not very familiar with this subject. My understanding is that women truck drivers get the same pay as men truck drivers. Do you understand it that way?"

Senator Wojahn: "I am sure that women truck drivers do get the same pay as men truck drivers, just as male nurses get the same amount of money as female nurses. The practical point is that jobs which have historically been held by women, even though men have graduated into the area and working at the same jobs, they are still lower paid. I am sure that the male telephone operator makes the same as a female telephone operator, too, but there are still the lower paying jobs, because they have not reached a plateau of equity."

The President declared the question before the Senate to be the roll call on final passage of Senate Concurrent Resolution No. 131.

ROLL CALL

The Secretary called the roll on final passage of Senate Concurrent Resolution No. 131 and the resolution passed the Senate by the following vote: Yeas. 31; nays. 6; absent, 4; excused, 8.


Voting nay: Senators Barr, Croswell, Deccio, McCaslin, Metcalf, Pullen - 6.

Absent: Senators Haley, Hurley, Patterson, Warnke - 4.

Excused: Senators Benitz, Bluechel, Clarke, Goltz, Kiskaddon, Lee, Newhouse, Sellar - 8.

SENATE CONCURRENT RESOLUTION NO. 131, having received the constitutional majority, was declared passed.

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

MESSAGES FROM THE HOUSE

April 26, 1983

Mr. President:
The House has passed:
SUBSTITUTE HOUSE BILL NO. 271.
SECOND SUBSTITUTE HOUSE BILL NO. 295.
ENGROSSED SUBSTITUTE HOUSE BILL NO. 406.
HOUSE BILL NO. 596.
ENGROSSED SUBSTITUTE HOUSE BILL NO. 605.
SUBSTITUTE HOUSE BILL NO. 689. and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 27, 1983

Mr. President:
The House has passed:
SUBSTITUTE HOUSE BILL NO. 71.
ENGROSSED SUBSTITUTE HOUSE BILL NO. 127.
SUBSTITUTE HOUSE BILL NO. 410.
ENGROSSED SUBSTITUTE HOUSE BILL NO. 411.
ENGROSSED HOUSE BILL NO. 412.
SUBSTITUTE HOUSE BILL NO. 470.
HOUSE BILL NO. 471.
SUBSTITUTE HOUSE BILL NO. 583. and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

April 27, 1983

Mr. President:
The House has passed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 496. and the same is herewith transmitted.

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

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SENATE CONCURRENT RESOLUTION NO. 118.

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

INTRODUCTION AND FIRST READING

SCR 132 by Senator Hayner
Adopting joint rules for the 48th legislature.
Referred to Committee on Rules.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 43 by Committee on Social and Health Services (originally sponsored by
Representatives Ellis, Lewis, Kreidler, Hastings, Chandler, Miller,
Sayan, Crane, Stratton, Nealey, Appelwick, Locke, Holland, Burns,
Isaacson, Rust, Silver, Haugen, Wang, Niemi, Ballard, Sutherland,
Walk, Tilly, Dellwo, Struthers, Charnley, Mitchell, Garrett, Belcher,
McClure, Galloway, Long, Smith, Dickie, Todd and Clayton)
Modifying provisions concerning medical care services.
Referred to Committee on Rules.

SHB 71 by Committee on Ways and Means (originally sponsored by Represen-
tatives D. Nelson, Isaacson, Sutherland, Long, Gallagher and Allen)
Making the geothermal account not subject to appropriation.
Referred to Committee on Ways and Means.

E2SHB 245 by Committee on Ways and Means (originally sponsored by Repre-
sentatives J. King, Sanders, Tanner, Powers, Vekich and Heck)
Modifying provisions relating to economic development.
Referred to Committee on Ways and Means.

SHB 251 by Committee on Commerce and Economic Development (originally
sponsored by Representatives Sayan, Vekich, J. King, Fisch, Allen,
McClure, Wang, Tanner, Haugen, Appelwick, Ellis, Fisher, Hine,
Lux, Charnley, Gallagher, B. Williams, Powers, Stratton, Ristuben
and Garrett)
Establishing the state employment and conservation corps.
Referred to Committee on Ways and Means.
SHB 271 by Committee on Ways and Means (originally sponsored by Representatives Vekich, Fiske, Charnley and Zellinsky) (by State Patrol request)

Modifying provisions relating to survivors' benefits under the state patrol retirement system.

Referred to Committee on Ways and Means.


Requiring state employees to be paid twice a month.

Referred to Committee on Ways and Means.

FSHB 406 by Committee on Ways and Means (originally sponsored by Representative Grimm)

Modifying provisions relating to expenditures by state agencies.

Referred to Committee on Ways and Means.

SHB 410 by Committee on Environmental Affairs (originally sponsored by Representatives Monohon, Sommers and Fiske)

Authorizing fees to be charged by the department of ecology.

Referred to Committee on Ways and Means.

EHB 411 by Representatives Monohon, Sommers and Fiske

Modifying water power license fees.

Referred to Committee on Ways and Means.

EHB 412 by Representatives Monohon, Sommers and Fiske

Modifying fees and expenses under the water rights codes.

Referred to Committee on Ways and Means.

SHB 470 by Committee on Ways and Means (originally sponsored by Representative Grimm)

Altering provisions relating to state funds.

Referred to Committee on Ways and Means.

HB 471 by Representative Grimm

Modifying provisions relating to the judiciary education account.

Referred to Committee on Ways and Means.


Providing post-retirement adjustments for public retirement systems.

Referred to Committee on Ways and Means.

HB 524 by Representative Brekke

Revising eligibility for medical care services.

Referred to Committee on Ways and Means.
SHB 583 by Committee on Agriculture (originally sponsored by Representatives Kaiser and Smith)
Modifying the duties of the department of ecology under the state reclamation act.
Referred to Committee on Ways and Means.

HB 595 by Representatives Ellis, Lewis, Dickie, Clayton, Smith, Chandler, Kaiser and Grimm
Establishing the East Selah reregulating reservoir project.
Referred to Committee on Ways and Means.

ESHB 605 by Committee on Ways and Means (originally sponsored by Representatives O'Brien, Sommers, Betrozoff and Miller)
Revising provisions relating to the state convention and trade center.
Referred to Committee on Ways and Means.

SHB 689 by Committee on Commerce and Economic Development (originally sponsored by Representatives Silver, J. King, B. Williams, Tanner, Schmidt, Schoon, Brough, Padden, Johnson, Tilly, Long and Sanders)
Establishing the small business assistance coordinating council.
Referred to Committee on Ways and Means.

HB 725 by Representative Grimm (by Code Reviser request)
Appropriating funds for the publication of the session laws.
Referred to Committee on Ways and Means.

MOTION
At 5:33 p.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Thursday, April 28, 1983.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.
FOURTH DAY, APRIL 28, 1983

FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, April 28, 1983

The Senate was called to order at 10:00 a.m. by President Pro Tempore Goltz. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Benitz, Deccio, McManus, Pullen, Sellar, Warnke and Woody. On motion of Senator Zimmerman, Senators Benitz, Deccio, Pullen and Sellar were excused.

The Sergeant at Arms Color Guard, consisting of Pages Jim Hickman and Jeff Pickett, presented the Colors. Reverend Charles Loyer, retired pastor of Westminster United Presbyterian Church of Olympia, offered the prayer.

MOTION

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

MESSAGE FROM THE HOUSE

April 28, 1983

Mr. President:
The House has passed:
ENGROSSED HOUSE BILL NO. 752.
ENGROSSED HOUSE BILL NO. 1094. and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS


Modifying provisions on senior citizen tax relief.

Referred to Committee on Ways and Means.

EHB 752 by Representative Moon

Granting authority to cities, towns, counties, and special purpose districts.

Referred to Committee on Energy and Utilities.

EHB 1094 by Representative Moon

Relating to local government.

Referred to Committee on Energy and Utilities.

There being no objection, the President Pro Tempore advanced the Senate to the seventh order of business.

THIRD READING

SENATE BILL NO. 3314, by Senators Vognild, Quigg and Wojahn (by Department of Employment Security request)

Establishing the OASI revolving fund.
The bill was read the third time and placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3314.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3314, and the bill passed the Senate by the following vote: Yeas, 41; nays, 00; absent, 04; excused, 04.

Voting yea: Senators Barr, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Shimpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Zimmerman - 41.


Excused: Senators Benitz, Deccio, Pullen, Sellar - 4.

SENATE BILL NO. 3314, having received the constitutional 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 Shinpoch, the Senate advanced to the eighth order of business.

MOTION FOR RECONSIDERATION

Having served prior notice, Senator Peterson moved that the Senate reconsider the vote by which Substitute House Bill No. 235, as amended by the Senate, failed to pass the Senate on April 27, 1983.

The motion by Senator Peterson carried and the Senate resumed consideration of Substitute House Bill No. 235.

MOTIONS

On motion of Senator Peterson, Substitute House Bill No. 235, on reconsideration, held its place on the third reading calendar.

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

THIRD READING

ENGROSSED SENATE BILL NO. 3475, by Senators Owen, Patterson and Rasmussen

Modifying requirements for license to take crab.

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

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3475.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3475, and the bill passed the Senate by the following vote: Yeas, 41; nays, 00; absent, 04; excused, 04.


Absent: Senators Bluechel, Jones, McDermott, Woody - 4.

Excused: Senators Benitz, Deccio, Pullen, Sellar - 4.

ENGROSSED SENATE BILL NO. 3475, having received the 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. 3628, by Committee on Natural Resources (originally sponsored by Senator Owen)

Establishing Hood Canal shrimp fishing licenses.

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

POINT OF ORDER

Senator Clarke: "Mr. President, I raise the point of order that this bill is not within the cut-off eligibility."

President Pro Tempore Goltz: "Senator Clarke has raised the point of order that Substitute Senate Bill No. 3628 is not within the proclamation, I believe, issued by the Governor for this session."

Senator Clarke: "No, it was the joint resolution."

Debate ensued.

There being no objection, further consideration of Substitute Senate Bill No. 3628 was deferred.

There being no objection, the President Pro Tempore reverted the Senate to the sixth order of business.

SECOND READING

SENATE BILL NO. 3155, by Senators Gaspard, Talmadge, Bauer, Warnke, Thompson, von Reichbauer, Shinpoch, Bottiger, Patterson, Peterson, Goltz, Vognild, Bender, Guess, McManus, Granlund, Fleming, Kiskaddon, Benitz, Lee and Woody

Requiring a high technology education training program.

MOTIONS

On motion of Senator Gaspard, Second Substitute Senate Bill No. 3155 was substituted for Senate Bill No. 3155 and the substitute bill was placed on second reading and read the second time.

Senator Patterson moved the following amendment by Senators Patterson and von Reichbauer be adopted:

On page 9, after line 3, insert the following: "NEW SECTION. Sec. 19. There is hereby appropriated to Washington State University from the general fund, for the biennium ending June 30, 1985, the sum of nine hundred thousand dollars, or so much thereof as may be necessary, to provide for new programs, program enhancement, research projects and equipment in the fields of engineering, science, technology and agricultural research."

Renumber the remaining sections accordingly.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senators Patterson and von Reichbauer.

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

MOTIONS

Senator Peterson moved that the following amendment by Senators Peterson and Goltz be adopted:

On page 9, after line 3, insert the following:

"NEW SECTION. Sec. 19. There is appropriated to Western Washington University from the general fund for the biennium ending June 30, 1985, the sum of one million eight hundred and ninety five thousand dollars, or so much thereof as may be necessary, to carry out the purposes of this act including, further development of on and off campus science and technology programs in cooperation with the Puget Sound Community College Consortium."

Renumber the remaining sections consecutively.

Debate ensued.

MOTION

On motion of Senator Peterson, and there being no objection, the amendment was withdrawn.

MOTION

Senator Hansen moved the following amendment be adopted:
On page 8, insert a new section:

"NEW SECTION. Sec. 20. There is appropriated to Central Washington University from the general fund, for the biennium ending June 30, 1985, the sum of six hundred and fifty thousand dollars or so much thereof as may be necessary to carry out the provisions of this act."

Renumber all sections thereafter.

Debate ensued.

POINT OF INQUIRY

Senator Guess: "Senator Gaspard, in section 14—the board of regents of Washington State University is authorized to establish a statewide off campus telecommunications system to provide for graduate and continuing education in high technology. Is there something in the general budget that will support that program?"

Senator Gaspard: "Senator Guess, certainly we have an appropriation in to WSU in the budget, and they can use some of that money to do that. We are also providing more money in this particular bill to the tune of about almost 2.5 million dollars to coordinate this particular program."

Senator Guess: "To coordinate the telecommunications net?"

Senator Gaspard: "Telecommunications and the southwest Washington regional center."

Senator Guess: "Is that in the general budget or is it in this bill?"

Senator Gaspard: "Yes, sir. It is. There was an amendment placed in the Ways and Means Committee that has incorporated the appropriations in this bill."

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator Hansen.

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

MOTION

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

On page 9, after line 8, insert:

"NEW SECTION. Sec. 20. There is appropriated from the general fund for the biennium ending June 30, 1985, the sum of eight hundred thousand dollars to the State Board for Community College Education for allocation to the seventeenth community college district to carry out the provisions of this act."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senators Hurley, Hughes and McCaslin.

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

MOTION

On motion of Senator McDermott, the rules were suspended, Second Substitute Senate Bill No. 3155 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Second Substitute Senate Bill No. 3155.

ROLL CALL

The Secretary called the roll on final passage of Second Substitute Senate Bill No. 3155, and the bill passed the Senate by the following vote: Yeas, 44; nays, 02; absent, 00; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskadden, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman – 44.


Excused: Senators Benitz, Deccio, Sellar – 3.

SECOND SUBSTITUTE SENATE BILL NO. 3155, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.
FOURTH DAY, APRIL 28, 1983

There being no objection, the President Pro Tempore advanced the Senate to the seventh order of business.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 3628, deferred earlier today.

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "In ruling on the point of order raised by Senator Clarke as to whether Substitute Senate Bill No. 3628 is a measure which can be considered by the Senate pursuant to House Concurrent Resolution No. 23, the President finds that Substitute Senate Bill No. 3628 is a revenue measure which creates fees necessary to implement the Department of Fisheries and the state general fund budget.

"The President, therefore, finds that Substitute Senate Bill No. 3628 is properly before the Senate at this time."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3628.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3628, and the bill passed the Senate by the following vote: Yeas, 45; nays, 01; absent, 00; excused, 03.


Voting nay: Senator Rasmussen - 1.

Excused: Senators Benitz, Deccio, Sellar - 3.

SUBSTITUTE SENATE BILL NO. 3628, having received the 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. 3067, by Committee on Transportation (originally sponsored by Senators Hansen, Peterson and Guess)

Modifying provisions and the taxation of motor vehicle and special fuels.

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

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3067.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3067, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 00; excused, 03.


Excused: Senators Benitz, Deccio, Sellar - 3.

SUBSTITUTE SENATE BILL NO. 3067, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.
SECOND SUBSTITUTE SENATE BILL NO. 3085, by Committee on Commerce and Labor (originally sponsored by Senators McDermott, Vognild, Moore, Wojahn, Shinpoch, Talmadge, Hughes and McManus)

Modifying provisions on unemployment compensation.

MOTIONS

On motion of Senator Vognild, the rules were suspended and Second Substitute Senate Bill No. 3085 was returned to second reading and read the second time.

On motion of Senator Vognild, the following amendments by Senators Vognild and Newhouse were considered and adopted simultaneously:

On page 7, after line 17, insert the following:

"NEW SECTION. Sec. 11. (1) The department of employment security shall develop a data base for the following elements of an experience rating system:

(a) A ratio of benefits charged to the accounts of employers during the forty-eight consecutive months immediately preceding the computation date to the taxable payrolls of the employers for the same forty-eight month period. The computations for determining qualified employers shall be limited to the forty-eight month period described above; and

(b) Noncharging of: (i) Benefits paid after December 31, 1983, representing the state's share of benefits payable under chapter 50.22 RCW, to the employer's experience rating accounts; and (ii) benefits paid after December 31, 1983, to a worker who requalifies for benefits under RCW 50.20.050 or 50.20.060 to the experience rating account of the employer with whom the disqualifying separation took place.

(2) The department shall also provide information as requested by the senate committee on commerce and labor and the house committee on labor regarding: (a) Alternative seasonality provisions which would recognize the potential burden on employers who must, through no fault of their own, vary their work force, while insuring that employees who are unemployed, through no fault of their own, are protected; (b) alternative unemployment compensation financing systems; and (c) the adequacy of benefit levels.

The department shall make an initial report to the legislature by July 1, 1983."

Renumber the remaining sections consecutively.

On page 7, after line 17, insert the following:

"NEW SECTION, Sec. 12. The following acts or parts of acts are each repealed:

(1) Section 13, chapter 2, Laws of 1970 ex. sess., section 12, chapter 158, Laws of 1973 1st ex. sess. and RCW 50.29.040;

(2) Section 14, chapter 2, Laws of 1970 ex. sess. and RCW 50.29.050;

(3) Section 18, chapter 2, Laws of 1970 ex. sess., and RCW 50.29.140."

Renumber the remaining sections consecutively.

MOTIONS

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

On page 1, line 13 of the title, after "sections:" insert the following:

"repealing section 13, chapter 2, Laws of 1970 ex. sess., section 12, chapter 158, Laws of 1973 1st ex. sess. and RCW 50.29.040; repealing section 14, chapter 2, Laws of 1970 ex. sess. and RCW 50.29.050; and repealing section 18, chapter 2, Laws of 1970 ex. sess. and RCW 50.29.140."

On motion of Senator Vognild, the rules were suspended, Engrossed Second Substitute Senate Bill No. 3085 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute Senate Bill No. 3085.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute Senate Bill No. 3085, and the bill passed the Senate by the following vote: Yeas, 45; nays, 01; absent, 00; excused, 03.


Voting nay: Senator Croswell - 1.

Excused: Senators Benitz, Deccio, Sellar - 3.
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3085, having received the 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 SUBSTITUTE SENATE BILL NO. 3163, by Committee on Ways and Means (originally sponsored by Senators Fleming, Jones, Pullen McDermott and Talmadge)

Granting reparation to certain state employees who suffered salary losses during World War II.

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

POINT OF ORDER

Senator Rasmussen: "Mr. President, my question is this bill properly before us under our cut-off resolution— the continuing resolution?"

President Pro Tempore Goltz: "Are you making a point of order."

Senator Rasmussen: "A point of order, yes."

There being no objection, further consideration of Engrossed Substitute Senate Bill No. 3163 was deferred.

THIRD READING

SUBSTITUTE SENATE BILL NO. 3248, by Committee on Local Government (originally sponsored by Senators Lee, Wojahn, Kiskaddon, McDermott, Warnke, Patterson, Woody, Bottiger, Fleming, Rinehart, Fuller, Hemstad, Haley, Vognild, Hayner, Zimmerman, Jones, von Reichbauer, Bluechel, Granlund, Talmadge, Hurley, Shinpoch, Deccio, Craswell and Bauer)

Requiring the salaries of persons in public employment to be adjusted to achieve comparable worth.

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

POINT OF ORDER

Senator Guess: "Mr. President, I challenge the consideration of 3248. It exceeds the scope of the resolution which brought us back into special session."

Debate ensued.

There being no objection, further consideration of Substitute Senate Bill No. 3248 was deferred.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 3273, by Committee on Energy and Utilities (originally sponsored by Senators Williams, Hurley, Bauer and Talmadge)

Establishing the Washington radioactive waste commission.

MOTIONS

On motion of Senator Williams, the rules were suspended and Engrossed Substitute Senate Bill No. 3273 was returned to second reading and read the second time.

Senator Williams moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the safe transporting, handling, storage, or otherwise caring for radioactive wastes is required to protect the health, safety, and welfare of the citizens of the state of Washington. It is the purpose of this chapter to establish authority for the state to exercise appropriate oversight and care for the safe management and disposal of radioactive wastes; to consult with the federal government and other states on interim or permanent storage of these radioactive wastes; and to carry out the state responsibilities under the federal nuclear waste policy act of 1982.

NEW SECTION. Sec. 2. The department of ecology is herein designated as the state agency to carry out the authority and responsibility set forth in this chapter, including state participation in the federal nuclear waste policy act of 1982 and the federal low-level radioactive waste policy act of 1980. The department may receive federal financial assistance for carrying out radioactive waste management activities, including assistance for monitoring and evaluating the program of repository exploration and siting undertaken by the federal government.
The department shall submit a written report at least semiannually to the governor and to each member of the legislature on the radioactive waste program. Its progress in carrying out its responsibilities, and any recommendations for legislative or administrative action that will improve the state's management and control activity in maximizing public health and safety. 

NEW SECTION. Sec. 3. All departments, agencies, and officers of this state and its subdivisions shall cooperate with the department in the furtherance of any of its activities pursuant to this chapter.

NEW SECTION. Sec. 4. There is hereby created a nuclear waste policy and review board to assist the department in carrying out its responsibilities under this chapter. The board shall consist of the following members: The chairman of the advisory council who shall also serve as chairman of the review board, the director of the department or the director's designee, the director of the energy office or the director's designee, the commissioner of public lands or the commissioner's designee, the secretary of social and health services or the secretary's designee, the chairman of the energy facility site evaluation council or the chairman's designee, four members of the state senate, appointed by the president of the senate, and four members of the house of representatives, appointed by the speaker, who shall be selected from each of the caucuses in each house, but no more than two members of each house shall be of the same political party. Legislative members shall be ex officio nonvoting members of the board and shall serve while members of the legislature, at the pleasure of the appointing officer. The board shall be responsible for identifying and reviewing state agency policies relating to the management of radioactive wastes; analyzing recommendations of the advisory council to determine how state agencies may be responsive to the needs of the department in carrying out its duties under this chapter; assisting the department in determining ways in which coordination among state agencies can be improved; carrying out such review activities that will enable the governor to effectively evaluate federal actions; reviewing the activities of advisory and technical committees created by the governor; advising the director on the need for additional advisory and technical committees; and assisting the department to participate in the consultation and concurrence process provided for in the federal waste management act of 1982 and the low-level waste policy act of 1980 and to monitor and comment on decisions of the northwest interstate compact committee on low-level radioactive waste management. Nonlegislative members shall receive reimbursement for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060. Legislative members shall receive reimbursement for travel expenses incurred in the performance of their duties in accordance with RCW 44.04.120.

The legislature shall seek reimbursement from available sources, including the federal government, for legislative expenditures incurred pursuant to the provisions of this act. 

NEW SECTION. Sec. 5. (1) An advisory council is hereby established of not less than fifteen members appointed by the governor to provide advice, counsel, and recommendations to the department on all aspects of the radioactive waste management program. The council shall particularly advise the department on maximizing opportunities for public involvement in the program, soliciting public input, and assisting in the need for wide understanding of the issues involved in nuclear waste management. The governor shall appoint the chairman of the advisory council who shall also serve as chairman of the waste policy and review board. Members of the council shall be selected from all areas of the state and shall include a broad range of citizens, representatives of local governments, and representatives of such other interests as the governor determines will best further the purposes of this chapter. A representative of an affected Indian tribe shall be an ex officio nonvoting member of the council. Terms of council members shall not exceed two years and they shall continue to serve until their successors are appointed. Vacancies shall be filled in the same manner as original appointments. Members may be reappointed. Members shall receive reimbursement for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 6. The department may establish such additional advisory and technical committees as it deems necessary.

NEW SECTION. Sec. 7. The department of ecology is authorized to adopt such rules as are necessary to carry out its responsibilities under this chapter. The department of social and health services is authorized to adopt such rules as are necessary to carry out its responsibilities under chapter 43.145 RCW.

NEW SECTION. Sec. 8. The director of ecology shall, in addition to the powers and duties otherwise imposed by law, have the following special powers and duties:

(1) To fulfill the responsibilities of the state under the lease between the state of Washington and the federal government executed September 10, 1964, covering one thousand acres of land lying within the Hanford reservation near Richland, Washington. The department of ecology may sublease to private or public entities all or a portion of the land for specific purposes or activities which are determined, after public hearing, to be in consonance with the terms of the lease and in the best interests of the citizens of the state consistent with any criteria that may be developed as a requirement by the legislature.

(2) To assume the responsibilities of the state under the perpetual care agreement between the state of Washington and the federal government executed July 29, 1965. In order to finance
perpetual surveillance and maintenance under the agreement. The department of ecology shall impose and collect fees from parties holding radioactive materials for waste management purposes. The fees shall be established by rule adopted under chapter 34.04 RCW and shall be an amount determined by the state radiation control agency to be necessary to defray the estimated liability of the state. Such fees shall reflect equity between the disposal facilities of this and other states. All such fees, when received by the department of ecology, shall be transmitted to the state treasurer, who shall act as custodian. The treasurer shall place the money in a special account which may be designated the "perpetual maintenance account." Appropriations are required to permit expenditures and payment of obligations from this account, and the condition of the account and its administration shall be reported biennially to the legislature by the director. Moneys in the perpetual maintenance account shall be invested by the state investment board in the same manner as other state moneys. Any interest accruing as a result of investment shall accrue to the perpetual maintenance account. Additional monies specifically appropriated by the legislature or received from any public or private source may be placed in the perpetual maintenance account. The perpetual maintenance account shall be used exclusively for surveillance and maintenance costs; or for otherwise satisfying surveillance and maintenance obligations; and

(3) To assure maintenance of such insurance coverage by state licensees, lessees, or sublessees as will adequately, in the opinion of the director, protect the citizens of the state against nuclear accidents or incidents that may occur on privately or state-controlled nuclear facilities. Sec. 9, Section 3, chapter 207. Laws of 1961 as last amended by section 125, chapter 141. Laws of 1979 and RCW 70.98.030 are each amended to read as follows:

(1) "Byproduct material" means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.

(2) "Ionizing radiation" means gamma rays and x-rays, alpha and beta particles, high-speed electrons, neutrons, protons, and other (nuclear) subatomic particles; but not sound or radio waves, or visible, infrared, or ultraviolet light.

(3) (a) "General license" means a license effective pursuant to regulations promulgated by the state radiation control agency, without the filing of an application, to transfer, acquire, own, possess, or use quantities of, or devices or equipment utilizing, byproduct, source, special nuclear materials, or other radioactive material occurring naturally or produced artificially.

(b) "Specific license" means a license, issued after application to use, manufacture, produce, transfer, receive, acquire, own, or possess quantities of, or devices or equipment utilizing byproduct, source, special nuclear materials, or other radioactive materials occurring naturally or produced artificially.

(4) "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state, any other state or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of the foregoing, other than the United States Atomic Energy Commission, or any successor thereto, and other than federal government agencies licensed by the United States Atomic Energy Commission, or any successor thereto.

(5) (("Source material" means (a) uranium, thorium, or any other material which the governor declares to be source material after the United States Atomic Energy Commission, or any successor thereto, has determined the material to be such or (b) ores containing one or more of the foregoing materials, in such concentration as the governor declares by order to be source material after the United States Atomic Energy Commission, or any successor thereto, has determined the material in such concentration to be source material)) "Source material" means (a) uranium, thorium, or any other material which is determined by the United States Nuclear Regulatory Commission or its successor pursuant to the provisions of section 61 of the United States Atomic Energy Act of 1954, as amended (42 U.S.C. Sec. 209) to be source material; or (b) ores containing one or more of the foregoing materials, in such concentration as the commission may by regulation determine from time to time.

(6) (("Special nuclear material" means (a) plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the governor declares by order to be special nuclear material after the United States Atomic Energy Commission, or any successor thereto, has determined the material to be such, but does not include source material; or (b) any material artificially enriched by any of the foregoing, but does not include source material)) "Special nuclear material" means (a) plutonium, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the United States Nuclear Regulatory Commission or its successor, pursuant to the provisions of section 51 of the United States Atomic Energy Act of 1954, as amended (42 U.S.C. Sec. 2071), determines to be special nuclear material, but does not include source material; or (b) any material artificially enriched by any of the foregoing, but does not include source material.

(7) "Registration" means registration with the state department of social and health services by any person possessing a source of ionizing radiation in accordance with rules, regulations and standards adopted by the department of social and health services.
(8) "Radiation source" means any type of device or substance which is capable of producing or emitting ionizing radiation.

NEW SECTION. Sec. 10. The rules of strict construction do not apply to this act and it shall be liberally construed in order to carry out the objective for which it is designed, in accordance with the legislative intent to give the department of ecology the maximum possible freedom in carrying the provisions of this act into effect.

NEW SECTION. Sec. 11. If any part of this act shall be found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, such conflicting part of this act is hereby declared to be inoperative solely to the extent of such conflict and with respect to the agencies directly affected, and such finding or determination shall not affect the operation of the remainder of this act in its application to the agencies concerned. The rules and regulations under this act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 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. Section 12, chapter 295, Laws of 1981 and RCW 43.21F.075 are each repealed.

NEW SECTION. Sec. 14. The governor shall study whether the following powers, duties, and functions should be transferred to the department of ecology:

(1) All powers, duties, and functions authorized to be performed by the department of social and health services and its secretary by chapter 70.121 RCW;

(2) All powers, duties, and functions authorized to be performed by the department of social and health services and its secretary by chapter 70.98 RCW, including those relating to agreements now existing, or hereinafter entered into, with the United States operating under authority of the Atomic Energy Act of 1954, as amended. The functions included in this subsection include, but are not limited to, the licensing and regulation of radiation producing devices and radioactive materials now administered by the licensing program, materials compliance program, x-ray compliance program, and x-ray projects program of such department:

(3) Those of the board of health relating to programs transferred in subsections (1) and (2) of this section; and

(4) The designation as the state radiation control agency under RCW 70.98.050.

The study shall be conducted adhering to the provisions of the open public meetings act, chapter 42.30 RCW. The results shall be reported to the legislature by January 15, 1984.

NEW SECTION. Sec. 15. Sections 1 through 8 and 14 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 16. 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 ORDER

Senator Newhouse: "Mr. President, I'd like to raise a point of order on two points. First, that the bill does not conform with our concurrent resolution setting limitations on this special session. Second, that the amendment that is proposed by Senator Williams, by transferring one part of state government from one department to another expands the scope and object of the bill."

There being no objection, further consideration of Engrossed Substitute Senate Bill No. 3273 was deferred.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 3290, by Committee on Natural Resources (originally sponsored by Senators Moore, Barr, Goltz and Williams)

Modifying provisions relating to the lease of aquatic lands.

MOTIONS

On motion of Senator Owen, the rules were suspended and Engrossed Substitute Senate Bill No. 3290 was returned to second reading and read the second time.

Senator Owen moved adoption of the following amendment by Senators Owen, Moore, Craswell and Rinehart:

On page 1, after line 6, strike everything after the enacting clause and insert:

"NEW SECTION. Sec. 1. From April 3, 1982, until September 30, 1984, the annual rent for an existing lease, renewed lease, or release of public tidelands, shorelands, beds of navigable waters, and harbor areas shall be the rent paid on such lease on January 1, 1981, which may be increased up to six percent per year, not compounded, from April 3, 1982, until September 30, 1984. From April 3, 1982, until September 30, 1984, the annual rent for a new lease entered
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into after January 1, 1981, shall be the rent paid January 1, 1981, for comparable public tidelands, shorelands, beds of navigable waters, and harbor areas leased for similar purposes. From April 3, 1982, until September 30, 1984, such rent on new leases may be increased up to six percent per year, not compounded, from the January 1, 1981 rent paid. The annual rent paid on January 1, 1981, means the actual rent paid on that date including any stair-stepped or other incremental rent payments of the full rental value. Any lessee of public tidelands, shorelands, beds of navigable waters, and harbor areas paying more than the rent permitted under this section shall receive a credit, in the appropriate amount, on future rent owing for such lease or any other leases entered into by the lessee on public tidelands, shorelands, beds of navigable waters, and harbor areas: PROVIDED, That if any such leases terminate prior to the lessee being granted full credit for the overpaid rent, the lessee shall be reimbursed for the remaining overpayment in money. This section does not apply to geoduck harvesting, clam harvesting, or oyster bed leases which are established by a competitive bid process.

The department of natural resources shall adopt and implement rules to implement this section, including methods and procedures for establishing rent, within ninety days of the effective date of this act. This section shall have both retrospective and prospective effect. This section shall expire and have no further legal effect after September 30, 1984.

NEW SECTION. Sec. 2. No rent or fee may be charged if tidelands, shorelands, beds of navigable waters, and harbor areas are used or leased for a dock and are used only for personal recreational use by the upland owner.

NEW SECTION. Sec. 3. Section 2, chapter 97, Laws of 1979 ex. sess., section 2, chapter 117, Laws of 1982, section 176, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.01.525 are each repealed.

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.

POINT OF INQUIRY

Senator Clarke: Senator Owen, NEW SECTION 2, which reads 'no rent or fee may be charged if tidelands, shorelands, beds of navigable waters, and harbor areas are used or leased for a dock and are used only for personal recreational use by the upland owner.' I would assume it was the intent that 'use by the upland owner' would include normal accessibility by guests or whoever he would want to permit to use his dock, but in view of the very strict use of the word 'only,' I wanted a clarification as to that.

Senator Owen: It is my opinion and my intent, both, having been a part of that language being put in there, that it applies not only to the owner but to the owner and his guests—or people who may visit and want to use the dock along with the owner.

POINT OF INQUIRY

Senator Hemstad: Senator Owen, does the Department of Natural Resources have a position on this amendment?

Senator Owen: The total amendment or the section which we were just talking about?

Senator Hemstad: The total amendment.

Senator Owen: My understanding is that the Department of Natural Resources has agreed to the year extension on the amendment.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senators Owen, Moore, Craswell and Rinehart.

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

MOTIONS

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

On page 1, line 1, after "land;" strike everything through "section;" on line 3 and insert "creating new sections;".

On motion of Senator Owen, the rules were suspended. Reengrossed Substitute Senate Bill No. 3290 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Reengrossed Substitute Senate Bill No. 3290.
ROLL CALL

The Secretary called the roll on final passage of Reengrossed Substitute Senate Bill No. 3290, and the bill passed the Senate by the following vote: Yeas, 41; nays, 03; absent, 02; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Croswell, Fleming, Fuller, Gaspar, Goltz, Granlund, Guess, Haley, Hayner, Hemstad, Jones, Lee, McCalin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shimpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 41.

Voting nay: Senators Hughes, Hurley, McDermott - 3.

Absent: Senators Hansen, Klskaddon - 2.

Excused: Senators Benitz, Deccio, Sellar - 3.

REENGROSSED SUBSTITUTE SENATE BILL NO. 3290, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 3163, deferred earlier today.

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "In ruling on the point of inquiry raised by Senator Rasmussen as to whether Engrossed Substitute Senate Bill No. 3163 is a measure which can be considered by the Senate pursuant to House Concurrent Resolution No. 23, the President finds that Engrossed Substitute Senate Bill No. 3163 is a measure which appropriates $160,000 from the general fund to the Department of Personnel and is therefore a subject properly before the Senate under subsection (2) of that resolution."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3163.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3163, and the bill passed the Senate by the following vote: Yeas, 34; nays, 10; absent, 02; excused, 03.


Voting nay: Senators Barr, Clarke, Croswell, Goltz, Guess, Hurley, Metcalf, Owen, Patterson, Rasmussen - 10.

Absent: Senators Hansen, Hayner - 2.

Excused: Senators Benitz, Deccio, Sellar - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3163, having received the 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 resumed consideration of Substitute Senate Bill No. 3248, deferred earlier today.

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "In ruling on the point of inquiry raised by Senator Guess as to whether Substitute Senate Bill No. 3248 is a measure which can be considered by the Senate pursuant to House Concurrent Resolution No. 23, the President finds that Substitute Senate Bill No. 3248 is a measure which requires four personnel actions to be accomplished in order to adjust salaries to provide for comparable worth. The bill implements a $1.5 million appropriation made in ESHB 49 (the omnibus budget) as passed by the Senate and is therefore properly before the body pursuant to subsection (2) of House Concurrent Resolution 23."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Lee, I recently drove by a highway construction project and there was a female flagman out there—I guess a flagperson—well, the flag was there, anyway. Is it your contention that this person that was out there was
getting a different rate than the twenty-four or thirty-four dollars an hour—whatever the rate is for a flagman—flagperson, excuse me?

Senator Lee: "I have absolutely no idea what that particular person was being paid because I don't know who their employer was. Now, if it was a private employer, under contract to state or local government, then they would be paid what is called 'prevailing wage' and whatever that prevailing wage was that individual was being paid. If that person were actually a state employee, then they would be paid a different rate according to the salary survey and it is classified by jobs rather than the persons who hold those jobs and what this comparable worth does is to look at those jobs and the worth of those jobs, not necessarily the person who holds those jobs."

Senator Rasmussen: "Senator Lee, one more question. I'm getting more confused all the time. I heard that a librarian was not getting as much as a parking lot attendant and I thought it had to do with parking lot attendants per se, both male and female, getting the same rate, rather than whether the librarian got the same rate as the flag person out there, or the parking lot attendant. If the company that you're speaking of were paying their women and the men the same rate, regardless of whether it was a different rate from what the state was paying, then that would be comparable worth, as long as they were within that company. Is that the way you view it?"

Senator Lee: "What the comparable worth survey does is to look at the jobs and compare them on the basis of what the individuals who hold those jobs need to do in the way of knowledge and experience. For example, the comparable worth show that those jobs that require more experience, skill and so on should have the higher pay and indeed does have the higher pay as far as the state salary schedule is concerned. While a laundry worker does not need nearly the amount of training that the position does and therefore is on the lower end of the scale. The only places where there are changes is where there are jobs and, for example, a laundry worker and a custodian, who have about the same kinds of working conditions and so on, but there is a great disparity in pay between those two jobs, and trying to make some equalization between them."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3248.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3248, and the bill passed the Senate by the following vote: Yeas, 36; nays, 07; absent, 02; excused, 04.


Absent: Senators Hansen, Owen - 2.

Excused: Senators Benitz, Decicio, Hayner, Sellar - 4.

SUBSTITUTE SENATE BILL NO. 3248, having received the constitutional 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 11:56 a.m., on motion of Senator Shinpoch, the Senate adjourned until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

THIRD READING

SUBSTITUTE SENATE BILL NO. 3311, by Committee on Commerce and Labor (originally sponsored by Senators Vognild, Quigg and Wojahn) (by Department of Employment Security request)

Modifying provisions relating to unemployment insurance.
MOTION

Senator Vognild moved that the rules be suspended and that Substitute Senate Bill No. 3311 be returned to second reading.

PARLIAMENTARY INQUIRY

Senator Pullen: "I would hope, Mr. President, that pursuant to the rules we would get a brief explanation as to why the rules were being suspended."

REMARKS BY SENATOR VOGLNILD

Senator Vognild: "Thank you, Mr. President. This is one of the bills that was in dispute between the Senate and the House at the close of the last session. The House had found a double amendment and a couple of technical amendments in here and they also recommended that we have a federal severance clause in the bill and that's the purpose of returning it."

The President declared the question before the Senate to be the motion by Senator Vognild to suspend the rules and return Substitute Senate Bill No. 3311 to second reading.

The motion by Senator Vognild carried and Substitute Senate Bill No. 3311 was returned to second reading and read the second time.

MOTIONS

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

On page 4, beginning on line 20, strike all material through "commissioner." on page 5, line 17 and insert the following:

"Sec. 6. Section 33, chapter 35, Laws of 1945 as last amended by section 1, chapter . . . (HB 787), Laws of 1983 and RCW 50.04.320 are each amended to read as follows:

For the purpose of payment of contributions, "wages" means the remuneration paid by one employer during any calendar year to an individual in its employment under this title or the unemployment compensation law of any other state in the amount specified in RCW 50.24-010. If an employer (hereinafter referred to as a successor employer) during any calendar year acquires substantially all the operating assets of another employer (hereinafter referred to as a predecessor employer) or assets used in a separate unit of a trade or business of a predecessor employer, and immediately after the acquisition employs in his trade or business an individual who immediately before the acquisition was employed in the trade or business of the predecessor employer, then, for the purposes of determining the amount of remuneration paid by the successor employer to the individual during the calendar year which is subject to contributions, any remuneration paid to the individual by the predecessor employer during that calendar year and before the acquisition shall be considered as having been paid by the successor employer.

For the purpose of payment of benefits, "wages" means the remuneration ((payable)) paid by one or more employers to an individual for employment under this title during his base year: PROVIDED. That at the request of a claimant, wages may be calculated on the basis of remuneration payable. The department shall notify each claimant that wages are calculated on the basis of remuneration paid, but at the claimant's request a redetermination may be performed and based on remuneration payable.

"Remuneration" means all compensation paid for personal services including commissions and bonuses and the cash value of all compensation paid in any medium other than cash. The reasonable cash value of compensation paid in any medium other than cash and the reasonable value of gratuities shall be estimated and determined in accordance with rules prescribed by the commissioner. Remuneration does not include payments to members of a reserve component of the armed forces of the United States, including the organized militia of the state of Washington, for the performance of duty for periods not exceeding seventy-two hours at a time."

Senator Vognild moved adoption of the following amendment:

On page 28, after line 2, insert the following:

"NEW SECTION. Sec. 26. If any part of this act is found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act 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 act. The rules under this act shall meet federal requirement which are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state."

Renumber the sections consecutively and correct any internal references accordingly.
POINT OF INQUIRY

Senator Pullen: "Senator Vognild, I know that in the code reviser's office the code reviser often is very cautious about indicating in any bill that we pass—that we will be adopting federal regulations or laws—and into the future. The code reviser often is happy to put that provision in based on what the federal guidelines are at this time, but if the code reviser places it into law, then we will also be governed by federal regulations in the future. Sometimes there is a concern that we're delegating away our legislative authority. Has that been looked into with regard to this particular situation?"

Senator Vognild: "Yes, Senator. This clause does not adopt any federal guideline or law. It simply says if we have one in place, they could split with it. That's all."

The President declared the question before the Senate to be adoption of the amendment by Senator Vognild.

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

MOTION

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

On page 2, line 11 of the title, after "50.44.060;" insert "creating a new section;"

On page 1, beginning on line 8 of the title, after "50.04.210;" strike all material through "50.04.320;" on line 10 and insert "amending section 33, chapter 35, Laws of 1945 as last amended by section 1, chapter . . . . (HB 787), Laws of 1983 and RCW 50.04.320;"

MOTION

On motion of Senator Vognild, the rules were suspended. Engrossed Substitute Senate Bill No. 3311 was advanced to third reading, the second reading considered the third, and the bill was 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. 3311.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3311, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 00; excused, 03.


Excused: Senators Benitz, Deccio, Sellar - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3311, having received the constitutional 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 Rinehart, the Senate resumed consideration of Engrossed Substitute Joint Resolution No. 120, deferred April 27, 1983.

THIRD READING

ENGROSSED SUBSTITUTE SENATE JOINT RESOLUTION NO. 120, by Committee on Ways and Means (originally sponsored by Senator Moore)

Authorizing a limited income tax.

The resolution was read the third time and placed on final passage. Debate ensued.

POINT OF INQUIRY

Senator Haley: "Senator Quigg, what provisions does SSJR 120 make allowing working people to save?"

Senator Quigg: "Senator Haley, SSJR 120 has a flaw in it that really makes no provision encouraging saving by Washington taxpayers, should this measure become law. We all know that the rhetoric throughout the last few sessions has
been strong to the needs for jobs here in the state of Washington. Well, it's interesting to note that Walter Mondale's chief economic adviser suggests that the amendment I proposed yesterday would be the kind of an amendment that would provide jobs... environment here in this state.

"Robert Reich, author of THE NEXT AMERICAN FRONTIER, and Mondale's chief economic adviser, suggests that the most equitable, the most fair and the most economically stimulant tax program would be the tax on consumption. The tax would not apply to savings and investments and, therefore, it would reward by setting aside of that income, if one could, and that income that was set aside would, therefore, come back into the economy in the form of capital, in the areas of investment and credit. We all know that the state of Washington is a very credit dependent state. While the aim of the authors of SSJR 120 is generally laudable, I think, Senator Haley, the one area that it does fall down in is that it simply makes no provision to encourage a component that this state desperately needs and that is the savings and investments by Washington state residents."

Further debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Rinehart--the election described in subsections 1,3,5 and 6 of this section shall be on a measure referred to the people by the Legislature.' My question is, with regard to the raising the tax on the various—the people who vote on it, does that take a two-thirds vote in the House and Senate in order to put the proposal before the people?"

Senator Rinehart: "No."

Senator Rasmussen: "It doesn't take a two-thirds vote—just a simple majority of this body, even though we are amending the Constitution?"

Senator Rinehart: "Right. Would you like to have me read this?"

Senator Rasmussen: "Well, later. I don't want to take my whole three minutes, Senator Rinehart. One more question, please. I see no message in here of excise tax. There is no limit then—I am thinking that we recently raised the excise tax on automobiles to two and a quarter percent and we also have a real estate excise tax which at present is only one percent and could be raised up to five percent—the same way with the excise tax on automobiles. There's no restriction in this proposal?"

Senator Rinehart: "The restrictions in this proposal are on the major sources of state revenues—those revenue which account for well over half of the state's revenues."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Joint Resolution No. 120.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Joint Resolution No. 120, and the resolution failed to pass the Senate by the following vote: Yeas, 26; nays, 20; absent, 00; excused, 03.


Voting nay: Senators Barr, Bluechei, Clarke, Conner, Craswell, Fuller, Guess, Hayner, Hughes, Hurley, Jones, McCaslin, Metcalf, Newhouse, Owen, Pullen, Quigg, Rasmussen, Talmadge, von Reichbauer — 20.

Excused: Senators Benitz, Deccio, Sellar — 3.

ENGROSSED SUBSTITUTE SENATE JOINT RESOLUTION NO. 120, having failed to receive the constitutional two-thirds majority, was declared lost.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Talmadge moved that he would move to reconsider the vote by which Engrossed Substitute Senate Joint Resolution No. 120 failed to pass the Senate.
THIRD READING

ENGROSSED SENATE BILL NO. 3605, by Senators Goltz, Peterson, Vognild, Fuller, Metcalf and Conner

Modifying provisions relating to state timber sale contracts.

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

POINT OF ORDER

Senator Rasmussen: "I raise the question of the cut-off resolution on a continual resolution of bills, whether this comes under that portion of our resolution?"

Debate ensued.

MOTION

On motion of Senator Shinpoch, further consideration of Engrossed Senate Bill No. 3605 was deferred.

President Pro Tempore Goltz assumed the chair.

THIRD READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3624, by Committee on Ways and Means (originally sponsored by Senators Hughes, Zimmerman, Hurley, Bender, Wojahn, Hansen, Bottiger, McManus, Granlund, Owen, Vognild, Moore, Thompson, Gaspard, Peterson, Fleming, Woody, Bauer, Conner, Rasmussen, Warnke, Rinehart, Shinpoch, Talmadge, Williams, Goltz, McDermott, Hemstad, Lee, Fuller, Bluechel and Quigg)

Establishing a conservation corps.

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

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute Senate Bill No. 3624.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute Senate Bill No. 3624, and the bill passed the Senate by the following vote: Yeas, 38; nays, 08; absent, 00; excused, 03.


Excused: Senators Benitz, Deccio, Sellar - 3.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3624, having received the 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 SUBSTITUTE SENATE BILL NO. 3660, by Committee on Social and Health Services (originally sponsored by Senators McManus and Kiskaddon) (by Department of Social and Health Services request)

Modifying laws governing the department of social and health services and its powers and duties.

MOTIONS

On motion of Senator Wojahn, the rules were suspended and Engrossed Substitute Senate Bill No. 3660 was returned to second reading and read the second time.

Senator Wojahn moved that the following amendment be adopted:

On page 14, after line 7 of the amendment, insert the following:

"Sec. 19. Section 2, chapter 161, Laws of 1979 ex. sess. as last amended by section 2, chapter ____ (SB 4204), Laws of 1983 and RCW 70.38.025 are each amended to read as follows:

When used in this chapter, the terms defined in this section shall have the meanings indicated."
(1) "Board of health" means the state board of health created pursuant to chapter 43.20 RCW.

(2) "Capital expenditure" is an expenditure, including a force account expenditure (i.e., an expenditure for a construction project undertaken by a facility as its own contractor) which, under generally accepted accounting principles, is not properly chargeable as an expense of operation or maintenance. Where a person makes an acquisition under lease or comparable arrangement, or through donation, which would have required review if the acquisition had been made by purchase, such expenditure shall be deemed a capital expenditure. Capital expenditures include donations of equipment or facilities to a health care facility which if acquired directly by such facility would be subject to certificate of need review under the provisions of this chapter and transfer of equipment or facilities for less than fair market value if a transfer of the equipment or facilities at fair market value would be subject to such review. The cost of any studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition, improvement, expansion, or replacement of any plant or equipment with respect to which such expenditure is made shall be included in determining the amount of the expenditure.

(3) "Council" means the state health coordinating council created in RCW 70.38.055 and described in Public Law 93-641.

(4) "Department" means the state department of social and health services.

(5) "Expenditure minimum" means, for the purposes of the certificate of need program, one million dollars adjusted by the department by rule to reflect changes in the United States department of commerce composite construction cost index; or a lesser amount required by federal law and established by the department by rule.

(6) "Federal law" means Public Law 93-641, as amended, or its successor.

(7) "Health care facility" means hospices, hospitals, psychiatric hospitals, tuberculosis hospitals, nursing homes, kidney disease treatment centers, ambulatory surgical facilities, rehabilitation facilities, and home health agencies, and includes such facilities when owned and operated by the state or by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations, but does not include Christian Science sanatoriums operated, listed, or certified by the First Church of Christ Scientist, Boston, Massachusetts. In addition, the term does not include any nonprofit hospital: (a) Which is operated exclusively to provide health care services for children; (b) which does not charge fees for such services; (c) whose rate reviews are waived by the state hospital commission; and (d) if not contrary to federal law as necessary to the receipt of federal funds by the state.

(8) "Health maintenance organization" means a public or private organization, organized under the laws of the state, which:

(a) Is a qualified health maintenance organization under Title XIII, section 1310(d) of the Public Health Services Act; or

(b) (i) Provides or otherwise makes available to enrolled participants health care services, including at least the following basic health care services: Usual physician services, hospitalization, laboratory, x-ray, emergency, and preventive services, and out-of-area coverage; (ii) is compensated (except for copayments) for the provision of the basic health care services listed in (b)(i) to enrolled participants by a payment which is paid on a periodic basis without regard to the date the health care services are provided and which is fixed without regard to the frequency, extent, or kind of health service actually provided; and (iii) provides physicians' services primarily (A) directly through physicians who are either employees or partners of such organization, or (B) through arrangements with individual physicians or one or more groups of physicians (organized on a group practice or individual practice basis).

(9) "Health services" means clinically related (i.e., preventive, diagnostic, curative, rehabilitative, or palliative) services and includes alcoholism, drug abuse, and mental health services and as defined in federal law.

(10) "Health service area" means a geographic region appropriate for effective health planning which includes a broad range of health services and a population of at least four hundred fifty thousand persons.

(11) "Institutional health services" means health services provided in or through health care facilities and entailing annual operating costs of at least five hundred thousand dollars adjusted by the department by rule to reflect changes in the United States department of commerce composite construction cost index; or a lesser amount required by federal law and established by the department by rule: PROVIDED. That no new health care facility may be initiated as an institutional health service.

(12) "Major medical equipment" means medical equipment which is used for the provision of medical and other health services and which costs in excess of one million dollars, adjusted by the department by rule to reflect changes in the United States department of commerce composite construction cost index; or a lesser amount required by federal law and established by the department by rule, except that such term does not include medical equipment acquired by or on behalf of a clinical laboratory to provide clinical laboratory services if the
clinical laboratory is independent of a physician’s office and a hospital and it has been deter-
imined under Title XVIII of the Social Security Act to meet the requirements of paragraphs (10)
and (11) of section 1861(s) of such act:

(13) “Person” means an individual, a trust or estate, a partnership, a corporation (including
associations, joint stock companies, and insurance companies), the state, or a political subdivi-
sion or instrumentality of the state, including a municipal corporation or a hospital district.

(14) “Provider” generally means a health care professional or an organization, institution, or
other entity providing health care but the precise definition for this term shall be established
by rule of the department, consistent with federal law.

(15) “Public health” means the level of well-being of the general population; those actions
in a community necessary to preserve, protect, and promote the health of the people for which
government is responsible, and the governmental system developed to guarantee the preser-
vation of the health of the people.

(16) “Regional health council” means a public regional planning body or a private non-
profit corporation which is organized and operated in a manner that is consistent with the laws
of the state and which is capable of performing each of the functions described in RCW 70.38-
.085. A regional health council shall have a governing body for health planning which is
composed of a majority (but not more than sixty percent of the members) of persons who are
residents of the health service area served by the entity; who are consumers of health care;
who are broadly representative of the social, economic, linguistic, and racial populations, and
geographic areas of the health service area, and major purchasers of health care: and who
are not, nor within the twelve months preceding appointment have been, providers of health
care. The remainder of the members shall be residents of the health service area served by the
agency who are providers of health care.

(17) “Regional health plan” means a document which provides at least a statement of
health goals and priorities for the health service area. In addition, it sets forth the number, type,
and distribution of health facilities, services, and manpower needed within the health service
area to meet the goals of the plan.

(18) “State health plan” means a document developed in accordance with RCW 70.38.065.”

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

POINT OF INQUIRY

Senator Vognild: “Senator Wojahn, I have had two or three friends that have
been alcoholics and have gone to alcoholism hospital and had the majority of
their costs covered by insurance. Now, I’m concerned that if we pass this amend-
ment, would we remove them from the insurance field, and, therefore, leave these
people kind of hanging out there?”

Senator Wojahn: “No; we would not. They have asked to be removed. because
we would not remove them from the private insurance carrier or group insurers
that they are covered by and they do not feel the need to be under and it was at
their request that I offered the amendment. I was one of the sponsors of the bill to
get alcohol covered under insurance, so I would not wish that to happen either.”

POINT OF ORDER

Senator Guess: “Mr. President, in reading the synopsis as passed by the Senate
before, I don’t see that the bill has anything to do with alcohol hospitals and I
would raise a point of scope and object on the amendment.”

There being no objection, further consideration of Engrossed Substitute Senate
Bill No. 3660 was deferred.

THIRD READING

ENGROSSED SENATE BILL NO. 3162, by Senators Talmadge, McDermott and
Granlund

Modifying the property taxation on nonprofit organizations.

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

The President Pro Tempore declared the question before the Senate to be the
roll call on final passage of Engrossed Senate Bill No. 3162.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3162,
and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 01;
excused, 03.

Absent: Senator Thompson - 1.

Excused: Senators Benitz, Deccio, Sellar - 3.

ENGROSSED SENATE BILL NO. 3162, having received the 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. 3267, by Committee on Ways and Means (originally sponsored by Senator McDermott) (by Department of Revenue request)

Modifying provisions on property tax exemptions and deferrals.

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

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3267.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3267, and the bill passed the Senate by the following vote: Yeas, 43; nays, 0; absent, 0; excused, 0.


Voting nay: Senator Jones - 1

Absent: Senator Thompson, Williams - 2.

Excused: Senators Benitz, Deccio, Sellar - 3.

SUBSTITUTE SENATE BILL NO. 3267, having received the 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. 3238, by Senators Zimmerman, Fleming and Bluechel (by Governor Spellman request)

Changing the planning and community affairs agency to the office of community programs.

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

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3238.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3238, and the bill passed the Senate by the following vote: Yeas, 43; nays, 0; absent, 0; excused, 0.


Voting nay: Senators Guess, Pullen - 2.

Absent: Senator Thompson - 1.

Excused: Senators Benitz, Deccio, Sellar - 3.

SENATE BILL NO. 3238, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 3:01 p.m., on motion of Senator Bottiger, the Senate was declared to be at ease.
FOURTH DAY, APRIL 28, 1983

The President Pro Tempore called the Senate to order at 3:23 p.m.

MOTION
On motion of Senator Vognild, Senator Rinehart was excused.

THIRD READING

SUBSTITUTE SENATE BILL NO. 3538, by Committee on Transportation (originally sponsored by Senators Peterson, Patterson and Haley)

Removing the traffic safety commission from the Sunset schedule and revising certain powers and duties.

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

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3538.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3538, and the bill passed the Senate by the following vote: Yeas. 44; nays. 00; absent. 01; excused. 04.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman – 44.

Absent: Senator Hurley – 1.


SUBSTITUTE SENATE BILL NO. 3538, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Cherberg assumed the chair.

MOTIONS

On motion of Senator Jones, Senators Hayner and McCaslin were excused.

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

SECOND READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3768, by Committee on Ways and Means (originally sponsored by Senators Warnke, Zimmerman, Thompson, Haley, Newhouse, Bauer, Hughes, McDermott, Patterson and Hemstad)

Modifying provisions relating to the public broadcasting commission.

The bill was read the second time.

MOTION

On motion of Senator McDermott, the rules were suspended. Engrossed Second Substitute Senate Bill No. 3768, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute Senate Bill No. 3768.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute Senate Bill No. 3768, and the bill passed the Senate by the following vote: Yeas. 30; nays. 12; absent. 01; excused. 06.


Voting nay: Senators Barr, Clarke, Conner, Craswell, Guess, Hurley, Lee, Metcalf, Owen, Patterson, Pullen, Rasmussen – 12.

Absent: Senator Haley – 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3768, having received the 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 President advanced the Senate to the seventh order of business.

THIRD READING

SUBSTITUTE SENATE BILL NO. 3539, by Committee on Ways and Means (originally sponsored by Senators Granlund, McDermott and Owen)

Providing funds for jail improvement and construction.

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. 3539.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3539, and the bill passed the Senate by the following vote:

Yeas, 42; nays, 0; absent, 0; excused, 0.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Woody, Zimmerman - 42.

Voting nay: Senator Moore - 1.

Absent: Senator Wojahn - 1.

Excused: Senators Benitz, Deccio, Hayner, McCaslin, Sellar - 5.

SUBSTITUTE SENATE BILL NO. 3539, having received the 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 SUBSTITUTE SENATE BILL NO. 4055, by Committee on Transportation (originally sponsored by Senator Peterson)

Authorizing bonds for highway construction in Grant county.

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. 4055.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4055, and the bill passed the Senate by the following vote: Yeas, 43; nays, 0; absent, 0; excused, 0.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Woody, Zimmerman - 43.

Absent: Senator Jones - 1.

Excused: Senators Benitz, Deccio, Hayner, McCaslin, Sellar - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4055, having received the 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. 4089, by Senators Rinehart, Goltz, Fleming, Patterson, Talmadge and Metcalf

Permitting excess moneys in the institutional long term loan fund to be used for locally administered financial aid programs.

The bill was read the third time and placed on final passage.
FOURTH DAY, APRIL 28, 1983

POINT OF ORDER

Senator Clarke: "Mr. President, I raise the point that Engrossed Senate Bill No. 4089 is not eligible for consideration under the terms of House Concurrent Resolution No. 23."

Debate ensued.
There being no objection, further consideration of Engrossed Senate Bill No. 4089 was deferred.

President Pro Tempore Goltz assumed the chair.

MOTIONS

On motion of Senator Peterson, Senate Bill No. 3135 was referred back to the Transportation Committee.
On motion of Senator Shinpoch, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 3982, by Senators McManus, Vognild, Owen, Conner, Bender, Sellar, Gaspard, Williams, Hurley, Hansen, Fleming, Metcalf, Bauer and Warnke

Establishing the small business improvement council.

MOTION

On motion of Senator Vognild, Substitute Senate Bill No. 3982 was substituted for Senate Bill No. 3982 and the substitute bill was placed on second reading and read the second time.

POINT OF ORDER

Senator Guess: "I raise the point that the bill does not comply with the resolution under which we are operating. It does carry an appropriation but it's certainly not necessary to implement the budget nor is it a revenue measure. It is to create a council and we already have the small business administration centers at WSU and Eastern Washington University and Western Washington University. We also have the federal small business administration and the department of commerce and economic development."

Debate ensued.

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "In ruling upon the point of order raised by Senator Guess, the President finds that Substitute Senate Bill No. 3982 does contain an appropriation, which is a budget matter and, therefore, is properly before us under sub (1) of House Concurrent Resolution No. 23."

MOTION

On motion of Senator Vognild, the rules were suspended. Substitute Senate Bill No. 3982 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 McManus, you indicated you had established small business conferences—councils that are now working?"

Senator McManus: "I have as a prototype, Senator Rasmussen, established a small business advisory council in the Edmonds/Lynnwood area to see how this would work out, and it seems to be working just beautifully."

Senator Rasmussen: "From the standpoint of the small business person, wouldn't you think that this was the advisable way to proceed, setting up these councils, entirely outside of government, so we get the independent look and have no connection, whatsoever, with government?"

Senator McManus: "Well, that is precisely really what this bill does, Senator Rasmussen. All this bill is really doing is allowing us to hire a couple of staff people to provide the impetus in every legislative district around the state to see that this is
done and provide the staff support with the State Advisory Small Business Council which will advise both the legislature and the executive branch.

"The business people will, in fact, remain independent through these councils and be able to independently give their advice and recommendations to us and to the executive branch. The appropriation is merely to help provide the administrative and staff support for getting these things going and assuring their efficient, smooth operation, because you are asking all the small business people to, in fact, volunteer their time."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3982.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3982, and the bill passed the Senate by the following vote: Yeas, 31; nays, 13; absent, 00; excused, 05.


Voting nay: Senators Barr, Bluechel, Clarke, Croswell, Fuller, Guess, Haley, Hemstad, Jones, Lee, Newhouse, Patterson, Rasmussen - 13.

Excused: Senators Benitz, Deccio, Hayner, McCaslin, Sellar - 5.

SUBSTITUTE SENATE BILL NO. 3982, having received the constitutional majority, 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. 3838, by Senators McManus, Talmadge, Rinehart, Moore, Woody, Fleming, Metcalf, Quigg and Deccio

Providing for the licensing of social workers.

MOTION

On motion of Senator McManus, Substitute Senate Bill No. 3838 was substituted for Senate Bill No. 3838 and the substitute bill was placed on second reading and read the second time.

POINT OF ORDER

Senator Rasmussen: "A point of order. This is entirely new legislation and I question if Substitute Senate Bill No. 3838 falls within the bills that are before us under House Concurrent Resolution No. 23."

Debate ensued.

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "In ruling upon the point of order raised by Senator Rasmussen, the President finds that Substitute Senate Bill No. 3838 does contain an appropriation and is, therefore, a budget item. I would also suggest that the sub (1) refers to multiple budgets and not just the omnibus budget and, therefore, the matter is properly before us."

MOTION

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

On page 2, after line 35, insert:

"(d) To set fees in accordance with RCW 43.24.085."

On page 3, line 16, strike all of new section 7, and renumber the remaining sections accordingly.

PARLIAMENTARY INQUIRY

Senator Clarke: "Mr. President, a matter of parliamentary inquiry. I am asking this for the purpose of being informed with respect to possible future challenges. Do I understand that the purpose of the ruling of the President to be under item (1),
which simply states 'budget'—that any bill that requires an appropriation or provides for an appropriation in any amount, even though the appropriation is simply for the purpose of implementing functions that result from the passage of the bill constitute eligibility under House Concurrent Resolution No. 23?

"Mr. President, may I restate my question so that it is clear? My question with respect to possible future challenges as to bills as to whether they do or do not fall within the House Concurrent Resolution. Am I to interpret the ruling of the President to mean that under Item 1, which relates to budget, that if a bill has any type of appropriation even though that appropriation is simply to fund the functions that are or would be created by the adoption of the bill, constitutes a budget bill which would fall within the scope of Item 1?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "In response to your question, Senator Clarke, this presiding officer would rule that it would not necessarily constitute a budget bill, the condition you say would not necessarily constitute a budget bill under Item No. 1. The President also believes that the bill which is now before us is probably alive under subsection 2 of the bill more than it is under subsection 1 in that the bill will implement a budget for the Department of Licensing because of the appropriation."

Senator Clarke: "—would implement a budget that is enacted in some other budget bill?"

President Pro Tempore Goltz: "I think what the President intended to say was that the appropriation in this bill implements the budget for the Department of Licensing."

President Cherberg: "In ruling on the point of order raised by Senator Rasmussen, the President finds that Engrossed Senate Bill No. 3605 is a measure which enables purchasers of certain timber sale contracts to default on the contracts if the purchasers can prove financial hardship and that they were not aware of the default relief provisions enacted in 1982."

"The President finds that Engrossed Senate Bill No. 3605 does not come within any of the seven categories listed in House Concurrent Resolution No. 23 and, therefore, is not properly before the Senate."

Engrossed Senate Bill 3605 was ruled out of order.

There being no objection, the Senate resumed consideration of Engrossed Senate Bill No. 3605, deferred earlier today.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Guess, the President finds that Engrossed Substitute Senate Bill No. 3660 is an omnibus measure modifying the laws governing the powers and duties of the Department of Social and Health Services."

"The amendment proposed by Senator Wojahn, also deals with the powers and duties of the Department of Social and Health Services in its administration of the certificate of need program by removing alcoholism hospitals from certificate of need requirements."

"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 was ruled in order.

The President declared the question before the Senate to be adoption of the amendment by Senator Wojahn on page 14, line 7.

The motion by Senator Wojahn carried and the amendment was adopted.
MOTIONS

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

On page 1, line 25 of the title, after "43.20A RCW," insert "amending section 2, chapter 161, Laws of 1979 ex. sess. as last amended by section 2, chapter-----SB 4204), Laws of 1983 and RCW 70.38.025;"

On motion of Senator McManus the rules were suspended, Reengrossed Substitute Senate Bill No. 3660 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Reengrossed Substitute Senate Bill No. 3660.

ROLL CALL

The Secretary called the roll on final passage of Reengrossed Substitute Senate Bill No. 3660, and the bill passed the Senate by the following vote: Yeas, 42; nays, 02; absent, 00; excused, 05.


Voting nay: Senators Guess, Pullen - 2.

Excused: Senators Benitz, Deccio, Hayner, McCaslin, Sellar - 5.

REENGROSSED SUBSTITUTE SENATE BILL NO. 3660, having received the 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 resumed consideration of Engrossed Senate Bill No. 4089, deferred earlier today.

RULING BY THE PRESIDENT

President Cherberg: "In ruling on the point of order raised by Senator Clarke, the President finds that Engrossed Senate Bill No. 4089 is a measure which authorizes the use of monies deposited in institutional long term loan funds which are not used in making loans could be used by the institution for locally-administered financial aid programs for needy students.

"The President finds that Engrossed Senate Bill No. 4089 does not come within any of the seven categories listed in House Concurrent Resolution No. 23 and, therefore, is not properly before the Senate."

Engrossed Senate Bill No. 4089 was ruled out of order.

THIRD READING

SENATE BILL NO. 3784, by Senators Vognild, Quigg and Shinpoch (by Department of Employment Security request)

Modifying period during which moneys from the federal unemployment trust fund may be used by the state.

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. 3784.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3784, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 00; excused, 05.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Excused: Senators Benitz, Deccio, Hayner, McCaslin, Sellar - 5.

SENATE BILL NO. 3784, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.
FOURTH DAY, APRIL 28, 1983

THIRD READING

ENGROSSED SENATE BILL NO. 3099, by Senators Bauer, Bluechel, Hughes and Zimmerman

Modifying interest rate for back taxes on re-classified open space land.

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. 3099.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3099, and the bill passed the Senate by the following vote:

Yeas. 44; nays. 00; absent. 00; excused. 05.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Excused: Senators Benitz, Deccio, Hayner, Mccaslin, Sellar - 5.

ENGROSSED SENATE BILL NO. 3099, having received the 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. 3244, by Committee on Ways and Means (originally sponsored by Senators Thompson, Jones, Bauer, Bluechel, Fuller, Granlund and Bender) (by Governor Spellman request)

Modifying provisions on excise taxes.

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. 3244.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3244, and the bill passed the Senate by the following vote: Yeas. 43; nays. 1; excused. 5.


Voting nay: Senator Pullen - 1.

Excused: Senators Benitz, Deccio, Hayner, McCaslin, Sellar - 5.

SUBSTITUTE SENATE BILL NO. 3244, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SENATE BILL NO. 3413, by Senators Hughes and Lee (by Parks and Recreation Commission request)

Modifying provisions relating to nonresident camping fee surcharges at state parks.

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. 3413.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3413, and the bill passed the Senate by the following vote: Yeas. 44; nays. 00; absent. 00; excused. 05.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley,
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Jones, Kiskaddon, Lee, McDermott, McManus, Metcall, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Excused: Senators Benitz, Deccio, Hayner, McCaslin, Sellar - 5.

SENATE BILL NO. 3413, having received the 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 SUBSTITUTE SENATE BILL NO. 3814, by Committee on Ways and Means (originally sponsored by Senators McDermott, Warnke, Rasmussen, Bauer, Gaspard, Woody, McManus, Bottiger, Moore and Wojahn)

Modifying provisions relating to the state lottery.

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. 3814.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3814, and the bill passed the Senate by the following vote: Yeas, 32; nays, 12; absent, 00; excused, 05.


Voting nay: Senators Barr, Bauer, Fuller, Guess, Haley, Hughes, Jones, Moore, Peterson, Quigg, Vognild, von Reichbauer - 12.

Excused: Senators Benitz, Deccio, Hayner, McCaslin, Sellar - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3814, having received the 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 President reverted the Senate to the sixth order of business.

SECOND READING

SENATE BILL NO. 4102, by Senator Gaspard

Providing tuition incentives for students studying to be math and science teachers.

MOTIONS

On motion of Senator Gaspard, Second Substitute Senate Bill No. 4102 was substituted for Senate Bill No. 4102 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Gaspard the rules were suspended. Second Substitute Senate Bill No. 4102 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 Bauer, I just wondered—did you ever read the Strayer Report?"

Senator Bauer: "Yes, sir."

Senator Rasmussen: "And it was going to solve all the problems of education too. I do hope that your new study will solve them better than the Strayer Report. We have adopted very little of that."

Senator Bauer: "Senator Rasmussen, the Strayer Report was done by professional educators and it did a good job and made some good recommendations. This report is done by citizens in the state of Washington, appointed by the Governor and under good leadership of Fred Haley and others and they are going to do a good job for you, Senator Rasmussen."

Further debate ensued.
The President declared the question before the Senate to be the roll call on final passage of Second Substitute Senate Bill No. 4102.

**ROLL CALL**

The Secretary called the roll on final passage of Second Substitute Senate Bill No. 4102, and the bill passed the Senate by the following vote: Yeas, 39; nays, 05; absent, 00; excused, 05.


Voting nay: Senators Barr, Croswell, Haley, Metcalf, Pullen - 5.

Excused: Senators Benitz, Deccio, Hayner, McCaslin, Sellar - 5.

SECOND SUBSTITUTE SENATE BILL NO. 4102, having received the 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 President advanced the Senate to the seventh order of business.

**THIRD READING**

SENATE BILL NO. 3188, by Senators Talmadge and Hemstad

Regulating timeshare offerings in this state.

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. 3188.

**ROLL CALL**

The Secretary called the roll on final passage of Senate Bill No. 3188, and the bill passed the Senate by the following vote: Yeas, 43; nays, 01; absent, 00; excused, 05.


Voting nay: Senator Pullen - 1.

Excused: Senators Benitz, Deccio, Hayner, McCaslin, Sellar - 5.

SENATE BILL NO. 3188, having received the 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. 3372, by Committee on Natural Resources (originally sponsored by Senators Vognild, Owen and Metcalf) (by Department of Game request)

Implementing civil penalty system for recovery of wildlife values.

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. 3372.

**ROLL CALL**

The Secretary called the roll on final passage of Substitute Senate Bill No. 3372, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 00; excused, 05.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Croswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Excused: Senators Benitz, Deccio, Hayner, McCaslin, Sellar - 5.
SUBSTITUTE SENATE BILL NO. 3372, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SENATE BILL NO. 3379, by Senators Owen, Fuller, Vognild, Bender and Quigg
Providing group fishing permits for the handicapped and senior citizens.

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. 3379.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3379, and the bill passed the Senate by the following vote: Yeas, 43; nays, 00; absent, 01; excused, 05.
Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 43.
Absent: Senator Craswell - 1.
Excused: Senators Benitz, Deccio, Hayner, Mccaslin, Sellar - 5.

SENATE BILL NO. 3379, having received the 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. 3647, by Senators Thompson, Fuller, Owen, Patterson, Bauer and Moore
Modifying provisions relating to the sale of surplus salmon.

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. 3647.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3647, and the bill passed the Senate by the following vote:
Yeas, 43; nays, 00; absent, 01; excused, 05.
Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 43.
Absent: Senator Metcalf - 1.
Excused: Senators Benitz, Deccio, Hayner, Mccaslin, Sellar - 5.
ENGROSSED SENATE BILL NO. 3647, having received the 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. 3800, by Committee on Natural Resources (originally sponsored by Senator Owen)
Modifying provisions relating to fishing licenses.

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. 3800.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3800, and the bill passed the Senate by the following vote:
Yeas, 40; nays, 02; absent, 02; excused, 05.
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Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 40.


Excused: Senators Benitz, Deccio, Hayner, McCaslin, Sellar - 5.

SUBSTITUTE SENATE BILL NO. 3800, having received the 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. 3981, by Senators McManus, Vognild, Conner, Hansen and Warnke

Establishing the jobs again council.

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

POINT OF ORDER

Senator Newhouse: "Mr. President, I would like to raise the point that 3981 does not seem to fit within our concurrent resolution limiting the session."

Debate ensued.

There being no objection, further consideration of Senate Bill No. 3981 was deferred.

President Pro Tempore Goltz assumed the chair.

THIRD READING

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

Penalizing interference with the lawful custody of a child.

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

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

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3387, and the bill passed the Senate by the following vote: Yeas, 43; nays, 00; absent, 01; excused, 05.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 43.

Absent: Senator Metcalf - 1.

Excused: Senators Benitz, Deccio, Hayner, McCaslin, Sellar - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3387, having received the 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 President Pro Tempore returned the Senate to the sixth order of business.

SECOND READING

SENATE BILL NO. 4158, by Senators Thompson, McDermott, Fuller, Bauer, Barr and Owen

Authorizing counties to impose an excise tax on timber.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 4158 was substituted for Senate Bill No. 4158 and the substitute bill was placed on second reading and read the second time.
Senator Thompson moved the following amendments by Senators Thompson and McDermott be considered and adopted simultaneously:

Amend Section 5 (2)(b) to read as follows:
Page 6, line 20. strike the word “the” and everything down through the end of the subsection and insert, one-half of the timber assessed value of the district or 80 percent of the timber roll of such district in calendar year 1983 as determined under provisions of RCW 84.33, whichever is greater, multiplied by the tax rate, if any, levied by the district under the provisions of RCW 84.52.052 or RCW 84.52.053 for purposes other than debt service payments and capital projects supported under the provisions of (2)(a) of this section.

Amend Section 6 (1) to read as follows:
Page 6, line 7, after “chapter 84.52” add .052
Page 6, line 11, after the word “value” strike everything down through the end of the subsection and insert, determined in Section 5, subsection (2)(b).

PARLIAMENTARY INQUIRY

Senator Pullen: “A point of parliamentary inquiry. Are we dealing with the amendments on page 6, line 20, page 6, line 7, page 6, line 11?”

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: “As I understand it, Senator Pullen, we are dealing with all three amendments—page 6, line 20, page 6, line 7 and page 6, line 11.”

The President Pro Tempore declared the question before the Senate to be adoption of the amendments by Senators Thompson and McDermott.

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

MOTIONS

On motion of Senator Thompson, the following amendment by Senators Thompson and Hemstad was adopted:
On page 6, line 16, after “service” insert “and capital projects: PROVIDED. That in respect to levies for a debt service or capital project fund authorized before the effective date of this act, the amount allocated shall not be less than an amount equal to the same percentage of such debt service or capital project fund represented by limber tax allocations to such payments in calendar year 1983.”

On motion of Senator Thompson, the following amendments by Senators Thompson and Hemstad were considered and adopted simultaneously:
On page 6, line 17, after “payments” insert “and capital projects”
On page 6, line 20, after “equal to” strike all material through “section.” on line 24 and insert “one-half of the timber assessed value of the district or eighty percent of the timber roll of such district in calendar year 1983 as determined under chapter 84.33 RCW, whichever is greater, multiplied by the tax rate, if any, levied by the district under RCW 84.52.052 or 84.52.053 for purposes other than debt service payments and capital projects supported under subsection (2)(a) of this section.”
On page 7, line 7, strike “chapter 84.52 RCW” and insert “RCW 84.52.052”
On page 7, line 11, after “value,” strike all material through “district,” and insert “determined under section 5(2)(b) of this act.”

MOTIONS

On motion of Senator McDermott, the rules were suspended. Engrossed Substitute Senate Bill No. 4158 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Zimmerman, Senator Quigg was excused.

POINT OF INQUIRY

Senator Bottiger: “Mr. President, just to make the record straight Senator McDermott. I understand as I read this bill that this is money that would have been distributed to school districts anyhow but is there any loss to the general fund from the passage of this bill?”

Senator McDermott: “No, Senator Bottiger.”

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4158.
ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4158, and the bill passed the Senate by the following vote: Yeas, 42; nays, 00; absent, 01; excused, 06.


Absent: Senator Rinehart - 1.

Excused: Senators Benitz, Deccio, Hayner, McCaslin, Quigg, Sellar - 6.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4158, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Cherberg assumed the chair.

There being no objection, the Senate resumed consideration of Senate Bill No. 3981, deferred earlier today.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Newhouse, the President finds that Senate Bill No. 3981 is a measure which simply establishes the Jobs Again Council.

"The President finds that Senate Bill 3981 does not come within any of the seven categories listed in House Concurrent Resolution No. 23 and therefore is not properly before the Senate."

Senate Bill No. 3981 was ruled out of order.

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

THIRD READING

ENGROSSED SENATE BILL NO. 3309, by Senators McManus, McDermott, Talmadge, Jones and Bottiger

Modifying cigarette taxes.

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

POINT OF INQUIRY

Senator Haley: "Senator McManus, our amendment added respiratory and cardiactric diseases. Is that still part of the bill?"

Senator McManus: "That is still part of the bill."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3309.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3309, and the bill passed the Senate by the following vote: Yeas, 39; nays, 04; absent, 00; excused, 06.


Excused: Senators Benitz, Deccio, Hayner, McCaslin, Quigg, Sellar - 6.

ENGROSSED SENATE BILL NO. 3309, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.
THIRD READING

ENGROSSED SENATE BILL NO. 3390, by Senators Owen and Fuller (by Department of Game request)

Permitting up to seven letters or numbers on personalized license plates.

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. 3390.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3390, and the bill passed the Senate by the following vote:

Yeas, 43; nays, 00; absent, 00; excused, 06.


Excused: Senators Benitz, Deccio, Hayner, McCaslin, Quigg, Sellari - 6.

ENGROSSED SENATE BILL NO. 3390, having received the 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. 3169, by Senators Goltz and Owen (by Department of Game request)

Making various housekeeping changes in the game laws.

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. 3169.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3169, and the bill passed the Senate by the following vote:

Yeas, 41; nays, 02; absent, 00; excused, 06.


Voting nay: Senators Pullen, Rasmussen - 2.

Excused: Senators Benitz, Deccio, Hayner, McCaslin, Quigg,_sellari - 6.

SENATE BILL NO. 3169, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 3504, by Committee on Local Government (originally sponsored by Senators Owen and Zimmerman)

Modifying provisions on land classified for current use assessment.

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. 3504.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3504, and the bill passed the Senate by the following vote: Yeas, 43; nays, 00; absent, 00; excused, 06.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson,
FOURTH DAY, APRIL 28, 1983

Excused: Senators Benitz, Deccio, Hayner, McCaslin, Quigg, Sellar - 6.

SUBSTITUTE SENATE BILL NO. 3504, having received the 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 President reverted the Senate to the fourth order of business.

MESSAGES FROM THE HOUSE

April 28, 1983

Mr. President:
The Speaker has signed:
ENGROSSED SENATE BILL NO. 3519,
SENATE CONCURRENT RESOLUTION NO. 118, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk
April 28, 1983

Mr. President:
The House has passed:
ENGROSSED SUBSTITUTE SENATE BILL NO. 3056,
ENGROSSED SUBSTITUTE SENATE BILL NO. 3266,
REENGROSSED SUBSTITUTE SENATE BILL NO. 3856, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk
April 28, 1983

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 3056,
SUBSTITUTE SENATE BILL NO. 3266,
SUBSTITUTE SENATE BILL NO. 3856.

MOTION

At 5:50 p.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Friday, April 29, 1983.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.
Senate Chamber, Olympia, Friday, April 29, 1983

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Benitz, Clarke, Deccio, Fleming, Fuller, Haley, Hayner, Hemstad, Hughes, Lee and McCaslin. On motion of Senator Vognild, Senators Fleming and Hughes were excused. On motion of Senator Jones, Senators Benitz, Clarke, Deccio, Hayner, Hemstad, Lee and McCaslin were excused.

The Sergeant at Arms Color Guard, consisting of Pages Allyson Davis and Chris Biggs, presented the Colors. Reverend Charles Loyer, retired pastor of Westminster United Presbyterian Church of Olympia, offered the prayer.

MOTION

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

MOTION

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

THIRD READING

SENATE BILL NO. 3985, by Senators Vognild and Quigg (by Gambling Commission request)

Repealing provisions relating to special taxes on coin-operated devices.

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

POINT OF INQUIRY

Senator Metcalf: "Senator Vognild, this says this is to have a special tax of $350 per client to operate the machines and this gives the Commission the authority to levy the fees. Are we assuming, now, that the fees will be less than $350 or more than $350? I would just like to have an idea of what would be the effect."

Senator Vognild: "Senator, the fees will be slightly less—over all for some of the operator—those people who use the coin-operated devices. Basically, this started three years ago when the federal government had a $350 license fee on all coin-operated machines. They repealed it. The state picked it up, then the state repealed it and it was vetoed by the Governor and was put back in the code. Basically, because you have coin-operated and you have non coin-operated—you have two types of tax being levied for the same purpose. By repealing this, all will be taxed on the same basis. It will amount to slightly less tax on the coin-operated, but an equalization of the tax on pull-tabs throughout the state."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3985.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3985, and the bill passed the Senate by the following vote: Yeas, 28; nays, 9; absent, 3; excused, 9.


Voting nay: Senators Barr, Bluechel, Craswell, Graniund, Metcalf, Patterson, Pullen, Rinehart, Zimmerman - 9.

Absent: Senators Fuller, Haley, Shinpoch - 3.
FIFTH DAY, APRIL 29, 1983


SENATE BILL NO. 3985, having received the 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 HOUSE BILL NO. 239, by Representatives Pruitt, Barnes, Fisch, Miller, Long, Schoon, Patrick, Fisher, Jacobsen, Zelinsky, Silver, Belcher, Isaacson, Vekich, Dellwo, Tanner, Todd, Schmidt and Crane (by Secretary of State request)

Regulating exit polling.

MOTION

On motion of Senator Talmadge, the rules were suspended and Engrossed House Bill No. 239 was returned to second reading and read the second time.

Senator Talmadge moved the following Committee on Judiciary amendments be considered and adopted simultaneously:

On page 1, line 8 of the engrossed bill, being page 1, line 8 of the printed bill, after "place" strike "a building in which a polling place is located"

On page 1, line 9 of the engrossed bill, being page 1, line 9 of the printed bill, after "or" insert "in any public area"

On page 1, line 10 of the engrossed bill, being page 1, line 10 of the printed bill, strike "building" and insert "polling place"

Debate ensued.

The President declared the question before the Senate to be adoption of the three Committee on Judiciary amendments.

The motion by Senator Talmadge carried and the Committee on Judiciary amendments were adopted.

MOTION

Senator Newhouse moved adoption of the following amendment by Senators Newhouse, Woody and Thompson:

On page 1, line 9, after "within" strike "one" and insert "three"

POINT OF INQUIRY

Senator Bolliger: "Senator Newhouse, when that amendment was offered before, the question arose as to what would happen to say—a billboard on which someone had a vote 'yes' for school levies—that was within three hundred feet of the polling place. Has that been examined and do we have any concern there?"

Senator Newhouse: "I think the answer would be that a billboard would be on private property, billboards not being allowed on public streets or something like that. Therefore, anything on private property is not controlled."

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Mr. President and members of the Senate, to further answer that question, in considering this amendment, the Secretary of State's Office advises us that if you use the place of polling as the measurement rather than the edge of the property or the edge of the building, the one hundred feet versus three hundred feet works out to be approximately the same. It may be a little bit larger zone of protection with three hundred feet, but not a sufficiently larger area to have an adverse impact on the electoral process, and as Senator Newhouse points out that this applies only to public property as opposed to private property."

POINT OF INQUIRY

Senator Patterson: "Senator Talmadge, I'm just trying to get a little clarification. I have my private panel truck and I'm driving down a public highway and across the street from the polling place. Is there anything in this that would not allow me to have a sign up that says vote for 'Talmadge for State Senate?' Is there anything in this law that would preclude me from moving back and forth down that street during the day of polling?"

Senator Talmadge: "Senator Patterson, my response to that would be the statute as it now is drafted prohibits any kind of electioneering within one hundred
feet. I suspect that if you were to do that kind of thing with the purpose of electioneering within one hundred feet of the polling place now, you would be in violation. Similarly, you would be in violation whether it was three hundred feet or one hundred feet after this bill, if it were to pass.

Senator Patterson: “I was trying to get at the stationary sign on private property versus the moving sign that would be on my private property, which would be my panel truck.”

Senator Talmadge: “The more customary concern that we’ve heard expressed is if someone has one of these large signs placed on the truck and parks the vehicle ninety-nine feet from the polling place all day long—clearly for electioneering purposes—that would be a violation now and it would be a violation in the future with the three hundred feet.”

POINT OF INQUIRY

Senator Guess: “Senator Talmadge, the question of Senator Patterson raises another question. I have my sign plastered on the side of my pick-up. Can I go to the polling place in my pick-up?”

Senator Talmadge: “Senator, I think the clear response to that is if you go to the polling place for the purpose of voting— or if somebody is a teacher at the high school where you do the voting and they have have a bumper strip on their car—the purpose of that is not for electioneering so much as it is to do your normal parking where you’re voting. I think it’s clear that it’s not intended for electioneering purposes, and I don’t see any problem with the violation of the statutes under those circumstances.”

POINT OF INQUIRY

Senator Goltz: “Senator Talmadge, I noticed in the provision for penalties that it refers to an RCW with regard to the penalties of making this a misdemeanor. I have two questions: First of all, how does the arrest or the citation get made, and secondly, what is the penalty under this bill?”

Senator Talmadge: “With the misdemeanor, Senator Goltz, it would have to be brought to the attention of a law enforcement officer who would have to see the violation in progress before the law enforcement officer could actually do the arrest. The penalty or the normal penalty for misdemeanor, I suspect, as much as thirty days in the county jail and a fine, and I’m not exactly certain how much the fine might be. I would point out further, though, with the amount of work that the local county prosecuting attorneys have and the amount of case loads that each one of those people faces, that I don’t suspect that this is the kind of crime that would be frequently prosecuted unless the violation really increases.”

Senator Goltz: “Is there such a thing as a citizen’s arrest possible under this law?”

Senator Talmadge: “There is a citizen’s arrest possibility under Washington law always. We recognize that concept. It’s more likely that you’d have to have the law enforcement officer actually see the violation in progress.”

The President declared the question before the Senate to be adoption of the amendment by Senator Newhouse.

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

MOTIONS

On motion of Senator Vognild, Senator Shinpoch was excused.

On motion of Senator Talmadge, the rules were suspended, Engrossed House Bill No. 239, 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.

The President declared the question before the Senate to be final passage of Engrossed House Bill No. 239, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 239, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 33; nays, 06; absent, 02; excused, 08.
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Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hurley, Jones, Kiskaddon, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Rasmussen, Rinehart, Sellor, Talmadge, Thompson, Vognild, Warnke, Williams, Wolahn, Woody - 33.

Voting nay: Senators Guess, Peterson, Pullen, Quigg, von Reichbauer, Zimmerman - 6.

Absent: Senators Fuller, Haley - 2.


ENGROSSED HOUSE BILL NO. 239, 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.

PARLIAMENTARY INQUIRY

Senator Metcalf: "Thank you, Mr. President. I would respectfully request that we be provided with a list of what bills we're taking in order. I know this is really difficult for the leadership to determine this but you can't imagine how difficult it is for us to sit here and to have four calendars and have no idea which bill is coming up on which calendar. We really would like to know."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, we're going to recess 'til 1:30 for the purposes of caucus. I told your caucus leadership that we'd like to go over the rest of the House bills. These were bills in dispute. In most cases, I'm told, there is a Conference Committee Report that's ready to be attached as a Senate amendment. There is a blue calendar which is the concurring amendment, and we'll go through those. Now, obviously, some of them will have holds on them because the conference conferees are not through. On the yellow calendar, there are two that fall in that classification, choke hold and body searches, and that's what I've informed your leadership. I hope we can handle, at least, a part of it at 1:30."

INTRODUCTION OF SPECIAL GUESTS

The President introduced special guests from Operations Crossroads Africa, Inc. who were seated with him on the rostrum: The Honorable Mr. Sess Henri Adou, head of the legislative services for the National Assembly of the Ivory Coast, the Honorable Dr. Rony Gilot, secretary of the National Committee for Jean-Claudiste Action of Haiti, The Honorable Citizen Yemba-Ke-Lwedil Jasari, head of the Division of Protocol and Public Relations Legislative Council in Zaire, Africa, and The Honorable Mr. Robert Vehr, an official of the Operation Crossroads Africa, Inc., who served as interpreter.

With permission of the Senate, business was suspended to permit Mr. Adou to address the Senate.

PERSONAL PRIVILEGE

Senator Jones: "Mr. President, if the body will excuse me, I know they're all anxious to get off to caucus, but I have a son who served in the Peace Corps in Ghana, that was known as the Gold Coast, and as a result of his experience I have a much more peace and abiding feeling for the peoples of Africa, and the words that were expressed by our speaker from Africa, I'm sure are mutually expressed by this body. I thank them for the respect and their attending and their concern for our deliberations here in this body."

MOTION

At 10.45 a.m., on motion of Senator Bottiger, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President Pro Tempore called the Senate to order at 1:30 p.m.

THIRD READING

SENATE CONCURRENT RESOLUTION NO. 123, by Committee on State Government (originally sponsored by Senators Warnke, Rasmussen, Jones, McCaslin, McDermott, Rinehart and Zimmerman

Resolving to create the Joint Select Committee on Indian Affairs.

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

On motion of Senator Zimmerman, Senator Barr was excused.
On motion of Senator Shinpoch, Senator Hurley was excused.
On motion of Senator Warnke, Senator Hansen was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Concurrent Resolution No. 123.

ROLL CALL

The Secretary called the roll on final passage of Senate Concurrent Resolution No. 123, and the resolution passed the Senate by the following vote: Yeas, 34; nays, 00; absent, 05; excused, 10.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Hemstad, Jones, Kiskaddon, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 34.

Absent: Senators Craswell, Guess, Haley, Quigg, Thompson - 5.


SENATE CONCURRENT RESOLUTION NO. 123, having received the constitutional majority, was declared passed.

THIRD READING

SENATE CONCURRENT RESOLUTION NO. 126, by Senators Shinpoch, Talmadge, Vognild, McDermott, Moore, Owen, Warnke, Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McManus, Peterson, Rinehart, Thompson, Williams, Wojahn and Woody.

Relating to reasonable home mortgage financing through state investments.

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

PARLIAMENTARY INQUIRY

Senator Pullen: "Mr. President, I was wondering if this particular concurrent resolution requires a roll call vote. Under Rule 58 it says that concurrent resolutions authorizing investigation or authorizing the expenditure of money must be adopted by roll call. However, if I understood Senator Shinpoch's explanation correctly, this particular measure neither authorizes an investigation or provides for the spending of any money and to facilitate matters I was thinking that there's no need to adopt it by roll call."

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "Senator Pullen, the Secretary advises that inasmuch as this resolution establishes a committee which will be paid per diem and that there will be expenditures, then it is proper to call the roll.

"I am further advised, Senator Pullen, that there is not a committee established--this is an advisory resolution and, therefore, a roll call is not necessary."

The President Pro Tempore declared the question before the Senate to be adoption of Senate Concurrent Resolution No. 126.

The resolution was adopted.

MOTION

On motion of Senator Clarke, Senator Guess was excused.

THIRD READING

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 112, by Committee on Social and Health Services (originally sponsored by Senators Haley, McManus and Deccio)

Printing a study on health care cost containment.

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

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Concurrent Resolution No. 112.
ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Concurrent Resolution No. 112, and the resolution passed the Senate by the following vote: Yeas, 37; nays, 00; absent, 01; excused, 11.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hemstad, Jones, Kiskaddon, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 37.

Absent: Senator Clarke - 1.


SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 112, having received the constitutional majority, was declared passed.

THIRD READING

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 116, by Senators Wojahn, Rasmussen, Patterson and Haley

Establishing a joint ad hoc legislative committee on community college financing and governance.

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

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Concurrent Resolution No. 116.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Concurrent Resolution No. 116, and the resolution passed the Senate by the following vote: Yeas, 36; nays, 02; absent, 00; excused, 11.


Voting nay: Senators Bluechel, Fuller - 2.


ENGROSSED SENATE CONCURRENT RESOLUTION NO. 116, having received the constitutional majority, was declared passed.

THIRD READING

SENATE CONCURRENT RESOLUTION NO. 121, by Senators McDermott, Deccio, Wojahn, Lee, Shinpoch and Hayner

Establishing a joint committee on health care financing.

MOTIONS

On motion of Senator McDermott, the rules were suspended and Senate Concurrent Resolution No. 121 was returned to second reading and read the second time.

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

On line 18, after "respective" strike the words "chairmen of the"

On line 21, after "selected" insert the following: "in the House by the Speaker and in the Senate"

MOTION

On motion of Senator McDermott the rules were suspended, Engrossed Senate Concurrent Resolution No. 121 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Concurrent Resolution No. 121.
ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Concurrent Resolution No. 121, and the resolution passed the Senate by the following vote:

Yeas, 36; nays, 00; absent, 02; excused, 11.

Voting yea: Senators Bender, Bluechel, Bottiger, Conner, Craswell, Fuller, Gaspard, Goltz, Granlund, Haley, Hemstad, Jones, Kiskaddon, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinnch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 36.

Absent: Senators Bauer, Fleming - 2.


ENGROSSED SENATE CONCURRENT RESOLUTION NO. 121, having received the constitutional majority, was declared passed.

There being no objection, the President Pro Tempore reverted the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

April 26, 1983

Mr. President:
The House has passed SUBSTITUTE SENATE BILL NO. 3520 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. There is added to chapter 29.10 RCW a new section to read as follows:

Challenges of voter registration filed within thirty days of any primary or election, general or special, shall be administered wholly under sections 2 and 3 of this act.

NEW SECTION. Sec. 2. There is added to chapter 29.10 RCW a new section to read as follows:

Registration of a person as a voter is presumptive evidence of his or her right to vote at any primary or election, general or special, but a person's right to vote may be challenged at the polls by a precinct election officer and he or she may be required then and there to establish his or her right to vote. Each precinct election officer shall challenge a person offering to vote when the officer knows or suspects the person to be unqualified as a voter.

Challenges may be initiated by a registered voter subject to the following conditions:

(1) Challenges on grounds other than residence may be made at the polls and the person challenged may be required then and there to establish his or her right to vote to the precinct election officers;

(2) Challenges on the grounds of residence alone must be filed not later than seven days before any primary or election, general or special, at the office of the appropriate county auditor. A challenged voter may properly transfer or reregister until three days before the primary or election, general or special, by applying personally to the county auditor.

NEW SECTION. Sec. 3. There is added to chapter 29.10 RCW a new section to read as follows:

When the right of a person has been challenged under section 2 of this act, the officers conducting the election at the polling place shall require the challenged person to vote a ballot which shall be placed in a sealed envelope separate from other voted ballots. In precincts where voting machines are used, any person whose right to vote is challenged shall cast a ballot which shall be placed in a sealed envelope after being marked. The sealed ballots of challenged voters shall be transmitted at the close of the election to the canvassing board or other authority charged by law with canvassing the returns of the particular primary or election. The challenging party must prove to the canvassing board or authority by clear and convincing evidence that the challenged voter's registration is improper. If the challenging party fails to meet this burden, the challenged ballot shall be accepted as valid and counted. The canvassing board or authority shall give the challenged voter the opportunity to present testimony and evidence to the canvassing board or authority before making its determination. All challenged ballots must be determined no later than the time of canvassing for the particular primary or election. The decision of the canvassing board or other authority charged by law with canvassing the returns shall be final. Challenges of absentee ballots shall be determined according to RCW 29.36.100.

Sec. 4. Section 2, chapter 156, Laws of 1965 ex. sess. as amended by section 2, chapter 225, Laws of 1967 and RCW 29.10.130 are each amended to read as follows:

Any ((precinct committeeman, precinct election officer or registration officer)) registered voter may ((sign a preliminary)) request that the registration of another voter be canceled if that voter no longer maintains a legal voting residence at the address shown on his or her registration record. The challenger shall sign a form, subject to the penalties of perjury, to the
effect that to his or her personal knowledge and belief another registered voter does not actually reside ((and maintain his abode)) at the address as given on his or her registration record and that the voter in question is not protected by the provisions of Article VI, section 4, of the Constitution of the state of Washington((—PROVIDED. That (i) a precinct committeeman or precinct election officer may only challenge the residence of a voter registered in the precinct wherein such precinct committeeman or precinct election officer serves and (ii) The person filing ((such)) the challenge must furnish the address at which the challenged voter actually resides in order to assure that proper notice will be received by the challenged voter.

Sec. 5. Section 3, chapter 156. Laws of 1965 ex. sess. as last amended by section 34, chapter 202. Laws of 1971 ex. sess. and RCW 29.10.140 are each amended to read as follows:

All ((such signed forms)) challenges of voter registration under RCW 29.10.130 shall be delivered to the appropriate county auditor who shall ((cancel the registration records of the voters concerned on)) the thirtieth day following date of mailing or as soon thereafter as is practicable. PROVIDED. That they be received by the county auditor. If the challenged voter fails to appear at the meeting or fails to file an affidavit. the registration in question may remain in full effect as determined by the county auditor. If the challenged voter ((actually resides in order to assure that proper notice will be received by the challenged voter)) is alleged to reside and to the address of the challenged voter listed on the registration record.

Any voter((s)) whose registration has been so ((questioned:)) challenged and who believes that the allegation is not true((s)) shall, within twenty days of such mailing ((or publication)), file a written ((protest)) response with the county auditor. The county auditor shall immediately ((notify)) request, by certified mail, the challenger and the challenged voter to appear at a meeting to be held within ten days of the mailing of the request at a place, day, and hour ((certain)) to be stated in the ((notice)) request. for determination of the validity of such registration((—PROVIDED. That should)), If the challenged voter ((be)) unable to appear in person, he or she may file a reply by means of an affidavit stating ((therein)) the reasons he or she believes ((this)) the registration to be valid, and ((should)) if the challenger ((be)) unable to appear in person he or she may file a statement by means of affidavit stating the reasons he or she believes the registration to be invalid.

((The hearing shall take place at the time and place designated by the county auditor. In the event)) If both the challenger and the challenged voter file affidavits instead of appearing in person, an evaluation of ((each)) the affidavits by the county auditor ((shall)) constitutes a hearing for the purposes of this section.

The county auditor shall hold a hearing at which time both parties shall present their facts and arguments. After reviewing the facts and arguments, the county auditor shall rule as to the validity or invalidity of the challenge. His or her ruling ((shall be)) final subject only to a petition for judicial review by the superior court under ((the provisions of chapter 34.04 RCW((—as it is now or hereafter amended))) If the challenger fails to appear at the meeting or fails to file an affidavit, the registration in question may remain in full effect as determined by the county auditor. If the challenged voter fails to appear at the meeting or fails to file an affidavit and after reviewing the facts the county auditor finds the challenge valid, then the registration shall be canceled and the voter so notified.

Sec. 6. Section 29.65.010, chapter 9, Laws of 1965 as amended by section 101. chapter 361. Laws of 1977 ex. sess. and RCW 29.65.010 are each amended to read as follows:

Any registered voter may contest the right of any person declared elected to an office to be issued a certificate of election for any of the following causes:

(1) For ((malconduct)) misconduct on the part of any member of any precinct election board involved therein;

(2) Because the person whose right is being contested was not at the time he was declared elected eligible to that office;

(3) Because the person whose right is being contested was previous to the election convicted of a felony by a court of competent jurisdiction. his conviction not having been reversed nor his civil rights restored after the conviction;

(4) Because the person whose right is being contested gave a bribe or reward to a voter or to an inspector or judge of election for the purpose of procuring his election. or offered to do so;

(5) On account of illegal votes.

(a) Illegal votes include but are not limited to the following:

(i) More than one vote cast by a single voter;

(ii) A vote cast by a person disqualified under Article VI. section 3 of the state Constitution.

(b) Illegal votes do not include votes cast by improperly registered voters who were not properly challenged pursuant to sections 2 and 3 of this act.

All election contests shall proceed under RCW 29.04.030((—as it is now or hereafter amended)).

NEW SECTION. Sec. 7. There is added to chapter 29.81 RCW a new section to read as follows:

(1) No individual. candidate, or political committee may publish or distribute any campaign material that is similar in design or appearance to a voters' pamphlet or candidates' pamphlet published by the secretary of state during the last ten years pursuant to chapter 29.81 or 29.80 RCW.
The secretary of state may recover damages from any individual, candidate, or political committee found by a superior court to have violated the provision of this section. The damages shall not exceed one hundred dollars for each copy of any similar material published or distributed. Any damages recovered under this section shall be transmitted to the state treasurer for deposit in the general fund.

Sec. 8. Section 29.27.060, chapter 9, Laws of 1965 as last amended by section 76, chapter 4, Laws of 1977 and RCW 29.27.060 are each amended to read as follows:

When a proposed constitution or constitutional amendment or other question is to be submitted to the people of the state for state-wide popular vote, the attorney general shall prepare a concise statement posed as a question and not exceeding twenty words containing the essential features thereof expressed in such a manner as to clearly identify the proposition to be voted upon.

Questions to be submitted to the people of a county or municipality shall also be advertised as provided for nominees for office, and in such cases there shall also be printed on the ballot a concise statement posed as a question and not exceeding twenty words containing the essential features thereof expressed in such a manner as to clearly identify the proposition to be voted upon. This statement shall be prepared by the city attorney for the city, and by the prosecuting attorney for the county or any other political subdivision of the state, other than cities, situated in the county.

(Affirmative action) The concise statement shall constitutes the ballot title. The secretary of state shall certify to the county auditors the ballot title for a proposed constitution, constitutional amendment, or other state-wide question at the same time and in the same manner as the ballot titles to initiatives and referendums.

Sec. 9. 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 are each amended to read as follows:

Any duly registered voter may vote an absentee ballot for any primary or election in the manner provided in this chapter.

A voter desiring to cast an absentee ballot must apply in writing to his county auditor no earlier than forty-five days nor later than the day prior to any election or primary; PROVIDED, that an application honored for a primary ballot shall also be honored as an application for a ballot in the following election if the voter so indicates on his application; PROVIDED FURTHER, that a voter admitted to a hospital no earlier than three days before a primary or election and confined to the hospital on election day may apply by messenger for an absentee ballot on the day of the primary or election if a signed statement from the hospital administrator or designee, verifying the voter’s date of admission and status as a patient in the hospital on the day of the primary or election is attached to the absentee ballot application.

Such applications must contain the voter’s signature and may be made in person or by mail or messenger: PROVIDED, that no application for an absentee ballot shall be approved unless the voter’s signature upon the application compares favorably with the voter’s signature upon his permanent registration record.

Sec. 10. Section 29.36.035, chapter 9, Laws of 1965 and RCW 29.36.035 are each amended to read as follows:

The delivery of an absentee ballot for any primary or election shall be subject to the following qualifications:

(1) Only the voter, himself, or a member of his family may pick up an absentee ballot at the office of the issuing officer; PROVIDED, that this subsection does not apply to voters hospitalized on election day who apply by messenger in accordance with RCW 29.36.010 for an absentee ballot on the day of the primary or election.

(2) Except as noted in subsection (1) above, the issuing officer shall mail the absentee ballot directly to each applicant.

(3) No absentee ballot shall be issued on the day of the primary or election concerned, except as provided by RCW 29.36.010, for a voter confined to a hospital on the day of a primary or election.

NEW SECTION. Sec. 11. The following acts of parts of acts are each repealed:

(1) Section 29.59.010, chapter 9, Laws of 1965, section 1, chapter 225, Laws of 1967 and RCW 29.59.010;

(2) Section 29.59.020, chapter 9, Laws of 1965 and RCW 29.59.020;

(3) Section 29.59.030, chapter 9, Laws of 1965 and RCW 29.59.030;

(4) Section 29.59.040, chapter 9, Laws of 1965, section 29, chapter 109, Laws of 1967 ex. sess. and RCW 29.59.040; and

(5) Section 29.59.060, chapter 9, Laws of 1965 and RCW 29.59.060.

In line 7 of the title, after “29.10 RCW,” insert “adding a new section to chapter 29.81 RCW: amending section 29.27.060, chapter 9, Laws of 1965 as last amended by section 3, chapter 4, Laws of 1977 and RCW 29.27.060; amending section 29.59.010, chapter 9, Laws of 1965 as last amended by section 76, chapter 361, Laws of 1977 ex. sess. and RCW 29.36.010; amending section 29.36.035, chapter 9, Laws of 1965 and RCW 29.36.035;”
and the same are herewith transmitted.  

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Thompson, the Senate did not concur in the House amendments to Substitute Senate Bill No. 3520 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 28, 1983

Mr. President:
The House has passed ENGROSSED SENATE BILL NO. 3858 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 35.13.180, chapter 7, Laws of 1965 as amended by section 4, chapter 332, Laws of 1981 and RCW 35.13.180 are each amended to read as follows:

City and town councils of second and third class cities and towns may by a majority vote annex new territory outside the city or town limits, whether contiguous or noncontiguous for park, cemetery, or other municipal purposes when (such territory is owned by the city or town) all owners of the real property in the new territory give their written consent to the annexation.

NEW SECTION. Sec. 2. There is added to chapter 35.13 RCW a new section to read as follows:

All unincorporated areas that as of January 1, 1984, lie wholly within the boundaries of any city or town shall be incorporated into, and become part of, the city or town within whose boundaries the unincorporated area lies. Land which is owned by a county and used for the purposes of an agricultural fair under chapter 15.76 or 36.37 RCW or a county park, however, shall not be annexed without the consent of a majority of the members of the legislative authority of the county which owns the land. For purposes of this section, an unincorporated area which is completely bounded by both a state boundary or a body or bodies of navigable water and the particular city or town is considered to lie wholly within the boundaries of a city or town.

NEW SECTION. Sec. 3. There is added to chapter 35.13 RCW a new section to read as follows:

A city or town shall not annex territory under RCW 35.10.211, 35.10.217, 35.13.015, 35.13.020, or 35.13.130 if, after the proposed annexation has occurred, any closed plane figure of unincorporated area could be drawn that includes a portion of the boundary of the newly-annexed area so that eighty percent or more of the figure’s perimeter is coterminous with any of the annexing city’s or town’s boundaries. A city or town may, however, annex territory that lies within a corridor of unincorporated territory which existed before the effective date of this act despite the fact that it creates a closed plane figure prohibited by this section if, after the proposed annexation has occurred, another closed plane figure cannot be drawn within the corridor so that a greater percentage of the perimeter is coterminous with the boundaries of the city or town than the perimeter of the original figure. In addition, a city or town shall not annex unincorporated territory if the annexation would result in an area of unincorporated territory being entirely surrounded by a body or bodies of water and the annexing city or town.

NEW SECTION. Sec. 4. There is added to chapter 35A.14 RCW a new section to read as follows:

All unincorporated areas that as of January 1, 1984, lie wholly within the boundaries of any code city shall be incorporated into, and become part of, the code city within whose boundaries the unincorporated area lies. Land which is owned by a county and used for the purposes of an agricultural fair under chapter 15.76 or 36.37 RCW or a county park, however, shall not be annexed without the consent of a majority of the members of the legislative authority of the county which owns the land. For purposes of this section, an unincorporated area which is completely bounded by both a state boundary or a body or bodies of navigable water and the particular code city is considered to lie wholly within the boundaries of a code city.

NEW SECTION. Sec. 5. There is added to chapter 35A.14 RCW a new section to read as follows:

A code city shall not annex territory under RCW 35A.14.015, 35A.14.020, or 35A.14.120 if, after the proposed annexation has occurred, any closed plane figure of unincorporated area could be drawn that includes a portion of the boundary of the newly-annexed area so that eighty percent or more of the figure’s perimeter is coterminous with any of the annexing code city’s boundaries. A code city may, however, annex territory that lies within a corridor of unincorporated territory which existed before the effective date of this act despite the fact that it
creates a closed plane figure prohibited by this section if, after the proposed annexation has
occurred, another closed plane figure cannot be drawn within the corridor so that a greater
percentage of the perimeter is coterminal with the boundaries of the code city than the
perimeter of the original figure. In addition, a code city shall not annex unincorporated terri-

tory if the annexation would result in an area of unincorporated territory being entirely sur-

rounded by a body or bodies of water and the annexing code city.

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 institu-

tions, and shall take effect immediately.

On page 1, beginning on line 2 of the title, after "towns:" strike the remainder of the title
and insert "amending section 35.13.180, chapter 7, Laws of 1965 as amended by section 4,
chapter 332, Laws of 1981 and RCW 35.13.180; adding new sections to chapter 35.13 RCW;
adding new sections to chapter 35A.14 RCW; and declaring an emergency."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Thompson, the Senate did not concur in the House
amendments to Engrossed Senate Bill No. 3858 and asks the House to recede
therefrom.

MESSAGE FROM THE HOUSE

April 28, 1983

Mr. President:
The House has passed SUBSTITUTE SENATE BILL NO. 4137 with the following
amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature to relieve the department of correc-
tions from unacceptable burdens of cost related to storage space and manpower in the pres-
ervation of inmate personal property if the property has been abandoned by the inmate and
to enhance the security and safety of the institutions.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this
section apply throughout this chapter.

(1) "Secretary" means the secretary of the department of corrections or the secretary's
designees.

(2) "Personal property" or "property" includes both corporeal and incorporeal personal
property and includes among others contraband and money.

(3) "Contraband" means all personal property including, but not limited to, alcoholic bev-
 erages and other items which a resident of a correctional institution may not have in the resi-
dent's possession, as defined in rules adopted by the secretary.

(4) "Money" means all currency, script, personal checks, money orders, or other negotia-
tible instruments.

(5) "Owner" means the inmate, the inmate's legal representative, or any person claiming
through or under the inmate entitled to title and possession of the property.

(6) "Unclaimed" means that no owner of the property has been identified or has requested,
in writing, the release of the property to themselves nor has the owner of the property desig-
nated an individual to receive the property or paid the required postage to effect delivery of
the property.

(7) "Inmate" means a person committed to the custody of the department of corrections or
transferred from other states or the federal government.

(8) "Institutions" means those facilities set forth in RCW 72.01.050(2) and all community resi-
dential programs under the department's jurisdiction operated pursuant to chapter 72.65 RCW.

(9) "Department" means the department of corrections.

(10) "Illegal items" means those items unlawful to be possessed.

(11) "Nonprofit" has the meaning prescribed by state or federal law or rules.

NEW SECTION. Sec. 3. (1) All personal property, and any income or increment which has
accrued thereon, held for the owner by an institution that has remained unclaimed for more
than six months from the date the owner terminated without authorization from work training
release, transferred to a different institution, or when the owner is unknown or deceased, from
the date the property was placed in the custody of the institution, is presumed abandoned.

(2) All personal property, and any income or increment which has accrued thereon, the
inmate owner of which has been placed on escape status is presumed abandoned and shall
be held for three months by the institution from which the inmate escaped. If the inmate owner
remains on escape status for three months or if no other person claims ownership within three
months, the property shall be disposed of as set forth in this chapter.
(3) All illegal items owned by and in the possession of an inmate shall be confiscated and held by the institution to which the inmate is assigned. Such items shall be held as required for evidence for law enforcement authorities. Illegal items not retained for evidence shall be destroyed.

NEW SECTION. Sec. 4. (1) All personal property, other than money, presumed abandoned shall be destroyed unless, in the opinion of the secretary, the property may be used or has value to a charitable or nonprofit organization, in which case the property may be donated to the organization. A charitable or nonprofit organization does not have a claim nor shall the department or any employee thereof be held liable to any charitable or nonprofit organization for property which is destroyed rather than donated or for the donation of property to another charitable or nonprofit organization.

(2) Money presumed abandoned under this chapter shall be paid into the revolving fund set up in accordance with RCW 9.95.360.

(3) The department shall inventory all personal property prior to its destruction or donation.

(4) Before personal property is donated or destroyed, if the name and address of the owner thereof is known or if deceased, the address of the heirs as known, at least thirty days' notice of the donation or destruction of the personal property shall be given to the owner at the owner's residence or place of business or to some person of suitable age and discretion residing or employed therein. If the name or residence of the owner or the owner's heirs is not known, a notice of the action fixing the time and place thereof shall be published at least once in an official newspaper in the county at least thirty days prior to the date fixed for the action. The notice shall be signed by the secretary. The notice need not contain a description of property, but shall contain a general statement that the property is unclaimed personal property of inmates, specifying the institution at which the property is held. If the owner fails to reclaim the property prior to the time fixed in the notice, the property shall be donated or destroyed.

NEW SECTION. Sec. 5. This chapter does not apply if the inmate and the department have reached an agreement in writing regarding the disposition of the personal property.

NEW SECTION. Sec. 6. (1) The uniform disposition of unclaimed property act, chapter 63.28 RCW, does not apply to personal property in the possession of the department of corrections.

(2) Chapter 63.24 RCW, unclaimed property in hands of bailee, does not apply to personal property in the possession of the department of corrections.

Sec. 7. Section 2. chapter 40. Laws of 1972 ex. sess. as last amended by section 102, chapter 136. Laws of 1981 and RCW 72.60.102 are each amended to read as follows:

From and after July 1, 1973, any inmate employed in ((institutional industries shall be eligible for the benefits provided by Title 51 RCW, as now or hereafter amended, relating to industrial insurance, with the exceptions herein provided:

No inmate, as herein described, until released upon an order of parole by the state board of prison terms and paroles, or discharged from custody upon expiration of sentence, or discharged from custody by order of a court of appropriate jurisdiction, or his dependents or beneficiaries, shall be entitled to any payment for temporary disability or permanent total disability as provided for in RCW 51.32.090 or 51.32.060 respectively, as now or hereafter enacted.

Any inmate who is either not paid any wages or paid a gratuity shall not be considered employed under this section); classes I, II, and IV of institutional industries as defined in RCW 72.09.100 is eligible for industrial insurance benefits as provided by Title 51 RCW. However, eligibility for benefits for either the inmate or his dependents or beneficiaries for temporary disability or permanent total disability as provided in RCW 51.32.090 or 51.32.060, respectively, shall not take effect until the inmate is released pursuant to an order of parole by the board of prison terms and paroles, or discharged from custody upon expiration of the sentence, or discharged from custody by order of a court of appropriate jurisdiction. Nothing in this section shall be construed to confer eligibility for any industrial insurance benefits to any inmate who is employed in class III or V of institutional industries as defined in RCW 72.09.100.

NEW SECTION. Sec. 8. Sections 1 through 6 of this act shall constitute a new chapter in Title 63 RCW.

NEW SECTION. Sec. 9. There is added to chapter 72.09 RCW a new section to read as follows:

The secretary of corrections may permit a medium security inmate to participate in a supervised community work program under this chapter if the inmate is under the immediate supervision of an employee of the department of corrections and if the work program does not involve overnight stays outside of the institution where the inmate is incarcerated. The requisite immediate supervision shall be prescribed by the department by rule.

Sec. 10. Section 72.64.060, chapter 28. Laws of 1959 as last amended by section 269, chapter 141, Laws of 1979 and RCW 72.64.060 are each amended to read as follows:

Any department, division, bureau, commission, or other agency of the state of Washington or any agency of any political subdivision thereof or the federal government may use, cause to be used, prisoners confined in state penal or correctional institutions to perform work necessary and proper, to be done by them at camps to be established pursuant to the authority granted by RCW 72.64.060 through 72.64.090 or in supervised community work programs.
authorized in section 9 of this 1983 act: PROVIDED, That such prisoners shall not be authorized to perform work on any public road, other than access roads to forestry lands unless they are under the immediate supervision of a department of corrections employee. The secretary may enter into contracts for the purposes of RCW 72.64.060 through 72.64.090 or the purposes of section 9 of this 1983 act.

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."

On page 1, line 1 of the title, after "corrections;" strike the remainder of the title and insert "amending section 2, chapter 40, Laws of 1972 ex. sess. as last amended by section 102, chapter 136, Laws of 1981 and RCW 72.60.102; amending section 72.64.060, chapter 28, Laws of 1959 as last amended by section 269, chapter 141; Laws of 1979 and RCW 72.64.060; adding a new section to chapter 72.09 RCW; and adding a new chapter to Title 63 RCW."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Granlund, the Senate concurred in the House amendments to Substitute Senate Bill No. 4137, with the exception of Sections 9 and 10, and asks the House to recede therefrom.

There being no objection, the President Pro Tempore advanced the Senate to the seventh order of business.

THIRD READING

ENGROSSED HOUSE BILL NO. 74, by Representatives Moon, Van Dyken and Egger

Raising limits on local government contracts that may benefit local officers.

MOTIONS

On motion of Senator Thompson, the rules were suspended and Engrossed House Bill No. 74 was returned to second reading and read the second time.

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

On page 2, line 15, after "city," insert "or a member of any county fair board in a county which has not established a county purchasing department pursuant to RCW 36.32.240."

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

On page 2, line 18, after "year" strike all material down to and including "labor" on line 23.

On motion of Senator Thompson, the following amendment by Senators Thompson, Zimmerman, Patterson and McCaslin was adopted:

On page 2, line 18, after "year" insert ": PROVIDED FURTHER, That there be public disclosure by having an available list at the city treasurer's office of such purchases or contracts, and if the supplier or contractor is an official or employee of the municipality, he or she shall not vote on the authorization."

On motion of Senator Thompson, the rules were suspended, Engrossed House Bill No. 74 as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 74, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 74 as amended by the Senate, and the bill passed the Senate by the following vote:

Yeas, 35; nays, 03; absent, 02; excused, 09.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Fleming, Fuller, Goltz, Granlund, Guess, Hatley, Hemstad, Jones, Kiskaddon, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shipnock, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 35.

Voting nay: Senators Craswell, Gaspard, Pullen - 3.


ENGROSSED HOUSE BILL NO. 74, 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 Shinpoch, Engrossed Second Substitute House Bill No. 231 was moved down on the second reading calendar.

THIRD READING

HOUSE BILL NO. 420, by Representatives Niemi, J. Williams and Belcher (by Cemetery Board request)

Changing the calculation of fees for the issuance of certification of authority by the cemetery board.

MOTIONS

On motion of Senator Vognild, the rules were suspended and House Bill No. 420 was returned to second reading and read the second time.

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

"Sec. 2. Section 5, chapter 99, Laws of 1969 ex. sess. as last amended by section 11, chapter 21, Laws of 1979 and RCW 68.05.255 are each amended to read as follows:

Prior to the sale or transfer of ownership or control of any cemetery authority, any person, corporation or other legal entity desiring to acquire such ownership or control shall apply in writing for a new certificate of authority to operate a cemetery and shall comply with all provisions of Title 68 RCW relating to applications for, and the basis for granting, an original certificate of authority. The board shall, in addition, enter any order deemed necessary for the protection of all endowment care funds and/or prearrangement trust fund during such transfer. As a condition of applying for a new certificate of authority, the entity desiring to acquire such ownership or control must agree to be bound by all then existing prearrangement contracts and the board shall enter that agreement as a condition of the transfer: PROVIDED, That if the board determines that it is in the public interest it may waive or condition the entity's assumption of those preexisting prearrangement contracts entered into prior to June 7, 1979, which are for cemetery merchandise or services when the entity seeking the certificate of authority obtains ownership from a federal or state chartered bank, savings and loan association, or credit union which acquired ownership or control of a cemetery through foreclosure of a first lien mortgage or deed of trust pursuant to chapter 61.12 or 61.24 RCW: PROVIDED FURTHER, that a waiver shall not be granted if the bank, savings and loan association, or credit union was a party to or participated in the operation or control of the cemetery authority which incurred those obligations:

Persons and business entities selling and persons and business entities purchasing ownership or control of a cemetery authority shall each file an endowment care fund report and/or a prearrangement trust fund report showing the status of such funds immediately before and immediately after such transfer on a written report form prescribed by the board. Failure to comply with this section shall be a gross misdemeanor and any sale or transfer in violation of this section shall be void.

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."

MOTIONS

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

On page 1, line 1 of the title, after "board," insert "amending section 5, chapter 99, Laws of 1969 ex. sess. as last amended by section 11, chapter 21, Laws of 1979 and RCW 68.05.255."

On motion of Senators Vognild, the rules were suspended, House Bill No. 420, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of House Bill No. 420 as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 420, as amended by the Senate, and the bill passed the Senate by the following vote:

Yeas, 38; nays, 00; absent, 02; excused, 09.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hailey, Jones, Kiskaddon, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellari, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 38.
Absent: Senators Hemstad, McDermott - 2.

HOUSE BILL NO. 420 as amended by the Senate, 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 HOUSE BILL NO. 428, by Representatives Armstrong, West, Dellwo, Wang and Niemi

Modifying certain court procedures.

MOTIONS

On motion of Senator Talmadge, the rules were suspended and Engrossed House Bill No. 428 was returned to second reading and read the second time.

Senator Rasmussen moved that the following amendment be adopted:

On page 1, after line 26, insert the following:

Sec. 2. Section 24, chapter 64, Laws of 1895 as last amended by section 10, chapter 329, Laws of 1981 and RCW 6.12.050 are each amended to read as follows:

Homesteads may consist of lands and tenements with the improvements thereon, as defined in RCW 6.12.010, regardless of area but not exceeding in net value, of both the lands and improvements, the sum of ((twenty)) thirty thousand dollars. The premises thus included in the homestead must be actually intended or used as a home for the owner, and shall not be devoted exclusively to any other purpose.

Renumber the remaining sections consecutively.

Debate ensued.

POINT OF ORDER

Senator Clarke: "Mr. President, a point of order. I concur in the remarks and, also, raise the question as to whether or not the amendment doesn't expand the scope and object of the bill.

Further debate ensued.

There being no objection, further consideration of the amendment on page 1, after line 26, by Senator Rasmussen was deferred.

MOTION

Senator Talmadge moved that the following amendment be adopted:

On page 3, after line 5, insert the following:

Sec. 4. Section 1, chapter 60, Laws of 1929 as last amended by section 3, chapter 105, Laws of 1980 and RCW 4.56.190 are each amended to read as follows:

The real estate of any judgment debtor, and such as he may acquire, not exempt by law, shall be held and bound to satisfy any judgment of the district court of the United States rendered in this state, any judgment of the supreme court, court of appeals, or superior court of this state, and any judgment of any justice of the peace rendered in this state, and every such judgment shall be a lien thereupon to commence as hereinafter provided and to run for a period of not to exceed ten years from the day on which such judgment was rendered. As used in this chapter, real estate shall not include the vendor's interest under a real estate contract for judgments rendered after the effective date of this 1983 act. Personal property of the judgment debtor shall be held only from the time it is actually levied upon.

Sec. 5. Section 1, chapter 133, Laws of 1893 as last amended by section 5, chapter 105, Laws of 1980 and RCW 6.32.010 are each amended to read as follows:

At any time within ten years after entry of a judgment for the sum of twenty-five dollars or over upon application by the judgment creditor, such court or judge may, by an order, require the judgment debtor to appear at a specified time and place before the judge granting the order, or a referee appointed by him, to answer concerning the same; and the judge to whom application is made under this chapter may, if it is made to appear to him by the affidavit of the judgment creditor, his agent or attorney that there is danger of the debtor absconding, order the sheriff to arrest the debtor and bring him before the judge granting the order. Upon being brought before the judge he may be ordered to enter into a bond, with sufficient sureties, that he will attend from time to time before the judge or referee, as shall be directed, during the pendency of the proceedings and until the final termination thereof. If the judgment debtor or other persons against whom the special proceedings are instituted has been served with these proceedings and fails to answer or appear, the plaintiff shall be entitled to costs of service, notary fees, and reasonable attorney fees.

Sec. 6. 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 the prevailing party's expenses in the action, which allowances are termed costs, including, in addition to costs otherwise authorized by law, 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, which are admitted into evidence at trial in superior or district court, 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. Statutory attorney and witness fees; and
7. To the extent that the court finds that it was necessary to achieve the successful result, 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. 7. Section 253, page 178, Laws of 1854 as last amended by section 1, chapter 65, Laws of 1979 ex. sess. and RCW 6.16.020 are each amended to read as follows:

The following personal property shall be exempt from execution and attachment, except as hereinafter specially provided:

1. All wearing apparel of every person and family, but not to exceed ((five hundred)) one thousand dollars in value in furs, jewelry, and personal ornaments for any person.
2. All private libraries not to exceed ((five hundred)) one thousand dollars in value, and all family pictures and keepsakes.
3. To each person or family((;)):
   a. The person's or family's household goods, appliances, furniture and home and yard equipment, not to exceed ((one)) two thousand dollars in value;
   b. Provisions and fuel for the comfortable maintenance of such person or family for three months; and
   c. Other property not to exceed ((four)) five hundred dollars in value, of which not more than one hundred dollars in value may consist of cash, bank accounts, savings and loan accounts, stocks, bonds, or other securities.
4. To any person or family, one motor vehicle which is used for personal transportation, not to exceed ((seven hundred and fifty)) one thousand five hundred dollars in value.
5. To a farmer, farm trucks, farm stock, farm tools, farm equipment, supplies and seed, not to exceed ((one)) four thousand five hundred dollars in value.
6. To a physician, surgeon, attorney, clergyman, or other professional person, the person's library, office furniture, office equipment and supplies, not to exceed ((one)) four thousand five hundred dollars in value.
7. To any other person, the tools and instruments and materials used to carry on his or her trade for the support of himself or herself or family, not to exceed ((one)) four thousand five hundred dollars in value.

The property referred to in the foregoing subsection (3) shall be selected by any adult member of the family on behalf of the family or the person, if present, and in case no adult member of the family or person is present to make the selection, then the sheriff or the director of public safety shall make a selection equal in value to the applicable exemptions above described and he shall return the same as exempt by inventory. Any selection made as above provided shall be prima facie evidence (a) that the property so selected is exempt from execution and attachment, and (b) that the property so selected is not in excess of the values specified for the exemptions. Except as above provided, the exempt property shall be selected by the person claiming the exemption. No person shall be entitled to more than one exemption under the provisions of the foregoing subsections (5), (6) and (7).

For purposes of this section "value" shall mean the reasonable market value of the article or item at the time of its selection, and shall be of the debtor's interest therein, exclusive of all liens and encumbrances thereon.

Wages, salary, or other compensation regularly paid for personal services rendered by the person claiming the exemption may not be claimed as exempt under the foregoing provisions, but the same may be claimed as exempt in any bankruptcy or insolvency proceeding to the same extent as allowed under the statutes relating to garnishments.

No property shall be exempt under this section from an execution issued upon a judgment for all or any part of the purchase price thereof, or for any tax levied upon such property.

Renumber the remaining sections consecutively.

Debate ensued.
MOTION

On motion of Senator Clarke, and there being no objection, the point of order raised on the Rasmussen amendment was withdrawn.

The President declared the question before the Senate to be adoption of the amendment by Senator Talmadge.

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

There being no objection, the Senate resumed consideration of the amendment by Senator Rasmussen on page 1, after line 26.

Debate ensued.

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

MOTION

On motion of Senator Vognild, Senator Peterson was excused.

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

ROLL CALL

The Secretary called the roll and the motion by Senator Rasmussen carried and the amendment was adopted by the following vote: Yeas, 20; nays, 19; absent, 00; excused, 10.


Voting nay: Senators Bauer, Bender, Bluechel, Clarke, Fuller, Gaspard, Goltz, Granlund, Hemstad, Jones, Moore, Newhouse, Owen, Quigg, Rinhardt, Talmadge, Thompson, Vognild, Zimmerman - 19.


MOTION

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

On page 1, line 2 of the title, after "6.04.050;" insert "amending section 24, chapter 64, Laws of 1895 as last amended by section 10, chapter 329, Laws of 1981 and RCW 6.12.050;"

On page 1, line 5 of the title, after "26.09.120;" insert "amending section 1, chapter 105, Laws of 1929 as last amended by section 3, chapter 105, Laws of 1980 and RCW 4.56.190; amending section 1, chapter 133, Laws of 1893 as last amended by section 5, chapter 105, Laws of 1980 and RCW 6.32.010; amending section 367, page 201, Laws of 1854 as last amended by section 505, Code of 1881 and RCW 4.84.010; amending section 253, page 178, Laws of 1854 as last amended by section 1, chapter 65, Laws of 1979 ex. sess. and RCW 6.16.020;"

On motion of Senator Talmadge, the rules were suspended, Engrossed House Bill No. 428, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 428, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 428, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; nays, 01; absent, 00; excused, 10.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hemstad, Jones, Kiskaddon, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Quigg, Rasmussen, Rinhardt, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 38.

Voting nay: Senator Pullen - 1.


ENGROSSED HOUSE BILL NO. 428, 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

SENATE BILL NO. 3045, by Senators Hansen, Rasmussen, Woody and Barr
Removing the requirement for a warm water fish stamp.

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

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

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3045, and the bill passed the Senate by the following vote: Yeas. 39; nays. 00; absent. 00; excused, 10.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hemstad, Jones, Kiskaddon, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shimpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 39.


SENATE BILL NO. 3045, having received the 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. 3158, by Committee on Judiciary (originally sponsored by Senators Talmadge, Clarke and Woody) (by Department of Licensing request)
Modifying the trade name regulation laws.

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

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3158.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3158, and the bill passed the Senate by the following vote: Yeas. 39; nays. 00; absent. 00; excused, 10.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hemstad, Jones, Kiskaddon, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shimpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 39.


SUBSTITUTE SENATE BILL NO. 3158, having received the 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. 3181, by Committee on Judiciary (originally sponsored by Senators Talmadge, Hemstad, Hughes and Pullen)
Modifying provisions relating to involuntary treatment.

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

POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, this mental health person makes a declaration and he goes to the Superior Court to get his warrant from the Superior Court. Who is there to defend the alleged mental health person who needs mental health treatment?"

Senator Talmadge: "Usually a public attorney, a public defender."

Senator Rasmussen: "Usually? Is there any requirement that they be there?"
Senator Talmadge: "Well, this has a substantial impact on one's liberty. A public defender is appointed. It's my understanding that they are, Senator."

Senator Rasmussen: "There is no possibility then of this mental health official—we have a lot of people that are in the mental health game—some are competent and some are not, but there is no absolute rule that says that somebody has to appear for the defendant?"

Senator Talmadge: "Under the present law, Senator, in fact, the county designated mental health professional can just issue the summons and cause somebody to be taken to Western State or to Harborview without any review by the court."

Senator Rasmussen: "That was ruled out wasn't it by the courts?"

Senator Talmadge: "That was ruled out by the court and this process provides for court review and my understanding, at least, and I don't practice in this area, so I don't know for a fact, but my understanding is that public defenders are appointed for those people who are subject to this process."

Further debate ensued.

POINT OF ORDER

Senator Haley: "Mr. President, I wish to raise a point of order of this bill being properly before us."

Debate ensued.

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "The President believes that the remarks of Senator Pullen and Senator Bottiger and Senator Talmadge clearly bring this bill within the budget requirement of the House Concurrent Resolution No. 23 and, therefore, is properly before us."

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

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3181, and the bill passed the Senate by the following vote: Yeas, 39; nays, 00; absent, 00; excused, 10.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hemstad, Jones, Kiskaddo, McDermott, McManus, Metcall, Moore, Newhouse, Owen, Patterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 39.


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

MOTION

At 2:57 p.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Monday, May 2, 1983.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.
The Senate was called to order at 10:00 a.m. by President Pro Tempore Goltz. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Lee, Quigg, Rasmussen and Wojahn.

The Sergeant at Arms Color Guard, consisting of Pages Heidi Smith and Carrie Kelly, presented the Colors. Reverend Ron Sims of the Mt. Zion Baptist Church in Seattle and aide to Senator George Fleming, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

April 29, 1983

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

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bottiger, Craswell, Fleming, Metcalf, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Woody.

Passed to Committee on Rules for second reading.

April 29, 1983

SSB 3187  Prime Sponsor, Senator Bottiger: Imposing an excise tax on the severance of minerals. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 3187 be substituted therefor, and that the second substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bottiger, Fleming, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Wojahn, Woody.

MINORITY recommendation: Do not pass. Signed by Senator Pullen.

Passed to Committee on Rules for second reading.

April 29, 1983

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


Passed to Committee on Rules for second reading.

April 29, 1983

SB 4059  Prime Sponsor, Senator McDermott: Relating to the central stores revolving fund. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 4059 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bottiger, Fleming, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Wojahn, Woody.

Passed to Committee on Rules for second reading.
April 29, 1983

SB 4063  Prime Sponsor. Senator McDermott: Relating to the use of revolving funds. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 4063 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bottiger, Fleming, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Wojahn, Woody.

Passed to Committee on Rules for second reading.

April 29, 1983

ESHB 127  Prime Sponsor, Representative Kreidler: Modifying the manner by which travel reimbursement rates for state employees are set. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Bottiger, Fleming, Pullen, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Wojahn, Woody.

Passed to Committee on Rules for second reading.

April 29, 1983

2SHB 295  Prime Sponsor, Representative Belcher: Requiring state employees to be paid twice a month. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bottiger, Fleming, Pullen, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

April 29, 1983

SHB 470  Prime Sponsor, Representative Grimm: Altering provisions relating to state funds. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Bottiger, Craswell, Fleming, Metcalf, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Wojahn, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

April 29, 1983

HB 471  Prime Sponsor, Representative Grimm: Modifying provisions relating to the judiciary education account. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bottiger, Craswell, Metcalf, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Wojahn, Woody.

Passed to Committee on Rules for second reading.

April 29, 1983

ESHB 496  Prime Sponsor, Representative Ristuben: Modifying provisions on senior citizen tax relief. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bottiger, Fleming, Pullen, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Wojahn, Woody.

Passed to Committee on Rules for second reading.

April 29, 1983

HB 725  Prime Sponsor, Representative Grimm: Appropriating funds for the publication of the session laws. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Craswell, Metcalf, Pullen, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Wojahn, Woody.
Passed to Committee on Rules for second reading.

MESSAGE FROM THE GOVERNOR

April 29, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on April 29, 1983, Governor Spellman approved the following Senate Bill entitled:

Substitute Senate Bill No. 3299
Relating to personal property leasing.

Sincerely,

Marilyn Showalter, Counsel to the Governor

MESSAGE FROM THE HOUSE

April 29, 1983

Mr. President:

The House has passed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 181,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 213,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 352,
SUBSTITUTE HOUSE BILL NO. 1050,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1051, and the same are herewith transmitted.

Dean R. Foster, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 181 by Committee on Natural Resources (originally sponsored by Representatives Stratton, B. Williams, Isaacson, Sanders, Martinis, McClure, McDonald and Mitchell)

Modifying provisions regarding public lands.

Hold.

ESHB 213 by Committee on Commerce and Economic Development (originally sponsored by Representatives Halsan, B. Williams, Tanner, Todd, Holland, Kreidler, Ebersole, Haugen, Fisher, Ristuben, Ellis, Belcher, Sayan, Vekich, Powers, Fisch, Hine, Dellwo, Garrett, Lewis, Johnson, Crane and Stratton)

Establishing the community development finance corporation.

Referred to Committee on Ways and Means.

F2SHB 352 by Committee on Ways and Means (originally sponsored by Representatives Kreidler, Lewis and Dellwo) (originally sponsored by Department of Social and Health Services request)

Modifying provisions relating to public assistance.

Referred to Committee on Ways and Means.

SHB 1050 by Committee on Commerce and Economic Development (originally sponsored by Representative J. King)

Specifying terms of property leasebacks by state and local agencies.

Referred to Committee on Commerce and Labor.

ESHB 1051 by Committee on Commerce and Economic Development (originally sponsored by Representative J. King)

Establishing the Washington job training and partnership act.

Referred to Committee on Commerce and Labor.
On motion of Senator Shinpoch, the rules were suspended and Engrossed Substitute House Bill No. 181 was advanced to second reading and placed on the second reading calendar.

MOTION

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

THIRD READING

SUBSTITUTE SENATE JOINT MEMORIAL NO. 112, by Senate Committee on Commerce and Labor (originally sponsored by Senators Quigg, McManus, Bluechel, Barr, Sellar, Fuller, Metcalf, Hemstad, Bottiger and Moore)

Requesting the mutual bilateral elimination of trade barriers with China.

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

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Joint Memorial No. 112.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Joint Memorial No. 112, and the memorial passed the Senate by the following vote: Yeas, 44; nays, 1; absent, 3; excused, 1.

Voting yea: Senators Barr, Bauer, Bender, Benitz, BluecheL Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Woody, Zimmerman - 44.

Voting nay: Senator Pullen - 1.

Absent: Senators Lee, Quigg, Rasmussen - 3.

Excused: Senator Wojahn - 1.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 112, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Bluechel, Senator Lee was excused.

THIRD READING

SUBSTITUTE SENATE BILL NO. 3864, by Senate Committee on Agriculture (originally sponsored by Senator Hansen)

Authorizing increased assessments on soft fruits.

MOTION

Senator Hansen moved that the rules be suspended and that Substitute Senate Bill No. 3864 be returned to second reading.

Debate ensued.

MOTION

On motion of Senator Bottiger, further consideration of Substitute Senate Bill No. 3864 was deferred.

MOTIONS

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

On motion of Senator Shinpoch, the Committee on Rules was relieved of further consideration of Substitute House Bill No. 470, House Bill No. 471, House Bill No. 725, Engrossed Substitute House Bill No. 496, Senate Bill No. 4059 and Senate Bill No. 4063.

On motion of Senator Shinpoch, Substitute House Bill No. 470, House Bill No. 471, Engrossed Substitute House Bill No. 496, House Bill No. 725, Senate Bill No. 4059 and Senate Bill No. 4063 were advanced to second reading and placed on the second reading calendar.
EIGHTH DAY, MAY 2, 1983

MOTION

At 10:30 a.m., on motion of Senator Shinpoch, the Senate recessed until 11:30 a.m.

SECOND MORNING SESSION

The Senate was called to order at 11:30 a.m. by President Pro Tempore Goltz.

MOTION FOR RECONSIDERATION

Having served prior notice, Senator Bolliger moved that the Senate now reconsider the vote by which Engrossed Substitute Senate Joint Resolution No. 120 failed to pass the Senate April 28, 1983.

Debate ensued.

Senator Clarke 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 Bolliger to reconsider the vote by which Engrossed Substitute Senate Joint Resolution No. 120 failed to pass the Senate.

ROLL CALL

The Secretary called the roll and the motion by Senator Bolliger for reconsideration carried by the following vote: Yeas, 32; nays, 17.


Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Decio, Fuller, Guess, Hayner, Jones, McCaslin, Newhouse, Pullen, Guigg, Rasmussen, Sellar, von Reichbauer - 17.

MOTION

On motion of Senator Bolliger, further consideration of Engrossed Substitute Senate Joint Resolution No. 120, on reconsideration, was deferred and the bill held its place on the third reading calendar.

There being no objection, the President Pro Tempore reverted the Senate to the sixth order of business.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 231, by Senate Committee on Ways and Means (originally sponsored by Representatives Hine, McDonald, Prince, J. King, Allen, Wang, Pruitt, Sayan, O'Brien, Appelwick, Sutherland, Todd, Burns, Ellis, Silver, Isaacson, Dellwo, Tanner, Brekke, Holland, Powers and Garrett)

Establishing a job skill program.

The bill was read the second time.

MOTION

On motion of Senator McDermott, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature declares that it is an important function of government to increase opportunities for gainful employment, to assist in promoting a productive and expanding economy, and to encourage the flow of business and industry support to educational institutions. Therefore, the legislature finds that it is in the public interest of the state to encourage and facilitate the formation of cooperative relationships between business and industry and educational institutions which provide for the development and significant expansion of programs of skills training and education consistent with employment needs and to make interested individuals aware of the employment opportunities presented thereby. It is the policy of the state of Washington to ensure that programs of skill training are available on a regional basis and are utilized by a variety of businesses and industries.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 28C.04.040 and sections 4 through 10 of this act.

(1) "Applicant" means an educational institution which has made application for a job skills grant under sections 4 through 10 of this act.

(2) "Business and industry" means a private corporation, institution, firm, person, group, or association concerned with commerce, trades, manufacturing, or the provision of services
proposals.

(3) "Educational institution" means a public secondary or post secondary institution or an independent institution within the state authorized by law to provide a program of skills training or education beyond the secondary school level. Any educational institution receiving a job skills grant under sections 4 through 10 of this 1983 act shall be free of sectarian control or influence as set forth in Article IX, section 4 of the state Constitution.

(4) "Equipment" means tangible personal property which will further the objectives Ristuben, Grimm, Miller, Egger, Struthers, Powers, Fiske, Halsan, Brough, Charney, Nealley, Long, Vander Stoop, Ebersole, Schmidt, Garrett, Betzoff, R. King, Allen, Delillo, Ballard, Heck, Jacobsen, Schoon, Martinis, Fuhrman, Taylor, Van Dyken, Walk, Pruitt, Barrett, Zellinsky, Johnson, Kaiser, J. Williams, Toddy, Mitchell, Fisch, Patrick, Fisher, Tilly, Crane, Addison, D. Nelson, Tanner, Wang, McClure, Gallagher, Hine, Kreidler, Burns, Stratton, Appelwick, Niemi, Locke, Isaacson, Silver, Vekich, McMullen, Braddock, Rust, Brekke, B. Williams, Belcher, Holland, Moon, Wilson, Sutherland, O'Brien, Lewis and Armstrong) of the supported program and for which a definite value and evidence in support of the value have been provided by the donor.

(5) "Financial support" means any thing of value which is contributed by business and industry to an educational institution which is reasonably calculated to support directly the development and expansion of a particular program under sections 4 through 10 of this act and represents an addition to any financial support previously or customarily provided to such educational institutions by the donor. "Financial support" includes, but is not limited to, funds, equipment, facilities, faculty, and scholarships for matriculating students and trainees.

(6) "Job skills grant" means funding that is provided to an educational institution by the commission for the development or significant expansion of a program under sections 4 through 10 of this act.

(7) "Job skills program" means a program of skills training or education separate from and in addition to existing vocational education programs and which:
(a) Provides short-term training which has been designated for specific industries;
(b) Provides training for prospective employees before a new plant opens or when existing industry expands;
(c) Includes training and retraining for workers already employed by an existing industry or business where necessary to avoid dislocation or where upgrading of existing employees would create new vacancies for unemployed persons;
(d) Serves areas with high concentrations of economically disadvantaged persons and high unemployment;
(e) Serves areas with new and growing industries;
(f) Serves areas where there is a shortage of skilled labor to meet job demands; or
(g) Promotes the location of new industry in areas affected by economic dislocation.

(8) "Technical assistance" means professional and any other assistance provided by business and industry to an educational institution, which is reasonably calculated to support directly the development and expansion of a particular program and which represents an addition to any technical assistance previously or customarily provided to the educational institutions by the donor.

(9) "Commission" or "commission for vocational education" shall mean the commission for vocational education or any successor agency or organization.

Sec. 3, Section 4, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.040 are each amended to read as follows:

The commission for vocational education shall have the following functions:

(1) Plan development. The commission shall be responsible for complying with federal directives to insure the development and maintenance of a state plan for vocational education but initial planning shall be accomplished by the secondary and postsecondary education systems. Prior to the adoption of the state plan, the commission shall request comments from the council on higher education and the advisory council for vocational education.

(2) State plan modification adjudication. Decisions on new programs and/or facilities for vocational education shall be made internally within the respective secondary or postsecondary education system in accordance with the provisions of the state plan. The commission may review such decisions to insure compliance with the state plan and avoid unnecessary duplication of current or projected programs.

Any common school or community college district, or the superintendent of public instruction, or the state board for community college education, or other interested parties as authorized by the commission, shall be afforded the opportunity to comment upon any new programs or facilities proposed. The commission, subject to dispute resolution rules adopted by said commission, shall have the final determination on any disputes arising out of such program proposals.

In adjudicating disputes between the two secondary and postsecondary education systems regarding the state plan, the commission will use at least the following criteria: Recognition that secondary education is constitutionally the responsibility of the superintendent of public
instruction and that by legislative action postsecondary education is the responsibility of institutions of higher education; adhere to the general policy set forth in the state plan; consider the particular vocational need of the community, region, or state and whether the common school or community college, or both, can best respond to those needs; encourage cooperation and coordination rather than competition and program conflict between secondary and postsecondary education systems; consider the desires and preferences of the residents of the immediate program service area and of the representatives of the fields of management, labor, and agriculture which benefit from possible program offerings; and avoid unnecessary duplication of vocational education programs and facilities.

(3) Vocational education administration. The commission shall be the sole agency for the receipt and allocation of federal funds in accordance with the state plan. The supervision of the state plan shall be carried out by the commission; however, daily administration of the state plan shall be primarily the responsibility of the superintendent of public instruction and the state board for community college education: PROVIDED, That the commission shall review and approve state plan development proposals or special programs requiring personal service contracts, and activities beyond the program responsibilities of the superintendent of public instruction and the state board for community college education.

Under the state plan the commission shall make periodic compliance audits at least once a biennium of the vocational education programs individually and jointly conducted by the common schools and community colleges to insure compliance with the state plan.

The commission shall be the primary state liaison with the federal government for the state plan for vocational education.

(4) Fire service training program. The commission may accept any and all donations, grants, bequests, and devices, conditional or otherwise, or money, property, service, or other things of value which may be received from the United States or any agency thereof, any governmental agency, any institution, person, firm, or corporation, public and private, to be held, used, or applied for the purposes of the fire service training program established in RCW 28C.04.140.

(5) Job skills program. The commission shall have the following powers and duties for the job skills program:

(a) To collect and disseminate to interested individuals, in cooperation with and through any agencies of federal, state, and municipal government, information concerning areas of present and projected employment need, programs of skills training and education consistent therewith, and any other relevant information;

(b) To apply for, utilize, and accept grants from other federal, state, and local agencies for the purposes of matching requirements and to facilitate the purposes of sections 4 through 10 of this 1983 act;

(c) To help identify, upon the request of business and industry, those educational institutions which could provide the training services sought by business and industry and to identify any existing programs which could serve the particular needs of business and industry;

(d) To provide job skills grants to educational institutions to facilitate the development of programs of job skills training and education consistent with employment needs;

(e) To work cooperatively with the employment security department to enhance and update the state's occupational information system and the state's career information system;

(f) To adopt rules to carry out its powers and duties for the job skills program.

NEW SECTION. Sec. 4. The commission may, subject to appropriation from the legislature or from funds made available from any other public or private source and pursuant to rules adopted by the commission, provide job skills grants to educational institutions. The job skills grants shall be used exclusively for programs which are consistent with the job skills program. A job skills grant may be awarded only after:

(1) Receipt of an application from an educational institution which contains a proposal for a program of skills training and education, including a description of the program, the type of skills training or education to be provided, a statement of the total cost of the program and a breakdown of the costs associated with equipment, personnel, facilities, and materials, a statement of the employment needs for the program and evidence in support thereof, demonstrates that the program does not unnecessarily duplicate existing programs in the area and is provided at a reasonable cost, a statement of the technical assistance and financial support for the program received or to be received from business and industry, and such other information as the commission requests; and

(2) The commission, based on the application submitted by the educational institution and such additional investigation as the staff of the commission shall make, finds that:

(a) The program is within the scope of the job skills program under this chapter and may reasonably be expected to succeed and thereby increase employment within the state;

(b) Provision has been made to use any available alternative funding from local, state, and federal sources;

(c) The job skills grant will only be used to cover the costs associated with the program;

(d) The program will not unnecessarily duplicate existing programs and could not be provided by another educational institution more effectively or efficiently;
(e) The program involves an area of skills training and education for which there is a demonstrable need;
(f) The applicant has made provisions for the use of existing federal and state resources for student financial assistance;
(g) The job skills grant is essential to the success of the program as the resources of the applicant are inadequate to attract the technical assistance and financial support necessary for the program from business and industry;
(h) The commitment of financial support from business and industry shall be equal to or greater than the amount of the requested job skills grant;
(i) Binding commitments have been made to the commission by the applicant for adequate reporting of information and data regarding the program to the commission, particularly information concerning the recruitment and employment of trainees and students, and including a requirement for an annual or other periodic audit of the books of the applicant directly related to the program, and for such control on the part of the commission as it considers prudent over the management of the program, so as to protect the use of public funds, including, in the discretion of the commission and without limitation, right of access to financial and other records of the applicant directly related to the programs;
(j) Provision has been made by the applicant to work, in cooperation with the employment security department, to identify and screen potential trainees and that provision has been made by the applicant of persons who are victims of economic dislocation and persons from minority and economically disadvantaged groups to participate in the program; and
(k) Binding commitments have been made to the commission by the applicant for compliance with the monitoring and evaluation rules of the commission.

NEW SECTION. Sec. 5. Upon approval of a job skills grant application by the commission, the commission shall immediately provide notification of its decision to the employment security department. The notification shall include the following information regarding the supported program: The trade, occupation, or profession with which the program is concerned; a description of the curriculum, the requirements for participation, and the procedures for making application; the duration of the program; a description of support services available to participants in the program; and any other information relevant to encouraging and facilitating the participation in the program of those in economic need.

NEW SECTION. Sec. 6. The department of commerce and economic development or its successor and the employment security department shall each enter into an interagency agreement with the commission on vocational education to establish cooperative working arrangements for the purposes of sections 2 and 4 through 10 of this act.

NEW SECTION. Sec. 7. The employment security department shall, for the purposes of sections 2 and 4 through 10 of this act:
(1) Work cooperatively with educational institutions providing job skills training programs to identify and screen potential trainees and students;
(2) Perform labor market analyses designed to assure the availability of suitable trainees and students; and
(3) Identify areas with high concentrations of economically disadvantaged persons and high unemployment.

NEW SECTION. Sec. 8. The department of commerce and economic development or its successor shall for the purposes of sections 2 and 4 through 10 of this act:
(1) Work cooperatively with the commission on vocational education to market the job skills program to business and economic development agencies and other firms;
(2) Recruit industries from outside the state to participate in the job skills training program; and
(3) Refer business and industry interested in developing a job skills training program to the commission on vocational education.

NEW SECTION. Sec. 9. The commission shall annually submit a complete and detailed report of the commission’s activities within ninety days after the end of the fiscal year to the chief clerk of the house of representatives, to the secretary of the senate, and to the governor. The annual report shall include, but not be limited to, descriptions of all programs funded, and evaluation of the performance of each program, a summary of the public moneys expended, and the demographic and economic characteristics of the individuals trained, educated, and employed, including, in particular, the number of minority and economically disadvantaged individuals.

NEW SECTION. Sec. 10. A person making satisfactory progress in a program under this section and sections 2 and 4 through 9 of this act and who in the determination of the commissioner has no reasonable expectation of securing work without training shall be deemed to be in training with the approval of the commissioner of employment security for the purposes of RCW 50.20.043.

NEW SECTION. Sec. 11. Sections 1, 2, and 4 through 10 of this act are each added to chapter 223, Laws of 1969 ex. sess. and to chapter 28C.04 RCW.
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. There is appropriated from the general fund to the commission on vocational education for the biennium ending June 30, 1985, the sum of three million five hundred thousand dollars, or so much thereof as may be necessary, to carry out the purposes of this act. However, of this appropriation, not more than two hundred fifty thousand dollars may be expended for the state's occupational information system, and not more than two hundred fifty thousand dollars may be expended for the state's career information system. The amount spent for administrative expenses incurred by the commission on vocational education for the jobs skills program shall not exceed five percent of all funds expended for the jobs skills program.

MOTIONS

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

On page 1, line 1 of the title, after "education," strike the remainder of the title and insert "amending section 4, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.040; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28C.04 RCW; and making an appropriation."

On motion of Senator McDermott, the rules were suspended. Engrossed Second Substitute House Bill No. 231, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Wojahn: "Senator McDermott, this amendment we have just hung adds three and a half million dollars for voc-tech programs, is that correct? Will any of that money be given to voc-technical schools or is it all going to go to community colleges?"

Senator McDermott: "Senator Wojahn, my understanding of this bill is that it is available for industry to come to an educational institution and work out a program. It does not limit it to any particular place—any place in the higher education system from vocational education right straight on through to the universities."

Senator Wojahn: "Also, one more question, do you know if it will affect the apprenticeship training programs that are available at some community colleges, but generally at voc-tech schools?"

Senator McDermott: "The purpose of this bill is not to take away from or detract in anyway, from apprenticeship programs, but to provide another means for developing work training and it is not to supplant or get rid of the joint apprenticeship training. It is really to be an additional thing."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute House Bill No. 231.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute House Bill No. 231, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; absent, 1.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Crawser, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellars, Shinpooh, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Voting nay: Senator McCasin - 1.

Absent: Senator Decio - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 231, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

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

On motion of Senator Bottiger, the Committee on Transportation was relieved of further consideration of Senate Bill No. 4043.
On motion of Senator Bottiger, the rules were suspended and Senate Bill No. 4043 was advanced to second reading and placed on the second reading calendar.

At 11:51 a.m., on motion of Senator Shinpoch, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Cherberg.

MOTION

At 1:33 p.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President called the Senate to order at 1:50 p.m.

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

SECOND READING

SENATE BILL NO. 4059, by Senator McDermott

Relating to the central stores revolving fund.

MOTIONS

On motion of Senator Shinpoch, Substitute Senate Bill No. 4059 was substituted for Senate Bill No. 4059 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Shinpoch, the rules were suspended, Substitute Senate Senate Bill No. 4059 was advanced to third reading, the second reading considered the third, and the bill was 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. 4059.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4059 and the bill passed the Senate by the following vote: Yeas, 46; absent, 3.


Absent: Senators Bauer, Gaspard, Quigg - 3.

SUBSTITUTE SENATE BILL NO. 4059, having received the constitutional majority, 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. 4063, by Senator McDermott

Relating to the use of revolving funds.

MOTIONS

On motion of Senator Shinpoch, Substitute Senate Bill No. 4063 was substituted for Senate Bill No. 4063 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Shinpoch, the rules were suspended, Substitute Senate Senate Bill No. 4063 was advanced to third reading, the second reading considered the third, and the bill was 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. 4063.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4063, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.
EIGHTH DAY, MAY 2, 1983


Voting nay: Senator Sellar - 1.


SUBSTITUTE SENATE BILL NO. 4063, having received the constitutional majority, 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. 470, by Committee on Ways and Means (originally sponsored by Representative Grimm)

Altering provisions relating to state funds.

The bill was read the second time.

MOTION

On motion of Senator McDermott, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. During the fiscal biennium ending June 30, 1983, the state treasurer shall transfer from the resource management cost account to the University of Washington building account three million three hundred thousand dollars or so much thereof as may be necessary to maintain a positive balance in the University of Washington building account.

NEW SECTION. Sec. 2. During the fiscal year ending June 30, 1984, the state treasurer shall transfer from the University of Washington building account to the resource management cost account an amount equal to the amount transferred under section 1 of this act. To the extent moneys in the University of Washington building account, less funds required for debt service and funds authorized for capital expenditure, are not sufficient to allow full transfer under the preceding sentence, the state treasurer shall transfer moneys from the state general fund to the resource management cost account on June 30, 1984.

NEW SECTION. Sec. 3. (1) The deductions authorized in RCW 79.64.040 relating to common school lands may be increased by the board of natural resources to one hundred percent after temporary discontinued deductions result in a transfer to the common school construction fund in the amount of approximately fourteen million dollars or so much thereof as may be necessary to maintain a positive cash balance in the common school construction fund. The increased deductions shall continue until the additional amounts received from the increased rate equal the amounts of the deductions that were discontinued or transferred under subsection (2) of this section. Thereafter the deductions shall be as otherwise provided for in RCW 79.64.040.

(2) If the discontinued deductions will not result in a transfer of fourteen million dollars or so much thereof as may be necessary to maintain a positive balance in the common school construction fund in the biennium ending June 30, 1983, the state treasurer shall transfer the difference from the resource management cost account to the common school construction fund.

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.

MOTIONS

On motion of Senator McDermott, the rules were suspended. Substitute House Bill No. 470, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 470, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 470, as amended by the Senate, and the bill passed the Senate by the following vote:

Yeas, 46; nays, 1; excused, 2.

Voting nay: Senator Pullen - 1.
Excused: Senators Bauer, Quigg - 2.

SUBSTITUTE HOUSE BILL NO. 470, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 471, by Representative Grimm

Modifying provisions relating to the judiciary education account.

On motion of Senator McDermott, the rules were suspended, House Bill No. 471 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 471.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 471, and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.


Absent: Senators Hayner, Jones - 2.

Excused: Senators Bauer, Quigg - 2.

HOUSE BILL NO. 471, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING


Modifying provisions on senior citizen tax relief.

The bill was read the second time.

MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute House Bill No. 496 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 496.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 496, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.


Excused: Senator Bauer - 1.
ENGROSSED SUBSTITUTE HOUSE BILL NO. 496, having received the constitutional majority, 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. 725, by Representative Grimm (by Code Reviser request)
Appropriating funds for the publication of the session laws.
The bill was read the second time.

MOTION

On motion of Senator McDermott, the rules were suspended. House Bill No. 725 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.
The President declared the question before the Senate to be the roll call on final passage of House Bill No. 725.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 725, and the bill passed the Senate by the following vote: Yeas. 48; excused. 1.
Excused: Senator Bauer - 1.

HOUSE BILL NO. 725, having received the 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 President advanced the Senate to the seventh order of business.

THIRD READING

SUBSTITUTE SENATE BILL NO. 3766, by Senate Committee on Judiciary (originally sponsored by Senators Fleming, Talmadge and McDermott)
Prohibiting the use of choke holds by law enforcement and correctional officers.

MOTION

On motion of Senator Talmadge, the rules were suspended and Substitute Senate Bill No. 3766 was returned to second reading and read the second time.
Senator Talmadge moved that the following amendment by Senators Talmadge and Fleming be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. There is added to chapter 9A.16 RCW a new section to read as follows:

(1) As used in this section:
(a) "Choke hold" means any hold or restraint specifically designed to inhibit breathing by compression of the airway in the neck.
(b) "Sleeper hold" means any hold or restraint specifically designed to inhibit blood flow through the carotid arteries of the neck.
(2) No law enforcement officer, correctional guard, or other employee of the state or a political subdivision of the state may use a choke hold or sleeper hold unless it is necessary as defined in RCW 9A.16.010, it is not unlawful under RCW 9A.16.020 (1) and (2), and the person has received training in the use of choke holds or sleeper holds in accordance with standards established by the criminal justice training commission.
(3) In addition to the requirements of subsection (2) of this section, a choke hold may be used only if the person on whom the hold is used poses a threat of death or serious physical injury to any person.
(4) In addition to the requirements of subsection (2) of this section, a sleeper hold may be used only if the person on whom the hold is used poses a threat of death or serious physical injury to any person, or to prevent escape or suicide."
NEW SECTION. Sec. 2. There is added to chapter 43.101 RCW a new section to read as follows:

The board on law enforcement training standards and education and the board on correctional training standards and education shall develop and the commission shall adopt training standards for the use of choke holds and sleeper holds as defined in section 1 of this act.

POINT OF INQUIRY

Senator Pullen: "Senator Talmadge, I was comparing your proposed amendment with the House version of this particular bill and my first question relates to lines 24 and 25 where you make reference to RCW 9A 16.010 and RCW 9A 16.020 and you say in your amendment that 'no law enforcement officer, correctional guard, or other employee of the state may use a choke hold or sleeper hold unless it is necessary as defined in those two RCWs.' Can you tell me what those two RCW citations relate to?"

Senator Talmadge: "I think that they basically apply to the application of deadly force, Senator Pullen. The ones in 9A 16.020 apply to situations involving a felony."

Senator Pullen: "Well, it seems to me that subsection (2) should perhaps properly relate to choke holds, but not necessarily to a sleeper hold. I, also, note that in subsection (4) on page 2 of your amendment, it says 'in addition to the requirements of subsection (2) of this section, a sleeper hold may be used only if the person on whom the hold is used poses a threat of death or serious physical injury to any person.' In other words, that requirement is subsection (4) is an addition to the requirement in subsection (2), which relates back to RCW 9A 16.010. It sounds like there are two requirements that have to be applied before the choke hold or sleeper hold can be used."

Senator Talmadge: "Essentially, that is correct, because in the case of the sleeper hold, its misapplication is substantially more dangerous to the individual upon whom it is applied than is the choke hold. I would point out to you that the requirements in the first subsection--subsection (2) are basically conformed to the requirements for the application of deadly force. In subsection (4), we have added those additional situations where the sleeper hold can be used. It can be used basically, in addition, where there is a situation where a person poses a threat of danger to that officer or to another and in a noncustodial setting. In other words--out on the street--to prevent the individual from escaping from a law enforcement officer."

Senator Pullen: "O.K., but the way it is worded, it sounds like you must meet the requirements of both subsections (2) and (4) before the sleeper hold can be applied."

Senator Talmadge: "That is correct."

POINT OF INQUIRY

Senator Deccio: "Senator Talmadge, my question is somewhat along the lines of Senator Pullen. Is the Sentencing Guideline Commission going to require that every law enforcement officer learn the technique of applying the proper choke hold? I think that Senator Pullen brings up a very good point if there is danger imminent in sub (4), but yet no one has received the training, then that law enforcement officer's life is in danger. Would it not be then that we ought to put in the statutes that law enforcement people should learn the new technique?"

Senator Talmadge: "Senator, I would point out to you--first that with respect to subsection (2) of section one, that the standards for application of this type of hold must be learned by all those people who want to apply it. In other words, they have to be trained in the proper use of this type of hold. That is the first requirement for anybody attempting to do it. I think the key thing is if we have a situation where these kinds of holds are misapplied the danger to the individual and the consequent liability to the local government, under whose jurisdiction this type of hold is applied, can be very great. As a consequence, we want to make sure that the people who are applying this type of hold--be it a choke hold or sleeper hold--are people who are trained in the application of that type of physical restraint."

Further debate ensued.
EIGHTH DAY, MAY 2, 1983

MOTION

On motion of Senator Pullen, further consideration of Substitute Senate Bill No. 3766 was deferred.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 3817, by Senate Committee on Judici­ary (originally sponsored by Senators Fleming, Hemstad, McDermott and Talmadge)

Restricting body searches by law enforcement agencies.

MOTIONS

On motion of Senator Talmadge, the rules were suspended and Engrossed Substitute Senate Bill No. 3817 was returned to second reading and read the second time.

Senator Clarke moved that the following amendment by Senator Guess be adopted:

On page 1, strike everything after the enacting clause and insert:

"NEW SECTION. Sec. 1. There is hereby added to chapter 70.48 RCW a new section to read as follows:

The Washington state corrections standards board shall promulgate rules and regulations concerning the appropriate procedures for strip searches in the jails of this state. The board shall consider prisoners' civil rights and rights to privacy in adopting such rules: PROVIDED, That (1) no person may be subjected to a strip search in a county jail, detention or corrections facility by, or observed by, a member of the opposite sex, and (2) no body cavity search shall be performed in a county jail, detention or corrections facility except pursuant to a search warrant. Rules shall be promulgated no later than October 1, 1983, and all jails within the state shall be in compliance with search rules by January 1, 1984.

NEW SECTION. Sec. 2. There is hereby added to chapter 70.48 RCW a new section as follows:

Any jail within the state which shall be in violation of the rules and regulations of the state corrections standards board with respect to strip searches shall receive no state funds."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Guess.

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

MOTIONS

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature to establish policies regarding the practice of strip searching persons booked into holding, detention, or local correctional facilities. It is the intent of the legislature to restrict the practice of strip searching and body cavity searching persons booked into holding, detention, or local correctional facilities to those situations where such searches are necessary.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 1 through 6 of this act.

(1) "Strip search" means having a person remove or arrange some or all of his or her clothing so as to permit an inspection of the genitals, buttocks, anus, or undergarments of the person or breasts of a female person.

(2) "Body cavity search" means the touching or probing of a person's body cavity, whether or not there is actual penetration of the body cavity.

(3) "Body cavity" means the stomach or rectum of a person and the vagina of a female person.

(4) "Law enforcement agency" and "law enforcement officer" include local departments of corrections created pursuant to RCW 70.48.090(3) and employees thereof.

NEW SECTION. Sec. 3. (1) No person may be subjected to a body cavity search by or at the direction of a law enforcement agency unless a search warrant is issued pursuant to superior court criminal rules.

(2) No law enforcement officer may seek a warrant for a body cavity search without first obtaining specific authorization for the body cavity search from the ranking shift supervisor of the law enforcement authority. Authorization for the body cavity search may be obtained electronically: PROVIDED, That such electronic authorization shall be reduced to writing by the
law enforcement officer seeking the authorization and signed by the ranking supervisor as soon as possible thereafter.

(3) Before any body cavity search is authorized or conducted, a thorough pat-down search, a thorough electronic metal-detector search, and a thorough clothing search, where appropriate, must be used to search for and seize any evidence of a crime, contraband, fruits of crime, things otherwise criminally possessed, weapons, or other things by means of which a crime has been committed or reasonably appears about to be committed. No body cavity search shall be authorized or conducted unless these other methods do not satisfy the safety, security, or evidentiary concerns of the law enforcement agency.

(4) A law enforcement officer requesting a body cavity search shall prepare and sign a report regarding the body cavity search. The report shall include:

(a) A copy of the written authorization required under subsection (2) of this section;

(b) A copy of the warrant and any supporting documents required under subsection (1) of this section;

(c) The name and sex of all persons conducting or observing the search;

(d) The time, date, place, and description of the search; and

(e) A statement of the results of the search and a list of any items removed from the person as a result of the search.

The report shall be retained as part of the law enforcement agency’s records.

NEW SECTION. Sec. 4. Nothing in section 3 of this act or this section may be construed as precluding or preventing the administration of medical care to persons requiring immediate medical care or requesting medical care.

NEW SECTION. Sec. 5. (1) Persons conducting a strip search shall not touch the person being searched except as reasonably necessary to effectuate the strip search of the person.

(2) Any body cavity search must be performed under sanitary conditions and conducted by a physician, registered nurse, or physician's assistant, licensed to practice in this state, who is trained in the proper medical process and the potential health problems associated with a body cavity search. No health professional authorized by this subsection to conduct a body cavity search shall be held liable in any civil action if the search is conducted in a manner that meets the standards and requirements of RCW 4.24.290 and 7.70.040.

(3) Except as provided in subsection (7) of this section, a strip search or body cavity search, as well as presearch undressing or postsearch dressing, shall occur at a location made private from the observation of persons not physically conducting the search. A strip search or body cavity search shall be performed or observed only by persons of the same sex as the person being searched, except for licensed medical professionals as required by subsection (2) of this section.

(4) Except as provided in subsection (5) of this section, no person may be present or observe during the search unless the person is necessary to conduct the search or to ensure the safety of those persons conducting the search.

(5) Nothing in this section prohibits a person upon whom a strip search or body cavity search is to be performed from having a readily available person of his or her choosing present at the time the search is conducted. However, the person chosen shall not be a person being held in custody by a law enforcement agency.

(6) Section 3 of this act and this section shall not be interpreted as expanding or diminishing the authority of a law enforcement officer with respect to searches incident to arrest or investigatory stop in public.

(7) A strip search of a person housed in a holding, detention, or local correctional facility to search for and seize a weapon may be conducted at other than a private location if there arises a specific threat to institutional security that reasonably requires such a search or if all persons in the facility are being searched for the discovery of weapons or contraband.

NEW SECTION. Sec. 6. Sections 3, 4, and 5 of this act shall not be construed as limiting any constitutional, common law, or statutory right of any person regarding any action for damages or injunctive relief, or as precluding the prosecution under another provision of law of any law enforcement officer or other person who has violated section 3, 4, or 5 of this act.

NEW SECTION. Sec. 7. The corrections standards board shall study the use of strip searches of persons booked into holding, detention, and local correctional facilities. The corrections standards board shall identify those categories of persons booked into holding, detention, and local correctional facilities which the board deems inappropriate to strip search or body cavity search. Minimum criteria to be employed by the board in identifying such categories shall be federal and state constitutional requirements. The board shall submit its findings and recommendations, together with proposed legislation, to the judiciary committees of the senate and house of representatives before January 1, 1984.

NEW SECTION. Sec. 8. Sections 1 through 6 of this act are each added to chapter 10.79 RCW.

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.
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 on July 1, 1983.

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

On page 1, line 1 of the title, after "seizure;" strike the remainder of the title and insert "adding new sections to chapter 10.79 RCW; creating a new section; providing an effective date; and declaring an emergency."

MOTION

On motion of Senator McDermott, the rules were suspended, Reengrossed Substitute Senate Bill No. 3817 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Reengrossed Substitute Senate Bill No. 3817.

ROLL CALL

The Secretary called the roll on final passage of Reengrossed Substitute Senate Bill No. 3817, and the bill passed the Senate by the following vote: Yeas, 40; nays, 7; absent, 1; excused, 1.


Voting nay: Senators Barr, Benitz, Croswell, Deccio, Guess, Mcaslin, Metcalf - 7.

Absent: Senator Woody - 1.

Excused: Senator Bauer - 1.

REENGROSSED SUBSTITUTE SENATE BILL NO. 3817, having received the 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 resumed consideration of Substitute Senate Bill No. 3766 and the pending striking amendment by Senators Talmadge and Fleming, deferred earlier today.

The President declared the question before the Senate to be adoption of the striking amendment by Senators Talmadge and Fleming.

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

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Guess moved to reconsider the vote by which the striking amendment by Senators Talmadge and Fleming was adopted.

The President declared the question before the Senate to be the motion by Senator Guess to reconsider the vote by which the amendment by Senators Talmadge and Fleming was adopted.

The motion by Senator Guess carried and the Senate reconsidered the striking amendment by Senators Talmadge and Fleming.

MOTION FOR RECONSIDERATION

Senator Guess moved that the following amendment to the amendment be adopted:

On page 2, line 11, after the work "setting", insert the words "to affect an arrest or"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Guess to the amendment.

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

MOTION

Senator Pullen moved the following amendment to the amendment be adopted:

On page 2, line 3, after "person" insert "and a sleeper hold cannot be reasonably applied as a first choice"
Debate ensued.

The President declared the question before the Senate to be adoption of the Pullen amendment to the amendment.

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

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senators Talmadge and Fleming, on reconsideration.

The amendment, on reconsideration, was adopted.

MOTION

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

On page 1, line 2 of the title, after "subdivisions," strike all material down to and including "RCW" on line 3 and insert "adding a new section to chapter 9A.16 RCW; and adding a new section to chapter 43.101 RCW."

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute Senate Bill No. 3766 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3766.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3766, and the bill passed the Senate by the following vote: Yeas, 35; nays, 13; excused, 1.


Excused: Senator Bauer – 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3766, having received the 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 HOUSE BILL NO. 399, by Representatives Sayan, Belcher and McClure

Modifying provisions relating to sales of timber from state-owned land.

MOTIONS

On motion of Senator Owen, the rules were suspended and Engrossed House Bill No. 399 was returned to second reading and read the second time.

Senator Owen moved that the following amendment by Senators Owen and Vognild be adopted:

On page 2, line 20, after "1983" insert "and shall cease to be effective October 1, 1987"

POINT OF ORDER

Senator Clarke: "Mr. President, a point of order. The bill relates to indexing and the price of the sales and the amendment relates to relieving people of their contracts on timber and it doesn’t tie in with the bill’s main purpose at all."

Debate ensued.

MOTIONS

On motion of Senator Shinpoch, further consideration of Engrossed House Bill No. 399 was deferred.

At 3:18 p.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President called the Senate to order at 4:00 p.m.
MOTION

On motion of Senator Shinpoch, Engrossed Substitute House Bill No. 181, introduced and held at the morning session, was referred to the Committee on Natural Resources.

MOTION

At 4:03 p.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Tuesday, May 3, 1983.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.
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 Bauer, Clarke, Jones, McDermott and Rasmussen. On motion of Senator Bluecheil, Senators Clarke and Jones were excused. On motion of Senator Vognild, Senators Bauer, McDermott and Rasmussen were excused.

The Sergeant at Arms Color Guard, consisting of Pages Michelle Birdsall and Bryan Wahl, presented the Colors. Reverend Wallace F. Misterek, pastor of Trinity Lutheran Church of Olympia, offered the prayer.

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

**SB 3834**
Prime Sponsor, Senator Bottiger: Equalizing the authority of municipalities to impose local sales taxes. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Fleming, Hughes, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Wojahn, Woody.

MINORITY recommendation: Do not pass. Signed by Senator Pullen.

Passed to Committee on Rules for second reading.

**SB 3850**
Prime Sponsor, Senator Vognild: Establishing the private sector job placement program. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Fleming, Hughes, Rinehart, Shinpoch, Talmadge, Warnke, Woody.

Passed to Committee on Rules for second reading.

**ESHB 495**
Prime Sponsor, Representative Grimm: Providing post-retirement adjustments for public retirement systems. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Fleming, Hughes, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Wojahn, Woody.

Passed to Committee on Rules for second reading.

**EHB 752**
Prime Sponsor, Representative Charnley: Granting authority to cities, towns, counties, and special purpose districts. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Williams, Chairman; Benitz, Fuller, Goltz, Hemstad, Moore, Quigg.

Passed to Committee on Rules for second reading.
MOTION

On motion of Senator Shinpoch, the rules were suspended and Senate Bills No. 3834 and 3850 and Engrossed Substitute House Bill No. 495 and Engrossed House Bill No. 752 were advanced to second reading and placed on the second reading calendar.

MESSAGES FROM THE HOUSE

May 2, 1983

Mr. President:
The House has passed:
SENATE BILL NO. 3314, and the same is herewith transmitted.
DEAN R. FOSTER, Chief Clerk

May 2, 1983

Mr. President:
The Speaker has signed:
SUBSTITUTE SENATE BILL NO. 3056,
SUBSTITUTE SENATE BILL NO. 3266,
SUBSTITUTE SENATE BILL NO. 3856, and the same are herewith transmitted.
DEAN R. FOSTER, Chief Clerk

INTRODUCTION AND FIRST READING

SCR 133 by Senators Bolliger, Vognild and Wojahn

Authorizing a study regarding the consolidation of Department of Labor and Industries Olympia-area offices.

Hold.

MOTIONS

On motion of Senator Shinpoch, the rules were suspended. Senate Concurrent Resolution No. 133 was advanced to second reading and read the second time.
On motion of Senator Shinpoch, the rules were suspended. Senate Concurrent Resolution No. 133 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 Deccio: "Senator Vognild, if it comes to pass that the Department would consolidate all its offices into one area, would the total square footage be the same as they're using now or in order to respond to what Senator Guess said, would they allow for expansion?"

Senator Vognild: "Well, Senator the study requires that they report back to the legislature and the legislature makes the final approval on it. I would assume that their reports would indicate what square footage they feel they need right now, what they need in the future—and the legislature will make the decision as to whether they would have expanded space."

Senator Deccio: "Senator Vognild, will the Department be given specific instructions as to indicate the number of square footage they're using now and what they plan to seek so that there won't be any misunderstanding between what they're planning to do and what we want them to come back to us with?"

Senator Vognild: "Senator, as chairman of the Labor Committee which deals with this Department, I would be more than happy to submit a letter to them requesting the amount of square footage they have now and how they're utilizing it when they submit their plans."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Concurrent Resolution No. 133.

ROLL CALL

The Secretary called the roll on final passage of Senate Concurrent Resolution No. 133, and the resolution passed the Senate by the following vote: Yeas, 29; nays, 16; excused, 4.
Voting nay: Senators Barr, Benitz, Bluechel, Craswell, Deccio, Guess, Haley, Hayner, Hemstad, Jones, Lee, McCaslin, McManus, Metcalf, Quigg, Zimmerman - 16.
Excused: Senators Bauer, Clarke, McDermott, Rasmussen - 4.

SENATE CONCURRENT RESOLUTION NO. 133, having received the constitutional majority, was declared passed.

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

THIRD READING

SUBSTITUTE HOUSE BILL NO. 39, by Committee on State Government (originally sponsored by Representatives Walk, Lewis, Dickie, Brough, Miller, Sayan, Nealey, Hankins, Isaacson, Silver, Hastings, Addison, Tilly, Struthers, Mitchell, Allen, J. Williams, Barrell and Clayton)

Modifying sunset review procedures.

MOTIONS

On motion of Senator Warnke, the rules were suspended and Substitute House Bill No. 39 was returned to second reading and read the second time.

MOTION FOR RECONSIDERATION

On motion of Senator Warnke, the Senate reconsidered the vote by which the amendment on page 7, line 27, was adopted by the Senate, April 19, 1983.

PARLIAMENTARY INQUIRY

Senator Bolliger: "Mr. President, a point of parliamentary inquiry. I understand by the passing of that motion that the chair is considering amendments to bills that were previously adopted by the Senate as being adopted under the continuing resolution."

REPLY BY THE PRESIDENT

President Cherberg: "Yes, that is true, Senator Bolliger."

MOTION

On motion of Senator Warnke, the following amendment to the amendment was adopted:

On page 4 of the amendment to page 7, after line 1, strike all material down to and including "court." on page 5, line 27.

Renumber the remaining section consecutively.

The President declared the question before the Senate to be adoption of the amendment on page 7, line 27, as amended.

POINT OF INQUIRY

Senator Hayner: "Senator Warnke, would you try to tell us exactly what the amendment was? I'm not at all clear."

Senator Warnke: "Senator Hayner, if you'll recall, this was the amendment we adopted that dealt with the escrow agents and a supreme court ruling and the effects that that had. The escrow agents had—after the bill had passed—section 13, which dealt with that subject matter—the trial lawyers association came in and had concerns about the language which is in section 13, so they simply have repealed that section which deals with the escrow agents. They are now under an escrow board and will work under the rules of the supreme court."

POINT OF INQUIRY

Senator Bottiger: "I have received several calls from title companies indicating that there was double registration in the former bill. Are these the amendments that cure that objection?"

Senator Warnke: "I believe that's correct."
The amendment on page 7, line 27, as amended on reconsideration, was adopted.

MOTIONS

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

On line 4 of the title amendment to page 1, line 3, following "insert", strike all material through "18.44.020;" on line 8.

On motion of Senator Warnke, the rules were suspended, Substitute House Bill No. 39, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was 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. 39, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 39, as amended by the Senate, and the bill passed the Senate by the following vote:

Yeas. 42; nays. 2; absent. 1; excused. 4.

Voting yea: Senators Barr, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, Manus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 42.

Voting nay: Senators Guess, Metcalf - 2.

Absent: Senator Fleming - 1.

Excused: Senators Bauer, Clarke, McDermott, Rasmussen - 4.

SUBSTITUTE HOUSE BILL NO. 39, 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

HOUSE BILL NO. 72, by Representatives Grimm and Tilly (by Department of Revenue request)

Modifying miscellaneous tax provisions.

MOTIONS

On motion of Senator Bottiger, the rules were suspended and House Bill No. 72 was returned to second reading and read the second time.

On motion of Senator Bottiger, further consideration of House Bill No. 72 was deferred.

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 740, by Committee on State Government (originally sponsored by Representatives Braddock, J. King, Zellinsky, Tanner, Smitherman, Ebersole, D. Nelson, Haugen and Jacobsen)

Establishing a cost control task force.

The bill was read the second time.

MOTIONS

On motion of Senator Warnke, the following Committee on State Government amendments were considered and adopted simultaneously:

On page 2, line 12, of the engrossed and printed bill, strike "on April 30, 1984" and insert "upon submitting its report as required by section 3 of this act"

On page 2, line 13, of the engrossed bill, being page 2, line 15, of the printed bill, strike "legislative budget committee" and insert "legislative advisory committee on state government organization created by Engrossed Substitute Senate Concurrent Resolution No. 113 of 1983"

On motion of Senator Warnke, the rules were suspended. Engrossed Substitute House Bill No. 740, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Senator Quigg: "Senator Warnke, did we adopt the floor amendments on page 2, line 12, and page 2, line 13?"

Senator Warnke: "Yes, we have adopted them as committee amendments on page 2, line 12, and page 2, line 13. It is the same as the committee amendments that I read previously, Senator."

Senator Quigg: "So now we have stricken legislative budget committee and have the committee established by SCR 113 as the recipient of the oversight?"

Senator Warnke: "Yes."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 740, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 740, as amended by the Senate, and the bill failed to pass the Senate by the following vote: Yeas, 23; nays, 23; excused, 3.


Voting nay: Senators Barr, Benitz, Bluechel, Croswell, Deccio, Fuller, Guess, Haley, Hoyner, Hemstad, Jones, Kiskaddon, Lee, McCastlin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellak, Shinpoch, von Reichbauer, Zimmerman - 23.

Excused: Senators Bauer, Clarke, Rasmussen - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 740, as amended by the Senate, having failed to receive constitutional majority, was declared lost.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Shinpoch served notice that he would move to reconsider the vote by which Engrossed Substitute House Bill No. 740, as amended by the Senate, failed to pass the Senate.

MOTION

At 10:42 a.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President called the Senate to order at 11:38 a.m.

MOTION

At 11:38 a.m., on motion of Senator Shinpoch, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Cherberg.

MOTIONS

On motion of Senator Bottiger, the Committee on Rules was relieved of further consideration of Senate Bill Nos. 3044, 3187, 3780, 3608 and 3760 and of House Bill Nos. 43, 127 and 295.

On motion of Senator Bottiger, the rules were suspended and Senate Bill Nos. 3044, 3187, 3780, 3608 and 3760 and House Bill Nos. 43, 127 and 295 were advanced to second reading and placed on the second reading calendar.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 3838, deferred April 28, 1983.

RULING BY THE PRESIDENT

President Cherberg: "In ruling on the point of order raised by Senator Rasmussen, the President finds that Senate Bill No. 3838 is a measure which provides for the licensing of social workers, requires the setting of fees by rule and contains an appropriation.

"The President, therefore, finds that Senate Bill No. 3838 comes within the provisions of subsection (2) of House Concurrent Resolution No. 23 and that it is properly before the Senate."
NINTH DAY, MAY 3, 1983

POINT OF ORDER

Senator Guess: "Mr. President, I would raise the point that the bill does not come within the purview for the following reasons: Subsection (2) says 'bills that implement budget.' Now, I would like to discuss with you the course that 3838 has had. It was adopted; it was introduced on February 17--had its first reading and was referred to the Senate Social and Health Services Committee."

POINT OF ORDER

Senator Shinpoch: "Mr. President, a point of order. I don't really understand what Senator Guess is—is he challenging the ruling of the chair or what is he doing? My understanding of your ruling was that you have ruled on the scope on whether it’s properly before us or not and that ruling has been made. It seems to me that if Senator Guess wants to challenge the ruling of the President, then he needs to start with that."

APPEAL OF THE RULING OF THE CHAIR

Senator Guess: "Mr. President, I challenge the ruling of the chair for the following reasons:

"Mr. President, I do so for the reasons that 3838 was first read on February 17. It went to the committee—the committee heard it on March 11 and substituted the bill and put it out 'do pass.' It went to the Rules Committee for second reading. On March 30, it was referred to the Ways and Means Committee. Now, when the bill went to the Rules Committee, you would have thought that they would have put it in the pink budget. I have diligently searched all those sections in the pink budget and I find not one mention of any of the contents of 3838 in the budget—and I would call your attention to sections 52 to 65--62--63--and additional sections of the budget bill.

"I then went to Webster's Dictionary to find out if it did comply and was a part of the budget. A budget is 'a plan or a schedule of expenses during a certain period to the estimated or fixed income of that period; the costs of the estimate of the living or operating; the amount of money needed or allocated for a specific purpose; to put in a budget or to provide for in a budget.' None of these provisions of this law in a budget or provided for in a budget—'a plan of expenditures and activities according to a budget.' It is not in the pink budget which is House Bill 49.

"Now, if you’re going to implement the budget, the Webster’s Dictionary says that 'any article or device used or needed in a given activity—a tool, an instrument or utensil'—also 'to implement is any thing or person used as a means to some end.' Now, this may be a means to an end, but it's not an end to the budget or House Bill 49. 'To carry into practical effect'—It does not carry House Bill 49 into effect. It does not fulfill House Bill 49 and it does not accomplish 49.

"The next definition was to provide for the means of carrying out or and giving practical effect to the House Bill 49. For those reasons, Mr. President, I challenge the fact that it is not properly before the body."

REPLY BY THE PRESIDENT

President Cherberg: "Members of the Senate, the President also believes that the measure fits in category one, inasmuch as the bill has an appropriation which affects the budget."

Debate ensued.

The President declared the question before the Senate to be shall the decision of the chair stand as the judgment of the Senate.

The motion by Senator Guess failed and the Senate resumed consideration of Substitute Senate Bill No. 3838 and the pending amendments to page 2, line 35, and page 3, line 16, by Senators Shinpoch and McManus, proposed April 28, 1983.

The President declared the question before the Senate to be adoption of the two amendments by Senators Shinpoch and McManus.

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

MOTIONS

On motion of Senator Shinpoch, the following amendments were considered and adopted simultaneously:
On page 3, line 3, alter "worker" strike "or certified social worker"
On page 4, line 21, alter "worker" strike "or certified social worker"

On motion of Senator McManus, the rules were suspended. Engrossed Substitute Senate Bill No. 3838 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

POINT OF INQUIRY

Senator Hayner: "Senator McManus, I understand that one of the requirements is successful completion of an examination, in addition to the fact that you have to have a master's degree and two years' experience. Then, who will be grandfathered in or what are the reciprocity provisions of this bill? Will everybody that's presently practicing clinical social work be grandfathered?"

Senator McManus: "No, as far as I know, there's no grandfathering in, Senator Hayner. The people who are MSW's currently who hold a master's degree in social work and if they have the two years of experience they will be eligible to take the examination. They will have to pass the examination and be certified or licensed by the board of social workers."

Senator Hayner: 'I wish you would explain then the next to the last sentence on our digest which says 'unless the applicant qualifies under the grandfather reciprocity provisions of the bill.' To what does that refer?"

Senator McManus: "I would have to check with the Department of Licensing on that. It was my understanding that these people would have to pass an examination and obtain their license from the board of social work that will be established under this law."

There being no objection, further consideration of Engrossed Substitute Senate Bill No. 3838 was deferred.

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

THIRD READING

SUBSTITUTE SENATE BILL NO. 3074, by Committee on Social and Health Services (originally sponsored by Senators Moore, Jones and McManus)

Requiring licensure of occupational therapists.

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. 3074.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3074, and the bill passed the Senate by the following vote: Yeas, 34; nays, 12; absent, 1; excused, 2.

Voting yea: Senators Barr, Bender, Benitz, Bluecheil, Bottiger, Conner, Deccio, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 34.

Voting nay: Senators Clarke, Croswell, Fuller, Guess, Haley, Hayner, McCaslin, Metcalf, Pullen, Quigg, Sellar, Zimmerman - 12.

Absent: Senator Hemstad - 1.

Excused: Senators Bauer, Rasmussen - 2.

SUBSTITUTE SENATE BILL NO. 3074, having received the 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. 3083, by Senators Warnke, Rasmussen and Hayner (by Department of Licensing request)

Modifying certain license fees and procedures.

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. 3083.
ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3083, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.


Voting nay: Senator Guess - 1.

Excused: Senators Bauer, Rasmussen - 2.

SENATE BILL NO. 3083, having received the 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 resumed consideration of Substitute Senate Bill No. 3864 and the pending motion by Senator Hansen to suspend the rules and return the bill to second reading, deferred May 2, 1983.

The President declared the question before the Senate to be the motion by Senator Hansen to suspend the rules and return Substitute Senate Bill No. 3864 to second reading.

The motion by Senator Hansen carried and Substitute Senate Bill No. 3864 was returned to second reading and read the second time.

MOTION

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

On page 2, line 4, insert

"Sec. 3. Section 4, chapter 33, Laws of 1971 ex. sess. as amended by section 20, chapter 182, Laws of 1982 and RCW 15.13.280 are each amended to read as follows:

No person shall act as a nursery dealer without a license for each place of business where horticultural plants are sold. Any person applying for such a license shall apply through the master license system. Such application shall be accompanied by a license fee of ((twenty-five)) one hundred dollars. Such license shall expire on the master license expiration date unless it has been revoked or suspended prior thereto by the director for cause. Each such license shall be posted in a conspicuous place open to the public in the location for which it was issued.

Sec. 4. Section 7, chapter 33, Laws of 1971 ex. sess. and RCW 15.13.310 are each amended to read as follows:

(1) There is hereby levied an annual assessment of one percent on the gross sale price of the wholesale market value for all fruit trees, fruit tree seedlings, and fruit tree rootstock sold within the state or shipped from the state of Washington by any licensed nursery dealer during any license period, as set forth in this chapter: PROVIDED, That the director may subsequent to a hearing, on or after this chapter has been in effect for a period of two years, reduce such assessment to conform with the costs necessary to carry out the fruit tree certification and nursery improvement programs specified in RCW 15.13.470.

Such wholesale market price may be determined by the wholesale catalogue price of the seller of such fruit trees, fruit tree seedlings, or fruit tree rootstock or of the shipper moving such fruit trees, fruit tree seedlings, or fruit tree rootstock out of the state. If the seller or shipper do not have a catalogue, then such wholesale market price may be based on the actual selling price or an average wholesale market price. The director in determining such average wholesale market price may use catalogues of various businesses licensed under the provisions of this chapter or any other reasonable method.

(2) Such assessment shall be due and payable ((at the time the nursery dealer applies for a license or should have applied for a license as required in the provisions of this chapter)) on the first day of July of each year.

(3) The gross sale period shall be from July 1 to June 30 of the previous license period.

Sec. 5. Section 8, chapter 33, Laws of 1971 ex. sess. and RCW 15.13.320 are each amended to read as follows:

An advisory committee is hereby established to advise the director in the administration of the fruit tree certification and nursery improvement program.

(1) The committee shall consist of ((three)) five fruit tree nurserymen((one pome fruit producer and one stone fruit producer)) and the director or his designated appointee."
(2) The director shall appoint this committee from ((the following recommendations: Three)) names ((are to be)) submitted ((for each position.)) by the Washington state nurserymen’s association ((is to submit names for the fruit tree nurserymen positions. The Washington state horti-cultural association is to furnish the names for the pome fruit producer and the stone fruit producer)).

(3) The terms of the members of the committee shall be staggered and the members shall serve a term of three years and until their successor has been appointed and qualified((PRO- VIDED. That the first appointments to this committee beginning July 30, 1971, shall be for the following terms):

(a) Position no. 1—fruit tree nurseryman, three year term.
(b) Position no. 3—pome fruit producer, three year term.
(c) Position no. 2—fruit tree nurseryman, two year term.
(d) Position no. 4—stone fruit producer, one year term.
(e) Position no. 5—fruit tree nurseryman, one year term).

In the event a committee member resigns, is disqualified, or vacates his position on the committee for any other reason the vacancy shall be filled by the director under the provisions of this section governing appointments.

NEW SECTION. Sec. 6. There is added to chapter 15.13 RCW a new section to read as follows:

An advisory committee is hereby established to advise the director in the administration of this chapter.

(1) The committee shall consist of the following members: The president, or an appointee designated by the president, of (a) the Washington state floricultural association, (b) the Washington state bulb association, and (c) the Washington state nursery association; and the director or his designated appointee.

(2) The terms of the members of the committee shall be the same as the terms of the officers for the association set forth in subsection (1) of this section.

NEW SECTION. Sec. 7. There is added to chapter 15.13 RCW a new section to read as follows:

(1) The director is hereby authorized to apply to the superior court of Thurston county for a prompt hearing on, and such court shall have jurisdiction upon, and for cause shown the court shall, without proof that an adequate remedy at law does not exist, grant, a temporary or permanent injunction restraining any person from operating as a nursery dealer without a valid license.

(2) An order restraining any person from operating as a nursery dealer without a valid license shall contain such provision for the payment of pertinent court costs and reasonable attorneys' fees and administrative expenses as is equitable and the court deems appropriate in the circumstances.

NEW SECTION. Sec. 8. Section 9, chapter 33, Laws of 1971 ex. sess. and RCW 15.13.330 are each repealed.

MOTION

Senator Hansen moved the following amendment by Senators Hansen and Goltz be adopted:

On page 2, after line 4, insert the following:

"Sec. 2. Section 36, chapter 7, Laws of 1975 1st ex. sess. and RCW 69.04.398 are each amended to read as follows:

The purpose of RCW 69.04.110, 69.04.392, 69.04.394, and 69.04.396 is to promote uniformity of state legislation and regulations with the Federal Food, Drug and Cosmetic Act 21 USC 301 et seq. and regulations adopted thereunder. In accord with such declared purpose any regulation adopted under said federal food, drug and cosmetic act concerning food in effect on July 1, 1975, and not adopted under any other specific provision of RCW 69.04.110, 69.04.392, 69.04.394, and 69.04.396 are hereby deemed to have been adopted under the provision hereof. Further, to promote such uniformity any regulation adopted hereafter under the provisions of the federal food, drug and cosmetic act concerning food and published in the federal register shall be deemed to have been adopted under the provisions of RCW 69.04.110, 69.04.392, 69.04.394, and 69.04.396 in accord with chapter 34.04 RCW as enacted or hereafter amended. The director may, however, within thirty days of the publication of the adoption of any such regulation under the federal food, drug and cosmetic act give public notice that a hearing will be held to determine if such regulation shall not be applicable under the provisions of RCW 69.04.110, 69.04.392, 69.04.394, and 69.04.396. Such hearing shall be in accord with the requirements of chapter 34.04 RCW as enacted or hereafter amended.

The director may, by rule, establish or amend definitions and standards for dairy products which exceed those standards set forth under the Federal Food, Drug and Cosmetic Act 21 U.S.C. 301 et seq. and regulations adopted thereunder."
POINT OF INQUIRY

Senator McDermott: "Senator Hansen, this bill doesn't have any where in it—in the amendment or in the bill—any of that support business that we got into some years ago in the middle of the night?"

Senator Hansen: "None whatsoever. It's straight up."

Senator McDermott: "That puts my mind at rest. Thank you."

The President declared the question before the Senate to be adoption of the amendment by Senators Hansen and Goltz.

The motion by Senator Hansen carried and the amendment was adopted:

MOTIONS

On motion of Senator Hansen the following title amendments were considered and adopted simultaneously:


On page 1, line 1 of the title, strike "commodity commissions; and" and insert "agriculture;"

On page 1, line 3 of the title after "15.28.180" and before the period insert: and amending section 36, chapter 7, Laws of 1975 Isl ex. sess. and RCW 69.04.398"

On motion of Senator Hansen, the rules were suspended, Engrossed Substitute 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 Lee: "Senator Hansen, I just now had the opportunity to get through the amendments that you offered that increased the license fee for the nursery dealers who sell horticultural plants and from what I understand this increases it from a one-time fee of twenty-five dollars to a fee of one hundred dollars a year."

Senator Hansen: "I think you'll find it was twenty-five dollars per year and it was raised to a hundred dollars per year."

Senator Lee: "Now, over here on the second page, when we're talking about the assessment—that's the one percent assessment that you are talking about that used to be—"

Senator Hansen: "Senator Lee, up to date, the nursery stockmen have been raising this root stock that they transplant the balance of the tree on. There has been no regulation on that at all, so we've got some nurserymen that haven't been using the best stock. This will make the tree nurserymen in the state bring all of the products up to a standard that we can be proud to have sold in the state of Washington."

Senator Lee: "I guess what I want to know is whether this applies only to nursery growers who are in the fruit tree and root stock business or if it includes all nurseries, including those who grow bedding plants and so on—as far as the license fees?"

Senator Hansen: "I don't believe it covers those folks. This is for the fruit tree industry."

Senator Lee: "I am concerned that we are not putting a very onerous fee upon the entire rate. For example, those that grow bedding plants and only work part of the year."

Senator Hansen: "That isn't the intent of this bill."

Senator Lee: "I appreciate hearing that and if it's all right with you, Senator Hansen, I would like to look at this bill further when we get it over to the House and if there's any problem it will be taken care of."

Senator Hansen: "Thank you."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3864.
The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3864, and the bill passed the Senate by the following vote: Yeas, 42; nays, 5; excused, 2.

Voting yea: Senators Barr, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 42.

Voting nay: Senators Croswell, McCaslin, Metcall, Pullen, Zimmerman - 5.

Excused: Senators Bauer, Rasmussen - 2.

ENGROSSED SUBSTITUTE 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.

There being no objection, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 3838, deferred earlier today.

REMARKS BY SENATOR McMANUS

Senator McManus: "Thank you, Mr. President and members of the Senate. In response to Senator Hayner's question, Senator Hayner is correct. There is reciprocity and there is a grandfathers clause, but the clause is only in effect for twelve months. At that time, everyone who wants to become licensed will have to take the examination prepared by the board. As far as the grandfathering is concerned, it does require the credentials and the experience, so there is a twelve month--I checked with my committee director and he tells me that in the health care professional licensing area, this is very customary and standard, so I would urge your support of this bill."

POINT OF INQUIRY

Senator Deccio: "Senator McManus, I just want to repeat the question that I asked in committee, so that we do get it on the record that this bill in no way precludes those people who are--for example--working for the Salvation Army that could be called social workers--the people who work for Cancer Outreach, for example--those volunteers--none of those people would be affected--nor would they be required to be licensed in order to continue to do what they are doing."

Senator McManus: "That is correct, Senator Deccio. Anybody that calls themselves a social worker and is working in the social workers field can continue to do so without any problem. This merely licenses six-year students from the universities who have two years of graduate work."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3838.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3838, and the bill passed the Senate by the following vote: Yeas, 37; nays, 10; excused, 2.


Voting nay: Senators Barr, Bluechel, Clarke, Croswell, Guess, Haley, McCaslin, Newhouse, Pullen, Sellar - 10.

Excused: Senators Bauer, Rasmussen - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3838, having received the 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 resumed consideration of Engrossed Substitute Senate Bill No. 3273, deferred April 28, 1983.

RULING BY THE PRESIDENT

President Cherberg: "In ruling on the point of order raised by Senator Newhouse, the President finds that Engrossed Substitute Senate Bill No. 3273 is a
measure which empowers the Washington Radioactive Waste Commission as the sole recipient of federal funds given for impact assistance to the state regarding all phases of high-level waste repository siting.

"The President finds that Engrossed Substitute Senate Bill No. 3273 comes within the provisions of subsection 3 of House Concurrent Resolution No. 23 and, therefore, is properly before the Senate."

MOTION

On motion of Senator Newhouse, and there being no objection, the point of order raised on the striking amendment by Senator Williams was withdrawn.

The President declared the question before the Senate to be adoption of the striking amendment by Senator Williams.

MOTION

Senator Pullen moved adoption of the following amendment to the amendment:

On page 8, line 36, before subatomic insert atomic or

Debate ensued.

POINT OF INQUIRY

Senator McCaslin: "Senator Pullen, I guess the question that I'd like to ask you is do atomic particles fit into the ionizing radiation, which I assume is the question here?"

Senator Pullen: "Most of the subatomic particles that we've been talking about would be included in some of the ones that are listed there. The atomic particles are usually partially ionized. In other words, the atomic particles may be nuclide themselves, which may have one or more of their electrons stripped away but they would still be considered atomic particles. I think, more accurately than subatomic particles which, I think, is intended to talk more about the basic components of the atom."

POINT OF INQUIRY

Senator Haley: "Senator Pullen, these other particles referring back to the particles mentioned here, is an alpha and a beta particle an atomic or subatomic particle?"

Senator Pullen: "An alpha particle would be an atomic particle in my definition. A beta particle would be a subatomic particle."

Senator Haley: "What about a proton?"

Senator Pullen: "The proton could be considered either an atomic particle or a subatomic particle. If you were considering it as part of the hydrogen atom, it would be an atomic particle, but if you were considering it as part of the nucleus of another atom it would be a subatomic particle."

POINT OF INQUIRY

Senator Deccio: "Senator McCaslin, if you understood what Senator Pullen explained to you, the question you asked him, would you explain it to me?"

Senator McCaslin: "No, but I'll have Senator Pullen explain it to you."

The President declared the question before the Senate to be adoption of the amendment to the amendment.

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

MOTION

On motion of Senator Newhouse the following amendment to the amendment was adopted:

On page 5, line 20, after "tribe" strike "shall" and insert "may"

The President declared the question before the Senate to be adoption of the Williams amendment, as amended.

The motion by Senator Williams carried and the amendment, as amended, was adopted.
MOTIONS

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

On page 1, line 1 of the title, after "waste," strike the remainder of the title and insert "amending section 3, chapter 207, Laws of 1961 as last amended by section 125, chapter 141, Laws of 1979 and RCW 70.98.030; adding a new chapter to Title 43 RCW; creating new sections; repealing section 12, chapter 295, Laws of 1981 and RCW 43.21F.075; and declaring an emergency."

On motion of Senator Williams, the rules were suspended. Engrossed Substitute Senate Bill No. 3273 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 Barr: "Senator Williams, on page 2, section 3, that short paragraph there kind of bothers me a little bit. Maybe you could kind of clarify what it means. II says 'all the departments, all agencies, all officers of this state and its subdivisions shall cooperate with the Department of Ecology.' We are giving the Department of Ecology, this session, an awful lot—in solid waste, in hazardous waste, in air pollution and now this—and then we say 'that all agencies shall cooperate.' Could you clarify that a little bit?"

Senator Williams: "My assumption is that that is general language which alerts all other agencies of the state to cooperate in essence with this agency because it's a policy of the legislature that this agency is designated as the agency that will, in fact, have this responsibility. I suspect that this kind of language exists throughout our statutes in relation to other agencies and their roles. I don't know that for a fact, but I suspect that it's basically one of those requiring cooperation between agencies."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3273.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3273, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Barr, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Melcati, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Excused: Senators Bauer, Rasmussen - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3273, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 3314.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 3372,
SENATE BILL NO. 3784.

MOTION

At 2:53 p.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Wednesday, May 4, 1983.

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

MORNING SESSION

Senate Chamber, Olympia, Wednesday, May 4, 1983

The Senate was called to order at 10:00 a.m. by President Pro Tempore Goltz. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Bauer, McDermott and von Reichbauer. On motion of Senator Bluechel, Senator von Reichbauer was excused. On motion of Senator Vognild, Senators Bauer and McDermott were excused.

The Sergeant at Arms Color Guard, consisting of Pages Shelly Quinlan and Roxanne Armstrong, presented the Colors. Reverend Wallace F. Misterek, pastor of Trinity Lutheran Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

May 3, 1983

SB 4007 Prime Sponsor, Senator McDermott: Relating to public funds. Reported by Committee on Ways and Means


Passed to Committee on Rules for second reading.

May 3, 1983

SHB 251 Prime Sponsor, Representative Sayan: Reported by Committee on Ways and Means

Establishing the state employment and conservation corps. MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Vice Chairman; Bottiger, Deccio, Fleming, Lee, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

May 3, 1983

HB 595 Prime Sponsor, Representative Ellis: Establishing the East Selah reregulating reservoir project. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bottiger, Deccio, Fleming, Hayner, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

May 3, 1983

EHB 1094 Prime Sponsor, Representative Moon: Relating to local government. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Williams, Chairman; Benitz, Fuller, Goltz, Hemstad, Quigg.

MINORITY Recommendation: Do not pass as amended. Signed by Senators Hurley and Moore

Passed to Committee on Rules for second reading.
1784 JOURNAL OF THE SENATE

MOTION

On motion of Senator Shinpoch, the rules were suspended and Senate Bill No. 4007, Substitute House Bill No. 251, House Bill No. 595 and Engrossed House Bill No. 1094 were advanced to second reading and placed on the second reading calendar.

MESSAGES FROM THE HOUSE

May 3, 1983

Mr. President:
The House has adopted:
HOUSE CONCURRENT RESOLUTION NO. 26, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk
May 3, 1983

Mr. President:
The House has passed:
SUBSTITUTE SENATE BILL NO. 3372,
SENATE BILL NO. 3784, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk
May 3, 1983

Mr. President:
The House concurred in the Senate amendments to HOUSE BILL NO. 420 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 26 by Representatives Heck and G. Nelson

Convening a joint session to receive the Governor's message on the current situation regarding WPPSS.

MOTIONS

On motion of Senator Shinpoch, the rules were suspended, House Concurrent Resolution No. 26 was advanced to second reading and read the second time.

On motion of Senator Bottiger, the rules were suspended, House Concurrent Resolution No. 26 was advanced to third reading, the second reading considered the third and the resolution was adopted.

There being no objection, the Senate resumed consideration of Engrossed House Bill No. 399, deferred May 2, 1983.

RULING BY THE PRESIDENT
(and read by the President Pro Tempore)

President Pro Tempore Goltz: "In ruling upon the point of order raised by Senator Rasmussen, the President finds that Engrossed House Bill No. 399 is a measure which modifies the law dealing with market price indexing in state timber sale contracts.

"The amendment proposed by Senator Owen enables purchasers of certain state timber sale contracts to default on the contracts if the purchasers can prove financial hardship and that they were not aware of the default relief provisions enacted in 1982.

"The President, therefore, find that the proposed amendment does expand the scope and object of the bill and that the point of order is well taken."

The amendment was ruled out of order.

MOTION

On motion of Senator Shinpoch, further consideration of Engrossed House Bill No. 399 was deferred.

There being no objection, the President Pro Tempore advanced the Senate to the seventh order of business.
THIRD READING

ENGROSSED HOUSE BILL NO. 2, by Representatives Todd, Barnes, D. Nelson, Armstrong, Hine, Wang, Vekich, Charnley, Rust, Jacobsen, Crane and Lux

Requiring energy-efficient standards for buildings.

The bill was read the third time and placed on final passage. The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 2, as previously amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 2, as previously amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 30; nays, 16; excused, 3.


Voting nay: Senators Barr, Benitz, Clarke, Craswell, Deccio, Guess, Hansen, Jones, Lee, McCaslin, Metcalf, Newhouse, Peterson, Pullen, Rasmussen, Vognild - 16.

Excused: Senators Bauer, McDermott, von Reichbauer - 3.

ENGROSSED HOUSE BILL NO. 2, as previously 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 President Pro Tempore returned the Senate to the sixth order of business.

There being no objection, the Senate resumed consideration of Engrossed House Bill No. 399, deferred earlier today.

MOTIONS

On motion of Senator Owen, the following amendment by Senators Owen and Vognild was adopted:

On page 2, line 20, after "1983" insert "and shall cease to be effective October 1, 1987"

On motion of Senator Owen, the rules were suspended. Engrossed House Bill No. 399, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 399, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 399, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; nays, 7; excused, 3.


Excused: Senators Bauer, McDermott, von Reichbauer - 3.

ENGROSSED HOUSE BILL NO. 399, 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 President Pro Tempore advanced the Senate to the seventh order of business.
THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 4099, by Committee on Ways and Means (originally sponsored by Senators Rinehart and Shinpoch) (by Joint Select Committee on Sunset request)

Providing for the review of certain tax preferences.

The bill was read the third time and placed on final passage. The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4099.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4099, and the bill passed the Senate by the following vote: Yeas, 28; nays, 17; absent, 1; excused, 3.


Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Guess, McCaslin, McManus, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, Warnke, Zimmerman - 17.

Absent: Senator Hayner - 1.

Excused: Senators Bauer, McDermott, von Reichbauer - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4099, having received the 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


Providing for the establishment of export assistance centers.

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

MOTIONS

On motion of Senator Bolliger, further consideration of Second Substitute House Bill No. 226 was deferred.

At 10:40 a.m., on motion of Senator Bolliger, the Senate recessed until 11:40 a.m.

SECOND MORNING SESSION

The Senate was called to order at 11:40 a.m. by President Pro Tempore Goltz. There being no objection, the President Pro Tempore returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

May 3, 1983

Mr. President:
The House refuses to recede from its amendments to ENGROSSED SENATE BILL NO. 3858 and asks the Senate for a conference thereon, and the Speaker has appointed the following members as conferees: Representatives Moon, Charnley and Van Dyken.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Thompson, the request of the House for a conference on Engrossed Senate Bill No. 3858 and the House amendments thereto was granted.
TENTH DAY, MAY 4, 1983

APPOINTMENT OF CONFERENCE COMMITTEE

The President Pro Tempore appointed as members of the Conference Committee on Engrossed Senate Bill No. 3858 and the House amendments thereto: Senators Benitz, Thompson and Granlund.

MOTION

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

MESSAGE FROM THE HOUSE

May 3, 1983

Mr. President:
The House refuses to recede from its amendments to SUBSTITUTE SENATE BILL NO. 4137 and asks the Senate for a conference thereon, and the Speaker has appointed the following members as conferees: Representatives Niemi, Dellwo and Lewis.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Granlund, the request of the House for a conference on Substitute Senate Bill No. 4137 and the House amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President Pro Tempore appointed as members of the Conference Committee on Engrossed Senate Bill No. 4137 and the House amendments thereto: Senators Pullen, Owen and Granlund.

MOTION

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

MESSAGE FROM THE HOUSE

May 3, 1983

Mr. President:
The House refuses to concur in the Senate amendments to ENGROSSED HOUSE BILL NO. 74 and asks the Senate for a conference thereon, and the Speaker has appointed the following members as conferees: Representatives Moon, Ebersole and Brough.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Thompson, the request of the House for a conference on Engrossed House Bill No. 74 and the Senate amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President Pro Tempore appointed as members of the Conference Committee on Engrossed House Bill No. 74 and the Senate amendments thereto: Senators Zimmerman, Thompson and Bauer.

MOTION

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

MESSAGE FROM THE HOUSE

May 3, 1983

Mr. President:
The House refuses to concur in the Senate amendments to ENGROSSED HOUSE BILL NO. 239 and asks the Senate for a conference thereon, and the Speaker has appointed the following members as conferees: Representatives Pruitt, Sommers and Miller.

DEAN R. FOSTER, Chief Clerk
On motion of Senator Talmadge, the request of the House for a conference on Engrossed House Bill No. 239 and the Senate amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President Pro Tempore appointed as members of the Conference Committee on Engrossed House Bill No. 239 and the Senate amendments thereto: Senators Clarke, Hughes and Talmadge.

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

MESSAGE FROM THE HOUSE

May 3, 1983

Mr. President:
The House refuses to recede from its amendments to ENGROSSED HOUSE BILL NO. 428 and asks the Senate for a conference thereon, and the Speaker has appointed the following members as conferees: Representatives Crane, Dellwo and Padden.

DEAN R. FOSTER, Chief Clerk

On motion of Senator Shinpoch, the rules were suspended, Engrossed Substitute House Bill No. 181 was advanced to second reading and placed on the second reading calendar.

On motion of Senator Shinpoch, further consideration of Engrossed Substitute House Bill No. 181 was deferred.

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

REPORT OF STANDING COMMITTEE

May 3, 1983

ESHB 181 Modifying provisions regarding public lands. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Owen, Chairman; Peterson, Vice Chairman; Fuller, Metcalf, Quigg, Shinpoch, Vognild.

MOTIONS

On motion of Senator Shinpoch, the House for a conference on Engrossed House Bill No. 239 and the Senate amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President Pro Tempore appointed as members of the Conference Committee on Engrossed House Bill No. 239 and the Senate amendments thereto: Senators Hemstad, Hughes and Talmadge.

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

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

MESSAGE FROM THE HOUSE

May 3, 1983

Mr. President:
The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3085 with the following amendments:

On page 2, beginning on line 13 strike all material through "(3)" on line 16 and insert the following:
"(2) (Additional benefits are payable to otherwise eligible persons who have exhausted extended benefits on their most recent claim after July 1, 1980.

(3))"

On page 6, line 9 after "50.44.010" insert "and 50.44.030".

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Vognild, the Senate concurred in the House amendments to Engrossed Second Substitute Senate Bill No. 3085.

Debate ensued.

MOTION

On motion of Senator Bottiger, further consideration of Engrossed Second Substitute Senate Bill No. 3085, as amended by the House, was deferred.

MESSAGE FROM THE HOUSE

April 29, 1983

Mr. President:

The House has passed SENATE BILL NO. 3090 with the following amendments:

On page 3, alter line 23, insert new sections to read as follows:

"NEW SECTION. Sec. 2. There is added to chapter 43.88 RCW a new section to read as follows:

Prior to January 15 of each year, each state agency shall separately itemize and submit to the secretary of the senate and chief clerk of the house any expenditures required to be made by the agency under any federal court order. The secretary and chief clerk shall transmit this information to the appropriate standing committees. In each instance, the legislature shall review the expenditures mandated by the federal court order with a view to determining whether the program affected by the court order should be continued or eliminated and funds for the program either appropriated or not appropriated accordingly.

NEW SECTION. Sec. 3. Section 2 of 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."

Renumber the remaining sections consecutively.

On page 3, following line 25, insert:

"NEW SECTION. Sec. 3. There is added to chapter 43.88 a new section to read as follows:

The optional budget appendix containing a proposal for expenditures in the ensuring fiscal period from revenue sources derived from proposed changes in existing statutes shall be no more detailed than the required budget document setting forth a proposal for expenditures in the ensuring fiscal period based upon anticipated revenues for such fiscal period based upon anticipated revenues for such fiscal period from the source and at the rates existing by law at the time of submission of the budget document."

On page 3, line 29, after "immediately" insert ", except section 2 of this act which shall take effect July 1, 1983."

On page 3, line 29, after "immediately." insert "This section shall not apply to section 2 of this act."

On page 1, line 3, alter "43.88." insert "adding a new section to chapter 43.88 RCW." and on page 1, line 4, after "43.88.113."

"insert "providing for submission of a section of this act to a vote of the people."

On page 1, line 4 of the title, after "RCW 43.88.113." insert "providing an effective date."

On page 1, following line 4 insert: "adding a new section to chapter 43.88 RCW."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate insists on its position on Senate Bill No. 3090 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

May 2, 1983

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 113 with the following amendments:

On page 1, line 10, strike "nominate" and insert "appoint"
On page 1, line 14, strike "nominate" and insert "appoint".
On page 1, line 20, after "held" strike "within sixty days of the adoption of this resolution" and insert "no later than twenty days thereafter".
On page 1, line 28, after "to" insert "facilitate the implementation of recommendations made by the cost control task force created by 1983 law, to audit the implementation of such recommendations, to submit a report of its audit to the legislature prior to December 31, 1984, and to further".
On page 2, line 18, strike "January 1, 1985" and insert "December 31, 1984".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTIONS

On motion of Senator Warnke, the Senate concurred in the House amendments to Engrossed Substitute Senate Concurrent Resolution No. 113.
On motion of Senator Shinpoch, further consideration of Engrossed Substitute Senate Concurrent Resolution No. 113 was deferred.
On motion of Senator Shinpoch, the Senate resumed consideration of Engrossed Second Substitute Senate Bill No. 3085, deferred earlier today.
The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute Senate Bill No. 3085, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute Senate Bill No. 3085, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; absent, 1.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bolliger, Clarke, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 47.

Voting nay: Senator Croswell - 1.
Absent: Senator Conner - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL No. 3085, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute Senate Concurrent Resolution No. 113, deferred earlier today.
The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Concurrent Resolution No. 113, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Concurrent Resolution No. 113, as amended by the House, and the resolution passed the Senate by the following vote: Yeas, 26; nays, 21; absent, 2.


Voting nay: Senators Benitz, Bluechel, Clarke, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Newhouse, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 21.
Absent: Senators Conner, Metcalf - 2.

ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 113, as amended by the House, having received constitutional majority, was declared passed.

MOTIONS

On motion of Senator Shinpoch, all measures passed this morning were ordered immediately transmitted to the House.
At 12:01 p.m., on motion of Senator Shinpoch, the Senate recessed until 1:30 p.m.
TENTH DAY, MAY 4, 1983

AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Cherberg.

MESSAGES FROM THE HOUSE

May 4, 1983

Mr. President:
The House has passed:
SUBSTITUTE SENATE BILL NO. 3538, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

May 3, 1983

Mr. President:
The House refuses to recede from its amendments to SUBSTITUTE SENATE BILL NO. 3520 and once again asks the Senate to concur therein, and the same is here­
with transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

Senator Thompson moved that the Senate do concur in the House amendments
to Substitute Senate Bill No. 3520.

POINT OF ORDER

Senator Pullen: "A point of order, Mr. President. The House amendments thor­
oughly expand the scope and object of the bill and I think the President capri­
ciously ruled on this same point of order--and I believe the President did rule that
the amendments expanded the scope and object of the bill."

Debate ensued.

REPLY BY THE PRESIDENT

President Cherberg: "The Secretary has been recording whether or not scope
and object has been raised on a measure, but nothing is indicated on the back of
this bill. However, the President believes that this will necessitate some time to
check out."

MOTION

On motion of Senator Bolliger, further consideration of Substitute Senate Bill No.
3520 was deferred.

MOTION

Senator Hemstad: "Mr. President, pursuant to Rule 48, I move that the Rules
Committee and any other standing committee presently in possession of any
gubernatorial confirmations be relieved of those confirmations and that they be
placed at the top of the third reading calendar. I’d like to speak to the motion."

REPLY BY THE PRESIDENT

President Cherberg: "Would you please repeat your motion, Senator
Hemstad?"

Senator Hemstad: "I move that the Rules Committee and any other standing
committee presently in possession of any gubernatorial confirmations be relieved
of those confirmations and that they be placed at the top of the third reading
calendar."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, what order of business are we on?"

REPLY BY THE PRESIDENT

President Cherberg: "Fourth order of business, Senator Bottiger."

Senator Bottiger: "Mr. President, is that a proper motion to make on the fourth
order of business?"

Senator Hemstad: "Mr. President, speaking to the inquiry on Rule 48, I submit
that it is proper at any time to move that the committee be relieved of the bill and
that it be brought before the Senate as a whole. I cite, even yesterday, when Sen­
ator Bottiger, himself, moved to relieve the Rules Committee of bills and bring them
to the floor of the Senate at that time.”

REPLY BY THE PRESIDENT

President Cherberg: “Senator Hemstad and Senator Bottiger, the President
believes that Senator Bottiger’s point is well taken and that the motion should be
made on the eighth order of business, instead of presently on the fourth order.”

Senator Hemstad: “If I make an inquiry—will we come to the eighth order of
business today?”

Senator Bottiger: “If we can get back to work, Senator Hemstad, and get some
of these necessary bills out we will move to the eighth order of business.”

MOTION

Senator Hemstad moved that the Senate advance to the eighth order of
business.

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 Hemstad to advance to the eighth order of business.

ROLL CALL

The Secretary called the roll and the motion by Senator Hemstad failed by the
following vote: Yeas, 22; nays, 24; absent, 03; excused, 00.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley,
Hayner, Hemstad, Jones, Kiskaddon, Lee, McCastlin, Metcalf, Newhouse, Pullen, Quigg, Sellar,

Voting nay: Senators Bauer, Bender, Bottiger, Gaspard, Goltz, Granlund, Hansen, Hughes,
Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch,

Absent: Senators Conner, Fleming, Patterson – 3.

POINT OF INQUIRY

Senator Hayner: “Senator Bottiger, is it your intention to have the gubernatorial
appointments out here for our consideration as is our constitutional requirement of
the Senate?”

Senator Bottiger: “Senator Hayner, we have a January session coming up to
consider gubernatorial appointments. You are fully aware that our side is dis­
turbed about the Governor playing with switching of appointees on one particular
commission. We’ve asked him to back off on that and go back to the old custom, so
that a new Governor coming in would have the authority to make changes in
major departments—mainly the Utilities and Transportation Commission.

“He does not see fit to make that change. He wants to insist on playing politics
with that commission and we are trying to make a point with him that there is the
power within the Senate to resist that.”

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

SECOND READING

SENATE BILL NO. 3044, by Senators Gaspard, Metcalf and Goltz

Exempting military personnel and their spouses and dependent children from
nonresident tuition and fee differentials.

The bill was read the second time.

MOTIONS

On motion of Senator Gaspard, the following amendment was adopted:
On page 1, line 22, after “spouse and” strike “dependent children” and insert “dependents”

Senator Gaspard moved that the following amendment be adopted:
On page 1, after line 27, insert the following:

“New Section. Sec. 3. This act is necessary for the immediate preservation of the public
peace, health, and safety, the support of the state government and its existing public institu­
tions, and shall take effect immediately.”
Debate ensued.

POINT OF INQUIRY

Senator Kiskaddon: "Senator Rinehart, would you see the effect of the emergency clause to mean that since we're in the middle of the quarter that the schools would have to go back and adjust the tuition for this quarter?"

Senator Rinehart: "No."

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 adoption of the amendment by Senator Gaspard.

ROLL CALL

The Secretary called the roll and the motion by Senator Gaspard carried and the amendment was adopted by the following vote: Yeas. 27; nays, 22; absent, 00; excused, 00.


MOTION

Senator Hansen moved that the following amendment be adopted:

On page 1, after line 23, insert:

"(4) Any person residing in the state of Washington solely for the purpose of participating in a federal job corps program."

POINT OF ORDER

Senator Clarke: "Thank you, Mr. President. I raise the question of scope and object on the amendment. The bill as introduced relates exclusively to military personnel and this would extend it to a completely new and different category."

MOTION

On motion of Senator Shinpoch, further consideration of Senate Bill No. 3044 was deferred.

President Pro Tempore Goltz assumed the chair.

There being no objection, the Senate resumed consideration of House Bill No. 72, deferred May 3, 1983.

MOTION

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

On page 12, after line 19, insert the following:

"Sec. 8. 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 are each amended to read as follows:

"Extractor" means every person who from his or her own land or from the land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services, for sale or for commercial or industrial use mines, quarries, takes or produces coal, oil, natural gas, ore, stone, sand, gravel, clay, mineral or other natural resource product, or fells, cuts or takes timber, Christmas trees or other natural products, or takes, cultivates, or raises fish, shellfish, or other sea or inland water foods or products. ((ff)) "Extractor" does not include persons performing under contract the necessary labor or mechanical services for others or persons cultivating or raising fish in or taking fish from fresh water on their own land.

Sec. 9. Section 82.04.330. chapter 15, Laws of 1961 as amended by section 7, chapter 173, Laws of 1965 ex. sess. and RCW 82.04.330 are each amended to read as follows:

This chapter shall not apply to any person in respect to the business of growing or producing for sale upon his own lands or upon land on which he has a present right of possession, any agricultural or horticultural produce or crop, including the raising for sale of any animal, bird, or insect, or the milk, eggs, wool, fur, meat, honey, or other substance obtained therefrom, or in respect to the sale of such products at wholesale by such grower, producer, or raiser thereof. This exemption shall not apply to any person selling such products at retail or using such products as ingredients in a manufacturing process; nor to the sale of any animal or substance obtained therefrom by a person in connection with his business of operating a stockyard.
or a slaughter or packing house; nor to any person in respect to the business of taking, cultivating, or raising Christmas trees or timber; nor to any association of persons whatever, whether mutual, cooperative or otherwise, engaging in any business activity with respect to which tax liability is imposed under the provisions of this chapter.

This chapter shall also not apply to any person in respect to the business of cultivating or raising fish in or taking fish from fresh water on his or her own land.

NEW SECTION. Sec. 10. There is added to chapter 82.08 RCW a new section to read as follows:

The tax levied by RCW 82.08.020 shall not apply to sales of feed used for cultivating or raising fish in fresh water on one's own land.

NEW SECTION. Sec. 11. There is added to chapter 82.12 RCW a new section to read as follows:

The provisions of this chapter shall not apply in respect to the use of feed for cultivating or raising fish in fresh water on one's own land.

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

MOTION

Senator Fuller moved that the following amendments be considered simultaneously and adopted:

- On page 4, after line 28, insert:

  "Sec. 3. Section 82.04.250, Chapter 15, Laws of 1961 as last amended by Section 2, Chapter 172, Laws of 1981 and RCW 82.04.250 are each amended as follows:

  Upon every person except persons taxable under RCW 82.04.260 (8) and (14) engaging within this state in the business of making sales at retail, as to such persons, the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the business, multiplied by the rate of forty-four one-hundredths of one percent."

  Renumber the remaining sections accordingly.

- On page 7, after line 28, insert:

  "(14) Upon every person engaging in the business of selling at retail perishable meat products which are exempt from sales tax pursuant to RCW 82.08.0293 and which have been slaughtered, broken and/or processed by such person, the amount of such tax with respect to such business shall be equal to the gross proceeds derived from such sales multiplied by the rate of thirty-three one-hundredths of one percent."

POINT OF INQUIRY

Senator McDermott: "Senator Fuller, can you tell me the fiscal impact of this?"

Senator Fuller: "No, I can't. It's been in practice for some years for the store to have the .33 rate instead of the .44. I don't know the total impact."

Senator McDermott: "So you're putting up an amendment that you don't know the cost of, but you know it gives away some money?"

Senator Fuller: "It does not give away money. It maintains some of those practices already in place."

Further debate ensued.

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

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

ROLL CALL

The Secretary called the roll and the motion by Senator Fuller carried and the amendments were adopted by the following vote: Yeas, 26; nays, 22; absent, 01; excused, 00.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Newhouse, Owen, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 26.


Absent: Senator Rinehart - 1.

MOTION

Senator Hansen moved that the following amendment be adopted:

- On page 5, line 35, after "of" strike "thirty-three one-hundredths" and insert "((Thirty-three one-hundredths)) one-eighth."
POINT OF INQUIRY

Senator McDermott: "Senator Hansen, do you have anything in writing from Iowa Feed—that if we grant them this tax exemption, they’ll stay?"
Senator Hansen: "Yes, they’ll stay—sure. This is what’s driving them out."
Senator McDermott: "Have they put that in writing?"
Senator Hansen: "I personally don’t have it put into writing, but this is the one thing that’s breaking their back and if we reduced this to one-eighth, we’re a whole lot better off with an eighth than we are with zero."

Further debate ensued.

POINT OF INQUIRY

Senator Haley: "Senator Deccio, you are talking about Washington Beef and I’m curious to know about the employees at Washington Beef. Why would it be such a strain upon them?"

POINT OF ORDER

Senator Shinpoch: "Mr. President, we have a rule that specifically asks or prohibits one member asking a question of another member in order to get to bypass the three-minute rule—a one time speaking three-minute rule."

REMARKS BY SENATOR CLARKE

Senator Clarke: "My impression is that the ruling has been that the time is charged to the person asking the question and that person would have a right to use that time. It’s not yielding time—it’s the person seeking information that has the right to ask the question. I think that’s been the ruling of the chair previously."

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "That is correct. If the intent of the questioner was to seek information, he would be within the rule. If he is extending the time of the previous speaker, he would not be within the rule. I will have to rule on Senator Haley’s judgment when he asked the question."
Senator Shinpoch: "Well, my point of order is that we have a rule that Senator Deccio attempted to speak the second time. You ruled him out of order. Senator Haley, who sits within six feet of him, then gets up to ask him a question. We have a rule that specifically prohibits that, now, who makes the judgment about whether he’s seeking information from six feet away or whether he’s extending Senator Deccio’s time?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "I believe your point of order is well taken. Senator Shinpoch, I will not recognize Senator Haley for that purpose."

POINT OF ORDER

Senator Rasmussen: "Mr. President, my point of order is—and it may happen to me—though usually they are very cordial about it on the other side, if Senator Deccio has only used a minute in his speech, is he allowed two minutes further to answer a question? I think that we are allowed the full three minutes and I don’t know whether we have a special time keeper to determine whether or not we use our full three minutes."

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "I will read the rule that we’re operating under. The rule is that members of the Senate be allowed to speak only once and be limited to three minutes on each motion or amendment, except that the mover of the amendment shall be allowed to open and close debate and also that members be prohibited from yielding their time. Any further remarks?"

PARLIAMENTARY INQUIRY

Senator Quigg: "A point of parliamentary inquiry, Mr. President. How far must one member be away from another member before the second one to inquire of the first on a point of information?"
President Pro Tempore Goltz: "Only within the bar of the Senate, Senator Quigg."

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator Hansen.

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

MOTION

Senator Hansen moved the following amendment be adopted:

On page 12, after line 19, insert the following:

"NEW SECTION. Sec. 8. There is added to chapter 82.08 RCW a new section to read as follows:

The tax levied by RCW 82.08.020 shall not apply to the lease of irrigation equipment by owners of real property to others for use in conducting farming operations on land owned by the lessor if the lessor has paid the tax imposed by this chapter at the time of purchase of the irrigation equipment.

NEW SECTION. Sec. 9. There is added to chapter 82.12 RCW a new section to read as follows:

The provisions of this chapter shall not apply to the use of irrigation equipment leased by owners of real property to others for use in conducting farming operations on land owned by the lessor if the lessor has paid the tax imposed by RCW 82.08.020 at the time of acquisition of the irrigation equipment."

Renumber the remaining sections accordingly.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator Hansen.

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

MOTION

Senator Granlund moved that the following amendment by Senators Granlund, Owen and McManus be adopted:

On page 12, after line 19, insert:

"NEW SECTION. Sec. 8. As used in this chapter, "vessel" includes every description of watercraft, not including a seaplane on the water, used or capable of being used as a means of transportation on the water, and includes all boats except those ships and vessels exempt under RCW 84.36.090.

NEW SECTION. Sec. 9. Upon payment of the personal property taxes due on the vessel in each statement of personalty under RCW 84.40.040, the county treasurer shall issue to the owner of the vessel a decal approved and furnished at cost by the department of revenue which indicates that the year's personal property taxes, or appropriate part thereof, have been paid and which is capable of being affixed to the bow of the vessel. A decal shall be issued for each vessel for which the personal property taxes have been paid, and the decal shall be affixed to the bow of the vessel by the owner of the vessel.

Any vessel without a valid decal under this section is subject to distraint and sale under chapter 84.56 RCW for the payment of taxes.

NEW SECTION. Sec. 10. The assessor shall transmit to the county treasurer the names of all persons in the county who have verified ownership of one or more vessels on the statement of personalty under RCW 84.40.040, together with the number of vessels each person has listed.

NEW SECTION. Sec. 11. Operation by any person of a vessel on the waters of this state without a valid decal as provided in this chapter is a misdemeanor punishable only by a fine not to exceed two hundred dollars. The owner of a vessel which has been affixed with a decal issued under this chapter for another vessel is guilty of a misdemeanor punishable only by a fine not to exceed seven hundred fifty dollars.

Moneys collected under this section shall be used by the jurisdiction collecting the fine exclusively for law enforcement purposes.

This section shall apply after April 30th of the year in which taxes are due under this title.

NEW SECTION. Sec. 12. Vessels not subject to the property tax laws of this state, or which display a valid decal indicating payment of a state excise tax as described in section 15 of this act, are not required to have affixed a decal issued under this chapter. Owners and operators of such vessels are also exempt from section 4 of this act.

NEW SECTION. Sec. 13. All law enforcement officers shall have the authority to enforce this chapter within their respective jurisdictions.

NEW SECTION. Sec. 14. Notwithstanding chapter 42.17 RCW, the county assessors may examine the records of any public port or public marina for the purpose of determining the owners of vessels and their addresses.
NEW SECTION. Sec. 15. Owners of vessels shall have the option of paying either the personal property tax imposed under this title, or any state excise tax imposed for the privilege of using vessels in this state, on vessels which would otherwise be subject to both taxes. Vessels for which the full amount of any such excise tax has been paid for the calendar year are exempt from taxation under this title for that year. To qualify for exemption under this section, the owner of the vessel shall furnish proof of payment of such excise tax to the county treasurer. Only vessels subject to such excise tax and for which such excise tax has been paid are exempt under this section.

NEW SECTION. Sec. 16. The state agency responsible for the collection of a state excise tax as described in section 15 of this act shall consult with the county treasurers, coordinate the collection of any such excise tax and the collection of personal property taxes on vessels, and adopt any rules necessary to accomplish the purposes of this chapter.

NEW SECTION. Sec. 17. Sections 8 through 16 of this act apply to personal property taxes levied in 1983 and payable in 1984 and thereafter.

NEW SECTION. Sec. 18. There is added to chapter 84.55 RCW a new section to read as follows:

Any vessel as defined in section 8 of this act assessed for taxes due in 1984 which was not assessed for taxes due in 1983 shall be considered the same as new construction and improvements for the purposes of calculating the property tax limitation under this chapter.

POINT OF INQUIRY

Senator McDermott: "Senator Granlund, could you tell me the fiscal impact of this amendment?"

Senator Granlund: "I discussed it with staff and I believe it's about a wash. I know—I asked staff—it gets very difficult, as you well know, Senator McDermott, because there are people who are not registered—their boats are not registered. It is difficult to come up with a fiscal note on this, but I understand that there is not that much of a difference with a fiscal impact. Do you know otherwise?"

POINT OF INQUIRY

Senator Deccio: "Senator Granlund, you mentioned the name of the Republican assessor in King County. Would you give us the name of the Democratic assessor in Pierce County?"

Senator Granlund: "Oh, how I wish he were a Democrat. His name is Calvin Cook—Republican."

POINT OF INQUIRY

Senator Newhouse: "Senator McDermott, this is an honest question. When this boat excise tax was passed some months ago by this session—by the majority party, as I recall—didn't this repeal the existing tax law about whether it's subject to the twenty percent property tax and replace it—can we now go back to both?"

Senator McDermott: "Senator Newhouse, you are correct."

POINT OF INQUIRY

Senator Sellar: "Would Senator Granlund yield to another question?"

Senator Granlund: "Senator Sellar, I don't know whether the assessor from Spokane County is a Republican or Democrat."

Senator Sellar: "I do. No, seriously, we've worked out in the Transportation Committee a new boat taxing bill that a number of us—on a bipartisan effort—really think that it's a much better and fairer way of taxing boats. The offer of this amendment is that some kind of a signal that we're not going to consider that other proposal?"

Senator Granlund: "I sincerely hope not. I, like you, do support Senate Bill 3249, but it's nice to have a little cushion, just in case."

POINT OF INQUIRY

Senator Kiskaddon: "Senator Owen, if I understood the question earlier, the last bill that put in the excise tax repealed the personal property tax on boats, so if that was in effect, does this mean that you would pay nothing on property tax since this has been repealed out of the other statute?"

Senator Owen: "My understanding, Senator Kiskaddon, is that it reinstates the property tax when you pay the one percent excise tax."

Further debate ensued.
POINT OF INQUIRY

Senator Granlund: "Senator Bottiger, if you'll look at the amendment on section 9, it says 'payment of the personal property tax under 84.40.040.' Now, my assumption was that that was the personal property tax that applies to the boat owner. "It's not? May I ask to have this bill put down until we find the answer to that?"

MOTIONS

On motion of Senator Bottiger, further consideration of the amendment by Senators Granlund, Owen and McManus was deferred.

Senator Moore moved that the following amendment by Senators Moore and Lee be adopted:

On page 12, after line 19, insert the following:

"Sec. 8. Section 82.04.270, chapter 15, Laws of 1961 as last amended by section 4, chapter 172, Laws of 1981 and RCW 82.04.270 are each amended to read as follows:

(1) Upon every person except persons taxable under subsections (1) or (8) of RCW 82.04.260 engaging within this state in the business of making sales at wholesale, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of such business multiplied by the rate of forty-four one-hundredths of one percent.

(2) For the purposes of this section:

(a) A person is engaged in wholesale business activities "within this state" only if that person:

(i) Owns or leases real property within this state;

(ii) Regularly maintains a stock of tangible personal property in this state for sale in the ordinary course of business;

(iii) Has employees or other representatives who are not independent contractors engaging in business activities within this state; or

(iv) Is a corporation which is incorporated under the laws of this state.

(b) The term "independent contractor" means:

(i) A commission agent, broker, or other independent contractor who is engaged in selling, or soliciting orders for the sale of, tangible personal property, who holds himself or herself out as such in the regular course of business activities, and who is an independent contractor for federal income tax purposes; or

(ii) Any person who is engaged:

(A) In the trade or business of selling, or soliciting the sale of, consumer products to any buyer on a buy-sell basis or a deposit-commission basis for resale, by the buyer or any other person, in the home or otherwise than in a permanent retail establishment, or in the trade or business of selling, or soliciting the sale of, consumer products in the home or otherwise than in a permanent retail establishment;

(B) Substantially all the remuneration, whether or not paid in cash, for the performance of services described in subparagraph (ii)(A) of this subsection is directly related to sales or other output, including the performance of services, rather than the number of hours worked; and

(C) The services performed by the person are performed pursuant to a written contract between such person and the person for whom the services are performed and such contract provides that the person will not be treated as an employee with respect to such purposes for federal tax purposes.

(c) A person shall not be considered to be engaged in business "within this state" merely by reason of the solicitation in this state by an independent contractor who is subject to a tax under this chapter of orders for sales to or on behalf of a customer of such person, if the orders are sent outside this state for approval or rejection and, if approved, are filled by shipment or delivery from a point outside this state.

(3) The tax imposed by this section is levied and shall be collected from every person engaged in the business of distributing in this state articles of tangible personal property, owned by them from their own warehouse or other central location in this state to two or more of their own retail stores or outlets, where no change of title or ownership occurs, the intent hereof being to impose a tax equal to the wholesaler's tax upon persons performing functions essentially comparable to those of a wholesaler, but not actually making sales: PROVIDED, That the tax designated in this section may not be assessed twice to the same person for the same article. The amount of the tax as to such persons shall be computed by multiplying forty-four one-hundredths of one percent of the value of the article so distributed as of the time of such distribution: PROVIDED. That persons engaged in the activities described in this subsection shall not be liable for the tax imposed if by proper invoice it can be shown that they have purchased such property from a wholesaler who has paid a business and occupation tax to the state upon the same articles. This proviso shall not apply to purchases from manufacturers as defined in RCW 82.04.110. The department of revenue shall prescribe uniform and equitable rules for the purpose of ascertaining such value, which value shall correspond as nearly as possible to the gross proceeds from sales at wholesale in this state of similar articles of like quality and character, and in similar quantities by other taxpayers: PROVIDED FURTHER, That
delivery trucks or vans will not under the purposes of this section be considered to be retail stores or outlets.

Sec. 9. Section 82.04.250. chapter 15. Laws of 1961 as last amended by section 2. chapter 172. Laws of 1981 and RCW 82.04.250 are each amended to read as follows:

(1) Upon every person except persons taxable under RCW 82.04.260(8) engaging within this state in the business of making sales at retail, as to such persons, the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the business, multiplied by the rate of forty-four one-hundredths of one percent.

(2) For the purposes of this section:
(a) A person is engaged in retail business activities "within this state" only if that person:
(i) Owns or leases real property within this state;
(ii) Regularly maintains a stock of tangible personal property in this state for sale in the ordinary course of business;
(iii) Has employees or other representatives who are not independent contractors engaging in business activities within this state;
(iv) Is a corporation which is incorporated under the laws of this state.
(b) The term "independent contractor" means:
(i) A commission agent, broker, or other independent contractor who is engaged in selling, or soliciting orders for the sale of, tangible personal property, who holds himself or herself out as such in the regular course of business activities, and who is an independent contractor for federal income tax purposes; or
(ii) Any person who is engaged:
(A) In the trade or business of selling, or soliciting the sale of, consumer products to any buyer on a buy-sell basis or a deposit-commission basis for resale, by the buyer or any other person, in the home or otherwise than in a permanent retail establishment, or in the trade or business of selling, or soliciting the sale of, consumer products in the home or otherwise than in a permanent retail establishment;
(B) Substantially all the remuneration, whether or not paid in cash, for the performance of services described in subparagraph (ii)(A) of this subsection is directly related to sales or other output, including the performance of services, rather than the number of hours worked, and
(C) The services performed by the person are performed pursuant to a written contract between such person and the person for whom the services are performed and such contract provides that the person will not be treated as an employee with respect to such purposes for federal tax purposes.
(c) A person shall not be considered to be engaged in business "within this state" merely by reason of the solicitation in this state by an independent contractor who is subject to tax under this chapter of orders for sales to or on behalf of a customer of such person, if the orders are sent outside this state for approval or rejection and, if approved, are filled by shipment or delivery from a point outside this state.

NEW SECTION. Sec. 10. Nothing in this act shall be construed as implying that the mere solicitation of orders by independent contractors already constitutes engaging in business within the state, nor that it was the intent of the legislature that activities of distinct economic entities, such as retailers, wholesalers, and independent contractors, be imputed to an out-of-state business for the purpose of determining whether it was engaged in business within the state.

Renumber the remaining section accordingly.

Debate ensued.

POINT OF INQUIRY

Senator Kiskaddon: "Senator Lee, I have the instinct that the five plus million that the Department of Revenue said was the fiscal impact may not really be the true story. My instincts are that many of these people just would not stay in Washington and that we might lose sales tax and other kinds of things, and I think you have sort of hinted at the idea that that may have been too high an estimate. Would you clarify that for me?"

Senator Lee: "Yes, I would be glad to clarify it. It is not the responsibility of the Department of Revenue when it makes these kinds of figures—but on the other side of the ledger—figure out what might be lost if the bill were not passed and the data that was put together by some of the trade center people, in fact—some of them had in their hands—papers for people—you know, with a date on it, that they, in fact, will be leaving those centers, because they simply can't afford this kind of double taxation. When we did that kind of calculation we felt that we found that we would be losing impact in the state of Washington of about 7.8 million dollars. In other words, if this kind of language isn't clarified in our tax law before we leave here this session, it will be a net loss of well over two million dollars."
The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senators Moore and Lee.

The motion of Senator Moore carried and the amendment was adopted.

There being no objection, the Senate resumed consideration of the amendment on page 12, line 19, by Senators Granlund, Owen and McManus, deferred earlier today.

**MOTION**

On motion of Senator Hurley, the following amendment to the amendment was adopted on a rising vote:

On page 2, line 15, after "exceed" delete two and insert five

**MOTION**

Senator McDermott moved that the following amendment to the amendment be adopted:

On page 12, line 19, insert the following:

Sec. 8. Section 39, chapter 37, Laws of 1980 as amended by section 1, chapter 5, Laws of 1982 1st ex. sess. and RCW 82.08.0273 are each amended to read as follows:

The tax levied by RCW 82.08.020 shall not apply to sales to nonresidents of this state of tangible personal property for use outside this state when the purchaser has applied for and received from the department of revenue a permit certifying (1) that the purchaser is a bona fide resident of a state or possession or Province of Canada other than the state of Washington, (2) that such state, possession, or Province of Canada does not impose a retail sales tax or use tax of three percent or more or, if imposing such a tax, permits Washington residents exemption from otherwise taxable sales by reason of their residence, and (3) that he or she does agree, when requested, to grant the department of revenue access to such records and other forms of verification at his or her place of residence to assure that such purchases are not first used substantially in the state of Washington.

Any person claiming exemption from retail sales tax under the provisions of this section must display a nonresident permit as herein provided, and any vendor making a sale to a nonresident without collecting the tax must examine such permit, identify the purchaser as the person to whom the nonresident permit was issued, and maintain records which shall show the permit number attributable to each nontaxable sale.

Permits shall be personal and nontransferable, shall be renewable annually, and shall be issued by the department of revenue upon payment of a fee of five dollars. The department may in its discretion designate independent agents for the issuance of permits, according to such standards and qualifications as the department may prescribe. Such agents shall pay over and account to the department for all permit fees collected, after deducting as a collection fee the sum of fifty cents for each permit issued.

Any person making fraudulent statements in order to secure a permit shall be guilty of perjury. Any person making tax exempt purchases by displaying a permit not his or her own, or a counterfeit permit, with intent to violate the provisions of this section shall be guilty of a misdemeanor and, in addition, may be subject to a penalty not to exceed the amount of the tax due on such purchases. Any vendor who makes sales without collecting the tax to a person who does not hold a valid permit, and any vendor who fails to maintain records of permit numbers as provided in this section shall be personally liable for the amount of tax due.

Renumber the remaining sections accordingly.

**POINT OF INQUIRY**

Senator Guess: "Senator McDermott, I’m a little suspicious. On lines 11 and 12, you have stricken (e) and inserted the term ‘the purchaser.’ Is there any reason for that other than the sex approach?"

Senator McDermott: "Senator Guess, most of the purchases are made by—well, I think there are 52% women in the world, so most of the purchases are made by women and I think it’s unfair to make all purchases made by men. So we felt we’d use a mutual word like ‘purchaser’, so it would cover everybody."

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator McDermott to the amendment.

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

**MOTION**

On motion of Senator Bottiger, further consideration of House Bill No. 72 was deferred.

President Cherberg assumed the chair.
There being no objection, the Senate resumed consideration of Senate Bill No. 3044, deferred earlier today.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Clarke, the President finds that Senate Bill No. 3044 is a measure which deals with the exemptions from nonresident tuition by exempting active duty military personnel stationed in the state, their spouse and dependents.

"The amendment proposed by Senator Hansen also deals with exemptions from nonresident tuition by exempting persons who are in the state of Washington from the purpose of participating in a federal jobs corps program.

"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 was ruled in order.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment on page 1, line 23, by Senator Hansen.

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

MOTION

Senator Haley moved adoption of the following amendment:

On page 1, line 21, strike lines 21, 22 and 23 and insert:

"The spouse and dependents of active duty military personnel stationed in the state of Washington."

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 adoption of the amendment by Senator Haley.

ROLL CALL

The Secretary called the roll and the motion by Senator Haley failed and the amendment was not adopted by the following vote: Yeas. 10; nays, 37; absent, 02; excused, 00.


Absent: Senators Bauer, Kiskaddon – 2.

MOTIONS

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

On page 1, line 2 of the title after 'differentials;' strike "and"

On page 1, line 4 of the title after "28B.15.014" insert "; and declaring an emergency"

On motion of Senator Bottiger, the rules were suspended, Engrossed Senate Bill No. 3044 was advanced to third reading, the second reading considered the third, and the bill was 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. 3044.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3044, and the bill passed the Senate by the following vote: Yeas, 39; nays, 08; absent, 02; excused, 00.


Absent: Senators Kiskaddon, Newhouse - 2.

ENGROSSED 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.

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

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 3608, by Committee on State Government (originally sponsored by Senators McManus, Zimmerman, Woody and Bender)

Modifying provisions relating to cultural arts, stadium and convention districts.

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. 3608.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3608, and the bill passed the Senate by the following vote: Yeas. 33; nays, 15; absent. 0; excused. 0.


Voting nay: Senators Bauer, Bluechel, Clarke, Croswell, Fuller, Goltz, Hansen, Hayner, McCaslin, Metcalf, Peterson, Pullen, Rasmussen, Rinehart, Thompson - 15.

Absent: Senator Kiskaddon - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3608, having received the constitutional 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 Shinpoch, the Senate advanced to the eighth order of business.

MOTION FOR RECONSIDERATION

Having served prior notice, Senator Shinpoch moved that the Senate reconsider the vote by which Engrossed Substitute House Bill No. 740, as amended by the Senate, failed to pass the Senate on May 3, 1983.

The motion by Senator Shinpoch carried and the Senate resumed consideration of Engrossed Substitute House Bill No. 740.

MOTION

On motion of Senator Shinpoch, further consideration of Engrossed Senate Bill No. 740, as amended by the Senate, on reconsideration, was deferred.

MOTION

Senator Clarke moved that the Committee on Rules be relieved of further consideration of Gubernatorial Appointment No. 78—Otto Amen—and that the appointment be placed before the Senate for consideration.

MOTION

At 3:40 p.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The Senate was called to order at 4:07 p.m. by President Cherberg.

MOTION

Senator Bottiger moved that the motion by Senator Clarke to relieve the Committee on Rules of Gubernatorial Appointment No. 78, be laid upon the table. 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 motion by Senator Bottiger to lay the motion by Senator Clarke on the table.

ROLL CALL

The Secretary called the roll and the motion by Senator Bottiger carried by the following vote: Yeas, 26; nays, 23; absent, 0; excused, 0.


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

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 740, as amended by the Senate, on reconsideration, which was deferred earlier today.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 740, as amended by the Senate, on reconsideration.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 740, as amended by the Senate, on reconsideration, and the bill passed the Senate by the following vote: Yeas, 26; nays, 23; absent, 0; excused, 0.


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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 740, as amended by the Senate, on reconsideration, having received the 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 President returned the Senate to the sixth order of business.

There being no objection, the Senate resumed consideration of House Bill No. 72 and the pending amendment on page 12, after line 19, by Senators Granlund, Owen and McManus, deferred earlier today.

MOTION

Senator Granlund moved the following amendment by Senators Granlund, Owen and McManus to their amendment:

On page 1 of the amendment, after line 12, insert:

"Sec. 9. Section 24, chapter _____, Laws of 1983 (Engrossed Senate Bill No. 3258) and RCW 84.36.090 are each amended as follows: Except as provided in sections 8 through 16 of this 1983 amendatory act, all ships and vessels, other than those partially exempt under RCW 84.36.080 and those described in RCW 84.36.079, are exempt from ad valorem taxes."

Renumber the remaining sections accordingly.

MOTION

On motion of Senator Shinpoch, further consideration of House Bill No. 72 was deferred.

SECOND READING

SENATE BILL NO. 3187, by Senators Bottiger, McDermott and Vognild

Imposing an excise tax on the severance of minerals.

MOTIONS

On motion of Senator McDermott, Second Substitute Senate Bill No. 3187 was substituted for Senate Bill No. 3187 and the second substitute bill was placed on second reading and read the second time.

Senator Hansen moved that the following amendment by Senators Hansen and Deccio be adopted:
On page 4, after line 2, strike all material down through line 4 and insert the following:

"(2) The tax shall be imposed on the value of the oil and gas at the time and point of production according to the depth of recovery as follows:

<table>
<thead>
<tr>
<th>DEPTH OF RECOVERY</th>
<th>RATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-8,000 feet</td>
<td>5 3/4%</td>
</tr>
<tr>
<td>8,001-16,000 feet</td>
<td>3 3/4%</td>
</tr>
<tr>
<td>16,001 or more feet</td>
<td>1 3/4%</td>
</tr>
</tbody>
</table>

(3) Subsection (2) of this section notwithstanding, gas recovered from five thousand feet or less below the surface shall be taxed at the rate of three and three-fourths percent of the value of the gas at the time and point of production."

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 adoption of the amendment by Senators Hansen and Deccio.

ROLL CALL

The Secretary called the roll and the motion by Senator Hansen failed and the amendment was not adopted by the following vote: following vote: Yeas, 16; nays, 30; absent, 3; excused, 0.

Voting yea: Senators Conner, Craswell, Deccio, Goltz, Haley, Hansen, Hayner, McCaslin, Metcalf, Moore, Peterson, Pullen, Quigg, Sellar, von Reichbauer, Warnke - 16.

Voting nay: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Fleming, Fuller, Gaspard, Granlund, Guess, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, Owen, Patterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Williams, Wojahn, Woody, Zimmerman - 30.

Absent: Senators McDermott, McManus, Newhouse - 3.

MOTION

Senator Pullen moved that the following amendment be adopted:

On page 8, line 31, add a new section as follows and renumber the other sections accordingly:

"NEW SECTION. Sec. 14. The director of the Department of Revenue shall reduce the sales tax at the beginning of each biennium by an amount such that the reduction in the sales tax revenue will be equal to the revenue obtained the previous biennium from the severance tax."

POINT OF ORDER

Senator Bolliger: "Mr. President, I raise the point of order that the amendment expands the scope and object of the bill. Clearly by the reading, Senator Pullen is attempting to reduce the sales tax. This bill is a bill that pertains to a severance tax on gas and oil."

MOTION

On motion of Senator Shinpoch, further consideration of Second Substitute Senate Bill No. 3187 was deferred.

President Pro Tempore Goltz assumed the chair.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 796, by Committee on State Government (originally sponsored by Representatives Walk, J. King, Hankins, B. Williams and Hine)

Creating a department of community development.

The bill was read the second time.

MOTIONS

On motion of Senator Warnke, the following Committee on State Government amendment was adopted:

On page 35, beginning on line 12, strike "1983" and insert "1984"

On motion of Senator Warnke, the rules were suspended, Engrossed Substitute House Bill No. 796, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.
POINT OF INQUIRY

Senator Pullen: "Senator Warnke, I have an open mind on this particular bill. In the past when I’ve seen new departments created, combining say two other departments, what sometimes happens is we put the two departments together and then just add some people at the top which ends up actually costing money rather than saving money. Have you looked at this particular bill to determine whether the efficiency that we hoped would be obtained in this particular bill—will actually save money or is there, for example a fiscal impact associated with this particular bill?"

Senator Warnke: "The creation of this department, as it presently exists in this bill, eliminates some positions at the top by the comingling and reduces the numbers. So in that sense, in answering your question, yes, it does eliminate some positions."

POINT OF ORDER

Senator Clarke: "A point of order. I question as to whether this bill is properly before us in view of the joint resolution."

MOTION

On motion of Senator Shinpoch, further consideration of Engrossed Substitute House Bill No. 796 was deferred.

There being no objection, the President Pro Tempore advanced the Senate to the seventh order of business.

THIRD READING


Providing for the establishment of export assistance centers.

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

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Vognild, I notice that this proposed agency is going to guarantee loans. Where are you going to get the money and where do you get the guarantee—there's only two hundred and fifty thousand in the appropriation?"

Senator Vognild: "Well, Senator, in answering your question, I must respond to Senator Metcalf. They are authorized, by this bill, to solicit and accept funds from private sources to put into these loan operations and loan guarantees. That is something that is lacking in this state right now. There's no state agency authorized to do that. In other states that have done similarly, the money generally comes from large investment corporations—very often large insurance corporations—they put a large block of money into this as an investment and also as a stimulant to the economy."

Further debate ensued.

POINT OF INQUIRY

Senator Pullen: "Senator Vognild, with regard to the loan guarantee, is it your intent that the full faith and credit of the state will be pledged towards the loan guarantee?"

Senator Vognild: "No, Senator Pullen, as a matter of fact the bill was drawn, we feel, very carefully and very tight to make sure the state is not liable for any of the center's operation."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Second Substitute House Bill No. 226, as previously amended by the Senate.
ROLL CALL

The Secretary called the roll on final passage of Second Substitute House Bill No. 226, as previously amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 25; nays, 24; absent, 0; excused, 0.


Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Sellar, von Reichbauer, Zimmerman – 24.

SECOND SUBSTITUTE HOUSE BILL NO. 226, as previously 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 Shinpoch, all bills passed today were ordered immediately transmitted to the House.

President Cherberg assumed the chair.

There being no objection, the Senate resumed consideration of Second Substitute Senate Bill No. 3187, deferred earlier today.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Bottiger, the President finds that Second Substitute Senate Bill No. 3187 is a measure which imposes a severance tax on oil and gas extracted in this state.

"The amendment proposed by Senator Pullen would reduce the sales tax at the beginning of each biennium by an amount equal to the revenue obtained from the severance tax in the previous biennium.

"The President, therefore, finds that the proposed amendment does expand the scope and object of the bill and that the point of order is well taken."

The amendment was ruled out of order.

MOTION

On motion of Senator Bottiger, the rules were suspended, Second Substitute Senate Bill No. 3187 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Second Substitute Senate Bill No. 3187.

ROLL CALL

The Secretary called the roll on final passage of Second Substitute Senate Bill No. 3187, and the bill passed the Senate by the following vote: Yeas, 38; nays, 10; absent, 1; excused, 0.


Absent: Senator Thompson – 1.

SECOND SUBSTITUTE SENATE BILL NO. 3187, having received the 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 President returned the Senate to the fourth order of business.

MESSAGES FROM THE HOUSE

May 4, 1983

Mr. President:
The Speaker has signed:
Mr. President:
The Speaker has signed:
SENATE BILL NO. 3314,
SUBSTITUTE SENATE BILL NO. 3372,
SENATE BILL NO. 3784, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk
May 3, 1983

Mr. President:
The Speaker has signed:
HOUSE BILL NO. 471,
SUBSTITUTE HOUSE BILL NO. 496,
HOUSE BILL NO. 725, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk
May 4, 1983

Mr. President:
The Speaker has signed:
HOUSE BILL NO. 420, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk
May 4, 1983

The President signed:
HOUSE CONCURRENT RESOLUTION NO. 26.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 420.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 471,
SUBSTITUTE HOUSE BILL NO. 496,
HOUSE BILL NO. 725.

SIGNED BY THE PRESIDENT

The President signed:
SECOND SUBSTITUTE SENATE BILL NO. 3085,
SUBSTITUTE SENATE BILL NO. 3538,
SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 113.

At 5:13 p.m., the Senate members and officers retired to the House Chamber to meet in Joint Session for the purpose of receiving a message from the Governor regarding the WPPSS crisis.

JOINT SESSION

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

The Speaker instructed the Sergeants at Arms to escort the President of the Senate John Cherberg, President Pro Tempore H. A. "Barney" Goltz, Vice President Pro Tempore A. L. "Slim" Rasmussen and Majority Leader R. Ted Bottiger 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 Secretary 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 Bond and Chandler, who were excused.
The President of the Senate appointed Senators Warnke and Craswell and Representatives Belcher, Ristuben and Allen to escort the state elected officials to seats within the House Chamber.

The President of the Senate appointed Senators Hurley, Metcalf and McManus and Representatives Galloway, Wang and Ballard to escort Governor John Spellman to the rostrum.

The President introduced Governor John Spellman.

MESSAGE FROM THE GOVERNOR

Governor Spellman: "Mr. President, Mr. Speaker, distinguished elected officials, members of the Senate and House, my fellow citizens:

It is necessary this evening to report to you and to the citizens of the State of Washington on the imminent crisis that threatens our state and our region because of the likely default of the Washington Public Power Supply System. As things stand now, default is likely and will come quickly, but it could still be avoided in the few days remaining, before we pass the point of no return.

I come before you this evening, in the eleventh hour, in an attempt to unite the many special interests in the common cause of avoiding default. I will not review the Supply System’s dismal past—its once-bad management; its cost overruns; the previous, erroneous power need forecasts. It is the future that concerns us this evening, not the past. I will not again detail the litany of probable, grave impacts of default on every user of electricity, every business, every school district and every unit of government. Let it suffice to say that no good can come from default. For two years, I have wrestled with the seemingly infinite details of the financial nightmare of WPPSS. For the past two months, I have vigorously applied myself to carrying out the intent of the House and Senate resolutions that requested me to negotiate an alternative to default. In a series of meetings totaling well over eighty hours, I have chaired negotiating sessions attended by more than two dozen key representatives of public utility participants in terminated plants 4 and 5, the investor-owned utilities, the rural co-ops, the direct service industries, the Bonneville Power Administration, the Supply System’s executive board, and others. At the first meeting—indeed, at each meeting—the parties, no matter how divided on other issues, all agreed that default was the worst possible conclusion and that default must be avoided. From the beginning, the negotiations were impeded by a series of lawsuits in Washington, Oregon, and Idaho. Oregon and Idaho trial courts ruled that their states’ municipal participants could not pay their contractual obligations. Those rulings are now on appeal; and the Chemical Bank Case, in King County Superior Court, is a suit questioning whether or not Washington participants in terminated plants 4 and 5 are legally bound by and must pay under the contracts they signed. The trial of that case has been delayed for almost four months while the State Supreme Court considers preliminary rulings. It has never been possible for those suits—and a number of other related lawsuits—to be decided before default would occur, especially if the parties involved in those suits refuse to make interim payments on their obligations. The search for a solution has been hampered by a host of lawyers advising their clients not to honor their obligations, unless the courts order them to pay. It was in that atmosphere—complicated by numerous lawsuits, court delays, and conflicting legal advice—that negotiations were begun to avoid default.

What were we trying to accomplish? First, to establish a solid foundation for the newly developed Regional Power Plan to function and meet our energy and conservation needs; second, to complete plants 1, 2, and 3, which the Regional Power Plan assumes are needed and will be built; third, to get control of the plant 4 and 5 situation, which is now in a chaotic condition, with control dispersed through a number of courts; and fourth, to allow some ratepayer relief and to provide equity throughout the northwest region.

In addressing those goals, we considered at least seven plans and dozens of variations on them. The plans ranged from the first public suggestion, a huge state-sponsored bond issue, to a sharing of burdens in order to lessen the impact on the hardest-hit 4 and 5 participants, to a full or partial regionalization of terminated public and private plants under Bonneville. After all that deliberation, it does not
appear that we can obtain a comprehensive long-term solution to all the problems at this time.

"None of the proposals that were considered had sufficient support to achieve such a comprehensive long-term solution. As a result, we are unable to get control of the plant 4 and 5 situation and accomplish our other goals. In addition, plants 2 and 3, even though needed, are in real jeopardy. The implementation of the Regional Power Plan is also in jeopardy. The problems facing plants 4 and 5 are out of control; therefore, there can be no ratepayer relief. It is now clear that plants 4 and 5 will not be built by the Supply System. It is now clear that we are on the very verge of default. There is no doubt the default will have a serious negative impact on the public utilities that are participants in those plants. Default will have a lesser but real adverse impact on other public utilities, municipalities, and the State of Washington in terms of higher borrowing costs and, therefore, higher rates to the consumers and taxpayers.

"Default is likely to occur on May 13, and certainly within the next two months. Therefore, in our deliberations, we turned to short-term solutions in order to avoid default. Unfortunately, most of the decisions in the short-term will be made by the courts. Let us hope the courts will act with necessary dispatch. I urge them to do so. The final plan we considered was, while the courts are reaching their decisions, to settle the existing cost-sharing lawsuits, which will have to be paid someday under any circumstance. That plan would use the funds from a $300 million settlement of those lawsuits, together with a comparable amount from the funds already paid into court escrow by the participants, in order to avoid default before the courts rule. By that action, the ratepayers and utilities would be protected from additional lawsuits and from the acceleration of the 4 and 5 debt. That plan--the final proposal to be considered--was rejected by the participants. The participants, on the advice of their lawyers, refused to pay any funds to avoid default.

"Let me reiterate. At each meeting, all agreed that default was the worst possible result. Proposals were seriously considered by the utilities that did not build terminated plants 4 and 5 in order to voluntarily help the public utilities that did undertake to build plants 4 and 5. The nonparticipants would have provided funds to hold things together until the courts ruled, but the participants, the builders of plants 4 and 5, have refused to allow any of their funds to be paid out of escrow in order to avoid default. The simple truth we face tonight is that, unless those payments are made, default will occur as surely as I am standing here. WPPSS plants 1, 2 and 3 have been put in jeopardy in this process. In its recently adopted plan, the Regional Power Council finds that those plants are needed and assumes they will proceed. Plant 2 is ninety-seven percent complete. Plant 3 is seventy percent complete. It will cost about as much to ramp down, or mothball, plant 3 as it will to complete it. Nevertheless, because of the current situation, funding to complete those needed plants may be impossible to obtain, unless the Legislature passes legislation in order to make it impossible for WPPSS to go into bankruptcy until a change in federal law permits separating the needed plants from terminated plants 4 and 5. Such legislation is absolutely necessary in order to ensure the fiscal stability of our region. I call on the Legislature to pass it. Let me make clear my motivation. I am not an advocate for any party in this dispute. I would gladly accept any solution that would serve the best interests of the people of this state as ratepayers, in their homes and on the job. If we can avoid default and establish stability, we will have the opportunity in the future to keep utility rates lower by refinancing existing high-interest construction bonds at lower interest rates. If default occurs, that opportunity will be lost. I am gravely concerned that the default that is now imminent will hurt our ratepayers and dampen our economy, keeping people out of work.

"Having spent months considering all proposals, I have concluded that there is one best solution which can avoid default. It is the solution that was on the table when the parties last met: that is, a settlement of the lawsuit pending on the subject of how much money is owed to the participants in plants 4 and 5 from the builders of their twin plants 1 and 3. The settlement would be $300 million to be paid over ten years. The first year's payment would be $50 million. That payment, combined with funds released from escrow by the public utilities, would be used to pay the Supply System's ongoing costs. It would avoid default. It would allow time for the
courts to finally rule on who must pay. It would cost ratepayers nothing additional for the first year and imperceptible rate increases, if any, during the remaining nine years. I believe the elected public utility officials want to avoid default. I know it will be necessary for them to step forward and act in order to avoid default, while the legal issues are being resolved. I see no other solution that can occur in the time left. I call on those elected public utility officials to take this necessary action, for the best interest of the state and of their ratepayers. I call on them to take this action within the next seven days.

"Default equals failure—failure to honor and pay our obligations, and failure to reach an agreement that will avoid default. This region, this state, our people have not had a record of failure. We must not fail now."

The President instructed the committees to escort Governor Spellman, the Supreme Court Justices and the state elected officials from the House Chamber.

**MOTION**

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

The President returned the gavel to the Speaker.

The Speaker instructed the committee to escort President Cherberg, President Pro Tempore Goltz, Vice President Pro Tempore Rasmussen and Majority Leader Bottiger from the House Chamber.

The Speaker instructed the Sergeants at Arms of the Senate and the House to escort the Senators from the House Chamber.

The President called the Senate to order at 6:05 p.m.

**MOTION**

At 6:05 p.m., on motion of Senator Shinpoch, the Senate recessed until 7:30 p.m.

**EVENING SESSION**

The Senate was called to order at 7:30 p.m. by President Cherberg. There being no objection, the President advanced the Senate to the sixth order of business.

**SECOND READING**

SENATE BILL NO. 3850, by Senators Vognild, Quigg and Woody

Establishing the private sector job placement program.

The bill was read the second time.

**MOTIONS**

On motion of Senator Vognild, the following Committee on Commerce and Labor amendment was adopted:

> On page 1, line 11, after "182,979" strike ",000"

Senator Gaspard moved that the following Committee on Ways and Means amendments be considered and adopted simultaneously:

> On page 5, after line 16, insert the following:

> "NEW SECTION. Sec. 10. (1) There is established the Washington state jobs again council. The council shall consist of at least fifteen but not more than thirty members. The members shall be appointed by the governor and shall include persons experienced in the fields of job development, retraining, and reemployment and shall include representation from public, private, and nonprofit organizations. In making the appointments, the governor shall consider the recommendations of the employment security department. Members of the council shall not be compensated but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

> (2) The jobs again council shall cooperate with the employment security department and make recommendations for programs and projects designed to reemploy the state's unemployed persons in the shortest possible time. The council shall identify those retraining and reemployment programs that can be implemented rapidly and can serve the largest number of participants in the shortest period of time. These recommendations may include self-placement programs, short-term career change programs, on-the-job training, remotivation and employment orientation, and job development programs.

> (3) In developing the proposals and recommendations, the council shall examine employment programs that have been successful in other states, particularly where government
agencies have worked with the private sector to produce a large volume of employed persons
at a minimum of public cost. The governor’s office shall provide staff and administrative sup­
port to the council.

(4) The council shall submit its final report, including legislative proposals and funding
recommendations, to the governor, the commissioner of the employment security department,
the president of the senate, and the speaker of the house of representatives prior to the con­
vening of the 1984 regular session of the legislature. The council shall cease to exist on January

Renumber the sections consecutively.

On page 6, line 1, alter “act.” strike the remainder of the bill and insert “No more than fifty
thousand dollars of this appropriation may be used for staff and administrative support for the
jobs again council.

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 institu­
tions, and shall take effect immediately.”

POINT OF ORDER

Senator Lee: “Mr. President, I challenge these particular amendments as to
whether or not they fit the scope and object of the bill and the resolution calling for
the special session.”

MOTION

On motion of Senator Shinpoch, further consideration of Senate Bill No. 3850
was deferred.

There being no objection, the Senate resumed consideration of House Bill No.
72 and the pending amendment by Senators Granlund, Owen and McManus to the
pending amendment by Senators Granlund, Owen and McManus.

POINT OF INQUIRY

Senator Clarke: “Senator Granlund, what is the effect of this amendment with
respect to reinstating the situation of the old 20% tax?”

Senator Granlund: “This amendment, in effect, reinstates that back into statute.”

Debate ensued.

The President declared the question before the Senate to be adoption of the
amendment on page 1, line 12, to the amendment.

The motion by Senator Granlund carried and the amendment to the amend­
ment was adopted.

MOTION

On motion of Senator Granlund, the following amendments to the amendment
were considered and adopted simultaneously:

On page 1 of the amendment, line 11 alter “RCW” insert “84.36.079, 84.36.080 and”
On page 1 of the amendment, line 12 alter “.090” insert “and vessels which are temporarily
in this state undergoing repair or alteration.”

The President declared the question before the Senate to be adoption of the
amendment by Senators Granlund, Owen and McManus, as amended.

The motion by Senator Granlund carried and the amendment, as amended,
was adopted.

MOTION

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

On page 12, after line 19, insert:

“NEW SECTION. Sec. 8. There is added to chapter 82.04 RCW a new section to read as
follows:

This chapter shall not apply to research and development of any business under this
chapter.

NEW SECTION. Sec. 10. There is added to chapter 82.08 RCW a new section to read as
follows:

This chapter shall not apply to research and development of any business under this
chapter.

NEW SECTION. Sec. 12. There is added to chapter 82.12 RCW a new section to read as
follows:
This chapter shall not apply to research and development of any business under this chapter.* 

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator Vognild.

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

MOTION

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

On page 12, after line 19, insert:

"NEW SECTION. Sec. 9. There is added to chapter 82.04 RCW a new section to read as follows:

This chapter shall not apply to gifts to any public or private school as defined in Title 28A RCW.

NEW SECTION. Sec. 10. There is added to chapter 82.08 RCW a new section to read as follows:

This chapter shall not apply to gifts to any public or private school as defined in Title 28A RCW.

NEW SECTION. Sec. 12. There is added to chapter 82.12 RCW a new section to read as follows:

This chapter shall not apply to gifts to any public or private school as defined in Title 28A RCW.*

Renumber remaining sections and change internal references accordingly.

POINT OF INQUIRY

Senator Jones: "Senator Vognild, how did this come to the attention of the Department of Revenue? Could you describe that somewhat so I'll have some concept--did somebody report it or did they take the tax advantage on this, because I have heard of people taking tax advantages--I'd like to understand that."

Senator Vognild: "I'll refer to Senator Bottiger."

Senator Bottiger: "Mr. President, no doubt they took a charitable deduction under the federal income tax. The reason it came to the attention of the Department of Revenue--you guys hired a whole bunch of new auditors two years ago and this is the work product. Here they are back again."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator Vognild.

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

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Hemstad moved to reconsider the vote by which the Vognild amendments to page 12, after line 19--New Sections 8, 10 and 12--were adopted.*

PARLIAMENTARY INQUIRY

Senator Peterson: "A point of parliamentary inquiry. This was an oral vote and Senator Hemstad raised the question for reconsideration and without a roll call, how could we reconsider a vote that was adopted without a roll call?"

REPLY BY THE PRESIDENT

President Cherberg: "The President believes that Senator Hemstad is a trustworthy young man and it makes it right."

POINT OF INQUIRY

Senator Vognild: "Mr. President, would it be permissible for me to ask Senator Hemstad the purpose of his motion--if he wants to amend or what he wants to do?"

Senator Hemstad: "If the vote, in fact, is subject to reconsideration, then I would think it would be appropriate to put it down a bit and perhaps look at it some more. There may be a way of phrasing this so that it has some more definition to it, so that at least we will all know what we're voting on, but I suspect if this stays, the bill on third reading probably is not going to pass at all."

The motion for reconsideration carried on a rising vote.
The Senate resumed consideration of the amendments on page 12, after line 19—New Sections 8, 10 and 12.

MOTION

Senator Lee moved the following amendment to the Vognild amendments:
On page 12, line 19, after "apply" in "NEW SECTIONS 8, 10 and 12", insert "to the prototypes resulting from a research and development program" and strike "to research and development"

Debate ensued.

MOTION

Senator Bottiger moved that further consideration of House Bill No. 72 be deferred and placed at the bottom of the second reading calendar, and that the rules be suspended and no more amendments be offered on the bill.

Debate ensued.

The President declared the question before the Senate to be the motion to defer consideration of House Bill No. 72.

The motion by Senator Bottiger failed and the Senate resumed consideration of House Bill No. 72.

The President declared the question before the Senate to be adoption of the Lee amendment to the amendments by Senator Vognild, on reconsideration.

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

The President declared the question before the Senate to be adoption of the amendments by Senator Vognild, as amended.

The amendments, as amended, by Senator Vognild were adopted.

MOTIONS

Senator Goltz moved that the following amendment be adopted:
On page 7, line 29, add (14) that ice cream be taxed at the lowest possible rate

Senator Deccio moved that the following amendment to the amendment be adopted:
On page 7, line 29, insert the word "spumoni" between the words "that" and "ice"

There being no objection, Senator Goltz withdrew the amendment.

MOTIONS

On motion of Senator Zimmerman, Senators Fuller and von Reichbauer were excused.

On motion of Senator Bottiger, further consideration of House Bill No. 72 was deferred.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 796, deferred earlier today.

RULING BY THE PRESIDENT

"President Cherberg: "In ruling on the point of order raised by Senator Clarke, the President finds that Engrossed Substitute House Bill No. 796 is a measure which creates the Department of Community Development, and is specifically referenced in the budget.

"The President, therefore, finds that Engrossed Substitute House Bill No. 796 comes within the provisions of subsection (2) of House Concurrent Resolution No. 23 and that it is properly before the Senate."

Debate ensued.

POINT OF INQUIRY

Senator Barr: "Senator Warnke, there are a lot of people out in the country that are concerned about this bill—whether they are misinformed or what. On these block grants, the handling of the block grants. I have to be assured those monies will not go to DSHS, because the word is out there that in this shift—in this combination—I'm talking about the right bill aren't I? Could you lay the record straight on that?"
Senator Warnke: "Senator Barr, the new department—the new agency—is divided into three departments. Specifically, their names—to answer your question—the first is the Office of Contracts and Grants, so they will be continuing to handle those; the Office of Local Government Cooperation, so they will continue those functions with local government; and the Office of Trade and Economic Development, which is the area that Senator Zimmerman was speaking to previously. Those specific functions are outlined in the bill, in order that there be increased emphasis on those issues for our local people."

Further debate ensued.

POINT OF INQUIRY

Senator Hayner: "Senator Warnke, is it assumed that all the employees of the Planning and Community Affairs Agency will be transferred to the new agency and is there a fiscal note on this? Do you assume that this will save money or is it going to cost us money and will it be more efficient?"

Senator Warnke: "Senator Hayner, well I don't know where to start. Maybe I should start from the last first. 'Will it be more efficient'—certainly the intent of the drafters of the legislation is that it will be more efficient. How those functions are carried out by those people that are placed in the supervision of the function—whether or not they will be more efficient, I would have to wait and find out."

"I do not have the budget in front of me. The budget relates to the amount of this bill where we for one year fund both agencies and the second year fund it together and this was in the budget that passed, Senator. I don't have a copy of that with me or the fiscal note here for the bill. Thirdly, 'does it transfer all of the people?' All the people that are retained that have the protection of transfer, yes, they will be retained and transferred, but there are some exempt positions, obviously, that decisions will have to be made."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 796, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 796, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 27; nays, 19; absent, 01; excused, 02.


Voting nay: Senators Barr, Benitz, BluecheL Clarke, Craswell, Deccio, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Newhouse, Patterson, Quigg, Sellari, Zimmerman - 19.

Absent: Senator Metcall - 1.

Excused: Senators Fuller, von Reichbauer - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 796, 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 resumed consideration of Senate Bill No. 3850, deferred earlier today.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Lee, the President finds that Senate Bill No. 3850 is a measure which deals with the establishing of job placement and training programs and contains an appropriation.

"The President, therefore, finds that Senate Bill No. 3850 comes within the provisions of section one and section two of House Concurrent Resolution No. 32, and that it is properly before the Senate."

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Lee, the President finds that Senate Bill No. 3850 is a measure which deals with the establishment of job placement and training programs by creating the private sector job placement program.
"The amendments proposed by the Senate Committee on Ways and Means also deals with the establishment of job placement and training programs by creating the jobs again council.

"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 Committee on Ways and Means amendments on page 5, line 16, and page 6, line 1, were ruled in order.

The President declared the question before the Senate to be adoption of the Committee on Ways and Means amendments.

The motion by Senator Gaspard carried and the committee amendments were adopted.

MOTIONS

On motion of Senator Bluechel, Senator Kiskaddon was excused.

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

On page 1, line 3 of the title, strike "providing an effective date;"

On motion of Senator McDermott, the rules were suspended. Engrossed Senate Bill No. 3850 was advanced to third reading, the second reading considered the third, and the bill as placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3850.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3850, and the bill passed the Senate by the following vote: Yeas, 36; nays, 10; absent, 00; excused, 03.


Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Guess, Haley, Hayner, Jones, Metcalf, Newhouse, Sellar - 10.

Excused: Senators Fuller, Kiskaddon, von Reichbauer - 3.

ENGROSSED SENATE BILL NO. 3850, having received the 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 President advanced the Senate to the seventh order of business.

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 240, by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Heck, Vander Stoep, J. King, Lewis, Brekke, Patrick, Fisch, Fisher, Zellinsky, Pruitt, Barnes, Miller, Long, Jacobsen, Tanner, Johnson, Ristuben and Garrett) (by Secretary of State request)

Revising procedures for mail voting.

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 Engrossed Substitute House Bill No. 240, as previously amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 240, as previously amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 29; nays, 17; absent, 00; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, McDermott, McManus, Moore, Owen, Peterson, Quigg, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 29.

Excused: Senators Fuller, Kiskaddon, von Reichbauer - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 240, as previously 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 President returned the Senate to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 127, by Committee on Ways and Means (originally sponsored by Representatives Kreidler, Grimm, Walk, Belcher, Zellinsky and Garrett)

Modifying the manner by which travel reimbursement rates for state employees are set.

The bill was read the second time.

MOTIONS

On motion of Senator McDermott, the following Committee on Ways and Means amendment was adopted:
On page 4, delete all material following line 11

On motion of Senator McDermott, the following title amendment was adopted:
On page 1, beginning on line 7 of the title, after “RCW 43.03.010;” delete all material down to and including “43.19 RCW,” on line 8 of the title

On motion of Senator McDermott, the rules were suspended. Engrossed Substitute House Bill No. 127, 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.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 127, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 127, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; nays, 06; absent, 00; excused, 03.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 36.


Excused: Senators Fuller, Kiskaddon, von Reichbauer - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 127, 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


Requiring state employees to be paid twice a month.

The bill was read the second time.

MOTIONS

On motion of Senator McDermott, the following Committee on Ways and Means amendments were considered and adopted simultaneously:
On page 7, line 12, delete "2,531,000" and insert "1,121,000"
On page 7, line 14, delete "30,000" and insert "13,000"
On page 7, line 16, delete "1,824,000" and insert "807,000"
On page 7, line 17, delete "4,944,000" and insert "2,500,000"
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On motion of Senator McDermott, the rules were suspended. Second Substitute House Bill No. 295, 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 Hemstad: "Senator McDermott, I am a supporter of this bill, however, I am concerned about the money appropriated. Are you satisfied that the dollar amount that is now found in this bill is going to allow OFM and through that agency to have sufficient resources to be able to carry it out effectively?"

Senator McDermott: "Yes."

Senator Hemstad: "And if I may pursue a little further. Was there any detailed analysis of the amount of money and how it was going to be spent—or was it simply sort of pulled out of the air?"

Senator McDermott: "Senator Hemstad, the matter of fiscal notes is one of the more arcane subjects that we delve into in Olympia. If you ask an agency that doesn't want to do something how much it's going to cost, it always costs about ten times more than it would, but if you ask them something they want to do, they can always do it for about half of what it really costs. So, we have here an issue—I'm pretty sure they didn't want to do it. As we looked at the figures, it looked to us after our analysis, that they could do it for about half of what they said they needed. We're quite sure that work always gets done within the money available to us.

Further debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator McDermott—a very serious question. Can you tell me whether the deductions and contributions will be made twice monthly or will they be taken out of one of the two checks during the month?"

Senator McDermott: "Senator Deccio, I must confess that I'm not sure exactly how the computer will be programmed, but I'm certain that it's possible to take out the contributions on a twice-monthly basis. I get paid twice a month and it's a computerized check and I know private industry can do it, so I know it can happen in government. They take out deductions at the beginning of the month for something that only happens once a month. It's really no problem—you just have to tell the computer what you want to do and it can do it, and I don't know how they will choose to program the computers, but I'm sure it can be done."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Second Substitute House Bill No. 295, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Second Substitute House Bill No. 295, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 26; nays, 20; absent, 00; excused, 03.


Excused: Senators Fuller, Kiskaddon, von Reichbauer – 3.

SECOND SUBSTITUTE HOUSE BILL NO. 295, 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

Walk, McClure, Hine, Gallagher, Martinis, Kreidler, Burns, Niemi, Locke, Isaacson, Vekich, Kaiser, McMullen, Lux, Braddock, Rust, Brekke, B. Williams, Belcher, Moon, Sutherland, O'Brien, Lewis, Armstrong and Johnson)

Providing post-retirement adjustments for public retirement systems.

The bill was read the second time.

MOTIONS

On motion of Senator McDermott, the following Committee on Ways and Means amendments were considered and adopted simultaneously:

On page 1, line 11, after "July 1," delete "1983" and insert "1978"

On page 1, line 25, after "July 1," delete "1983" and insert "1978"

On page 2, line 11, after "July 1," delete "1983" and insert "1978"

On page 2, line 28, after "July 1," delete "1983" and insert "1978"

On motion of Senator McDermott, the following Committee on Ways and Means amendments were considered and adopted simultaneously:

On page 3, line 12, after "July 1," delete "1983" and insert "1978"

On page 3, line 22, after "appropriated" delete "$4,178,000" and insert "$3,600,000"

On page 3, line 25, after "(1)" delete "$3,747,000" and insert "$3,212,000"

On page 3, line 27, after "(a)" delete "$1,252,000" and insert "$1,025,000"

On page 3, line 29, after "(b)" delete "$2,444,000" and insert "$2,136,000"

On page 3, line 34, after "(2)" delete "$431,000" and insert "$388,000"

On motion of Senator McDermott, the following Committee on Ways and Means amendments were considered and adopted simultaneously:

On page 3, line 35, after "University of Washington," delete "$220,000 and insert "$193,000"

On page 4, line 1, after "Washington State University..." delete "$180,000" and insert "$171,000"

On page 4, line 2, after "Eastern Washington University..." delete "$7,000" and insert "$4,000"

On page 4, line 3, after "Eastern Washington University..." delete "$10,000" and insert "$9,000"

On page 4, line 4, after "Central Washington University..." delete "$14,000" and insert "$11,000"

On motion of Senator Zimmerman, Senator Pullen was excused.

On motion of Senator McDermott, the rules were suspended. Engrossed Substitute House Bill No. 495, 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.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 495, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 495, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas: 38: nays: 06: absent: 01: excused: 04.


Voting nay: Senators Clarke, Craswell, Decio, Hayner, Jones, McCaslin - 6.

Absent: Senator Newhouse - 1.

Excused: Senators Fuller, Kiskaddon, Pullen, von Reichbauer - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 495, 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. 3834, by Senators Bottiger, Haley, Moore, Bender and Wojahn

Equalizing the authority of municipalities to impose local sales taxes.

The bill was read the second time.
MOTION

Senator McDermott moved adoption of the following amendment by Senator Pullen:

On page I. line 6, strike the balance of the act and insert:

"NEW SECTION. Sec. 1. 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 are each hereby repealed."

POINT OF INQUIRY

Senator Deccio: "Senator McDermott. I know how Metro operates their bus system, but what other methods do cities and counties have to operate their--"

Senator McDermott: "Well, many, many agencies—if this amendment passes—will have to put an end to their bus system on Monday morning, so that's pretty much it. It raises the fares to five dollars a ride—I suppose that would be one way they could do it. They really only have the fare box and taxes—and I'm not quite sure how they would operate if this amendment hangs—but I wouldn't want to discourage you in this amendment."

Senator Deccio: "This would not affect Metro?"

Senator McDermott: "Actually, I believe Metro could go right on."

Further debate ensued.

POINT OF INQUIRY

Senator Patterson: "Senator McDermott. I want to follow up on this. This is a very interesting amendment. Kind of along the lines of what Senator Guess was talking about—as I recall there is a cap on the general fund in the next biennium of a hundred and twenty-four million dollars that goes to subsidize the Metro systems of this state. In any way, would this eliminate that and we'd have another hundred and twenty-four million in the general fund so we could pay for some of the state bills?"

Senator McDermott: "Senator, this is the last time that I'm ever going to help Senator Pullen, I can tell you that. I can't even think how to answer it the way he would. I think Senator Bottiger's right. You ought to vote 'no' on this amendment and get on with the bill."

MOTION

On motion of Senator Peterson, the amendment by Senator Pullen was laid on the table.

MOTION

On motion of Senator Bottiger, the rules were suspended, Senate Bill No. 3834, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3834.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3834, and the bill passed the Senate by the following vote: Yeas. 28; nays, 17; absent, 00; excused, 04.


Voting nay: Senators Benitz, Clarke, Craswell, Deccio, Guess, Hayner, Hurley, Jones, Lee, McCaslin, McCall, Newhouse, Patterson, Quigg, Rasmussen, Seitar, Zimmerman - 17.

Excused: Senators Fuller, Kiskaddon, Pullen, von Reichbauer - 4.

SENATE BILL NO. 3834, having received the 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 resumed consideration of House Bill No. 72, deferred earlier today.
Senator McDermott moved that the following amendment by Senators McDermott and Pullen be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. 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 are each amended to read as follows:

For the purposes of this chapter:

(1) "Selling price" means the consideration, whether money, credits, rights, or other property, expressed in the terms of money paid or delivered by a buyer to a seller, all without any deduction on account of the cost of tangible property sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expenses whatsoever paid or accrued and without any deduction on account of losses; but shall not include the amount of cash discount actually taken by a buyer, and shall be subject to modification to the extent modification is provided for in RCW 82.08.080.

When tangible personal property is rented or leased under circumstances that the consideration paid does not represent a reasonable rental for the use of the articles so rented or leased, the "selling price" shall be determined as nearly as possible according to the value of such use at the places of use of similar products of like quality and character under such rules as the department of revenue may prescribe:

(2) "Seller" means every person, including for purposes of this chapter the state and its departments and institutions, making sales at retail or retail sales to a buyer or consumer, whether as agent, broker, or principal, except "seller" does not mean the state and its departments and institutions when making sales to the state and its departments and institutions.

(3) "Buyer" and "consumer" include, without limiting the scope hereof, every individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise, municipal corporation, quasi municipal corporation, and also the state, its departments and institutions and all political subdivisions thereof, irrespective of the nature of the activities engaged in or functions performed, and also the United States or any instrumentality thereof;

(4) The meaning attributed in chapter 82.04 RCW to the terms "tax year," "taxable year," "person," "company," "sale," "sale at retail," "retail sale," "sale at wholesale," "wholesale," "business," "engaging in business," "cash discount," "successor," "consumer," "in this state" and "within this state" shall apply equally to the provisions of this chapter.

Sec. 2. 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 are each amended to read as follows:

For the purposes of this chapter:

(1) "Value of the article used" shall mean the consideration, whether money, credit, rights, or other property, expressed in terms of money, paid or given or contracted to be paid or given by the purchaser to the seller for the article of tangible personal property, the use of which is taxable under this chapter. The term includes, in addition to the consideration paid or given or contracted to be paid or given, the amount of any tariff or duty paid with respect to the importation of the article used. In case the article used is acquired by lease or by gift or is extracted, produced, or manufactured by the person using the same or is sold under conditions wherein the purchase price does not represent the true value thereof, the value of the article used shall be determined as nearly as possible according to the retail selling price at place of use of similar products of like quality and character under such rules and regulations as the department of revenue may prescribe.

In case the articles used are acquired by bailment, the value of the use of the articles so used shall be in an amount representing a reasonable rental for the use of the articles so bailed, determined as nearly as possible according to the value of such use at the places of use of similar products of like quality and character under such rules and regulations as the department of revenue may prescribe. PROVIDED: That in case any such articles of tangible personal property are used in respect to the construction, repairing, decorating, or improving of, and which become or are to become an ingredient or component of, new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 36.82 RCW, including the installing or attaching of any such articles therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, then the value of the use of such articles so used shall be determined according to the retail selling price of such articles, or in the absence of such a selling price, as nearly as possible according to the retail selling price at place of use of similar products of like quality and character or, in the absence of either of these selling price measures, such value may be determined upon a cost basis, in any event under such rules and regulations as the department of revenue may prescribe.

In the case of articles manufactured or produced by the user and used in the manufacture or production of products sold or to be sold to the department of defense of the United States.
the value of the articles used shall be determined according to the value of the ingredients of such articles.

(2) "Use," "used," "using," or "put to use" shall have their ordinary meaning, and shall mean the first act within this state by which the taxpayer takes or assumes dominion or control over the article of tangible personal property (as a consumer), and include installation, storage, withdrawal from storage, or any other act preparatory to subsequent actual use or consumption within this state;

(3) "Taxpayer" and "purchaser" include all persons included within the meaning of the word "buyer" and the word "consumer" as defined in chapters 82.04 and 82.08 RCW;

(4) "Retailer" means every seller as defined in RCW 82.08.010 and every person engaged in the business of selling tangible personal property at retail and every person required to collect from purchasers the tax imposed under this chapter;

(5) The meaning ascribed to words and phrases in chapters 82.04 and 82.08 RCW, insofar as applicable, shall have full force and effect with respect to taxes imposed under the provisions of this chapter. "Consumer," in addition to the meaning ascribed to it in chapters 82.04 and 82.08 RCW insofar as applicable, shall also mean any person who distributes or displays, or causes to be distributed or displayed, any article of tangible personal property, except newspapers, the primary purpose of which is to promote the sale of products or services.

Sec. 3. Section 16, chapter 10, Laws of 1982 as amended by section 1, chapter 13, Laws of 1982 2nd ex. sess. and RCW 82.04.260 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of buying wheat, oats, dry peas, dry beans, lentils, triticale, corn, rye and barley, but not including any manufactured or processed products thereof, and selling the same at wholesale, the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of one one-hundredth of one percent.

(2) Upon every person engaging within this state in the business of manufacturing wheat into flour, soybeans into soybean oil, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour or oil manufactured, multiplied by the rate of one-eighth of one percent.

(3) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of one-quarter of one percent.

(4) Upon every person engaging within this state in the business of manufacturing seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person, as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of one-eighth of one percent.

(5) Upon every person engaging within this state in the business of canning, preserving, freezing or dehydrating fresh fruits and vegetables; as to such persons the amount of tax with respect to such business shall be equal to the value of the ingredients of the products canned, preserved, frozen or dehydrated multiplied by the rate of one-tenth of one percent.

(6) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of forty-four one-hundredths of one percent.

(7) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of thirty-three one-hundredths of one percent.

(8) Upon every person engaging within this state in the business of buying wheat, oats, dry beans, lentils, triticale, corn, rye and barley, but not including any manufactured or processed products thereof. and selling the same at wholesale; the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of one one-hundredth of one percent.

(9) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale; the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of thirty-three one-hundredths of one percent.

(10) Upon every person engaging within this state in the business of acting as a travel agent; as to such persons the amount of the tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of twenty-five one-hundredths of one percent.

(11) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to international activities shall be equal to the gross income derived from such activities multiplied by the rate of thirty-three one-hundredths of one percent.
(12) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce: as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds derived from such activities multiplied by the rate of thirty-three one hundredths of one percent. Persons subject to taxation under this subsection shall be exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure: cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigeration service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(13) Upon every person engaging within this state in the business of disposing of low-level waste as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business shall be equal to the gross income of the business, excluding any fees imposed under chapter 43.21F RCW, multiplied by the rate of thirty percent.

If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state shall be determined in accordance with the methods of apportionment required under RCW 82.04.460.

Sec. 4. Section 82.32.210, chapter 15, Laws of 1961 as amended by section 3, chapter 89, Laws of 1967 ex. sess. and RCW 82.32.210 are each amended to read as follows:

If any tax, increase, or penalty or any portion thereof is not paid within fifteen days after it becomes due, the department of revenue may issue a warrant under its official seal (directed to the sheriff of any county of the state, commanding him to levy upon and sell the real and/or personal property of the taxpayer found within his county; or so much thereof as may be necessary, for the payment of the amount of such warrant)) in the amount of such unpaid sums, together with interest thereon at the rate of one percent of the amount of such warrant for each thirty days or portion thereof after the date of such warrant;(plus the cost of executing the warrant; and return the warrant to the department of revenue and pay to it the money collected by virtue thereof within sixty days after the receipt of the warrant). If, however, the department of revenue believes that a taxpayer is about to cease business, leave the state, or remove or dissipate the assets out of which taxes or penalties might be satisfied and that any tax or penalty will not be paid when due, it may declare the tax or penalty to be immediately due and payable and may issue a warrant immediately.

((If any warrant issued under this chapter is not paid within thirty days after it has been filed with the clerk of the superior court, or if any taxpayer shall, for three consecutive reporting periods, be delinquent in the transmission to the department of revenue of retail sales tax collected by him, the department of revenue may by order issued under its official seal, revoke the certificate of registration of the taxpayer against whom the warrant was issued, and, if such order is entered, a copy thereof shall be posted in a conspicuous place at the main entrance to the taxpayer’s place of business and shall remain posted until such time as the warrant has been paid. Any certificate so revoked shall not be reinstated, nor shall a new certificate of registration be issued to the taxpayer; until the amount due on the warrant has been paid, or provisions for payment satisfactory to the department of revenue have been entered, and until the taxpayer has deposited with the department of revenue such security for payment of any taxes, increases, and penalties, due or which may become due in an amount and under such terms and conditions as the department of revenue may require, but the amount of the security shall not be greater than one-half the estimated average annual liability of the taxpayer); The department shall file a copy of the warrant with the clerk of the superior court of any county of the state in which real and/or personal property of the taxpayer may be found. Upon filing, the clerk shall enter in the judgment docket, the name of the taxpayer mentioned in the warrant and in appropriate columns the amount of the tax or portion thereof and any increases and penalties for which the warrant is issued and the date when the copy is filed, and thereupon the amount of the warrant so docketed shall become a specific lien upon all goods, wares, merchandise, fixtures, equipment, or other personal property used in the conduct of the business of the taxpayer against whom the warrant is issued, including property owned by third persons who have a beneficial interest, direct or indirect, in the operation of the business, and no sale or transfer of the personal property in any way affects the lien. The lien shall not be superior, however, to bona fide interests of third persons which had vested prior to the filing of
the warrant when the third persons do not have a beneficial interest, direct or indirect, in the operation of the business, other than the securing of the payment of a debt or the receiving of a regular rental on equipment; PROVIDED, HOWEVER, That the phrase "bona fide interests of third persons" does not include any mortgage of real or personal property or any other credit transaction that results in the mortgagee or the holder of the security acting as trustee for unsecured creditors of the taxpayer mentioned in the warrant who executed the chattel or real property mortgage or the document evidencing the credit transaction. The amount of the warrant so docketed shall thereupon also become a lien upon the title to and interest in all other real and personal property of the taxpayer against whom it is issued the same as a judgment in a civil case duly docketed in the office of the clerk. The warrant so docketed shall be sufficient to support the issuance of writs of garnishment in favor of the state in the manner provided by law in the case of judgments wholly or partially unsatisfied.

NEW SECTION. Sec. 5. There is added to chapter 82.32 RCW a new section to read as follows:

If any warrant issued under this chapter is not paid within thirty days after it has been filed with the clerk of the superior court, or if any taxpayer is delinquent, for three consecutive reporting periods, in the transmission to the department of revenue of retail sales tax collected by him, the department of revenue may, by order issued under its official seal, revoke the certificate of registration of the taxpayer against whom the warrant was issued, and, if the order is entered, a copy thereof shall be posted in a conspicuous place at the main entrance to the taxpayer's place of business and shall remain posted until such time as the warrant has been paid. Any certificate so revoked shall not be reinstated, nor shall a new certificate of registration be issued to the taxpayer, until the amount due on the warrant has been paid, or provisions for payment satisfactory to the department of revenue have been entered, and until the taxpayer has deposited with the department of revenue such security for payment of any taxes, increases, and penalties due or which may become due in an amount and under such terms and conditions as the department of revenue may require, but the amount of the security shall not be greater than one-half the estimated average annual liability of the taxpayer.

Sec. 6. Section 82.32.220, chapter 82, Laws of 1961 as amended by section 6, chapter 304, Laws of 1961 and RCW 82.32.220 are each amended to read as follows:

"(The sheriff shall file with the clerk of the superior court of his county a copy of the warrant, and thereupon the clerk shall enter in the judgment docket, the name of the taxpayer mentioned in the warrant and in appropriate columns the amount of the tax or portion thereof and any increases and penalties for which the warrant is issued and the date when such copy is filed, and thereupon the amount of such warrant so docketed shall become a specific lien upon all goods, wares, merchandise, fixtures, equipment, or other personal property used in the conduct of the business of the taxpayer against whom such warrant is issued, including property owned by third persons who have a beneficial interest, direct or indirect, in the operation of the business, and no sale or transfer of such personal property shall in any way affect such lien. The lien shall not be superior, however, to bona fide interests of third persons which had vested prior to the filing of the warrant when such third persons do not have a beneficial interest, direct or indirect, in the operation of the business, other than the securing of the payment of a debt or the receiving of a regular rental on equipment; PROVIDED, HOWEVER, that the phrase "bona fide interests of third persons" shall not include any mortgage of real or personal property or any other credit transaction that results in the mortgagee or the holder of the security acting as trustee for unsecured creditors of the taxpayer mentioned in the warrant who executed such chattel or real property mortgage or the document evidencing such credit transaction. The amount of such warrant so docketed shall thereupon also become a lien upon the title to and interest in all other real and personal property of the taxpayer against whom it is issued the same as a judgment in a civil case duly docketed in the office of such clerk, and the sheriff shall thereupon proceed upon the same in all respects and with like effect as prescribed by law with respect to execution or other process issued against rights or property upon judgments of the superior court. Such warrants so docketed shall be sufficient to support the issuance of writs of garnishment in favor of the state in the manner provided by law in the case of judgments wholly or partially unsatisfied:";) The department of revenue may issue an order of execution, pursuant to a filed warrant, under its official seal directed to the sheriff of the county in which the warrant has been filed, commanding him to levy upon and sell the real and/or personal property of the taxpayer found within his county, or so much thereof as may be necessary, for the payment of the amount of the warrant, plus the cost of executing the warrant, and return the warrant to the department of revenue and pay to it the money collected by virtue thereof within sixty days after the receipt of the warrant. The sheriff shall thereupon proceed upon the same in all respects and with like effect as prescribed by law with respect to execution or other process issued against rights or property upon judgments of the superior court."

The sheriff shall be entitled to fees as provided by law for his services in levying execution on a superior court judgment and the clerk shall be entitled to a filing fee as provided by law, which shall be added to the amount of the warrant.
The proceeds received from any sale shall be credited upon the amount due under the warrant and when the final amount due is received, together with interest, penalties, and costs, the judgment docket shall show the claim for taxes to be satisfied and the clerk of the court shall so note upon the docket. Any surplus received from any sale of property shall be paid to the taxpayer or to any lien holder entitled thereto. If the return on the warrant shows that the same has not been satisfied in full, the amount of the deficiency shall remain the same as a judgment against the taxpayer which may be collected in the same manner as the original amount of the warrant.

Sec. 7. Section 82.32.230, chapter 15, Laws of 1961 as amended by section 84, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.32.230 are each amended to read as follows:

In the discretion of the department of revenue, ((a warrant)) an order of execution of like terms, force, and effect may be issued and directed to any agent of the department authorized to collect taxes, and in the execution thereof such agent shall have all the powers conferred by law upon sheriffs, but shall not be entitled to any fee or compensation in excess of the actual expenses paid in the performance of such duty, which shall be added to the amount of the warrant.

Sec. 8. Section 3, chapter 94, Laws of 1970 ex. sess. as last amended by section 1, chapter 211, Laws of 1982 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 but, for purposes of this subsection, a central distribution center at which no orders for merchandise are taken shall not be deemed a retail outlet;

(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 at the place where the labor and services involved were primarily performed;

(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, in so far 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. 9. There is added to chapter 82.08 RCW a new section to read as follows:

The tax levied by RCW 82.08.020 does not apply to the sale of precious metal bullion or monetized bullion. For purposes of this section, "precious metal bullion" means any elementary precious metal which has been put through a process of smelting or refining, including, but not limited to, gold, silver, platinum, rhodium, and chromium, and which is in such state or condition that its value depends upon its contents and not upon its form. For purposes of this section, "monetized bullion" means coins or other forms of money manufactured from gold, silver, or other metals and heretofore, now, or hereafter used as a medium of exchange under the laws of this state, the United States, or any foreign nation, but does not include coins or money sold to be manufactured into jewelry or works of art.

NEW SECTION. Sec. 10. There is added to chapter 82.12 RCW a new section to read as follows:

The tax levied by RCW 82.12.020 does not apply to the sale of precious metal bullion or monetized bullion. For purposes of this section, "precious metal bullion" means any elementary precious metal which has been put through a process of smelting or refining, including, but not limited to, gold, silver, platinum, rhodium, and chromium, and which is in such state or condition that its value depends upon its contents and not upon its form. For purposes of this section, "monetized bullion" means coins or other forms of money manufactured from gold, silver, or other metals and heretofore, now, or hereafter used as a medium of exchange under the laws of
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of this state, the United States, or any foreign nation, but does not include coins or money sold to be manufactured into jewelry or works of art.

Sec. 11. Section 39, chapter 37, Laws of 1980 as amended by section 1. chapter 5, Laws of 1982 1st ex. sess. and RCW 82.08.0273 are each amended to read as follows:

The tax levied by RCW 82.08.020 shall not apply to sales to nonresidents of this state of tangible personal property for use outside this state when the purchaser has applied for and received from the department of revenue a permit certifying (1) that (the) the purchaser is a bona fide resident of a state or possession or Province of Canada other than the state of Washington, (2) that such state, possession, or Province of Canada does not impose a retail sales tax or use tax of three percent or more or, if imposing such a tax, permits Washington residents exemption from otherwise taxable sales by reason of their residence, and (3) that he or she does agree, when requested, to grant the department of revenue access to such records and other forms of verification at his or her place of residence to assure that such purchases are not first used substantially in the state of Washington.

Any person claiming exemption from retail sales tax under the provisions of this section must display a nonresident permit as herein provided, and any vendor making a sale to a nonresident without collecting the tax must examine such permit, identify the purchaser as the person to whom the nonresident permit was issued, and maintain records which shall show the permit number attributable to each nontaxable sale.

Permits shall be personal and nontransferable, shall be renewable annually, and shall be issued by the department of revenue upon payment of a fee of (five) one dollar((s)). The department may in its discretion designate independent agents for the issuance of permits, according to such standards and qualifications as the department may prescribe. Such agents shall pay over and account to the department for all permit fees collected, after deducting as a collection fee the sum of (one dollar) fifty cents for each permit issued.

Any person making fraudulent statements in order to secure a permit shall be guilty of perjury. Any person making tax exempt purchases by displaying a permit not his or her own, or a counterfeit permit, with intent to violate the provisions of this section shall be guilty of a misdemeanor and, in addition, may be subject to a penalty not to exceed the amount of the tax due on such purchases. Any vendor who makes sales without collecting the tax to a person who does not hold a valid permit, and any vendor who fails to maintain records of permit numbers as provided in this section shall be personally liable for the amount of tax due.


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 July 15, 1983.

MOTION

On motion of Senator Clarke, further consideration of House Bill No. 72 was deferred.

MOTION

At 9:57 p.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Thursday, May 5, 1983.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.
ELEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, May 5, 1983

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 Hemstad and Quigg.

The Sergeant at Arms Color Guard, consisting of Pages Bill Morse and Valya Coole, presented the Colors. Reverend Wallace F. Misterek, pastor of Trinity Lutheran Church of Olympia, offered the prayer.

MOTION

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

MOTION

At 10:08 a.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The Senate was called to order at 11:35 a.m. by President Cherberg.

MOTION

At 11:35 a.m., on motion of Senator Shinpoch, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Cherberg.

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 43, by House Committee on Social and Health Services (originally sponsored by Representatives Ellis, Lewis, Kreidler, Hastings, Chandler, Miller, Sayan, Crane, Stratton, Nealey, Appelwick, Locke, Holland, Burns, Isaacson, Rust, Silver, Haugen, Wang, Niemi, Ballard, Sutherland, Walk, Tilly, Dellwo, Struthers, Charnley, Mitchell, Garrett, Belcher, McClure, Galloway, Long, Smith, Dickie, Todd and Clayton)

Modifying provisions concerning medical care services.

The bill was read the second time.

MOTIONS

On motion of Senator McManus, the following Committee on Social and Health Services amendment was adopted:

On page 3, after line 20, insert the following:

"Sec. 3. Section 17, chapter 6, Laws of 1981 1st ex. sess. and RCW 74.08.541 are each amended to read as follows:

"Chore services," as used in this chapter, means services in performing light work and household and other personal tasks which eligible persons are unable to do for themselves because of frailty or handicapping conditions.

Persons eligible for services at no cost are adult recipients of supplemental security income (and/or), state supplementation, or limited casualty program medical care as defined by RCW 74.09.010, and other individuals having income equal to or less than thirty percent of the state median income and resources less than a level determined by the department, and whose level of need for chore services and risk of being placed in a residential care facility have been determined by the department. Individuals determined by the department to be eligible for adult protective services are eligible to receive emergency chore services without regard to income if the services are essential to, and a subordinate part of, the adult protective services plan. Emergency chore services under adult protective services shall be provided only until the emergent situation has stabilized, not to exceed ninety days."
Those persons whose income is between thirty and forty percent of the state median income and whose level of need for chore services and risk of being placed in a residential care facility has been determined by the department are eligible for a reduced level of service based on their ability to purchase the services. The department shall develop a scale of reduced hours of service based on need and income level to be applied in these cases. Persons whose resources exceed the level determined by the department are not eligible for any reduced level service.

The department is authorized to provide chore services on a case-by-case basis to severely handicapped persons in need of attendant care whose income exceeds the criteria established in this section. Services may be provided for this purpose 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: PROVIDED, That the department may not extend authorization for chore services to more than thirty persons at any one time whose income exceeds fifty-seven percent of the state median income.

For clients whose chore services are authorized on an hourly basis, the department shall establish a monthly lid on chore service hours, which shall be allocated to the department's community service offices. This lid shall be established at a level set by the department. The department shall also establish a monthly rate lid to apply to clients whose chore services are authorized on a monthly rate basis.

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

On page I, line 5 of the title, alter "74.09.035; insert "amending section 17, chapter 6, Laws of 1981 1st ex. sess. and RCW 74.08.541;"

On motion of Senator Vognild, Senator Hughes was excused.

On motion of Senator McManus, the rules were suspended. Substitute House Bill No. 43, 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 Pullen: "Senator McManus, could you tell me what the fiscal impact of this particular bill is to the state?"

Senator McManus: "This has a pretty significant fiscal impact. I believe it's between five and seven million dollars and it's been accounted for in the budget."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 43, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 43, as amended by the Senate, and the bill passed the Senate by the following vote:

Yeas, 46; nays, 01; absent, 01; excused, 01.


Voting nay: Senator Pullen - I.

Absent: Senator Hemstad - I.

Excused: Senator Hughes - I.

SUBSTITUTE HOUSE BILL NO. 43, 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 President reverted the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

May 4, 1983

Mr. President:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 3272 with the following amendments:

On page 8, delete lines 5 through 11 and insert the following:

"(1) up to forty percent of the cost of contracting for the services of a pathologist to perform an autopsy; and"
(2) up to twenty-five percent of the salary of pathologists who are primarily engaged in performing autopsies and are (a) county coroners or county medical examiners, or (b) employees of a county coroner or county medical examiner.

On page 10, line 26, after "county" strike "commissioners" ((and insert "("commissioners")

On page 10, beginning on line 29, strike "of all counties may at their" and insert "legislative authority of each county may at ((their)) its")

On page 11, strike lines 10, through 14 and renumber the remaining subsections consecutively.

On page 11, after line 21, insert the following:

"NEW SECTION. Sec. 21. The Legislative Budget Committee shall conduct a study of the medical examiner system and the staffing programs and operations of the state toxicology laboratory and shall report its findings to the legislature no later than January 1, 1984."

Renumber the remaining sections consecutively.

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Thompson, the Senate concurred in the House amendments to Second Substitute Senate Bill No. 3272.

POINT OF INQUIRY

Senator Rasmussen: "Senator Thompson, as I read this bill, it is setting up a reimbursement to the counties for the cost of a pathologist to perform an autopsy."

Senator Thompson: "A partial reimbursement, Senator Rasmussen."

Senator Rasmussen: "Then my question would be—we're proposing in the bill a study and it has been transferred to the Legislative Budget Committee rather than the Planning and Community Affairs. I think the Legislative Budget Committee will do a good job, but why are we starting on this system without having the study completed first?"

Senator Thompson: "Senator Rasmussen, that discussion was carried on here on the floor with regard to its initial final passage—and to repeat the explanation that the death investigation system in this state definitely requires, now, some upgrading—some training of coroners—some more adequate funding source for paying for autopsies and improvement in the laboratory facilities that back up those services. This isn't viewed, however, by persons working in this legislature and those on the Local Government Committee, as a final solution with regard to this system, and the study has two purposes. One to see how well this is working—we're putting it in place now and to get it moving toward a regional medical examiner system."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Second Substitute Senate Bill No. 3272, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Second Substitute Senate Bill No. 3272, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; nays, 8; absent, 0; excused, 0.


Absent: Senators Fuller, Hemstad - 2.

Excused: Senator Hughes - 1.

SECOND SUBSTITUTE SENATE BILL NO. 3272, 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 SPECIAL GUEST

The President introduced former Senator Reuben Knoblauch, who was seated with him on the rostrum.

There being no objection, business was suspended to permit Senator Knoblauch to address the Senate.
MESSAGE FROM THE HOUSE

May 4, 1983

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3766 with the following amendment:

On page 1, line 2, following "subdivisions" strike the remainder of the bill and insert:

"adding new sections to chapter 4.92 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

"NEW SECTION. Sec. 1. A law enforcement officer, correctional guard, or other employee of the state or a political subdivision of the state shall not use a choke hold on any person unless the person poses a threat of death or serious physical injury to the officer, employee or another person. "Choke hold" includes any hold or restraint specifically designed to inhibit breathing by compression of the airway in the neck.

NEW SECTION. Sec. 2. An officer, guard or employee may only use a sleeper hold in a non-custodial setting and then only to overcome resistance or to prevent escape. A "sleeper hold" includes any hold or restraint specifically designed to inhibit blood flow through the carotid arteries of the neck.

NEW SECTION. Sec. 3. The state criminal justice training commission established in accordance with chapter 43.101 RCW shall develop training standards for the use of sleeper holds and no officer, guard or employee may use a sleeper hold who has not received training conducted consistent with these standards.

NEW SECTION. Sec. 4. Sections 1, 2 and 3 of this act are added to chapter 4.92 RCW."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate did not concur in the House amendments to Engrossed Substitute Senate Bill No. 3766, and asks the House for a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 3766 and the House amendments thereto: Senators Talmadge, Newhouse and Fleming.

MOTION

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

POINT OF ORDER

Senator Rasmussen: "Mr. President, a point of order. Senator Pullen raised a good question and the question is the difference between the two Houses and without the House proposal, we don’t know what the differences are. We’re not granting the powers of Free Conference—we’re only granting the power to have a conference and see if they can settle on the differences between the House version and the Senate version—and I think that is an important point. We should try and follow through, otherwise we’re granting them a free hand to do whatever they want, as we have no knowledge of what they are considering in the conference.

"I grant you we do not have Joint Rules, but we do have Senate Rules that say we should know what we’re voting on."

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Mr. President and members of the Senate. By way of explanation, my understanding is that in the House of Representatives, the bill as they passed on third reading is the bill that they have sent over to us in both instances. It is basically, exactly the same measure that we received from the House of Representatives on this bill which was previously in dispute and the bill that follows. We simply need to get those matters into conference in order to resolve the differences between the Houses. I think the House of Representatives’ position is exactly the same as it was in the regular session."

Further debate ensued.
POINT OF INFORMATION

Senator Shinpoch: "Mr. President, a point of information. Senator Rasmussen is misspeaking what I said. At no time, did I make that statement. I never made that statement at all. I talked about what would be available when I asked for a Free Conference."

MOTION

On motion of Senator Hayner, Senator Jones was excused.

MESSAGE FROM THE HOUSE

May 4, 1983

Mr. President:
The House has passed REENGROSSED SUBSTITUTE SENATE BILL NO. 3817 with the following amendments:

On page 1, strike everything after the enacting clause and insert:

"NEW SECTION. Sec. 1. There is hereby added to chapter 70.48 RCW a new section to read as follows:
The Washington state corrections standards board shall promulgate rules and regulations concerning the appropriate procedures for strip searches in the jails of this state. The board shall consider prisoners' civil rights and rights to privacy in adopting such rules: PROVIDED, That (1) no person may be subjected to a strip search in a county jail, detention or corrections facility by, or observed by, a member of the opposite sex, and (2) no body cavity search shall be performed in a county jail, detention or corrections facility except pursuant to a search warrant. Rules shall be promulgated no later than October 1, 1983 and all jails within the state shall be in compliance with search rules by January 1, 1984.

NEW SECTION. Sec. 2. There is hereby added to chapter 70.48 RCW a new section as follows:
Any jail within the state which shall be in violation of the rules and regulations of the state corrections standards board with respect to strip searches shall receive no state funds.

On page 1, line 1, following "seizure:" strike the remainder of the title and insert "adding new sections to chapter 70.48 RCW."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate did not concur in the House amendments to Reengrossed Substitute Senate Bill No. 3817, and asks the House for a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 3817 and the House amendments thereto: Senators Talmadge, Hemstad and Fleming.

MOTION

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

There being no objection, the Senate resumed consideration of the following Message from the House, read in on May 4, 1983.

MESSAGE FROM THE HOUSE

May 3, 1983

Mr. President:
The House refuses to recede from its amendments to SUBSTITUTE SENATE BILL NO. 3520 and once again asks the Senate to concur therein, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

Senator Thompson moved that the Senate do not concur in the House amendments to Substitute Senate Bill No. 3520 and asks for a conference thereon.
POINT OF ORDER

Senator Pullen: "A point of order, Mr. President. I believe there is a ruling pending on whether the amendments are within scope and object."

REPLY BY THE PRESIDENT

President Cherberg: "Senator Pullen, the President believes that at an earlier date that you raised the point that the House amendments changed the scope and object of the bill."

Senator Pullen: "That was yesterday, Mr. President. At that time, I re-raised the point of order that if the amendments did exceed the scope and object—and I believe that I pointed out at that time that I thought that you had previously ruled that they did expand the scope and object—and you retired then to research the issue and to render the ruling once again."

REPLY BY THE PRESIDENT

President Cherberg: "Your remarks were correct yesterday, Senator Pullen."

Senator Pullen: "Then, if the amendments are out of scope and object, should not the bill go to committee at this time?"

President Cherberg: "It is possible to ask the House to recede therefrom."

Senator Pullen: "Yes, but that was not the motion that was made and, therefore, I contend, under the rules, either we must send the bill back to committee or if we do not send the bill to committee then someone must ask the House to recede."

REPLY BY THE PRESIDENT

President Cherberg: "The Secretary advises that on April 29, 1983, the Senate refused to concur in the House amendments to the measure and asked the House to recede therefrom. Then, later the House refused to recede from its amendments and once again asked the Senate to concur. Yesterday, Senator Pullen raised a point of order which has not been ruled upon. Therefore, the President shall make the ruling."

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Pullen, the President finds that Substitute Senate Bill No. 3520 is a measure which revises the procedures for challenging voter registration. The amendments proposed by the House of Representatives, while incorporating the provisions of the original bill, also authorize the use of absentee ballots by persons hospitalized within three days of an election and prohibits the publication or distribution of campaign material that resembles the official voters’ pamphlet. The President, therefore, finds that the proposed amendments do expand the scope and object of the bill and that the point of order is well taken. Pursuant to Rule 66, and this is not necessarily a direction, but the bill may be referred to an appropriate committee or the motion can be made to request of the House to once again recede, insist or adhere to its position."

MOTIONS

On motion of Senator Thompson, the motion to not concur was withdrawn. Senator Thompson moved that the Senate insist on its position on Substitute Senate Bill No. 3520 and once again asks the House to recede therefrom.

PARLIAMENTARY INQUIRY

Senator Clarke: "A matter of parliamentary inquiry. I don’t know that you would wish to rule upon that at this time, but in the event that the House should refuse and request a conference, would it then be in order for the Conference Committee to, in substance, adopt the House amendments which would expand the scope and object and if that is done, would the scope and object question, then, still be subject to challenge—even though it was recommended by a Conference Committee?"
REPLY BY THE PRESIDENT

President Cherberg: "The President's interpretation of this rule is that any Conference Committee that may be appointed may only permit the section from the amendments—in order to save the Senate Bill—or the opportunity for the House to insist or adhere upon its position—thus figuratively killing the bill. The President believes that it would take the powers of Free Conference in order to, in a sense, write a new bill."

Senator Clarke: "Then following up then—if the Free Conference Committee writes a new bill which is beyond the scope and object of the original bill, is the scope and object point of order still subject to be raised or—"

President Cherberg: "It's the President's interpretation only if a change in the title is necessary."

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Thompson that the Senate insist on its position on Substitute Senate Bill No. 3520 and once again asks the House to recede therefrom.

The motion by Senator Thompson carried.

There being no objection, the Senate resumed consideration of House Bill 72 and the pending striking amendment by Senators McDermott and Pullen, deferred May 4, 1983.

MOTION

Senator Rasmussen moved that the following amendment by Senators Rasmussen and Gaspard to the amendment be adopted:

On page 26, after line 8, insert the following:

"§ 13. 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 are each amended to read as follows:

"Extractor" means every person who from his or her own land or from the land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services, for sale or for commercial or industrial use mines, quarries, takes or produces coal, oil, natural gas, ore, stone, sand, gravel, clay, mineral or other natural resource product, or sells, cuts or takes timber, Christmas trees or other natural products, or takes, cultivates, or raises fish, shellfish, or other sea or inland water foods or products. (H) "Extractor" does not include persons performing under contract the necessary labor or mechanical services for others or persons cultivating or raising fish in or taking fish from fresh water on their own land.

§ 14. Section 82.04.330, chapter 15, Laws of 1961 as amended by section 7, chapter 173, Laws of 1965 ex. sess. and RCW 82.04.330 are each amended to read as follows:

This chapter shall not apply to any person in respect to the business of growing or producing for sale upon his own lands or upon land in which he has a present right of possession, any agricultural or horticultural produce or crop, including the raising for sale of any animal, bird, or insect, or the milk, eggs, wool, fur, meat, honey, or other substance obtained therefrom, or in respect to the sale of such products at wholesale by such grower, producer, or raiser thereof. This exemption shall not apply to any person selling such products at retail or using such products as ingredients in a manufacturing process, nor to the sale of any animal or substance obtained therefrom by a person in connection with his business of operating a stockyard or a slaughter or packing house; nor to any person in respect to the business of taking, cultivating, or raising Christmas trees or timber; nor to any association of persons whatever, whether mutual, cooperative or otherwise, engaging in any business activity with respect to which tax liability is imposed under the provisions of this chapter.

This chapter shall also not apply to any person in respect to the business of cultivating or raising fish in or taking fish from fresh water on his or her own land.

NEW SECTION. Sec. 15. There is added to chapter 82.08 RCW a new section to read as follows:

The tax levied by RCW 82.08.020 shall not apply to sales of feed used for cultivating or raising fish in fresh water on one’s own land.

Debate ensued.

MOTION

Senator Hansen moved that the amendment to the amendment be laid on the table.
ELEVENTH DAY, MAY 5, 1983

POINT OF ORDER

Senator Pullen: "A point of order, Mr. President. Senator Hansen made a speech and then made a motion, so he's out of order."

REPLY BY THE PRESIDENT

President Cherberg: "Senator Pullen's remarks are well taken."

MOTION

On motion of Senator Deccio, the striking amendment by Senators McDermott and Pullen was laid on the table.

MOTION

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

On page 1, line 1 of the title, after "taxation;" insert "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; amending section 82.04.330, chapter 15, Laws of 1961 as amended by section 7, chapter 173, Laws of 1965 ex. sess. and RCW 82.04.330; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW;"

On page 1, line 3 of the title, after "83.08.010," insert "amending Section 39, chapter 37, Laws of 1980 as amended by section 1, chapter 5, Laws of 1982 1st ex. sess. and RCW 82.08.0273;"

On page 1, line 6 of the title after "82.12.010;" insert: "amending section 82.04.250, chapter 15, Laws of 1961 as last amended by Section 2, chapter 172, Laws of 1981 and RCW 82.04.250;"

On page 1, line 14, after "RCW;" insert: "amending section 82.04.270, chapter 15, Laws of 1961 as last amended by section 4, Chapter 172, Laws of 1981 and RCW 82.04.270; amending section 82.04.250, chapter 15, Laws of 1961 as last amended by section 2, chapter 172, Laws of 1981 and RCW 82.04.250; creating a new section;"

On page 1, line 14 of the title, following "RCW;" insert "adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW;"

On page 1, line 14, after "RCW;" Insert: "adding a new chapter to Title 84 RCW; adding a new section to chapter 84.55 RCW; creating a new section; prescribing penalties;"

On page 1, line 14 of the title, following "82.32 RCW;" insert "adding new sections to chapter 82.04 RCW; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW;"

MOTION

On motion of Senator McDermott, the rules were suspended, House Bill No. 72, 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.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 72, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 72, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; nays, 12; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Clarke, Craswell, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Kiskaddon, Lee, McCaslin, McDermott, McManus, Melcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Sellar, Thompson, Vognild, von Reichbauer, Warmke, Zimmerman - 36.


Excused: Senator Jones - 1.

HOUSE BILL NO. 72, 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. 3780, by Senators Fleming, Jones, McManus, McDermott and Deccio (by Department of Social and Health Services request)

Modifying provisions relating to nursing homes.
MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 3780 was substituted for Senate Bill No. 3780 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McDermott, further consideration of Substitute Senate Bill No. 3780 was deferred.

SECOND READING

HOUSE BILL NO. 595, by Representatives Ellis, Lewis, Dickie, Clayton, Smith, Chandler, Kaiser and Grimm

Establishing the East Selah reeregulating reservoir project.

The bill was read the second time.

MOTION

On motion of Senator McDermott, the rules were suspended, House Bill No. 595 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Pullen: "Senator McDermott, I am usually quite sympathetic to projects of this type, but I'm wondering how this might impact our bond risk?"

Senator McDermott: "Senator Pullen, before we go home from this special legislature we will deal with the question of the debt limit. I think the health of this state requires us to do something. I hope it will be a bipartisan effort and I'm quite sure it will be."

Senator Pullen: "I would assume then that you would feel that anyone who votes for this particular measure should also be prepared to vote for the debt limitation increase?"

Senator McDermott: "Senator Pullen, I have learned through some experience that consistency is the hobgobble in small minds and I scarcely never expected, but I certainly would appreciate it."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 595.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 595, and the bill passed the Senate by the following vote: Yeas, 37; nays, 10; absent, 0; excused, 0.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hayner, Hemstad, Hughes, Kiskaddon, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rinehart, Sell, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Woody, Zimmerman - 37.


Absent: Senator Williams - 1.

Excused: Senator Jones - 1.

HOUSE BILL NO. 595, having received the 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 resumed consideration of Substitute Senate Bill No. 3780, deferred earlier today.

MOTIONS

On motion of Senator Fleming, the following amendment by Senators McDermott, Deccio, Fleming and Jones was adopted:

On page 23, line 1 after "mean" strike all material through "(c)" on line 6

On motion of Senator Fleming, the following amendment by Senators McDermott, Deccio, Fleming and Jones was adopted:

On page 23, line 7 after "act" strike "for rates effective after June 30, 1985"
On motion of Senator Deccio, the following amendments by Senators McDermott, Deccio, Fleming and Jones were considered and adopted simultaneously:

On page 23, beginning on line 23, after "(2)" strike all material through "provider," on line 26 and insert "The department shall pay a return on net equity, as defined in RCW 74.46.010, at the annual rate of twelve percent, except that this return shall not exceed two dollars per patient day."

On page 23, line 28, after "plus" strike "one" and insert "1.75"

On page 24, line 5, strike "or" and insert ";

On page 24, line 5, after "1979," insert "or the regression formula rate"

MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute Senate Bill No. 3780, was advanced to third reading the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Lee: "Mr. President, I have a question that either Senator Fleming or Senator McDermott might be able to answer. I'll pose it first and then see which one of them would like to respond. In the committee, when we were considering the amendment, and I mentioned at that time that I wanted the opportunity to possibly present an amendment that the problem in this bill was not necessarily solved. It relates to the situation where a nursing home already has a certificate of need and are in the process of trying to arrange for financing for that particular addition or expansion of their facility. The thing that they are concerned about is to be able to go to their bank or wherever they're going to get their funds and say 'yes, indeed, this is how we're going to get paid. We know that this is going to last us for awhile.' I did not offer that amendment that had initially been prepared because the three nursing home groups all agreed that the problem would still have been the problem when it came to that certainty of funds for expansion purposes, and they agreed that they were going to try and sit down together and come up with something for us to consider in the next session, is that your understanding?"

Senator Fleming: "Senator Lee, that is my understanding. We did have conversation with the nursing home association--all three of them. Senator McDermott assured them that there was a potential problem with a new home and the area that you're talking about and that we would definitely try to look at that during the interim--to try and see if we can't solve their problems--if they are solvable."

POINT OF INQUIRY

Senator Pullen: "Senator Deccio, you said a few minutes ago, as far as the industry was concerned, there were both pros and cons in the bill. Could you tell me what the cons were that you were referring to?"

Senator Deccio: "Well, I was generalizing, Senator Pullen. This bill is not a totally perfect bill and not in total agreement with the three different associations. I think they did agree that this was the best bill that could be written and if there are any differences in the bill, then they could be taken care of in the '84 session."

REMARKS BY SENATOR MCDERMOTT

Senator McDermott: "Mr. President, partially in answer to Senator Lee's question, to stand on what Senator Fleming said, our purpose in putting in the bill, the interest rate and the variable rate on profits for efficient operation, was really an attempt to set out so that everybody would know the rules when they went out to buy a home--or to lease a home. That becomes a problem in the industry due to something in the interest rates, for which we have no control. We will then, in each legislative session, have the potential for coming back and looking at those and making adjustments if it's necessary for financing homes."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3780.
ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3780, and the bill passed the Senate by the following vote: Yeas, 45; nays, 03; absent, 00; excused, 01.


Voting nay: Senators Barr, Metcall, Pullen - 3.

Excused: Senator Jones - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3780, having received the constitutional majority, 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. 4007, by Senator McDermott

Relating to public funds.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 4007 was substituted for Senate Bill No. 4007 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 4007 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4007.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4007, and the bill passed the Senate by the following vote: Yeas, 46; nays, 01; absent, 01; excused, 01.


Voting nay: Senator Pullen - 1.

Absent: Senator Hemstad - 1.

Excused: Senator Jones - 1.

SUBSTITUTE SENATE BILL NO. 4007, having received the 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 Shinpoch, the Senate advanced to the eighth order of business.

Senator Shinpoch moved that the Committee on Rules be relieved of further consideration of Senate Bill No. 3173 and that the rules be suspended and the bill be placed on the third reading calendar.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Shinpoch that the Committee on Rules be relieved of further consideration of Senate Bill No. 3173 and that the rules be suspended and the bill be placed on the third reading calendar.

The motion by Senator Shinpoch carried and Senate Bill No. 3173 was advanced to third reading and placed on the third reading calendar.
MOTION

Senator Newhouse moved that the Committee on Rules be relieved of further consideration of Senate Concurrent Resolution No. 132 and that the resolution be placed on the calendar.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Newhouse to relieve the Committee on Rules of further consideration of Senate Concurrent Resolution No. 132, and that the resolution be placed on the calendar.

The motion by Senator Newhouse failed.

MOTION

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

SENATE RESOLUTION 1983-72

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

WHEREAS, May 5th is known in Mexico and among Mexican-Americans as Cinco de Mayo, which celebrates the independence of the Republic of Mexico from France in 1862; and

WHEREAS, Cinco de Mayo of 1862 was the date of the famous battle of Puebla, the beginning of the defeat of the French empire's hold over Mexico; and

WHEREAS, Cinco de Mayo is a day of great historical importance, signifying Mexico's struggle for independence and triumph over foreign domination; and

WHEREAS, Hispanics represent the largest ethnic group in Washington state; and

WHEREAS, Washingtonians are proud to celebrate this day with their Hispanic brothers and sisters, as we are proud to celebrate St. Patrick's Day with our Irish brothers and sisters; and

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate assembled in session this 5th day of May, 1983, in the 48th Legislature at Olympia, That we join with all Americans in honoring our neighbor to the south, Mexico, on its independence day; and

BE IT FURTHER RESOLVED, That we pause to tell our Hispanic neighbors, friends and fellow Washingtonians that we welcome their rich heritage of art, architecture, food, culture, and history that they bring to Washington, making our state a better place in which to live.

MOTION

Senator Lee moved that all Senators and the Lieutenant Governor be added as additional sponsors of Senate Resolution 1983-72.

Senator Pullen requested that his name not be included as a sponsor of 1983-72.

There being no objection, the Lieutenant Governor and all Senators, with the exception of Senator Pullen, will be added as additional sponsors of 1983-72.

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

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 278, by House Committee on Natural Resources (originally sponsored by Representatives Stratton, Martinis, B. Williams and Haugen)

Reorganizing the fisheries code.

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

On motion of Senator Vognild, Senator McDermott was excused.

The President declared the question before the Senate to be the roll call on
final passage of Engrossed Substitute House Bill No. 278, as previously amended by
the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill
No. 278, as previously amended by the Senate, and the bill passed the Senate by
the following vote: Yeas, 47; nays, 00; absent, 00; excused, 02.


ENGROSSED SUBSTITUTE HOUSE BILL NO. 278, as previously 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 3:35 p.m., on motion of Senator Shinpoch, the Senate was declared to be at
ease.

The Senate was called to order at 4:30 p.m. by President Cherberg.

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

MESSAGES FROM THE HOUSE

May 5, 1983

Mr. President:
The House has concurred in the Senate amendment to ENGROSSED HOUSE BILL
NO. 399 and has passed the bill as amended by the Senate.

DEAN R. FOSTER. Chief Clerk

May 5, 1983

Mr. President:
The House has concurred in the Senate amendments to ENGROSSED SUBSTI­
TUTE HOUSE BILL NO. 740 and has passed the bill as amended by the Senate.

DEAN R. FOSTER. Chief Clerk

May 5, 1983

Mr. President:
The House concurred in the Senate amendments to ENGROSSED SECOND SUB­
STITUTE HOUSE BILL NO. 231 and passed the bill as amended by the Senate.

DEAN R. FOSTER. Chief Clerk

May 5, 1983

Mr. President:
The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO.
470 and passed the bill as amended by the Senate.

DEAN R. FOSTER. Chief Clerk

May 5, 1983

Mr. President:
The House has concurred in the Senate amendments to ENGROSSED HOUSE
BILL NO. 495 and passed the bill as amended by the Senate.

DEAN R. FOSTER. Chief Clerk

May 5, 1983

Mr. President:
The House concurred in the Senate amendments to SECOND SUBSTITUTE HOUSE
BILL NO. 226 and passed the bill as amended by the Senate.

DEAN R. FOSTER. Chief Clerk
MESSAGE FROM THE HOUSE

Mr. President:
The House has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 4137 and has granted said committee the powers of Free Conference, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

May 4, 1983

Mr. President:

We, of your Conference Committee, to whom was referred, SUBSTITUTE SENATE BILL NO. 4137, modifying provisions relating to adult corrections, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature to relieve the department of corrections from unacceptable burdens of cost related to storage space and manpower in the preservation of inmate personal property if the property has been abandoned by the inmate and to enhance the security and safety of the institutions.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Secretary" means the secretary of the department of corrections or the secretary's designee.

(2) "Personal property" or "property" includes both corporeal and incorporeal personal property and includes among others contraband and money.

(3) "Contraband" means all personal property including, but not limited to, alcoholic beverages and other items which a resident of a correctional institution may not have in the resident's possession, as defined in rules adopted by the secretary.

(4) "Money" means all currency, script, personal checks, money orders, or other negotiable instruments.

(5) "Owner" means the inmate, the inmate's legal representative, or any person claiming through or under the inmate entitled to title and possession of the property.

(6) "Unclaimed" means that no owner of the property has been identified or has requested, in writing, the release of the property to themselves nor has the owner of the property designated an individual to receive the property or paid the required postage to effect delivery of the property.

(7) "Inmate" means a person committed to the custody of the department of corrections or transferred from other states or the federal government.

(8) "Institutions" means those facilities set forth in RCW 72.01.050(2) and all community residential programs under the department's jurisdiction operated pursuant to chapter 72.65 RCW.

(9) "Department" means the department of corrections.

(10) "Illegal items" means those items unlawful to be possessed.

(11) "Nonprofit" has the meaning prescribed by state or federal law or rules.

NEW SECTION. Sec. 3. (1) All personal property, and any income or increment which has accrued thereon, held for the owner by an institution that has remained unclaimed for more than six months from the date the owner terminated without authorization from work training release, transferred to a different institution, or when the owner is unknown or deceased, from the date the property was placed in the custody of the institution, is presumed abandoned:

Provided. That the provisions of this section shall be extended for up to six months for any inmate, transferred to another institution, who has no recorded next of kin, or person to whom the unclaimed property can be sent.

(2) All personal property, and any income or increment which has accrued thereon, held for the owner by an institution that has been placed on escape status is presumed abandoned and shall be held for three months by the institution from which the inmate escaped. If the inmate owner remains on escape status for three months or if no other person claims ownership within three months, the property shall be disposed of as set forth in this chapter.

(3) All illegal items owned by and in the possession of an inmate shall be confiscated and held by the institution to which the inmate is assigned. Such items shall be held as required for evidence for law enforcement authorities. Illegal items not retained for evidence shall be destroyed.

NEW SECTION. Sec. 4. (1) All personal property, other than money, presumed abandoned shall be destroyed unless, in the opinion of the secretary, the property may be used or has value to a charitable or nonprofit organization, in which case the property may be donated to.
the organization. A charitable or nonprofit organization does not have a claim nor shall the
department or any employee thereof be held liable to any charitable or nonprofit organization
for property which is destroyed rather than donated or for the donation of property to another
charitable or nonprofit organization.

(2) Money presumed abandoned under this chapter shall be paid into the revolving fund
set up in accordance with RCW 9.95.360.

(3) The department shall inventory all personal property prior to its destruction or
donation.

(4) Before personal property is donated or destroyed, if the name and address of the
owner thereof is known or if deceased, the address of the heirs as known, at least thirty days' 
notice of the donation or destruction of the personal property shall be given to the owner at the
owner's residence or place of business or to some person of suitable age and discretion resid­
ing or employed therein. If the name or residence of the owner or the owner's heirs is not
known, a notice of the action fixing the time and place thereof shall be published at least once
in an official newspaper in the county at least thirty days prior to the date fixed for the action.
The notice shall be signed by the secretary. The notice need not contain a description of prop­
erty, but shall contain a general statement that the property is unclaimed personal property of
inmates, specifying the institution at which the property is held. If the owner fails to reclaim the
property prior to the time fixed in the notice, the property shall be donated or destroyed.

NEW SECTION. Sec. 5. This chapter does not apply if the inmate and the department have
reached an agreement in writing regarding the disposition of the personal property.

NEW SECTION. Sec. 6. (1) The uniform disposition of unclaimed property act, chapter 63.28
RCW, does not apply to personal property in the possession of the department of corrections.

(2) Chapter 63.24 RCW, unclaimed property in hands of bailee, does not apply to personal
property in the possession of the department of corrections.

Sec. 7. Section 2, chapter 40, Laws of 1972 ex. sess. as last amended by section 102, chapter
136, Laws of 1981 and RCW 72.60.102 are each amended to read as tollows:

From and after July 1, 1973, any inmate employed in ((institutional industries shall be eli­
gible for the benefits provided by Title 51 RCW, as now or hereafter amended, relating to
industrial insurance, with the exceptions herein provided:

No inmate as herein described, unless released upon an order of parole by the state board
of prison terms and paroles, or discharged from custody upon expiration of sentence, or dis­
charged from custody by order of a court of appropriate jurisdiction, or his dependents or
beneficiaries shall be entitled to any payment for temporary disability or permanent total dis­
ability as provided for in RCW 51.32.090 or 51.32.060 respectively, as now or hereafter enacted.

Any inmate who is either not paid any wages or paid a gratuity shall not be considered
employed under this section)) classes I, II, and IV of institutional industries as defined in RCW
72.09.100 is eligible for industrial insurance benefits as provided by Title 51 RCW. However, eli­
gibility for benefits for either the inmate or his dependents or beneficiaries for temporary dis­
ability or permanent total disability as provided in RCW 51.32.090 or 51.32.060 respectively,
shall not take effect until the inmate is released pursuant to an order of parole by the board of
prison terms and paroles, or discharged from custody upon expiration of the sentence, or dis­
charged from custody by order of a court of appropriate jurisdiction. Nothing in this section
shall be construed to confer eligibility for any industrial insurance benefits to any inmate who is
employed in class III or V of institutional industries as defined in RCW 72.09.100.

NEW SECTION. Sec. 8. Sections 1 through 6 of this act shall constitute a new chapter in Title
63 RCW.

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or cir­
cumstance 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 "corrections:" strike the remainder of the title and insert
"amending section 2, chapter 40, Laws of 1972 ex. sess. as last amended by section 102, chap­
ter 136, Laws of 1981 and RCW 72.60.102; and adding a new chapter to Title 63 RCW."

Signed by: Senators Granlund, Owen and Pullen; Representatives Dellwo, Lewis and Niemi.

MOTION

On motion of Senator Granlund, the Report of the Conference Committee was
adopted on Substitute Senate Bill No. 4137 and the committee was granted the
powers of Free Conference.

There being no objection, the President advanced the Senate to the seventh
order of business.
THIRD READING

SUBSTITUTE SENATE BILL NO. 3173, by Senate Committee on Commerce and Labor (originally sponsored by Senators McManus, Hemstad, Talmadge, Bottiger, Zimmerman, Lee and Deccio)

Authorizing the issuance of industrial development revenue bonds for nursing home and retirement community facilities.

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

Debate ensued.

MOTION

On motion of Senator Zimmerman. Senators Pullen and Sellar were excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3173.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3173, and the bill passed the Senate by the following vote: Yeas, 33; nays, 11; absent, 01; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Conner, Deccio, Fleming, Fuller, Gaspard, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Kiskaddon, Lee, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Zimmerman - 33.


Absent: Senator Benitz - 1.

Excused: Senators Jones, McDermott, Pullen, Sellar - 4.

SUBSTITUTE SENATE BILL NO. 3173, having received the 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. 3760, by Senators Vognild, Hurley, Guess and Hughes

Modifying provisions relating to local economic development.

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 Engrossed Senate Bill No. 3760.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3760, and the bill passed the Senate by the following vote: Yeas, 36; nays, 08; absent, 01; excused, 04.


Absent: Senator Deccio - 1.

Excused: Senators Jones, McDermott, Pullen, Sellar - 4.

ENGROSSED SENATE BILL NO. 3760, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORT OF CONFERENCE COMMITTEE

May 4, 1983

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred, ENGROSSED HOUSE BILL NO. 239, regulating exit polling, have had the same under consideration, and
we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

On page 1, beginning on line 8 of the engrossed and printed bills, after "place," strike all material through "building" on line 10 of the engrossed and printed bills and insert "or in any public area within three hundred feet of any entrance to such polling place."

Signed by: Senators Clarke, Talmadge and Hughes; Representatives Pruitt, Miller and Sommers.

MOTION

On motion of Senator Talmadge, the Report of the Conference Committee was adopted on Engrossed House Bill No. 239 and the committee was granted the powers of Free Conference.

MOTION

At 4:50 p.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Friday, May 6, 1983.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.
TWELFTH DAY, MAY 6, 1983

TWELFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, May 6, 1983

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 Wojahn. On motion of Senator Vognild, Senator Wojahn was excused.

The Sergeant at Arms Color Guard, consisting of Pages Steve Bammert and Paul Vahey, presented the Colors. Reverend Wallace F. Misterek, pastor of Trinity Lutheran Church of Olympia, offered the prayer.

MOTION

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

MESSAGE FROM THE GOVERNOR

May 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on May 2, 1983, Governor Spellman approved the following Senate Bill entitled:

Senate Bill No. 3519
Relating to the eruption of Mount St. Helens.

Sincerely,

MARILYN SHOWALTER, Counsel to the Governor

MESSAGE FROM THE GOVERNOR

May 5, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on May 5, 1983, Governor Spellman approved the following Senate Bill entitled:

Senate Bill No. 4088
Relating to the archaeological research center.

Sincerely,

MARILYN SHOWALTER, Counsel to the Governor

MESSAGES FROM THE HOUSE

May 5, 1983

Mr. President:
The House has passed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 55,
ENGROSSED HOUSE BILL NO. 1082, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

May 5, 1983

Mr. President:
The Speaker has signed:
SECOND SUBSTITUTE SENATE BILL NO. 3085,
SUBSTITUTE SENATE BILL NO. 3538,
SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 113, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

May 5, 1983

Mr. President:
The Speaker has signed:
Mr. President:
The House has passed:
ENGROSSED SENATE BILL NO. 3162, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk
May 5, 1983

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3272.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 399.

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SENATE BILL NO. 3162.

INTRODUCTION AND FIRST READING

SCR 134 by Senators McDermott and Shinpoch
Establishing a joint interim committee on public retirement.

MOTIONS

On motion of Senator Shinpoch, the rules were suspended and Senate Concurrent Resolution No. 134 was advanced to second reading and read the second time.

On motion of Senator Shinpoch, the rules were suspended. 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 Zimmerman: "Mr. President, we moved so quickly to third reading—on line 9, the last words say 'and reduce benefits to the employee.' Senator Shinpoch, we can't reduce benefits to the employees under retirement. Can you explain what that means?"

Senator Shinpoch: "Mr. President and Senator Zimmerman, if you have time in one system and you have time in another system, it may very well be when you get the pension from the two individual systems, it may be less than it would have been had it all been in one system. That does occur, in fact if you'll remember on 3226, we did add an amendment for the former statewide city employees to take care of that particular problem."

Senator Zimmerman: "In other words, certain systems would have some modifications."

Senator Shinpoch: "If we have portability, it might very well be that the one pension that you would receive would be more than the two partial pensions."

POINT OF INQUIRY

Senator Hayner: "Senator Shinpoch, as I read this very quickly, because we haven't seen it before, it appears to me that the only thing that the interim committee is to do is to talk about the inclusion of portability within the retirement systems. Is that correct?"

Senator Shinpoch: "To study the problem of part-time and the portability."

Senator Hayner: "It seems to me that the charge should be to look at all of those retirement systems again. It seems to me every single year there are bills in here by the dozens to do something more to make the pension two system equal to the pension one system and so forth. It would be very helpful if some ongoing committee would say 'no we shouldn't do that and the reason we have a new system is because we're trying to make it solvent and so forth.' Maybe we should expand this a little bit."
Senator Shinpoch: “For years, we had a public pension system and because they thought we acted honorably and in the right fashion and actuarially soundly, we eventually got to where we ignored them and did away with them. Ever since ‘77, since we’ve had the two systems, I’ve actively resisted changes to those systems, particularly when you’re changing one system that’s in and is obviously going to be leap-frogged into the next system. Everyone wants what’s in the two systems to be like the PERS-1, or LEOFF or TRS. Well, if we could have afforded that we would have not had to have redone the system, so I’ve been one of those that’s been actively fighting that and I would rather resist them and not study them and have someone start nibbling away at them.”

Senator Hayner: “Did I understand you to say that you wanted them to nibble away at them?”

Senator Shinpoch: “No, what I was saying was that I’m afraid if you start a study you’re going to get an advocate that says ‘hey, we got this little thing in here that we need to change’ and if you change that little thing—that is Senator Rasmussen’s famous camel’s nose and I simply don’t want the camel’s nose to get started. I’d rather simply try to resist all changes to the two systems to make them look like the one. Had we been able to afford that, we wouldn’t have needed the two.”

Senator Hayner: “I certainly agree with what you are saying, but it appears that we need an ongoing group that would continually say ‘we are the guardian of the gates and here’s the reason we did this,’ especially when we have a third of the people every two years who are new in the House and come back and say ‘you know it’s time to nibble away again.’ I really think that we ought to look at that very carefully.”

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Concurrent Resolution No. 134.

ROLL CALL

The Secretary called the roll on final passage of Senate Concurrent Resolution No. 134, and the resolution passed the Senate by the following vote: Yeas, 48; excused, 1.


Excused: Senator Wojahn - 1.

SENATE CONCURRENT RESOLUTION NO. 134, having received the constitutional majority, was declared passed.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 55 by House Committee on Ways and Means (originally sponsored by Representative Grimm) (by Governor Spellman request)

Adopting the capital budget.

Referred to the Committee on Ways and Means.

EHB 1082 by Representative Grimm

Relating to fiscal matters.

Referred to the Committee on Ways and Means.

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

MESSAGE FROM THE HOUSE

May 5, 1983

Mr. President:
The House refuses to recede from its amendments to SENATE BILL NO. 3090 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Grimm, McMullen and Fiske.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Talmadge, the request of the House for a conference on Senate Bill No. 3090 and the House amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Senate Bill No. 3090 and the House amendments thereto: Senators Gaspard, Lee and Talmadge.

MOTION

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

MESSAGE FROM THE HOUSE

May 5, 1983

Mr. President:
The House refuses to concur in the Senate amendments to ENGROSSED HOUSE BILL NO. 2 and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Todd, D. Nelson and Hastings.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Bolliger, the request of the House for a conference on Engrossed House Bill No. 2 and the Senate amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed House Bill No. 2 and the Senate amendments thereto: Senators Williams, Benitz and Bender.

MOTION

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

MESSAGE FROM THE HOUSE

May 5, 1983

Mr. President:
The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 39, with the exception of the amendment to page 3, line 31, and asks the Senate to recede therefrom, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Warnke, the Senate receded from the amendment to page 3, line 31, to Substitute House Bill No. 39.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 39, as amended by the Senate, but without the amendment to page 3, line 31.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 39, as amended by the Senate, but without the amendment to page 3, line 31, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluecheil, Bolliger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalfe, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar,
TWELFTH DAY, MAY 6, 1983


Excused: Senator Wojahn - 1.

SUBSTITUTE HOUSE BILL NO. 39, as amended by the Senate, but without the amendment to page 3, line 31, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

May 5, 1983

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 3390 with the following amendments:

On page 1, line 11, following "positions" insert "unless proposed by the department and approved by the Washington State Patrol."

On page 1, line 22, after "3: strike all material through "1984" and insert "Section 2 of 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 on July 1, 1983. Section 1 of this act takes effect on July 1, 1984."

On page 1, line 4 of the title after "appropriation," insert "declaring an emergency."

On page 1, after line 17, insert the following:

"Sec. 2. Section 11, chapter 200, Laws of 1973 1st ex. sess. as last amended by section 118, chapter 3, Laws of 1983 and RCW 46.16.605 are each amended to read as follows:

All revenue derived from the fees provided for in RCW 46.16.585 shall be forwarded to the state treasurer (accompanied by a proper identifying detailed report and by him) and be deposited to the credit of the state game fund to be used for the preservation, protection, perpetuation, and enhancement of nongame species of wildlife including but not limited to song birds, raptors, protected wildlife, rare and endangered wildlife, aquatic life, and specialized-habitat types, both terrestrial and aquatic, as well as all unclassified marine fish, shellfish, and marine invertebrates.

Administrative costs incurred by the department of licensing as a direct result of RCW 46.16.560 through 46.16.605 and 77.21.170 shall be appropriated by the legislature from the state game fund from those funds deposited therein resulting from the sale of personalized license plates. If the actual costs incurred by the department of licensing are less than that which has been appropriated by the legislature the remainder shall revert to the state game fund.

Renumber the sections following consecutively.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3390, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3390, as amended by the House, and the bill passed the Senate by the following vote:

Yeas. 48; excused. 1.


Excused: Senator Wojahn - 1.

ENGROSSED SENATE BILL NO. 3390, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.
There being no objection, the President advanced the Senate to the seventh order of business.

THIRD READING

SUBSTITUTE HOUSE BILL NO. 139, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Lux, Zellinsky, Sanders, Broback, Garrett and Johnson) (by Insurance Commissioner request)

Modifying provisions on insurance.

MOTIONS

On motion of Senator Deccio, the rules were suspended and Substitute House Bill No. 139 was returned to second reading and read the second time.

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

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section .09.35, chapter 79, Laws of 1947 and RCW 48.09.350 are each amended to read as follows:

(1) Upon satisfaction of the requirements applicable to the formation of a domestic stock insurer, a domestic mutual insurer may be reorganized as a stock corporation, pursuant to a plan of reorganization as approved by the commissioner.

(2) A domestic mutual insurer may be wholly reinsured in and its assets transferred to and its liabilities assumed by another mutual or stock insurer under such terms and conditions as are approved by the commissioner in advance of such reinsurance.

(3) The commissioner shall not approve any such reinsurance agreement which does not determine the amount of and make adequate provision for paying to policy holders of such mutual insurer, reasonable compensation for their equities as owners of such insurer, such compensation to be apportioned to policyholders as identified and in the manner prescribed in RCW 48.09.360.

Sec. 2. Section .13.02, chapter 79, Laws of 1947 as last amended by section 2, chapter 218, Laws of 1982 and RCW 48.13.020 are each amended to read as follows:

(1) No security or other investment shall be eligible for purchase or acquisition under this chapter unless its interest bearing or interest accruing or dividend or income paying, is not then in default in any respect, and the insurer is entitled to receive for its exclusive account and benefit, the interest or income accruing thereon, except:

(a) that an insurer may acquire real property as provided in RCW 48.13.160, and

(b) that this section shall not prevent participation by an insurer in a mortgage loan if the insurer, either individually or jointly with other lenders, holds a senior participation in such mortgage or deed of trust giving it substantially the rights of a first mortgagee as to its interest in that loan.

(2) 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) No provision of this chapter shall prohibit the acquisition by an insurer of other or additional securities or property if received as a dividend or as a lawful distribution of assets, or if acquired pursuant to a lawful and bona fide agreement of bulk reinsurance or consolidation. Any investments so acquired through bulk reinsurance or consolidation, which are not otherwise eligible under this chapter, shall be disposed of pursuant to RCW 48.13.290 if personal property or securities, or pursuant to RCW 48.13.170 if real property.

Sec. 3. Section .15.02, chapter 79, Laws of 1947 as amended by section 2, chapter 102, Laws of 1980 and RCW 48.15.020 are each amended to read as follows:

(1) An insurer not thereunto authorized by the commissioner shall not solicit insurance business in this state, nor transact insurance business in this state except as provided in this chapter.

(2) No person shall, in this state, represent an unauthorized insurer except as provided in this chapter. This provision shall not apply to any adjuster or attorney at law representing such an insurer from time to time in this state in his professional capacity.

(3) Each violation of this section shall constitute a separate offense punishable by a fine of not less than twenty-five thousand dollars nor more than ten thousand dollars, and the commissioner, at the commissioner's discretion, may order replacement of policies improperly placed with an unauthorized insurer with policies issued by an authorized insurer. Violations may result in suspension or revocation of a license.

Sec. 4. Section .15.04, chapter 79, Laws of 1947 and RCW 48.15.040 are each amended to read as follows:

If certain insurance coverages cannot be procured from authorized insurers, such coverages, hereinafter designated as "surplus lines," may be procured from unauthorized insurers subject to the following conditions:
(1) The insurance must be procured through a licensed surplus line broker.

(2) The insurance must not be procurable, after diligent effort has been made to do so from among a majority of the insurers authorized to transact that kind of insurance in this state ((and placing the insurance in an unauthorized insurer must not be for the purpose of securing a lower premium rate than would be accepted by any authorized insurer)).

(3) Coverage shall not be procured from an unauthorized insurer for the purpose of securing a lower premium rate than would be accepted by any authorized insurer not to secure any other competitive advantage.

(4) The commissioner may by regulation establish the degree of effort required to comply with subsections (2) and (3) of this section.

(5) At the time of the procuring of any such insurance an affidavit setting forth the facts referred to in ((subsection)) subsections (2) and (3) of this section must be executed by the surplus line broker. Such affidavit shall be filed with the commissioner within thirty days after the insurance is procured.

Sec. 5. Section 15.13, chapter 79, Laws of 1947 as amended by section 5, chapter 102. Laws of 1980 and RCW 48.15.130 are each amended to read as follows:

If any surplus line broker fails to file his annual statement, or fails to remit the tax provided by RCW 48.15.120. ((prior to the first day of April after the tax is due, he shall be liable for a fine of one hundred dollars for each day of delinquency commencing with the first day of April)) by the last day of the month in which the tax becomes due, the surplus line broker shall pay the penalties provided in RCW 48.14.060. The tax may be collected by distraint, or the tax and fine may be recovered by an action instituted by the commissioner in any court of competent jurisdiction. Any fine collected by the commissioner shall be paid to the state treasurer and credited to the general fund.

Sec. 6. Section 23, chapter 241, Laws of 1969 ex. sess. and RCW 48.18.296 are each amended to read as follows:

Every individual variable contract issued after May 1, 1982 shall have printed on its face or attached thereto a notice stating in substance that the policy owner shall be permitted to return the policy within ten days after it is received by the policy owner and to have the market value of the assets purchased by its premium, less taxes and investment brokerage commissions, paid to the policy owner, if not returned, if, after examination of the policy, the policy owner is not satisfied with it for any reason. An additional ten percent penalty shall be added to any premium refund due which is not paid within thirty days of return of the policy to the insurer or agent. If a policy owner pursuant to such notice returns the policy to the insurer at its home or branch office or to the agent through whom it was purchased, it shall be void from the beginning and the parties shall be in the same position as if no policy had been issued.

Sec. 8. Section 19.41, chapter 79, Laws of 1947 and RCW 48.19.410 are each amended to read as follows:

(1) The commissioner may permit the organization and operation of examining bureaus for the examination of policies, daily reports, binders, renewal certificates, endorsements, and other evidences of insurance or of the cancellation thereof, for the purpose of ascertaining that lawful rates are being charged.

(2) A bureau shall examine documents with regard to such kinds of insurance as the commissioner may, after hearing, reasonably require to be submitted for examination. A bureau may examine documents as to such other kinds of insurance as the issuing insurers may voluntarily submit for examination. Upon request of the commissioner, a bureau shall also examine affidavits filed pursuant to RCW 48.15.040, surplus lines contracts and related documents, and shall make recommendations to the commissioner to assist the commissioner in determining whether surplus lines have been procured in accordance with chapter 48.15 RCW and rules issued thereunder.

(3) No bureau shall operate unless licensed by the commissioner as to the kinds of insurance to which it is permitted so to examine. To qualify for a license a bureau shall:

(a) Be owned in trust for the benefit of all the insurers regularly using its services, under a trust agreement approved by the commissioner.

(b) Make its services available without discrimination to all authorized insurers applying therefor, subject to such reasonable rules and regulations as to the obligations of insurers using its services, as to the conduct of its affairs, and as to the correction of errors and omissions in documents examined by it as are approved by the commissioner.
Every certificate issued pursuant to a group Medicare supplement policy after January 1, 1982, shall have prominently displayed on the first page of the policy form or certificate a notice stating in substance that the policy owner shall be permitted to return the policy within ten days after it is received by the policy owner and to have the premium paid refunded if, after examination of the policy, the policy owner is not satisfied with it for any reason. An additional ten percent penalty shall be added to any premium refund due which is not paid within thirty days of return of the policy to the insurer or agent. If a policy owner pursuant to such notice, returns the policy to the insurer at its home or branch office or to the agent through whom it was purchased, it shall be void from the beginning and the parties shall be in the same position as if no policy had been issued.

Sec. 9. Section 26, chapter 150, Laws of 1967 and RCW 48.20.013 are each amended to read as follows:

Every individual disability insurance policy issued after January 1, 1968, except single premium nonrenewable policies, shall have printed on its face or attached thereto a notice stating in substance that the person to whom the policy is issued shall be permitted to return the policy within ten days of its delivery to the purchaser and to have the premium paid refunded if, after examination of the policy, the purchaser is not satisfied with it for any reason. An additional ten percent penalty shall be added to any premium refund due which is not paid within thirty days of return of the policy to the insurer or agent. If a policy holder or purchaser pursuant to such notice, returns the policy to the insurer at its home or branch office or to the agent through whom it was purchased, it shall be void from the beginning and the parties shall be in the same position as if no policy had been issued.

Sec. 10. Section 1, chapter 65, Laws of 1977 and RCW 48.23.380 are each amended to read as follows:

Every individual life insurance policy issued after September 1, 1977, shall have printed on its face or attached thereto a notice stating in substance that the policy owner shall be permitted to return the policy within ten days after it is received by the policy owner and to have the premium paid refunded if, after examination of the policy, the policy owner is not satisfied with it for any reason. An additional ten percent penalty shall be added to any premium refund due which is not paid within thirty days of return of the policy to the insurer or agent. If a policy owner pursuant to such notice, returns the policy to the insurer at its home or branch office or to the agent through whom it was purchased, it shall be void from the beginning and the parties shall be in the same position as if no policy had been issued.

This section shall not apply to individual life insurance policies issued in connection with a credit transaction or issued under a contractual policy change or conversion privilege provision contained in a policy.

Sec. 11. Section 4, chapter 65, Laws of 1973 1st ex. sess. and RCW 48.44.230 are each amended to read as follows:

Every subscriber of an individual health care service plan contract issued after September 1, 1973, may return the contract to the health care service contractor or the agent through whom it was purchased within ten days of its delivery to the subscriber if, after examination of the contract, he is not satisfied with it for any reason, and the health care service contractor shall refund promptly any fee paid for such contract. Upon such return of the contract it shall be void from the beginning and the parties shall be in the same position as if no policy had been issued. Notice of the substance of this section shall be printed on the face of each such contract or be attached thereto. An additional ten percent penalty shall be added to any premium refund due which is not paid within thirty days of return of the policy to the insurer or agent.

Sec. 12. Section 12, chapter 153, Laws of 1981 as amended by section 3, chapter 200, Laws of 1982 and RCW 48.66.120 are each amended to read as follows:

Every individual Medicare supplement insurance policy issued after January 1, 1982, and every certificate issued pursuant to a group Medicare supplement policy after January 1, 1982, shall have prominently displayed on the first page of the policy form or certificate a notice stating in substance that the policy owner shall be permitted to return the policy to the insurer or agent within ten days of its delivery to the policy owner and to have the premium paid refunded if, after examination of the policy, the policy owner is not satisfied with it for any reason. An additional ten percent penalty shall be added to any premium refund due which is not paid within thirty days of return of the policy to the insurer or agent.
stating in substance that the person to whom the policy or certificate is issued shall be permitted to return the policy or certificate within thirty days of its delivery to the purchaser and to have the premium refunded if, after examination of the policy or certificate, the purchaser is not satisfied with it for any reason. An additional ten percent penalty shall be added to any premium refund due which is not paid within thirty days of return of the policy to the insurer or agent. If a policyholder or purchaser, pursuant to such notice, returns the policy or certificate to the insurer at its home or branch office or to the agent through whom it was purchased, it shall be void from the beginning and the parties shall be in the same position as if no policy or certificate had been issued.

Sec. 13. Section 19.02, chapter 79, Laws of 1947 and RCW 48.19.020 are each amended to read as follows:

Premium rates for insurance shall not be excessive, inadequate, or unfairly discriminatory.

THIS SECTION DOES NOT APPLY TO CASUALTY INSURANCE

Sec. 14. Section 19.04, chapter 79, Laws of 1947 and RCW 48.19.040 are each amended to read as follows:

(1) Every insurer shall, before using, file with the commissioner every manual of classifications, manual of rules and rates, and every rating plan as to surety insurances, and every rating schedule, minimum rate, class rate, and rating rule as to other insurances, and every modification of any of the foregoing which it proposes. The insurer need not file any rate on individually rated risks as described in subdivision (1) of RCW 48.19.030, except that any such specific rate made by a rating organization shall be filed.

THIS SECTION DOES NOT APPLY TO CASUALTY INSURANCE

(2) Every such filing shall state its proposed effective date and shall indicate the character and extent of the coverage contemplated. When a filing is not accompanied by the information upon which the insurer supports such filing, and the commissioner does not have sufficient information to determine whether the filing meets the requirements of this chapter, he may require the insurer to furnish the information upon which it supports the filing. An insurer may offer in support of any filing

(a) the experience or judgment of the insurer or rating organization making the filing,

(b) the experience of other insurers or rating organizations, or

(c) any other factors which the insurer or rating organization deems relevant. A filing and any supporting information shall be open to public inspection only after the filing becomes effective.

(3) Where a filing is required no insurer shall make or issue an insurance contract or policy except in accordance with its filing then in effect, except as is provided by RCW 48.19.050.

Sec. 15. Section 19.12, chapter 79, Laws of 1947 and RCW 48.19.120 are each amended to read as follows:

(1) If at any time subsequent to the applicable review period provided in RCW 48.19.060 (or), 48.19.110, or 48.19.440, the commissioner finds that a filing does not meet the requirements of this chapter, he shall, after a hearing, notice of which was given to every insurer and rating organization which made such filing, issue his order specifying in what respect he finds such filing fails to meet the requirements of this chapter, and stating when, within a reasonable period thereafter, the filings shall be deemed no longer effective.

THIS SECTION DOES NOT APPLY TO CASUALTY INSURANCE

(2) Such order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in the order.

(3) Any person aggrieved with respect to any filing then in effect, other than the insurer or rating organization which made the filing, may make written application to the commissioner for a hearing thereon. The application shall specify the grounds to be relied upon by the applicant. If the commissioner finds that the application is made in good faith, that the applicant would be so aggrieved if his grounds are established, and that such grounds otherwise justify holding the hearing, he shall, within thirty days after receipt of the application, hold a hearing as required in subsection (1) of this section.

NEW SECTION. Sec. 16. There is added to chapter 48.20 RCW a new section, to be designated RCW 48.20.050, to read as follows:

There shall be a provision as follows:

"MISSTATEMENT OF AGE OR SEX: If the age or sex of the insured has been misstated, all amounts payable under this policy shall be such as the premium paid would have purchased at the correct age or sex."

The amount of any underpayments which may have been made on account of any such misstatement under a disability income policy shall be paid the insured along with the current payment and the amount of any overpayment may be charged against the current or succeeding payments to be made by the insurer. Interest may be applied to such underpayments or overpayments as specified in the insurance policy form but not exceeding six percent per annum.

Sec. 17. Section 6, chapter 229, Laws of 1951 as last amended by section 12, chapter 266, Laws of 1975 1st ex. sess. and RCW 48.20.052 are each amended to read as follows:

There shall be a provision as follows:
"TIME LIMIT ON CERTAIN DEFENSES: (a) After two years from the date of issue of this policy no misstatements except fraudulent misstatements, made by the applicant in the application for such policy shall be used to void the policy or to deny a claim for loss incurred or disability (as defined in the policy) commencing after the expiration of such two year period."

(The foregoing policy provision shall not be so construed as to affect any legal requirement for avoidance of a policy or denial of a claim during such initial two year period, nor to limit the application of section 16 of this 1983 act, RCW 48.20.172. (48.20.182) 48.20.192. 48.20.202. and 48.20.212 in the event of misstatement with respect to age or occupation or other insurance.)

(A policy which the insured has the right to continue in force subject to its terms by the timely payment of premium (1) until at least age 50 or, (2) in the case of a policy issued after age 44, for at least five years from its date of issue, may contain in lieu of the foregoing the following provision (from which the clause in parentheses may be omitted at the insurer’s option) under the caption “INCONTESTABLE”:

"After this policy has been in force for a period of two years during the lifetime of the insured (excluding any period during which the insured is disabled), it shall become incontestable as to the statements contained in the application.”)

(b) No claim for loss incurred or disability (as defined in the policy) commencing after two years from the date of issue of this policy shall be reduced or denied on the ground that a disease or physical condition not excluded from coverage by name or specific description effective on the date of loss had existed prior to the effective date of coverage of this policy.

(More stringent provisions may be required by the commissioner in connection with individual disability policies sold without any application or with minimal applications.)

Sec. 18. Section 1, chapter 139, Laws of 1974 ex. sess. and RCW 48.20.430 are each amended to read as follows:

(1) Any disability insurance contract providing hospital and medical expenses and health care services, delivered or issued for delivery in this state more than one hundred twenty days after February 16, 1974, which provides coverage for dependent children of the insured, shall provide coverage for newborn infants of the insured from and after the moment of birth. Coverage provided in accordance with this section shall include, but not be limited to, coverage for congenital anomalies of such infant children from the moment of birth.

(2) If payment of an additional premium is required to provide coverage for a child, the contract may require that notification of birth of a newly born child and payment of the required premium must be furnished to the insurer. The notification period shall be no less than sixty days from the date of birth. This subsection applies to policies issued or renewed on or after January 1, 1984.

Sec. 19. Section 1, chapter 117, Laws of 1975 1st ex. sess. and RCW 48.21.075 are each amended to read as follows:

Any employee whose compensation includes group disability or blanket disability insurance providing health care services, 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 policyholder whenever the employee’s compensation is suspended or terminated by the 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 policyholder. The provisions of any insurance policy contrary to provisions of this section are void and unenforceable after May 29, 1975.

Sec. 20. Section 2, chapter 139, Laws of 1974 ex. sess. and RCW 48.21.155 are each amended to read as follows:

(1) Any group disability insurance contract except blanket disability insurance contract, providing hospital and medical expenses and health care services, renewed, delivered or issued for delivery in this state more than one hundred twenty days after February 16, 1974, which provides coverage for the dependent children of persons in the insured group, shall provide coverage for newborn infant children of persons in the insured group from and after
the moment of birth. Coverage provided in accord with this section shall include, but not be limited to, coverage for congenital anomalies of such infant children from the moment of birth. (2) Payment of an additional premium is required to provide coverage for a child, the contract may require that notification of birth of a newly born child and payment of the required premium must be furnished to the insurer. The notification period shall be no less than sixty days from the date of birth. This subsection applies to policies issued or renewed on or after January 1, 1984.

Sec. 21. Section 23.30, chapter 79. Laws of 1947 and RCW 48.23.300 are each amended to read as follows:

Any life insurer shall have the power to hold under agreement the proceeds of any policy issued by it, upon such terms and restrictions as to revocation by the policyholder and control by beneficiaries, and with such exemptions from the claims of creditors of beneficiaries other than the policyholder as set forth in the policy or as agreed to in writing by the insurer and the policyholder. Upon maturity of a policy in the event the policyholder has made no such agreement, the insurer shall have the power to hold the proceeds of the policy under an agreement with the beneficiaries. The insurer shall not be required to segregate funds so held but may hold them as part of its general assets.

An insurer holding proceeds while awaiting determination of the final settlement option shall accrue interest on the proceeds from the date of death or maturity at a rate not less than the lower of the average over a period of thirty-six months and the average over a period of twelve months, ending on June 30 of the calendar year next preceding the year of death or maturity, of Moody’s Corporate Bond Yield Average—Monthly Average Corporates, as published by Moody’s Investors Service, Inc. This interest shall become payable as part of the settlement. If Moody’s Corporate Bond Yield Average—Monthly Average Corporates is no longer published by Moody’s Investor Service, Inc., or if the National Association of Insurance Commissioners determines that Moody’s Corporate Bond Yield Average—Monthly Average Corporates as published by Moody’s Investors Service, Inc. is no longer appropriate for the determination of this interest rate, then an alternative interest rate shall be defined by rule adopted by the commissioner.

Sec. 22. Section 24.15, chapter 79. Laws of 1947 and RCW 48.24.150 are each amended to read as follows:

There shall be a provision specifying an equitable adjustment of premiums or of benefits or of both to be made in the event the age or sex of a person insured has been misstated, such provision to contain a clear statement of the method of adjustment to be used.

Sec. 23. Section 6, chapter 219. Laws of 1961 as last amended by section 2, chapter 61. Laws of 1977 and RCW 48.34.060 are each amended to read as follows:

The initial amount of credit life insurance under a group policy shall at no time exceed the amount owed by the debtor which is repayable in installments to the creditor (or twenty-five thousand dollars, whichever is less). Nor shall the amount repayable under the contract of indebtedness extend over a period in excess of ten years, except that in case of long term agricultural real estate mortgages or agricultural short term crop production loans, the amount of insurance on the life of the debtor shall at no time exceed the amount owed by him to the creditor (or fifty thousand dollars, whichever is less) nor shall the amount repayable under the contract of indebtedness extend over a period in excess of ten years.

Sec. 24. Section .15.07, chapter 79. Laws of 1947 as last amended by section 5, chapter 181. Laws of 1982 and RCW 48.15.070 are each amended to read as follows:

Any individual while a resident of this state, or any firm or any corporation that has in its employ a qualified individual who is a resident of this state and who is authorized to exercise the powers of the firm or corporation, deemed by the commissioner to be competent and trustworthy, and while maintaining an office at a designated location in this state, may be licensed as a surplus line broker in accordance with this section.

(1) Application to the commissioner for the license shall be made on forms furnished by the commissioner.

(2) The license fee shall be one hundred dollars for each license year during any part of which the license is in force. The annual renewal date shall be determined by the commissioner. The commissioner shall adopt a rule providing for the proration, on a quarterly basis, of the license fee. The proration shall be applicable only: (a) To applicants who apply for a license after the expiration of the first year of any license year, or (b) to licensees whose licenses would exist for less than nine months as a result of the adoption of the annual renewal date.

(3) Prior to issuance of license the applicant shall file with the commissioner a bond in favor of the state of Washington in the penal sum of twenty thousand dollars, with authorized corporate sureties approved by the commissioner, conditioned that he will conduct business under the license in accordance with the provisions of this chapter and that he will promptly remit the taxes provided by RCW 48.15.120. The licensee shall maintain such bond in force for as long as the license remains in effect.

(4) Every applicant for a surplus line broker's license or for the renewal of a surplus line broker's license shall file with the application or request for renewal a bond in favor of the
people of the state of Washington, executed by an authorized corporate surety approved by the commissioner, in the amount of ((fifty)) one hundred thousand dollars and shall be the bonding requirement for new licensees. The licensee shall maintain such bond in force while so licensed. The bond may be continuous in form, and total aggregate liability on the bond may be limited to the amount stated in the bond. The bond shall be contingent on the accounting by the surplus line broker to any person requesting such broker to obtain insurance, for moneys or premiums collected in connection therewith. A bond issued in accordance with RCW 48.17.250 or with this subsection will satisfy the requirements of both RCW 48.17.250 and this subsection if the limit of liability is not less than the greater of the requirement of RCW 48.17.250 or the requirement of this subsection.

(5) Any bond issued pursuant to subsection (3) or (4) of this section shall remain in force until the surety is released from liability by the commissioner, or until the bond is canceled by the surety. Without prejudice to any liability accrued prior to such cancellation, the surety may cancel the bond upon thirty days' advance notice in writing filed with the commissioner.

(6) For the purposes of this section, a "qualified individual" is a natural person who has met all the requirements that must be met by an individual surplus line broker.

NEW SECTION. Sec. 25. Section 19, chapter 229, Laws of 1951, section 11, chapter 181, Laws of 1962 and RCW 48.20.182 are each repealed.

MOTION

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


MOTION

On motion of Senator Deccio, the rules were suspended. Substitute House Bill No. 139, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was 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. 139, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 139, as amended by the Senate, and the bill passed the Senate by the following vote:

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, Mc Dermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sel lar, Shippoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Woody, Zimmerman - 47.

Voting nay: Senator Pullen - 1.

Excused: Senator Wojahn - 1.
SUBSTITUTE HOUSE BILL NO. 139, 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

ENGROSSED HOUSE BILL NO. 570, by Representatives Kaiser, Smith, Egger, Nealey, Todd, Fiske, McMullen, Tilly, Belcher, Tanner, Braddock, Ellis, Smitherman, Halsan, Ballard, Miller and Isaacson

Maintaining a vocational agricultural education program.

MOTION

On motion of Senator Gaspard, the rules were suspended and Engrossed House Bill No. 570 was returned to second reading and read the second time.

MOTION FOR RECONSIDERATION

Senator Gaspard moved to reconsider the vote by which the amendments to page 1, line 14, and to page 2, line 23, to Engrossed House Bill No. 570 were adopted by the Senate on April 11, 1983.

The President declared the question before the Senate to be the motion by Senator Gaspard to reconsider the vote by which the amendments to page 1, line 14, and to page 2, line 23, were adopted by the Senate.

The motion by Senator Gaspard carried and the Senate resumed consideration of the amendments to page 1, line 14, and to page 2, line 23.

MOTION

On motion of Senator Gaspard, and there being no objection, the amendments were withdrawn.

MOTION

Senator Gaspard moved adoption of the following amendment by Senators Gaspard, Hansen, Benitz and Barr:

On page 1, line 14 of the engrossed bill, being page 1, line 14 of the printed bill, after "(1)" strike all material down to and including "Washington" on page 2, line 22 of the engrossed bill, being page 2, line 22 of the printed bill, and insert: "A vocational agriculture education service area within the office of the superintendent of public instruction shall be established. Adequate staffing of individuals trained or experienced in the field of vocational agriculture shall be provided for the vocational agriculture education service area for coordination of the state program and to provide assistance to local school districts for the coordination of the activities of student agricultural organizations and associations.

(2) The vocational agriculture education service area shall:

(a) Assess needs in vocational agriculture education, assist local school districts in establishing vocational agriculture programs, review local school district applications for approval of vocational agriculture programs, evaluate existing programs, plan research and studies for the improvement of curriculum materials for specialty areas of vocational agriculture. Standards and criteria developed under this subsection shall satisfy the mandates of federally-assisted vocational education;

(b) Develop in-service programs for teachers and administrators of vocational agriculture, review application for vocational agriculture teacher certification, and assist in teacher recruitment and placement in vocational agriculture programs;

(c) Serve as a liaison with the Future Farmers of America, representatives of business, industry, and appropriate public agencies, and institutions of higher education in order to disseminate information, promote improvement of vocational agriculture programs, and assist in the development of adult and continuing education programs in vocational agriculture; and

(d) Establish an advisory task force committee of agriculturists, who represent the diverse areas of the agricultural industry in Washington, which shall make annual recommendations including, but not limited to, the development of curriculum, staffing, strategies for the purpose of establishing a source of trained and qualified individuals in agriculture, and strategies for articulating the state program in vocational agriculture education, including youth leadership throughout the state school system.

NEW SECTION. Sec. 3. The superintendent of public instruction, pursuant to chapter 34.04 RCW, shall adopt such rules as are necessary to carry out the provisions of section 2 of this act.

Renumber remaining section consecutively and correct internal references accordingly.
Senator Newhouse: "Senator Gaspard, the entire section in your amendment to the bill, is in a new section. Is that right? It's all new language?"
Senator Gaspard: "All new language, yes."
The President declared the question before the Senate to be adoption of the amendment by Senators Gaspard, Hansen, Benitz and Barr.
The motion by Senator Gaspard carried and the amendment was adopted.

MOTION
Senator Deccio moved that the following amendment by Senators Deccio, Craswell, Quigg, Owen, Sellar and Jones be adopted:

On page 2, after line 25 insert:

"NEW SECTION. Sec. 1. It is the intent of the legislature that the office of the superintendent of public instruction develop a recommended state course of study in mathematics and science for the first through twelfth grades, indicating the scope and sequence of skills and concepts to be taught for each grade level. The course of study shall be limited to initial introduction of skills and concepts in a simple and concise manner.

Any district electing to adopt this course of study shall be exempt from the reporting requirements of the student learning objectives requirements under RCW 28A.58.090.

The course of study in mathematics shall be developed prior to June 30, 1985, and the course of study in science shall be developed prior to June 30, 1986."

POINT OF ORDER
Senator Bolliger: "Mr. President, I regretfully--because I understand Senator Deccio's objectives--but I regretfully raise the point of order that the amendment expands the scope and object of the original bill."
Debate ensued.

MOTION
At 10:48 a.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.
The President called the Senate to order at 11:28 a.m.

MOTION
At 11:28 a.m., on motion of Senator Shinpoch, the Senate recessed until 3:00 p.m.

AFTERNOON SESSION
The Senate was called to order at 3:00 p.m. by President Cherberg.
At 3:00 p.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.
The President called the Senate to order at 4:27 p.m.

MESSAGE FROM THE GOVERNOR
May 6, 1983
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:
I have the honor to advise you that on May 6, 1983, Governor Spellman approved the following Senate Bills entitled:
Substitute Senate Bill No. 3056
Relating to contractor registration.
Substitute Senate Bill No. 3266
Relating to operating agencies.
Substitute Senate Bill No. 3856
Relating to crimes.
Substitute Senate Bill No. 3101
Relating to the liquor control board.

Sincerely,

Marilyn Showalter, Counsel to the Governor
MESSAGE FROM THE HOUSE

May 6, 1983

Mr. President:
The House has concurred in the Senate amendments to SECOND SUBSTITUTE HOUSE BILL NO. 295, and passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

MESSAGE FROM THE HOUSE

May 6, 1983

Mr. President:
The House has granted the request of the Senate for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 3766. The Speaker has appointed the following members as conferees: Representatives Armstrong, Halsan and Patrick.

DEAN R. FOSTER, Chief Clerk

MESSAGE FROM THE HOUSE

May 6, 1983

Mr. President:
The House has granted the request of the Senate for a conference on REENGROSSED SUBSTITUTE SENATE BILL NO. 3817. The Speaker has appointed the following members as conferees: Representatives Belcher, Locke and Tilly.

DEAN R. FOSTER, Chief Clerk

MESSAGE FROM THE HOUSE

May 6, 1983

Mr. President:
The House has adopted the report of the Conference Committee on ENGROSSED HOUSE BILL NO. 239 and has granted said committee the powers of Free Conference, and the Report of the Conference Committee is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

May 6, 1983

Mr. President:
Mr. Speaker:
We, of your Free Conference Committee, to whom was referred, ENGROSSED HOUSE BILL NO. 239, regulating exit polling have had the same under consideration, and we recommend that the bill be amended as follows and that the amended bill do pass:

On page 1, beginning on line 8 of the engrossed and printed bills, after "place," strike all material through "building" on line 10 of the engrossed and printed bills and insert "or in any public area within three hundred feet of any entrance to such polling place"

Signed by: Senators Clarke, Talmadge and Hughes; Representatives Pruitt, Miller and Sommers.

MOTION

On motion of Senator Talmadge, the Report of the Free Conference Committee was adopted on Engrossed House Bill No. 239.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 239, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 40; nays, 1; absent, 6; excused, 2.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon, McCaslin, McManus, Metcalfe, Moore, Newhouse, Owen, Patterson.

Voting nay: Senator Pullen - 1.

Absent: Senators Haley, Hughes, Lee, Quigg, von Reichbauer, Williams - 6.


ENGROSSED HOUSE BILL NO. 239, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORT OF CONFERENCE COMMITTEE

May 6, 1983

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred, ENGROSSED HOUSE BILL NO. 428, modifying certain court procedures, have had the same under consideration, and we report that we are unable to agree on the Senate amendments and respectfully request the powers of Free Conference to recommend that the bill do pass amended as follows:

On page 3, after line 5, insert the following:

"Sec. 4. Section 24, chapter 64, Laws of 1895 as last amended by section 10, chapter 329, Laws of 1981 and RCW 6.12.050 are each amended to read as follows:

Homesteads may consist of lands and tenements with the improvements thereon, as defined in RCW 6.12.010, regardless of area but not exceeding in net value, of both the lands and improvements, the sum of (twenty) twenty-five thousand dollars. The premises thus included in the homestead must be actually intended or used as a home for the owner, and shall not be devoted exclusively to any other purpose.

Sec. 5. Section 1, chapter 60, Laws of 1929 as last amended by section 3, chapter 105, Laws of 1980 and RCW 4.56.190 are each amended to read as follows:

The real estate of any judgment debtor, and such as he may acquire, not exempt by law, shall be held and bound to satisfy any judgment of the district court of the United States rendered in this state, any judgment of the supreme court, court of appeals, or superior court of this state, and any judgment of any justice of the peace rendered in this state, and every such judgment shall be a lien thereupon to commence as hereinbefore provided and to run for a period of not to exceed ten years from the day on which such judgment was rendered. As used in this chapter, real estate shall not include the vendor's interest under a real estate contract for judgments rendered after the effective date of this 1983 act. Personal property of the judgment debtor shall be held only from the time it is actually levied upon.

Sec. 6. Section 1, chapter 133, Laws of 1893 as last amended by section 5, chapter 105, Laws of 1980 and RCW 6.32.010 are each amended to read as follows:

At any time within ten years after entry of a judgment for the sum of twenty-five dollars or over upon application by the judgment creditor, such court or judge may, by an order, require the judgment debtor to appear at a specified time and place before the judge granting the order, or a referee appointed by him, to answer concerning the same; and the judge to whom application is made under this chapter may, if it is made to appear to him by the affidavit of the judgment creditor, his agent or attorney that there is danger of the debtor absconding, order the sheriff to arrest the debtor and bring him before the judge granting the order. Upon being brought before the judge he may be ordered to enter into a bond, with sufficient sureties, that he will attend from time to time before the judge or referee, as shall be directed, during the pendency of the proceedings and until the final termination thereof. If the judgment debtor or other persons against whom the special proceedings are instituted has been served with these proceedings and fails to answer or appear, the plaintiff shall be entitled to costs of service, notary fees, and reasonable attorney fees.

Sec. 7. 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) the prevailing party's expenses in the action, which allowances are termed costs, including, in addition to costs otherwise authorized by law, 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, which are admitted into evidence at trial in superior or district court, 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) Statutory attorney and witness fees; and
(7) To the extent that the court finds that it was necessary to achieve the successful result, 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. 8. Section 253, page 178, Laws of 1854 as last amended by section 1, chapter 65, Laws of 1979 ex. sess. and RCW 6.16.020 are each amended to read as follows:

The following personal property shall be exempt from execution and attachment, except as hereinafter specially provided:

(1) All wearing apparel of every person and family, but not to exceed (five hundred) seven hundred fifty dollars in value in furs, jewelry, and personal ornaments for any person.
(2) All private libraries not to exceed (five hundred) one thousand dollars in value, and all family pictures and keepsakes.
(3) To each person or family:
   (a) The person's or family's household goods, appliances, furniture and home and yard equipment, not to exceed one thousand five hundred dollars in value;
   (b) Provisions and fuel for the comfortable maintenance of such person or family for three months; and
   (c) Other property not to exceed (four) five hundred dollars in value, of which not more than one hundred dollars in value may consist of cash, bank accounts, savings and loan accounts, stocks, bonds, or other securities.
(4) To any person or family, one motor vehicle which is used for personal transportation, not to exceed (seven hundred and fifty) one thousand two hundred dollars in value.
(5) To a farmer, farm trucks, farm stock, farm tools, farm equipment, supplies and seed, not to exceed (three) thousand (five hundred) dollars in value.
(6) To a physician, surgeon, attorney, clergyman, or other professional person, the person's library, office furniture, office equipment and supplies, not to exceed (three) thousand (five hundred) dollars in value.
(7) To any other person, the tools and instruments and materials used to carry on his or her trade for the support of himself or herself or family, not to exceed (three) thousand (five hundred) dollars in value.

The property referred to in the foregoing subsection (3) shall be selected by any adult member of the family on behalf of the family or the person, if present, and in case no adult member of the family or person is present to make the selection, then the sheriff or the director of public safety shall make a selection equal in value to the applicable exemptions above described and he shall return the same as exempt by inventory. Any selection made as above provided shall be prima facie evidence (a) that the property so selected is exempt from execution and attachment, and (b) that the property so selected is not in excess of the values specified for the exemptions. Except as above provided, the exempt property shall be selected by the person claiming the exemption. No person shall be entitled to more than one exemption under the provisions of the foregoing subsections (5), (6) and (7).

For purposes of this section "value" shall mean the reasonable market value of the article or item at the time of its selection, and shall be of the debtor's interest therein, exclusive of all liens and encumbrances thereon.

Wages, salary, or other compensation regularly paid for personal services rendered by the person claiming the exemption may not be claimed as exempt under the foregoing provisions, but the same may be claimed as exempt in any bankruptcy or insolvency proceeding to the same extent as allowed under the statutes relating to garnishments.

No property shall be exempt under this section from an execution issued upon a judgment for all or any part of the purchase price thereof, or for any tax levied upon such property."

On page 1, line 5 of the title, after "26.09.120;" insert "amending section 24, chapter 64, Laws of 1895 as last amended by section 10, chapter 329, Laws of 1981 and RCW 6.12.050; amending section 1, chapter 60, Laws of 1929 as last amended by section 3, chapter 105, Laws of 1980 and RCW 4.56.190; amending section 1, chapter 133, Laws of 1893 as last amended by section 5, chapter 105, Laws of 1980 and RCW 6.32.010; amending section 367, page 201, Laws of 1854 as last amended by section 505, Code of 1881 and RCW 4.84.010; amending section 253, page 178, Laws of 1854 as last amended by section 1, chapter 65, Laws of 1979 ex. sess. and RCW 6.16.020;""

Signed by: Senators Talmadge, Hemstad and Hughes; Representatives Padden, Dellwo and Crane.

MOTION

On motion of Senator Talmadge, the Report of the Conference Committee on Engrossed House Bill No. 428 was adopted and the powers of Free Conference were granted.
The President signed:

SENATE BILL NO. 3390.

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

There being no objection, the Senate resumed consideration of Engrossed House Bill No. 570 and the pending amendment by Senator Deccio to page 2, line 25, considered at the morning session.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Bottiger, the President finds that Engrossed House Bill No. 570, as amended by the Senate, is a measure which establishes in statute a vocational agriculture education service area within the Office of the Superintendent of Public Instruction.

"The amendment proposed by Senator Deccio directs the Office of the Superintendent of Public Instruction to develop a course of study in mathematics and science.

"The President, therefore, finds that the proposed amendment does expand the scope and object of the bill and that the point of order is well taken."

The amendment was ruled out of order.

MOTIONS

On motion of Senator Vognild, Senator Wojahn was excused.

On motion of Senator Zimmerman, Senators Lee and von Reichbauer were excused.

On motion of Senator Gaspard, the rules were suspended, Engrossed House Bill No. 570, 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.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 570, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 570, as amended by the Senate, and the bill passed the Senate by the following vote:

Yeas, 43; nays, 1; absent, 2; excused, 3.

Voting yea: Senators Barr, Bauer, Bender, Benitz, BluecheL Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Woody, Zimmerman - 43.

Voting nay: Senator Pullen - 1.

Absent: Senators Deccio, Haley - 2.


ENGROSSED HOUSE BILL NO. 570, 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. 296, by Committee on Education (originally sponsored by Representatives Galloway and Miller) (by Superintendent of Public Instruction request)

Modifying provisions regulating school transportation.

The bill was read the second time.

MOTION

On motion of Senator Gaspard, the following Committee on Education amendments were not adopted:

On page 1, line 20, after "transported" strike all material down to and including "district."

On page 1, following line 25, insert a new paragraph to read as follows:
"A school district is authorized to provide for the transportation of students enrolled in the school or schools of the district both in the case of students who reside within the boundaries of the district and of students who reside outside the boundaries of the district."

On page 3, line 24, after "learning centers" insert ";"

On page 3, line 25, strike "provided in RCW 28A.41.510(3) (b)" and insert "defined in RCW 28A.41.510(3) as "to and from school,"

On page 3, line 27, after "costs)" strike all material down to and including "instruction" on line 29.

On page 4, line 6, strike all material down to and including "least."

On page 5, line 3, strike "during the regularly scheduled school day"

On page 5, line 27, strike all material down to and including "RCW 28A.58.754." on line 28

On page 7, line 11, after "maintenance," strike all material down to and including "RCW 28A.41.505(1)." on line 13, and insert "((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))))"

On page 8, following line 19, insert a new paragraph to read as follows:

"If it is determined by the superintendent of public instruction on or before October first of any school year that the total amount of funding available for the school year for the purpose specified in RCW 28A.41.505(1) is less than the amount funded for the preceding school year, the reduction in the allocation of available funding for such purpose for each school district enrolling two thousand five hundred full-time equivalent students or less shall be no greater than either (a) the percentage of the reduction in the total amount of available funding times the total amount of the district's funding therefor for the preceding school year or (b) the amount of the total reduction per full-time equivalent student enrolled as of the October report as computed on a state-wide basis, times the number of full-time equivalent students enrolled in the district as of the October report, whichever amount is the least. For all other school districts, and in all other cases of a reduction in available funding for any one or all of the purposes specified in RCW 28A.41.505(1), (2) and (3), the reduction in the allocation of available funding for each such purpose shall be based upon a uniformly applied percentage."

On page 8, line 22, after "amended," insert "Such allocation payments may be based on estimated amounts for payments to be made in September, October, November, and December."

MOTION

Senator Gaspard moved that the following amendment by Senators Gaspard, Bauer, Craswell and Kiskadden be adopted:

"Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature hereby finds that the transportation of certain students to and from school, while not a direct component of basic education as defined in RCW 28A.58.750 through 28A.58.760, is necessary to those students' ample and equal educational rights pursuant to Article IX, sections 1 and 2 of the state Constitution.

The legislature declares that it is the responsibility of the state to provide the full transportation costs for those students defined as "eligible students" and for those transportation programs defined as "to and from school" in RCW 28A.41.510. The legislature further declares that any school district which transports students other than those so defined as "eligible students" or for purposes other than those so defined as "to and from school" shall be responsible for the costs associated with those activities.

Sec. 2. Section 28A.24.055, chapter 223, Laws of 1969 ex. ses. as last amended by section 10, chapter 265, Laws of 1981 and RCW 28A.24.055 are each amended to read as follows:

"The operation of each local school district's student transportation program is declared to be the responsibility of the respective board of directors, and each board of directors shall determine such matters as which individual students shall be transported and what routes shall be most efficiently utilized. State moneys allocated to local districts for student transportation shall be spent only for student transportation activities, but need not be spent by the local district in the same manner as calculated and allocated by the state.

A school district is authorized to provide for the transportation of students enrolled in the school or schools of the district both in the case of students who reside within the boundaries of the district and of students who reside outside the boundaries of the district."

When children are transported from one school district to another the board of directors of the respective districts may enter into a written contract providing for a division of the cost of such transportation between the districts.

When commercial charter bus service is not reasonably available to a school district, the state board of education may authorize the use of school buses and drivers hired by the district for the transportation of school children and the school employees necessary for their supervision to and from any school activities within or without the school district during or after school hours and whether or not a required school activity, so long as the school board has officially designated it as a school activity. For any extra-curricular uses, the school board shall charge an amount sufficient to reimburse the district for its cost.
In addition to the right to contract for the use of buses provided in RCW 28A.24.170 and 28A.24.172, any school district may contract to furnish the use of school buses of that district to other users who are engaged in conducting an educational or recreational program supported wholly or in part by tax funds or programs for meeting the needs of any school district for all costs related or incident thereto: PROVIDED, HOWEVER, That no such use of school district buses shall be permitted except where other public or private transportation certified or licensed by the Washington utilities and transportation commission is not reasonably available to the user: PROVIDED FURTHER, That no user shall be required to accept any charter bus for services which the user believes might place the health or safety of the children or elderly persons in jeopardy.

Whenever any persons are transported by the school district in its own motor vehicles and by its own employees, the board may provide insurance to protect the district against loss, whether by reason of theft, fire or property damage to the motor vehicle or by reason of liability of the district to persons from the operation of such motor vehicle.

The board may provide insurance by contract purchase for payment of hospital and medical expenses, for the benefit of persons injured while they are on, getting on, or getting off any vehicles enumerated herein without respect to any fault or liability on the part of the school district or operator. This insurance may be provided without cost to the persons notwithstanding the provisions of RCW 28A.58.420.

If the transportation of children or elderly persons is arranged for by contract of the district with some person, the board may require such contractor to procure such insurance as the board deems advisable.

Sec. 3, Section 1, chapter 265, Laws of 1981 and RCW 28A.41.505 are each amended to read as follows:

Funds allocated for transportation costs shall be in addition to the basic education allocation. The distribution formula developed in RCW 28A.41.505 through 28A.41.520 shall be for allocation purposes only and shall not be construed as mandating specific levels of pupil transportation services by local districts. Operating costs as determined under RCW 28A.41.505 through 28A.41.520 shall be funded at one hundred percent or as close thereto as reasonably possible for the following pupil transportation services:

(1) Transportation of an eligible student from the student's assigned route stop to the student's school at the beginning of the student's school day and from the student's school to the student's assigned route stop at the end of the school day in a transportation vehicle. Recognition of nonpassenger miles shall be included as part of transportation)

(2) Transportation between schools or learning centers of students whose basic education or other programs are offered in two or more locations. Field trips are not eligible for funds allocated for transportation costs.

(3) Transportation for student participants in activities planned, supervised, and administered by the Washington interscholastic activities association or other voluntary nonprofit entity pursuant to RCW 28A.58.125, as now or hereafter amended, if eligible for state transportation funding under rules adopted by the state board of education.

Operational costs, as determined under RCW 28A.41.505 through 28A.41.520, for those pupil transportation services provided for in subsection (1) of this section shall be funded statewide at one hundred percent before any funds are provided for operating costs of services provided for in subsections (2) and (3) of this section)

Sec. 4, Section 2, chapter 265, Laws of 1981 and RCW 28A.41.510 are each amended to read as follows:

For purposes of RCW 28A.41.505 through 28A.41.525, except where the context shall clearly indicate otherwise, the following definitions apply:

(1) "Eligible student" means any student served by the transportation program of a school district or compensated for individual transportation arrangements authorized by RCW 28A.24.100 whose route stop is more than one radius mile from the student's school, except if the student to be transported: (a) Is handicapped under RCW 28A.13.010, as now or hereafter amended, and is either not ambulatory or not capable of protecting his or her own welfare while traveling to or from the school or agency where special education services are provided, in which case no mileage distance restriction applies, or (b) qualifies for an exemption due to hazardous walking conditions.

(2) "Nonpassenger miles" means road miles necessary for the following purposes when no student is being transported in a vehicle: (a) Inspection of vehicles by the state patrol; (b) mileage incurred as a result of major maintenance repairs; (c) mandated bus driver training; and (d) mileage between the school, bus garage, or storage facility and the first student route stop and the mileage between the last student route stop and the school, bus garage, or storage facility.

(3) "Superintendent" means the superintendent of public instruction.

(4) To and from school means the transportation of students for the following purposes:
(a) Transportation to and from route stops and schools;
(b) Transportation to and from schools pursuant to an interdistrict agreement pursuant to RCW 28A.58.075;
(c) Transportation of students between schools and learning centers for instruction specifically required by statute;
(d) Transportation of handicapped students to and from schools and agencies for special education services; and
(e) Extended day transportation.

(4) "Hazardous walking conditions" means those instances of the existence of dangerous walkways documented by the board of directors of a school district which meet criteria specified in rules adopted by the superintendent of public instruction. A school district that receives an exemption for hazardous walking conditions should demonstrate that good faith efforts are being made to alleviate the problem and that the district, in cooperation with other state and local governing authorities, is attempting to reduce the incidence of hazardous walking conditions. The superintendent of public instruction shall appoint an advisory committee to prepare guidelines and procedures for determining the existence of hazardous walking conditions. The committee shall include but not be limited to representatives from law enforcement agencies, school districts, the department of transportation, city and county government, the insurance industry, parents, school directors and legislators.

Sec. 5. Section 3, chapter 265, Laws of 1981 and RCW 28A.41.515 are each amended to read as follows:

Each district shall submit to the superintendent of public instruction (by May 1st) during October of each year a report containing the following:

1. The number of eligible students (predicted to be eligible for) transported to and from school (transportation) as provided for in RCW (28A.41.505(1)) 28A.41.505 for the (ensuing) current school year and the number of miles estimated to be driven for pupil transportation services, along with a map describing student route stop locations and school locations, and
2. The number of miles driven for pupil transportation services as authorized in RCW 28A.41.505 the previous school year; and

2. The actual number of miles driven for pupil transportation services provided for in RCW 28A.41.505(2) during the current school year, and the number of miles anticipated for the ensuing school year for such services;
3. The number of scheduled miles for pupil transportation services provided for in RCW 28A.41.505(3) for the ensuing school year. Miles reported shall be limited to those that are scheduled and required for participation in activities planned; supervised; and administered by the Washington interscholastic activities association or other voluntary nonprofit entity; and approved for state transportation funding by the state board of education; and
4. Other operational data and descriptions as required by the superintendent to determine allocation requirements for each district.

Each district shall submit the information required in this section on a timely basis as a condition of the continuing receipt of school transportation moneys.

Sec. 6. Section 4, chapter 265, Laws of 1981 as amended by section 2, chapter 24, Laws of 1982 1st ex. sess. 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) determining the transportation allocation for those services provided for in RCW 28A.41.505. "Standard student mile allocation rate," as used in this chapter, means the per mile allocation rate for transporting an eligible student. The standard student mile allocation rate ((may consist of no more than eight differential rates state-wide, as determined by the superintendent, and shall)) may be adjusted to include ((but not be limited to)) such additional differential factors as ((climate and travel)) distance; 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))) circumstances that require use of special types of transportation vehicles; handicapped student load; and small fleet maintenance.

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 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
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Sec. 7. Section 5, chapter 265, Laws of 1981 as amended by section 3, chapter 24, Laws of 1982 1st ex. sess. 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. 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 ((of))) 15th. If the number of eligible students in a school district changes ten percent or more from the ((final)) October ((15 number)) report, 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. Such allocation payments may be based on estimated amounts for payments to be made in September, October, November, and December. 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.

Sec. 8. Section 8, chapter 264, Laws of 1981 and RCW 28A.44.220 are each amended to read as follows:

Unless otherwise agreed to by the board of directors of a nonhigh school district, the amounts which are established as due by a nonhigh school district pursuant to RCW 28A.44.150 through 28A.44.230 and 84.52.0531, as now or hereafter amended, shall constitute the entire amount which is due by a nonhigh school district for the school year for the education of any and all handicapped and nonhandicapped students residing in the nonhigh school district who attend a high school district pursuant to RCW 28A.58.230, as now or hereafter amended, and for the transportation of such students by a high school district ((as is required by RCW 28A.24.055, as now or hereafter amended)).

NEW SECTION. Sec. 9. Section 12, chapter 265, Laws of 1981 and RCW 28A.04.350 are each repealed.

NEW SECTION. Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

MOTIONS

On motion of Senator Bluechel, Senator Haley was excused.

On motion of Senator Craswell, the following amendment to the amendment was adopted:

On page 7, line 17, of the floor amendment, after "statute" strike all material down to and including "transportation" on line 22, and insert, *and *(d) Transportation of handicapped students to and from schools and agencies for special education services.

Extended day transportation shall not be considered part of transportation of students 'to and from school' for the purpose of this 1983 act."*

Senator Metcalf moved the following amendment to the amendment be adopted:

On page 5, line 7, strike the period on line 7 and insert: "but under no circumstances may the superintendent of public instruction disperse state transportation moneys to any school district to fund any program in which any student is denied equal access to any particular school based on a distinction or preference on account of race, color, caste or sex."

Debate ensued.

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

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

ROLL CALL

The Secretary called the roll and the motion by Senator Metcalf failed, the President voting 'nay,' and the amendment to the amendment was not adopted by the following vote: Yeas. 22: nays, 22; absent, 1; excused, 4.

Voting yea: Senators Barr, Benitz, Clarke, Craswell, Deccio, Fuller, Guess, Hayner, Hurley, Jones, McCaslin, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Quigg, Rasmussen, Sellar, Vognild, Zimmerman - 22.
Absent: Senator McManus - 1.

MOTION

Senator Barr moved that the following amendment to the amendment be adopted:
On page 12, following line 33 of the floor amendment, insert a new paragraph to read as follows:
"Whenever approved transportation costs are funded at less than 80%, state funding shall be at 80% for school districts having a special levy assessed value per full time equivalent student in the prior school year of less than 62% of the state average, and a total enrollment of less than 2,100 full time equivalent students."

Debate ensued.
The President declared the question before the Senate to be adoption of the Barr amendment to the amendment.
The motion by Senator Barr failed and the amendment to the amendment was not adopted.
The President declared the question before the Senate to be adoption of the amendment, as amended.
The motion by Senator Gaspard carried and the amendment, as amended, was adopted.

MOTIONS

On motion of Senator Gaspard, the following title amendment was adopted:
On page 1, line 10 of the title, after "RCW 28A.41.525:" strike "and", and on line 11, after "RCW 28A.44.220" insert "; creating a new section; and repealing section 12, chapter 265, Laws of 1981 and RCW 28A.04.350"

On motion of Senator Gaspard, the rules were suspended. Substitute House Bill No. 296, 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 Hughes: "Senator Gaspard, I want to compliment you on the efforts that you and the committee made, but I do have one concern and that's on the fact that we have not addressed the extended day. Many of us represent school districts where this, I think, will create a severe hardship and I would hope that the committee will look very seriously at funding this concept because I think if we don't we're asking for some very serious problems down the road."

Senator Gaspard: "If I may respond—I, too, have a concern about extended day run and if I had my druthers I would like to see it end, but I think it can be effectively argued that the interpretation of Judge Doran's oral statement that extended day run is a to and from obligation, but I think that we have to remember that his opinion right now is an oral opinion that there have been no specific findings and conclusions of law and that he has not entered a final judgment yet.
"I think until the time that we have that final judgment entered—that may be at least a month or possibly a little bit longer—will we know what the interpretation of his decision is. It's my hope and I have some assurances from Senator McDermott that we will have a study to try to interpret what Judge Doran has said and deal with the extended day run and if it's certainly within the definition of what we have to do for transportation, then I'll be back here trying to put it back in in January."

POINT OF INQUIRY

Senator Metcalf: "Senator Gaspard, in order to determine legislative intent and in light of the defeat of the amendment which would have excluded mandatory racial busing, in your opinion, is this bill now by defeating the amendment would that reverse the Doran decision and make mandatory racial busing a part of basic education?"
Senator Gaspard: "I don't think it has any impact in that regard to what Judge Doran said."

POINT OF INQUIRY

Senator Patterson: "Senator Gaspard, I'm wondering—compared with what we have funded in the area of transportation for the current biennium and looking into the coming biennium, how much additional dollars would you anticipate this would put into the transportation area?"

Senator Gaspard: "Senator Patterson, in order to answer that question, we haven't yet passed a budget for transportation, so I do know that it is going to be higher than what it has been in the past two years where we're basically at somewhere around sixty percent. I think we have a fairly clear indication from Judge Doran that by July 1, 1984, whatever programs that this Legislature says are necessary—is going to have to be fully funded. That's about the extent that I can answer the question.

"I see Senator McDermott—"

REMARKS BY SENATOR McDERMOTT

Senator McDermott: "Mr. President and Senator Patterson, I'm not ready to yield, but I will answer the question.

"In this budget that is being readied for the floor, I think the figure is just about one hundred and sixty-seven million dollars. It comes to between ninety and ninety-five percent of what is estimated presently by OFM for a full funding of transportation the second year. It is our intention between now and January to look at all aspects of the Doran decision, including transportation, come back in January with a recommendation for what I call a 'Doran package.'

"There are a number of things that have to be considered and I think at this point we have no written document, we have no findings of fact, we are reacting to what a number of different attorneys believe to have happened over in the court house and I would like to take a little more reasonable approach and wait until the judge puts it in writing."

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 296, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 296, as amended by the Senate, and the bill passed the Senate by the following vote:

Yeas, 43; absent, 2; excused, 4.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, McCaslin, McDermott, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Woody, Zimmerman - 43.

Absent: Senators Moore, Pullen - 2.


SUBSTITUTE HOUSE BILL NO. 296, 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 resumed consideration of Substitute Senate Bill No. 3226 and the pending McDermott striking amendment, as amended, deferred April 24, 1983.

MOTION

Senator Bluechel moved adoption of the following amendment by Senators Bluechel and Metcalf to the McDermott amendment:

On page 1, line 6, strike all material down to and including "first," on line 27.

Renumber the remaining sections accordingly.

The President declared the question before the Senate to be adoption of the amendment by Senators Bluechel and Metcalf to the McDermott amendment.

The motion by Senator Bluechel carried and the amendment to the amendment was adopted on a rising vote.
MOTION

Senator Bottiger moved adoption of the following amendment to the amendment:

On page 1, after line 27, insert:

"Sec. 2. Section 2, chapter 96, Laws of 1970 ex. sess. and RCW 2.12.100 are each amended to read as follows:

(1) Any member of the Washington public employees' retirement system who is eligible to participate in the judges' retirement system, may by written request filed with the director and custodian of the two systems respectively, transfer such membership to the judges' retirement system. Upon the receipt of such request, the director of the Washington public employees' retirement system shall transfer to the state treasurer all employees' contributions and interest thereon belonging to such member in the employees' savings fund and all employers' contributions credited or attributed to such member in the benefit account fund and a record of service credited to such member. One-half of such service but not in excess of twelve years shall be computed and credited to such member as though such service was performed as a member of the judges' retirement system. Upon such transfer being made the state treasurer shall deposit such moneys in the judges' retirement fund. In the event that any such member should terminate judicial service prior to his entitlement to retirement benefits under any of the provisions of chapter 2.12 RCW, he shall upon request therefor be repaid from the judges' retirement fund an amount equal to the amount of his employees' contributions to the Washington public employees' retirement system and interest plus interest thereon from the date of the transfer of such moneys: PROVIDED, HOWEVER, That this section shall not apply to any person who is retired as a judge as of February 20, 1970.

(2) Any member of the judges' retirement system who has served as a judge for one or more years and who has service in the teachers' retirement system prior to October 1, 1947, may—upon repayment of any withdrawn contribution and interest prior to July 1, 1984—request and shall be entitled to have one-half of such service computed and not more than six years immediately credited to such member as though such service had been performed as a member of the judges' retirement system, provided that any prior service so credited shall not be claimed for any pension system other than a judicial retirement system. All employer contributions and interest shall be transferred to the judges' retirement system."

Renumber the remaining sections accordingly.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Bottiger, as a teacher, presumably he's vested in the teachers."

Senator Bottiger: "No, sir. It was only six years. He's not vested."

Senator Rasmussen: "Six years—it only takes five years today."

Senator Bottiger: "Whatever—I'm sorry, as I am understanding, he is not vested in the teachers' system."

Senator Rasmussen: "And how many years of service as a judge?"

Senator Bottiger: "Years vested as a judge—I'm going to make a rough guess—maybe sixteen—"

Senator Rasmussen: "So, he's practically guaranteed seventy-five percent of the judge's pension then?"

Senator Bottiger: "Sir, I don't know that. The inequity of the missing clause was brought to my attention and you and I—you know, either it's inequitable or it's not—either we fix it or we don't."

The President declared the question before the Senate to be adoption of the amendment by Senator Bottiger to the amendment.

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

MOTION

Senator Bluechel moved that the following amendment to the amendment be adopted:

On page 40, line 16, strike all material down to and including "amended." on page 41, line 35.

Renumber the remaining sections accordingly.

Debate ensued.

The President declared the question before the Senate to be adoption of the Bluechel amendment to the amendment.
The motion by Senator Bluechel failed and the amendment to the amendment was not adopted on a rising vote.

MOTION

Senator Kiskaddon moved adoption of the following amendment by Senator Haley to the amendment:

On page 41, line 36, strike all material down to and including "41.32.260 (4)." on page 42, line 4.

Renumber the remaining sections accordingly.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Haley to the amendment.

The motion by Senator Kiskaddon failed and the Haley amendment to the McDermott amendment was not adopted.

MOTION

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

On page 47, after line 24, insert:

"sec. 29 Section 6, chapter 199, Laws of 1974 ex. sess. and RCW 41.32.4945 are each amended as follows.:

Notwithstanding any other provision of RCW 41.32.010, 41.32.260, 41.32.497, 41.32.498, and this section, when the salary of any member as a member of the legislature is increased beyond the amount provided for in Initiative Measure No. 282 then earnable compensation for the purposes of this chapter shall be based solely on the sum of (1) the compensation actually received from the salary for the job from which such leave of absence may have been taken and (2) such member's salary as a legislator during his two highest compensated consecutive years, PROVIDED. That such member may include the salary that would have been earned had the leave of absence not been taken, PROVIDED FURTHER. That such member pay both the employer and employee contribution to the retirement system at the legislative rates plus interest in an amount to be determined by the director.

NEW SECTION. Sec. 30. There is added to chapter 41.32 RCW a new section to read as follows:

A retiree whose membership included legislative service shall have the option of having that retiree's benefits recalculated based on the provision of Section 29 of this act and the retirees benefits shall, upon payment of the appropriate additional contribution, be adjusted prospectively from the date of payment of that additional contribution.

Renumber the remaining sections accordingly.

POINT OF INQUIRY

Senator Rasmussen: "Senator McDermott, explain a little bit to me. I don’t know what the inequity is. 'Provided that such members will include the salary that would have been earned had the leave of absence not been taken.' 'Leave of absence' from where, Senator McDermott?"

Senator McDermott: "Senator Rasmussen, from the Legislature."

Senator Rasmussen: "He took a leave of absence from the Legislature? You mean he didn’t get elected and he was out for ten years and he’s just paid into it? You’re trying to say I did, but I don’t. I took a leave of absence from the railroad for thirty-five years and never credited any of it to my retirement. I went off the payroll, as a result my pension was considerably lower than the people that retired who were working at the same job I did. I really don’t understand this.

"Now at the time I resigned, I merely froze my membership in the state retirement system but did not increase the benefits in any way whatsoever. I still don’t understand, Senator McDermott, explain a little more."

Senator McDermott: "Mr President and Senator Rasmussen, if you read further in this, it says ‘that the member has to pay both the employer and the employee’s contribution as well as interest in an amount to be determined by the director.’ There is no drain on the system. We have a system that we write in law that is supposed to cover everybody and then situations develop and people, for one reason or another, fall out of the system. We are trying here to give the Director the flexibility to have somebody put all their money in, so that at some later point, they can draw that money out as part of the system."
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The President declared the question before the Senate to be adoption of the amendment by Senators McDermott and Hemstad to the amendment. The motion by Senator McDermott carried and the amendment to the amendment was adopted.

MOTIONS

On motion of Senator McDermott, the following amendment to the amendment was adopted:

On page 48, after line 7, insert:

"NEW SECTION. Sec. 31. 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 motion of Senator Zimmerman, the following amendment by Senators Zimmerman, Thompson, Bauer and McDermott to the amendment was adopted:

On page 9, after line 35, insert the following:

"Sec. 8. Section 21, chapter 274, Laws of 1947 as last amended by section 3, chapter 18, Laws of 1982 and RCW 41.40.200 are each amended to read as follows:

(1) Subject to the provisions of RCW 41.40.310 and 41.40.320, upon application of a member, or his employer, a member who becomes totally incapacitated for duty as the natural and proximate result of an accident occurring in the actual performance of duty, while in the service of an employer, without willful negligence on his part, shall be retired: PROVIDED, The medical adviser after a medical examination of such member made by or under the direction of the said medical adviser shall certify in writing that such member is mentally or physically totally incapacitated for the further performance of his duty to his employer and that such member should be retired: PROVIDED FURTHER, That the retirement board concurs in the recommendation of the medical adviser: AND PROVIDED FURTHER, No application shall be valid or a claim thereunder enforceable unless filed within two years after the date upon which the injury occurred, except that a member who became temporarily totally incapacitated for duty as the natural and proximate result of an accident occurring in the actual performance of duty in the period between January 1, 1959 and January 1, 1961, while in the service of an employer, without willful negligence on the member's part, may establish service credit for the period of the temporary incapacity by making an application within six months of the effective date of this act.

(2) The retirement for disability of a judge, who is a member of the retirement system, by the supreme court under Article IV, section 31 of the Constitution of the state of Washington (House Joint Resolution No. 37, approved by the voters November 4, 1980), with the concurrence of the retirement board, shall be considered a retirement under subsection (1) of this section."

Renumber the sections consecutively and correct all internal references accordingly.

The President declared the question before the Senate to be adoption of the McDermott amendment, as amended. The motion by Senator McDermott carried and the amendment, as amended, was adopted.

MOTION

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

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1982 and RCW 41.26.470; adding a new section to chapter 41.32 RCW; adding new sections to chapter 41.40 RCW; adding a new chapter to Title 41 RCW; creating a new section; making an appropriation; and declaring an emergency.

On page 49, line 3, of the title, after "41.26.090;" insert "amending section 21, chapter 274, Laws of 1947 as last amended by section 3, chapter 18, Laws of 1982 and RCW 41.40.200;"

On page 49, line 29 of the title amendment, after "adding" strike "a new section" and insert: "new sections"

On page 49, line 32, of the title amendment, after "adding" strike "new section" and insert: "new sections"

On page 50, line 32, of the title amendment, after "RCW;" insert: "amending section 6, chapter 199, Laws of 1974 ex. sess. and RCW 41.32.4945;"

On page 48, line 13, after "insert", strike all material down to and including "2.12.012;" on line 16.

MOTION

On motion of Senator McDermott, the rules were suspended. Engrossed Substitute Senate Bill No. 3226 was advanced to third reading, the second reading considered the third, and the bill was 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. 3226.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3226, and the bill passed the Senate by the following vote: Yeas, 41; nays, 3; absent, 1; excused, 4.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Woody, Zimmerman - 41.

Voting nay: Senators Guess, Quigg, Rasmussen - 3.

Absent: Senator Metcalf - 1.


ENGROSSED SUBSTITUTE SENATE BILL NO. 3226, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

POINT OF INQUIRY

Senator Deccio: "Would the President yield to a question?"

President Cherberg: "Yes, Senator Deccio."

Senator Deccio: "Which Father's Day were you talking about that we might get out of here? Was it this year or next year?"

President Cherberg: "When is Father's Day?"

Senator Deccio: "I don't know. Thank you."

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

MESSAGE FROM THE HOUSE

May 6, 1983

Mr. President:

The House has passed REENGROSSED SUBSTITUTE SENATE BILL NO. 3273 with the following amendments:

On page 1, line 27, after "the" strike "state" and insert "executive branch"

On page 1, line 30, after "including" strike "state" and insert "executive branch."

and the same are herewith transmitted.

DEAN R. FOSTER. Chief Clerk

MOTION

On motion of Senator Williams, the Senate concurred in the House amendments to Reengrossed Substitute Senate Bill No. 3273.

The President declared the question before the Senate to be the roll call on final passage of Reengrossed Substitute Senate Bill No. 3273, as amended by the House.
ROLL CALL

The Secretary called the roll on final passage of Reengrossed Substitute Senate Bill No. 3273, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; nays, 2; excused, 4.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Declo, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, McDermott, McManus, Melcall, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellor, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Woody, Zimmerman - 43.

Voting nay: Senators Craswell, Mccaslin - 2.


REENGROSSED SUBSTITUTE SENATE BILL NO. 3273, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

May 5, 1983

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SENATE BILL NO. 3858 and has granted said committee the powers of Free Conference, and the Report of the Conference Committee is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

May 5, 1983

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred, ENGROSSED SENATE BILL NO. 3858, authorizing the annexation of areas outside cities and towns upon consent of the property owners, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference for the purpose of amending the bill as follows:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 35.13.180, chapter 7, Laws of 1965 as amended by section 4, chapter 332, Laws of 1981 and RCW 35.13.180 are each amended to read as follows:

City and town councils of second and third class cities and towns may by a majority vote annex new territory outside the city or town limits, whether contiguous or noncontiguous for park, cemetery, or other municipal purposes when all owners of the real property in the new territory give their written consent to the annexation.

NEW SECTION. Sec. 2. There is added to chapter 35.13 RCW a new section to read as follows:

All unincorporated areas that as of January 1, 1984, lie wholly within the boundaries of any city or town shall be incorporated into and become part of the city or town within whose boundaries the unincorporated area lies: PROVIDED, That the governing body of a city or town may, prior to January 1, 1984, adopt an ordinance removing all or a portion of such unincorporated areas from this annexation if a portion of each area annexed is contiguous with a portion of the boundary of the city or town, Land which is owned by a county and used for the purposes of an agricultural fair under chapter 15.76 or 36.37 RCW or a county park, however, shall not be annexed without the consent of a majority of the members of the legislative authority of the county which owns the land. For purposes of this section, an unincorporated area which is completely bounded by both a state boundary or a body or bodies of navigable water and the particular city or town is considered to lie wholly within the boundaries of a city or town.

NEW SECTION. Sec. 3. There is added to chapter 35.13 RCW a new section to read as follows:

A city or town shall not annex territory under RCW 35.10.211, 35.10.217, 35.13.015, 35.13.020, or 35.13.130 if, after the proposed annexation has occurred, any closed plane figure of unincorporated area could be drawn that includes a portion of the boundary of the newly-annexed area so that eighty percent or more of the figure's perimeter is coterminous with any of the annexing city's or town's boundaries. A city or town may, however, annex territory that lies within a corridor of unincorporated territory which existed before the effective date of this act despite the fact that it creates a closed plane figure prohibited by this section if, after the proposed annexation has occurred, another closed plane figure cannot be drawn within the..."
corridor so that a greater percentage of the perimeter is coterminous with the boundaries of the city or town than the perimeter of the original figure. In addition, a city or town shall not annex unincorporated territory if the annexation would result in an area of unincorporated territory being entirely surrounded by a body or bodies of water and the annexing city or town.

**NEW SECTION.** Sec. 4. There is added to chapter 35A.14 RCW a new section to read as follows:

All unincorporated areas that as of January 1, 1984, lie wholly within the boundaries of any code city shall be incorporated into, and become part of, the code city within whose boundaries the unincorporated area lies; PROVIDED, That the governing body of a code city may, prior to January 1, 1984, adopt an ordinance removing all or a portion of such unincorporated areas from this annexation if a portion of each area annexed is contiguous with a portion of the boundary of the code city. Land which is owned by a county and used for the purposes of an agricultural fair under chapter 15.76 or 36.37 RCW or a county park, however, shall not be annexed without the consent of a majority of the members of the legislative authority of the county which owns the land. For purposes of this section, an unincorporated area which is completely bounded by both a state boundary or a body or bodies of navigable water and the particular code city is considered to lie wholly within the boundaries of a code city.

**NEW SECTION.** Sec. 5. There is added to chapter 35A.14 RCW a new section to read as follows:

A code city shall not annex territory under RCW 35A.14.015, 35A.14.020, or 35A.14.120 if, after the proposed annexation has occurred, any closed plane figure of unincorporated area could be drawn that includes a portion of the boundary of the newly-annexed area so that eighty percent or more of the figure’s perimeter is coterminous with any of the annexing code city’s boundaries. A code city may, however, annex territory that lies within a corridor of unincorporated territory which existed before the effective date of this act despite the fact that it creates a closed plane figure prohibited by this section if, after the proposed annexation has occurred, another closed plane figure cannot be drawn within the corridor so that a greater percentage of the perimeter is coterminous with the boundaries of the code city than the perimeter of the original figure. In addition, a code city shall not annex unincorporated territory if the annexation would result in an area of unincorporated territory being entirely surrounded by a body or bodies of water and the annexing code city.

**NEW SECTION.** Sec. 6. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, beginning on line 2 of the title, after "towns;" strike the remainder of the title and insert "amending section 35.13.180, chapter 7, Laws of 1965 as amended by section 4, chapter 332, Laws of 1981 and RCW 35.13.180; adding new sections to chapter 35.13 RCW; adding new sections to chapter 35A.14 RCW; and declaring an emergency."

Signed by: Senators Thompson, Granlund and Benitz; Representatives Moon, Charnley and Van Dyken.

**MOTION**

On motion of Senator Thompson, the Report of the Conference Committee on Engrossed Senate Bill No. 3858 was adopted, and the powers of Free Conference were granted.

**REPORT OF CONFERENCE COMMITTEE**

May 5, 1983

Mr. President:
Mr. Speaker:

We, of your Conference Committee, to whom was referred, ENGROSSED HOUSE BILL NO. 74, raising limits on local governments contracts that may benefit local officers, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference for the purpose of amending the bill as follows:

Strike everything after the enacting clause, and insert the following:

"Sec. 1. 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 are each amended and reenacted to read as follows:

No municipal officer shall be beneficially interested, directly or indirectly, in any contract which may be made by, through or under the supervision of such officer, in whole or in part, or which may be made for the benefit of his office, or accept, directly or indirectly, any compensation, gratuity or reward in connection with such contract from any other person beneficially interested therein. This section shall not apply in the following cases:
(1) The furnishing of electrical, water or other utility services by a municipality engaged in
the business of furnishing such services, at the same rates and on the same terms as are available to the public generally;
(2) The designation of public depositories for municipal funds;
(3) The publication of legal notices required by law to be published by any municipality, upon competitive bidding or at rates not higher than prescribed by law for members of the general public;
(4) The designation of a school director as clerk or as both clerk and purchasing agent of a school district;
(5) The employment of any person by a municipality, other than a county of the first class or higher, a city of the first or second class, an irrigation district encompasing in excess of fifty thousand acres, or a first class school district, for unskilled day labor at wages not exceeding one hundred dollars in any calendar month;
(6) The letting of any other contract (except a sale or lease as seller or lessor) by a municipality, other than a county of the first class or higher, a city of the first or second class, an irrigation district encompasing in excess of fifty thousand acres, or a first class school district: PROVIDED, That the total volume of business represented by such contract or contracts in which a particular officer is interested, singly or in the aggregate, as measured by the dollar amount of the municipality's liability thereunder, shall not exceed ([two]) seven hundred fifty dollars in any calendar month: PROVIDED FURTHER, That in the case of a particular officer of a city or town of the third, or fourth class, or a noncharter optional code city, or a member of any county fair board in a county which has not established a county purchasing department pursuant to RCW 36.32.240, the total volume of such contract or contracts authorized in this subsection may exceed ([two]) seven hundred fifty dollars in any calendar month but shall not exceed ([thirty-six hundred]) nine thousand dollars in any calendar year; PROVIDED FURTHER, that there shall be public disclosure by having an available list of such purchases or contracts, and if the supplier or contractor is an official of the municipality, he or she shall not vote on the authorization;
(7) The leasing by a port district as lessor of port district property to a municipal officer or to a contracting party in which a municipal officer may be beneficially interested, in addition to all other legal requirements, a board of three disinterested appraisers, who shall be appointed from members of the American institute of real estate appraisers by the presiding judge of the superior court in the county where the property is situated, shall find and the court finds that all terms and conditions of such lease are fair to the port district and are in the public interest;
(8) The letting of any contract for the driving of a school bus in a second class school district: PROVIDED, That the terms of such contract shall be commensurate with the pay plan or collective bargaining agreement operating in the district.
(9) The letting of any contract to the spouse of an official of a second class school district in which less than two hundred full time equivalent students are enrolled at the start of the school year as defined in RCW 28A.01.020, when such contract is solely for employment as a certificated or classified employee of the school district."

Signed by: Senators Thompson, Zimmerman and Bauer; Representatives Moon, Ebersole and Brough.

MOTION

On motion of Senator Thompson, the Report of the Conference Committee on Engrossed House Bill No. 74 was adopted, and the powers of Free Conference were granted.

SIGNED BY THE PRESIDENT

ENGROSSED SUBSTITUTE SENATE BILL NO. 3163.

MOTION

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

MOTION

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

SENATE RESOLUTION 1983–70

By Senators Conner, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg,
WHEREAS. The largest organization of war veterans in the world, The American Legion, was born in France at the end of World War I; and

WHEREAS. The American Legion, its 2.6 million members and their programs, while born in war are dedicated to the preservation of peace; and

WHEREAS, The Sixty-fifth annual national convention of The American Legion will be held in Seattle, The Emerald City, from August 19 through 25, 1983; and

WHEREAS, Legionnaires will be joined by family members, the American Legion Auxiliary, Sons of the American Legion and other Legion-affiliated organizations in representing all fifty states and eight foreign areas; and

WHEREAS, The visit of The American Legion convention to Washington will allow Legionnaires and their families to once again enjoy our natural beauty, and enjoy the other many activities available in The Evergreen State;

NOW, THEREFORE. BE IT RESOLVED, By the Washington State Senate assembled at the Capitol in Olympia during this 48th Session, That we express a "WELCOME" to the many Legionnaires and their families, look forward to their first national visit to Seattle since the nation's bicentennial in 1976, and appreciate their belief in Seattle and Washington as a good place to visit; and

BE IT FURTHER RESOLVED, That we join with all Washingtonians in recognizing August 19–25, 1983, as "American Legion Week".

MOTION

On motion of Senator Conner, all members and the Lieutenant Governor will be included as additional sponsors of 1983–70.

MOTION

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

SENATE RESOLUTION 1983–73

By Senators McDermott, Gaspard and Bauer

WHEREAS. On April 20, 1983 the Senate's 1983–85 biennial budget was approved by the full Senate; and

WHEREAS. On Friday, April 29, 1983, Judge Robert Doran of the Thurston County Superior Court issued a four and a half hours (4 1/2) oral decision on the School Funding II case; and

WHEREAS, The Doran Decision of April 29, 1983 was an oral decision without written documentation for review of the Legislature and absent any final findings of fact and conclusions of law and with the possibility of appeal to the Supreme Court; and

WHEREAS, The Doran Decision on School Funding II has answered the following two questions:

(a) Whether certain programs and components enumerated by the Petitioners are a necessary part of the basic program of education within the constitutional mandate imposed upon the state under Article IX, section 1 to make ample provision for the education of all resident children.

(b) Whether the Legislature has made ample provision for the funding of programs which are a necessary part of the "program of basic education".

NOW, THEREFORE. BE IT RESOLVED, By the Senate of the State of Washington, That our intention is to have the Senate Ways and Means Committee direct a thorough study (to be completed by December 1, 1983) and make recommendations on the implications of the Doran Decision. The Ways and Means Committee recommendations on funding levels and the legislative remedies implied by the Doran Decision will be considered by the full Senate during the 1984 Legislative Session.

BE IT FURTHER RESOLVED, That the following specific issues and areas will be addressed via the Senate Ways and Means study:

- formula definition and full funding of program NERC’s
- lagging the staff mix
- transportation allocation formula and funding levels
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- vocational education staff ratios
- substitute teacher days
- full funding formulas for Handicapped, Remediation Assistance Program and Bilingual Program

MOTION

At 6:25 p.m., on motion of Senator Shinpoch, the Senate adjourned until 9:00 a.m., Saturday, May 7, 1983.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.
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 Bender, Benitz, Clarke, Craswell, Fuller, Granlund, Haley, Hemstad, Hughes, McDermott, McManus, Pullen, Quigg, Rasmussen, Sellar, Thompson, von Reichbauer and Williams. On motion of Senator Vognild, Senator McDermott was excused. On motion of Senator Jones, Senator von Reichbauer was excused.

The Sergeant at Arms Color Guard, consisting of Pages Winona Plant and Tony Gilchrist, presented the Colors. Reverend Wallace F. Misterek, pastor of Trinity Lutheran Church of Olympia, offered the prayer.

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

**SHB 410**  
Prime Sponsor, Representatives Monohon: Authorizing fees to be charged by the department of ecology. Reported by Committee on Ways and Means

- **MAJORITY recommendation:** Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Fleming, Hughes, Talmadge, Thompson, Warnke, Wojahn, Woody.

- **MINORITY recommendation:** Do not pass. Signed by Senators Craswell, Deccio, Hayner, Lee, Metcalf, Pullen.

Passed to Committee on Rules for second reading.

**ESHB 605**  
Prime Sponsor, Representatives O'Brien: Revising provisions relating to the state convention and trade center. Reported by Committee on Ways and Means

- **MAJORITY recommendation:** Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Deccio, Fleming, Hayner, Hughes, Lee, Warnke, Zimmerman.

- **MINORITY recommendation:** Do not pass. Signed by Senators Craswell, Metcalf, Pullen, Wojahn.

Passed to Committee on Rules for second reading.

**MESSAGE FROM THE HOUSE**

May 6, 1983

Mr. President:

The House concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 127 and passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

**MESSAGE FROM THE HOUSE**

May 5, 1983

Mr. President:

The House passed SUBSTITUTE HOUSE BILL NO. 39 as amended by the Senate with the exception of the amendment to page 3, line 31, from which the Senate receded.

DEAN R. FOSTER, Chief Clerk
MESSAGE FROM THE HOUSE

Mr. President:
The House has passed SENATE BILL NO. 3188 with the following amendments:
On page 15, line 32, strike "two hundred twenty-one thousand forty dollars" and insert "one hundred thirty thousand dollars"
On page 16, line 8, after "1983" insert "and shall terminate June 30, 1987, as provided in section 37 of this act"
On page 16, after line 8, add a new section as follows:
"NEW SECTION. Sec 37. Sections 1 through 35 of this act as now existing or hereafter amended, and corresponding RCW sections are each repealed, effective June 30, 1987."
On page 1, line 2, of the title after "appropriation;" insert "providing for future repeal"

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendments to Senate Bill No. 3188.
The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3188, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3188, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 31; absent, 16; excused, 2.
Absent: Senators Bender, Benitz, Clarke, Croswell, Fuller, Granlund, Haley, Hemstad, Hughes, McManus, Pullen, Quigg, Rasmussen, Sellar, Thompson, Williams - 16.

SENATE BILL NO. 3188, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Jones, Senators Haley, Benitz, Clarke and Pullen were excused.
On motion of Senator Vognild, Senators Bender, Hughes, McManus, Rasmussen, Thompson and Williams were excused.
On motion of Senator Zimmerman, Senators Sellar and Fuller were excused.

MESSAGE FROM THE HOUSE

May 6, 1983

Mr. President:
The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3311 with the following amendments:
On page 24, after line 9, insert the following:
"(5) Subsections (2), (3), and (4) of this section, as they relate to services other than those in an instructional, research, or principal administrative capacity, shall not apply to an individual who has worked in a noninstructional, nonresearch, and nonprincipal administrative capacity for an educational institution during the same period one year earlier and who is not working in the current period due to a lack of work:"
On page 7, beginning on line 13, after "prescribe;" strike all material down through "penalty;" on line 13.
On page 7, beginning on line 25, strike all material down through "places;" on line 29 and insert: "by the dollar amount of the state's minimum wage in effect for such reporting period and the quotient, disregarding any remainder, shall be credited to the worker: PROVIDED, That although the computation so made will not be subject to appeal by the employing unit. Monetary entitlement may be redetermined upon request if the department is provided with credible evidence of the actual hours worked:"
On page 23, following line 30, add the following paragraph:
The individual written notice to the employee from the employer must contain a statement that: (a) The notice will result in a denial of benefits; (b) there is a possibility of retroactive benefits if the individual is not offered an opportunity to perform services in the second academic year or term; and (c) to be eligible for retroactive benefits the individual must file a timely claim for benefits in each week for which retroactive benefits would be sought.

On page 28, line 19, after "18", strike "and 19" and insert "19 and 25".
On page 28, line 23, after "and" strike "26" and insert "25".
On page 28, after line 7, insert the following:

"Sec. 25. Section 13, chapter 18, Laws of 1982 1st ex. sess. and RCW 50.04.145 are each amended to read as follows:

The term "employment" shall not include services rendered by any person, firm, or corporation currently engaging in a business which is registered under chapter 18.27 RCW or licensed under chapter 19.28 RCW when:

(1) Contracting to perform work for any contractor registered under chapter 18.27 RCW or licensed under chapter 19.28 RCW;

(2) ((There is no other person, firm or corporation doing the same work at the same time on the same project except two or more persons, firms or corporations may contract and do the same work at the same time on the same project if each person, firm or corporation has employees:

(3)) The person, firm, or corporation has a principal place of business which would be eligible for a business deduction for internal revenue service tax purposes other than that furnished by the contractor for which the business has contracted to furnish services;

(4) The person, firm, or corporation maintains a separate set of books or records that reflect all items of income and expenses of the business; ((and)

(5)) The work which the person, firm, or corporation has contracted to perform is:

(a) The work of a contractor as defined in RCW 18.27.010; or

(b) The work of installing wires or equipment to convey electric current or installing apparatus to be operated by such current as it pertains to the electrical industry as described in chapter 19.28 RCW; and

(5) A contractor registered under chapter 18.27 RCW or licensed under chapter 19.28 RCW does not supervise or control the means by which the result is accomplished or the manner in which the work is performed."

Renumber the remaining section consecutively.

On page 2, line 11 of the title, after "section", insert ":

On page 1, line 6 of the title, after "50.04.115:," insert "amending section 13, chapter 18, Laws of 1982 1st ex. sess. and RCW 50.04.145:.

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Vognild, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 3311.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3311, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3311, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; excused, 12.


Excused: Senators Bender, Benitz, Clarke, Hughes, McDermott, McManus, Pullen, Rasmussen, Sellar, Thompson, von Reichbauer, Williams – 12.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3311, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 9:20 a.m., on motion of Senator Shimpoch, the Senate was declared to be at ease.

The President called the Senate to order at 11:55 a.m.
MESSAGES FROM THE HOUSE

May 6, 1983

Mr. President:
The Speaker has signed:
SECOND SUBSTITUTE HOUSE BILL NO. 226,
SUBSTITUTE HOUSE BILL NO. 495,
HOUSE BILL NO. 595,
SUBSTITUTE HOUSE BILL NO. 740, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

May 5, 1983

Mr. President:
The Speaker has signed:
SECOND SUBSTITUTE HOUSE BILL NO. 231,
SUBSTITUTE HOUSE BILL NO. 470, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

May 6, 1983

Mr. President:
The Speaker has signed:
SENATE BILL NO. 3390, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

May 6, 1983

Mr. President:
The Speaker has signed:
SENATE BILL NO. 3162,
SECOND SUBSTITUTE SENATE BILL NO. 3272, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

May 6, 1983

Mr. President:
The Speaker has signed:
SUBSTITUTE SENATE BILL NO. 3163, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

Signed by the President

The President signed:
SENATE BILL NO. 3188,
Reengrossed Substitute Senate Bill NO. 3273,
Engrossed Substitute Senate Bill No. 3311.

Signed by the President

The President signed:
SECOND SUBSTITUTE HOUSE BILL NO. 226,
SECOND SUBSTITUTE HOUSE BILL NO. 231,
SUBSTITUTE HOUSE BILL NO. 470,
SUBSTITUTE HOUSE BILL NO. 495,
HOUSE BILL NO. 595,
SUBSTITUTE HOUSE BILL NO. 740.

MOTION

At 11:57 a.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Monday, May 9, 1983.

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

MORNING SESSION

Senate Chamber, Olympia, Monday, May 9, 1983

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 Sellar, Fleming, Moore and Thompson. On motion of Senator Vognild, Senators Fleming, Moore and Thompson were excused.

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

MOTION

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

MESSAGES FROM THE HOUSE

May 7, 1983

Mr. President:
The Speaker has signed:
SENATE BILL NO. 3188,
SUBSTITUTE SENATE BILL NO. 3273,
SUBSTITUTE SENATE BILL NO. 3311, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk
May 7, 1983

Mr. President:
The Speaker has signed:
SUBSTITUTE HOUSE BILL NO. 39,
SUBSTITUTE HOUSE BILL NO. 127,
SECOND SUBSTITUTE HOUSE BILL NO. 295, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk
May 7, 1983

Mr. President:
The House has receded from its amendments to SUBSTITUTE SENATE BILL NO. 3520 and passed the bill without the House amendments, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk
May 7, 1983

Mr. President:
The House has adopted the Report of the Free Conference Committee on ENGROSSED HOUSE BILL NO. 239, and has passed the bill as amended by the Free Conference Committee.

DEAN R. FOSTER, Chief Clerk
May 7, 1983

Mr. President:
The House has passed:
SUBSTITUTE HOUSE BILL NO. 712,
SUBSTITUTE HOUSE BILL NO. 717, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MESSAGE FROM THE HOUSE

May 6, 1983

Mr. President:
The House has passed SUBSTITUTE SENATE BILL NO. 3628 with the following amendments:

On page 1, line 13, after "dollars" insert •, except that a person seventy years of age or older may pay a one-time fee of five dollars.

On page 1, line 25, after "least" strike "thirty" and insert "ninety".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Owen, the Senate concurred in the House amendments to Substitute Senate Bill No. 3628.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3628, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3628, as amended by the House, and the bill passed the Senate by the following vote:

Yeas. 45; absent, 1; excused. 3.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hamstad, Hughes, Hurley, Jones, Kiskaaddon, Lee, McCaslin, McDermott, McManus, Metcall, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Absent: Senator Sellar - 1.

Excused: Senators Fleming, Moore, Thompson - 3.

SUBSTITUTE SENATE BILL NO. 3628, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:17 a.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President called the Senate to order at 11:46 a.m.

ANNOUNCEMENT OF COMMISSION MEMBERS

ECONOMIC DEVELOPMENT AND JOB CREATION

Pursuant to Substitute House Concurrent Resolution No. 6, Senator Bottiger announced the following appointments:

Representing employers of over 1,000 employees and the 6th Congressional District, Mr. Charles E. Cereghino, Director of Corporate Services, The Weyerhaeuser Company;

Representing employers of more than 100, but less than 1,000 employees and the 5th Congressional District, Mr. Ned Barnholt, General Manager, Hewlitt Packard;

Representing employers of less than 100 employees and the 7th Congressional District, Ms. Barbara Pool, President, Seaway Construction Company;

Representing education and the 1st Congressional District, Dr. Nancy Jacob, Dean of the School and Graduate School of Business Administration, University of Washington;

Also representing education and the 5th Congressional District, Dr. Nelson Grote, Chief Executive Officer, The Community Colleges of Spokane;

Representing labor and the 3rd Congressional District, Mr. Joseph Dear, Research Director, Washington State Labor Council, AFL-CIO;

Also representing labor and the 7th Congressional District, Ms. Rhonda Algier, International Organization of Hotel Employees, Restaurant Employees International Union, AFL-CIO;

Representing agriculture and the 4th Congressional District, Ms. Leslie Judd, President of Washington Women for the Survival of Agriculture;

Also representing agriculture and the 5th Congressional District, Mr. James W. Miller, President of Washington Association of Wheat Growers;
Representing financial institutions and the 7th Congressional District, Mr. Lawrence Connell, President of Washington Mutual Savings Bank;

Representing the State Investment Board and the 3rd Congressional District, Mr. John A. Hitchman, Executive Director;

Representing the public and the 2nd Congressional District, Mr. Robert Levin, Executive Director, Clallam County Economic Development Council;

Also representing the public and the 8th Congressional District, Mr. Leland F. Smith, Executive Director, Economic Development Council of Puget Sound;

Also representing the public and the 7th Congressional District, Mr. Orin Smith, Director of Operation, Touche, Ross and Company;

The two representatives of the Senate Minority Caucus are Senator Ellen Craswell of the 1st Congressional District and Senator Eleanor Lee of the 8th Congressional District;

The two representatives of the Senate Majority Caucus are Senator Larry Vognild of the 2nd Congressional District and Senator Ted Bottiger of the 6th Congressional District;

The two representatives from the House Majority Caucus are Representative Joe King of the 3rd Congressional District and Representative Jerry Ellis of the 4th Congressional District;

The two representatives of the House Minority Caucus are Representative Jean Silver of the 5th Congressional District and Representative Roger Van Dyken of the 2nd Congressional District.

MOTION
At 11:52 a.m., on motion of Senator Shinpoch, 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
SUBSTITUTE HOUSE BILL NO. 39.
SUBSTITUTE HOUSE BILL NO. 127.
SECOND SUBSTITUTE HOUSE BILL NO. 295.

SIGNED BY THE PRESIDENT
SUBSTITUTE SENATE BILL NO. 3520.
SUBSTITUTE SENATE BILL NO. 3628.

MESSAGE FROM THE HOUSE
May 7, 1983

Mr. President:
The House has concurred in the following Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 278: page 14, line 21; page 27, line 8; page 52, line 21; page 55, line 15; page 72, line 6; page 93, line 18, line 20 and line 28; and refuses to concur in the following listed amendments: page 46, line 35; page 66, line 28; page 78, line 13; page 80, line 24; page 83, line 32; page 7, line 13; and page 7, line 23, and asks the Senate to recede therefrom, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION
On motion of Senator Owen, the Senate receded from its amendments to Engrossed Substitute House Bill No. 278 to page 46, line 35; page 66, line 28; page 78, line 13; page 80, line 24; page 83, line 32; page 7, line 13; and page 7, line 23.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 278, as amended by the Senate, but without the amendments to page 46, line 35; page 66, line 28; page 78, line 13; page 80, line 24; page 83, line 32; page 7, line 13; and page 7, line 23.
ROLL CALL

The Secretary called the roll on final passage Engrossed Substitute House Bill No. 278, as amended by the House, but without certain amendments, and the bill passed the Senate by the following vote: Yeas. 43: absent. 5: excused. 1.


Excused: Senator Moore - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 278, as amended by the Senate, but without certain amendments, having received the constitutional 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 1:40 p.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President called the Senate to order at 3:21 p.m.

MESSAGE FROM THE HOUSE

May 7, 1983

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED HOUSE BILL NO. 428 and has granted said committee the powers of Free Conference, and the Report of the Free Conference Committee is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

May 7, 1983

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred, ENGROSSED HOUSE BILL NO. 428, modifying certain court procedures, have had the same under consideration, and we recommend that the bill pass amended as follows:

(See Report of Conference Committee read in on May 6, 1983)


MOTION

On motion of Senator Talmadge, the Report of the Free Conference Committee on Engrossed House Bill No. 428 was adopted.

PARLIAMENTARY INQUIRY

Senator Newhouse: "Mr. President. I rise to a point of parliamentary inquiry. This is a time when we are accepting a Report of the Free Conference Committee. How many names--signatures--are required on a Report of a Free Conference Committee?"

REPLY BY THE PRESIDENT

President Cherberg: "With the absence of Joint Rules, Senator Newhouse, the President believes that the Senate has to conduct business, at least in this respect, following Reed's Rules, which would require a majority of the members of each house--four members."

Senator Newhouse: "Mr. President, I have had some indication that the House is accepting a different report in requiring that a Free Conference Report have five signatures, as did our previous rules."

President Cherberg: "Joint Rules call for five out of six, Senator."
Senator Newhouse: "There seems to be a disparity in interpretation between the two bodies and I wonder if we couldn't, perhaps, solve that. I suggest the best way to solve it is to adopt joint rules."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, it is fun to debate the same issue day after day. That issue is not even before us. This Free Conference Committee Report is signed by all six."

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 428, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 428, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.


Absent: Senators Sellar, Thompson - 2.

Excused: Senator Moore - 1.

ENGROSSED HOUSE BILL NO. 428, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

May 6, 1983

Mr. President:

The House has adopted the Report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 4137 and has passed the bill as amended by the Free Conference Committee, and said report together with the bill are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

May 7, 1983

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 4137, modifying provisions relating to adult corrections, have had the same under consideration, and we recommend that the bill pass as amended by the Free Conference Committee:

(See Report of Conference Committee read in on May 5, 1983)

Signed by: Senators Granlund, Owen and Pullen; Representatives Dellwo, Lewis and Niemi.

MOTION

On motion of Senator Granlund, the Report of the Free Conference Committee on Substitute Senate Bill No. 4137 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4137, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4137, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcall, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch,
FIFTEENTH DAY, MAY 9, 1983 1885

Excused: Senator Moore - 1.

SUBSTITUTE SENATE BILL NO. 4137, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

May 9, 1983

Mr. President:

The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 43, and asks the Senate to recede therefrom, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator McManus, the Senate receded from its amendments to Substitute House Bill No. 43.

POINT OF INQUIRY

Senator Newhouse: Senator McManus, would you refresh our minds as to what amendment was backed off by the House amendment?

Senator McManus: Yes, Senator Newhouse, this was an amendment that we put on. That language was taken out in the House and put on Substitute Senate Bill No. 3660--DSHS powers--which will be before us--is on the calendar. The language was merely taken out and then put back on Senate Bill No. 3660.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 43, without the Senate amendments.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 43, without the Senate amendments, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent, 4; excused, 1.


Voting nay: Senator Pullen - 1.

Absent: Senators Benitz, BluecheL Hayner, Hemstad - 4.

Excused: Senator Moore - 1.

SUBSTITUTE HOUSE BILL NO. 43, without the Senate amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

May 7, 1983

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SENATE BILL NO. 3817 and has granted said committee the powers of Free Conference, and the Report of the Conference Committee is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

May 6, 1983

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred, ENGROSSED SENATE BILL NO. 3817, restricting body searches by the enforcement agencies, have had the same under consideration and we report that we are unable to agree and
respectfully request the powers of Free Conference to recommend that the bill pass as amended as follows:

"NEW SECTION. Sec. 1. It is the intent of the legislature to establish policies regarding the practice of strip searching persons booked into holding, detention, or local correctional facilities. It is the intent of the legislature to restrict the practice of strip searching and body cavity searching persons booked into holding, detention, or local correctional facilities to those situations where such searches are necessary.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 1 through 6 of this act.

(1) "Strip search" means having a person remove or arrange some or all of his or her clothing so as to permit an inspection of the genitals, buttocks, anus, or undergarments of the person or breasts of a female person.

(2) "Body cavity search" means the touching or probing of a person’s body cavity, whether or not there is actual penetration of the body cavity.

(3) "Body cavity" means the stomach or rectum of a person and the vagina of a female person.

(4) "Law enforcement agency” and “law enforcement officer” include local departments of corrections created pursuant to RCW 70.48.090(3) and employees thereof.

NEW SECTION. Sec. 3. (1) No person may be subjected to a body cavity search by or at the direction of a law enforcement agency unless a search warrant is issued pursuant to superior court criminal rules.

(2) No law enforcement officer may seek a warrant for a body cavity search without first obtaining specific authorization for the body cavity search from the ranking shift supervisor of the law enforcement authority. Authorization for the body cavity search may be obtained electronically: PROVIDED, That such electronic authorization shall be reduced to writing by the law enforcement officer seeking the authorization and signed by the ranking supervisor as soon as possible thereafter.

(3) Before any body cavity search is authorized or conducted, a thorough pat-down search, a thorough electronic metal-detector search, and a thorough clothing search, where appropriate, must be used to search for and seize any evidence of a crime, contraband, fruits of crime, things otherwise criminally possessed, weapons, or other things by means of which a crime has been committed or reasonably appears about to be committed. No body cavity search shall be authorized or conducted unless these other methods do not satisfy the safety, security, or evidentiary concerns of the law enforcement agency.

(4) A law enforcement officer requesting a body cavity search shall prepare and sign a report regarding the body cavity search. The report shall include:

(a) A copy of the written authorization required under subsection (2) of this section;
(b) A copy of the warrant and any supporting documents required under subsection (1) of this section;
(c) The name and sex of all persons conducting or observing the search;
(d) The time, date, place, and description of the search; and
(e) A statement of the results of the search and a list of any items removed from the person as a result of the search.

The report shall be retained as part of the law enforcement agency's records.

NEW SECTION. Sec. 4. Nothing in section 3 of this act or this section may be construed as precluding or preventing the administration of medical care to persons requiring immediate medical care or requesting medical care.

NEW SECTION. Sec. 5. (1) Persons conducting a strip search shall not touch the person being searched except as reasonably necessary to effectuate the strip search of the person.

(2) Any body cavity search must be performed under sanitary conditions and conducted by a physician, registered nurse, or physician’s assistant, licensed to practice in this state, who is trained in the proper medical process and the potential health problems associated with a body cavity search. No health professional authorized by this subsection to conduct a body cavity search shall be held liable in any civil action if the search is conducted in a manner that meets the standards and requirements of RCW 4.24.290 and 7.70.040.

(3) Except as provided in subsection (7) of this section, a strip search or body cavity search, as well as presearch undressing or postsearch dressing, shall occur at a location made private from the observation of persons not physically conducting the search. A strip search or body cavity search shall be performed or observed only by persons of the same sex as the person being searched, except for licensed medical professionals as required by subsection (2) of this section.

(4) Except as provided in subsection (5) of this section, no person may be present or observe during the search unless the person is necessary to conduct the search or to ensure the safety of those persons conducting the search.

(5) Nothing in this section prohibits a person upon whom a strip search or body cavity search is to be performed from having a readily available person of his or her choosing
present at the time the search is conducted. However, the person chosen shall not be a person being held in custody by a law enforcement agency.

(6) Section 3 of this act and this section shall not be interpreted as expanding or diminishing the authority of a law enforcement officer with respect to searches incident to arrest or investigatory stop in public.

(7) A strip search of a person housed in a holding, detention, or local correctional facility to search for and seize a weapon may be conducted at other than a private location if there arises a specific threat to institutional security that reasonably requires such a search or if all persons in the facility are being searched for the discovery of weapons or contraband.

NEW SECTION. Sec. 6. Sections 3, 4, and 5 of this act shall not be construed as limiting any constitutional, common law, or statutory right of any person regarding any action for damages or injunctive relief, or as precluding the prosecution under another provision of law of any law enforcement officer or other person who has violated section 3, 4, or 5 of this act.

NEW SECTION. Sec. 7. The corrections standards board shall study the use of strip searches of persons booked into holding, detention, and local correctional facilities. The corrections standards board shall identify those categories of persons booked into holding, detention, and local correctional facilities which the board deems inappropriate to strip search or body cavity search. Minimum criteria to be employed by the board in identifying such categories shall be federal and state constitutional requirements. The board shall submit its findings and recommendations, together with proposed legislation, to the judiciary committees of the senate and house of representatives before January 1, 1984.

NEW SECTION. Sec. 8. Sections 1 through 6 of this act are each added to chapter 10.79 RCW.

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.

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 on July 1, 1983. *" On page 1, line 1 of the title, after "seizure:" strike the remainder of the title and insert "adding new sections to chapter 10.79 RCW: creating a new section: providing an effective date; and declaring an emergency."

Signed by: Senators Talmadge, Hemstad and Fleming; Representatives Locke, Belcher and Tilly.

MOTION

On motion of Senator Talmadge, the report of the Conference Committee on Engrossed Substitute Senate Bill No. 3817 was adopted and the powers of Free Conference were granted.

MOTION

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

REPORT OF STANDING COMMITTEE

May 7, 1983

Prime Sponsor, Committee on Ways and Means: Adopting the capital budget. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Boltiger, Fleming, Hughes, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Zimmerman.

MOTIONS

On motion of Senator Shinpoch, the rules were suspended. Engrossed Substitute House Bill No. 55 was advanced to second reading and placed on the second reading calendar.

On motion of Senator Shinpoch, further consideration of Engrossed Substitute House Bill No. 55 was deferred.

REPORT OF STANDING COMMITTEE

May 7, 1983

Prime Sponsor, Representative Grimm: Relating to fiscal matters. Reported by Committee on Ways and Means.
MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Deccio, Fleming, Hughes, Shinpoch, Talmadge, Thompson, Warnke, Zimmerman.

MINORITY recommendation: Do not pass. Signed by Senators Craswell, Hayner, Metcalf.

MOTION
On motion of Senator Shinpoch, the rules were suspended. Engrossed House Bill No. 1082 was advanced to second reading and read the second time.

MOTION
Senator Hayner moved the following amendment be adopted:
On page 1, after line 4, strike everything after the enacting clause and insert the following:
"Sec. 1, Section 6, chapter 184, Laws of 1971 ex. sess. as amended by section 1, chapter 204, Laws of 1979 ex. sess. and RCW 39.42.060 are each amended to read as follows:
No bonds, notes, or other evidences of indebtedness for borrowed money shall be issued by the state which will cause the aggregate debt contracted by the state to exceed that amount for which payments of principal and interest in any fiscal year would require the state to expend more than seven percent of the arithmetic mean of its general state revenue, as defined in section 1 of Article VIII of the Washington State Constitution for the three immediately preceding fiscal years as certified by the treasurer in accordance with RCW 39.42.070. It shall be the duty of the state finance committee to compute annually the amount required to pay principal of and interest on outstanding debt. In making such computation, the state finance committee shall include all borrowed money represented by bonds, notes, or other evidences of indebtedness which are secured by the full faith and credit of the state or are required to be paid, directly or indirectly, from general state revenues and which are incurred by the state, any department, authority, public corporation, or quasi public corporation of the state, any state university or college, or any other public agency created by the state but not by counties, cities, towns, school districts, or other municipal corporations, and shall include debt incurred pursuant to section 3 of Article VIII of the Washington State Constitution, but shall (not include) exclude the following:
(1) Obligations for the payment of current expenses of state government ((not shall it include));
(2) Indebtedness incurred pursuant to RCW 39.42.080 or 39.42.090;
(3) Principal of and interest on bond anticipation notes ((or));
(4) Any indebtedness which has been refunded;
(5) Indebtedness incurred as a result of bonds authorized for construction of a 500-bed medium security corrections center at Clallam Bay as authorized by section .... chapter .... Laws of 1983;
(6) Indebtedness incurred as a result of bonds authorized for continued rehabilitation of the area surrounding Mount St. Helens; and
(7) Indebtedness incurred as a result of bonds authorized for jail construction pursuant to RCW 70.48A.020.
To the extent necessary because of the constitutional or statutory debt limitation, priorities with respect to the issuance or guaranteeing of bonds, notes, or other evidences of indebtedness by the state shall be determined by the state finance committee.
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."

Debate ensued.

POINT OF INQUIRY
Senator Patterson: "Senator McDermott, my question is concerned with the high tech legislation that we have before us under consideration and the capital projects that are there. Did I understand you to say that if we adopted this amendment that those projects would not be able to be put on line?"

Senator McDermott: "There is a serious question as to whether there will be the money to start those properly."

Senator Patterson: "A serious question--do you mean that because the bonding capacity is not adequate?"

Senator McDermott: "Senator, there is always the problem when you are not sure what interest rates are going to be, of limiting yourself to the very last dime. We have seen interest rates, in the last two years, go from twenty percent now to around eleven, and we are bouncing around and when you tie the lid down very
tight and you have to begin prioritizing. Some of the reappropriations will have to be done before new projects can be started. That means that there is a potential for some of the high-tech things being unable to begin. I think that would be a small tragedy. It is really stupid to tie our own hands when we need the future.

Further debate ensued.

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 adoption of the amendment by Senator Hayner.

ROLL CALL

The Secretary called the roll and the motion by Senator Hayner failed and the amendment was not adopted by the following vote: Yeas, 19; nays, 28; absent, 1; excused, 1.


Absent: Senator Woody - 1.

Excused: Senator Moore - 1.

MOTION

On motion of Senator McDermott, the rules were suspended. Engrossed House Bill No. 1082 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Rasmussen: “Mr. President, does this capital budget require a sixty percent? The rules are not very clear. It says ‘passing the budget’ and I realize that there are two budgets—the operating and then the capital budget—and they both have a lot of dollars in them and I was just wondering. Did not have an opportunity to review that. Does it take a sixty percent vote?”

REPLY BY THE PRESIDENT

President Cherberg: “Engrossed House Bill No. 1082 will require a simple majority of the members elected, Senator Rasmussen.”

Further debate ensued.

POINT OF ORDER

Senator Rasmussen: “Mr. President, I wanted to make it clear that I was speaking of Governor Cherberg, rather than Governor Spellman. Governor Spellman was for the convention center bonds and Governor Cherberg said they should not be issued. I wanted to make that clear.”

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1082.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1082, and the bill passed the Senate by the following vote: Yeas, 27; nays, 21; excused, 1.

Voting yea: Senators Barr, Bender, Bluechel, Bottiger, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Jones, Kiskaddon, McDermott, McManus, Owen, Patterson, Peterson, Quigg, Sellar, Talmadge, Thompson, Vognild, Warnke, Williams - 27.


Excused: Senator Moore - 1.

ENGROSSED HOUSE BILL NO. 1082, having received the 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 President advanced the Senate to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 55, by Committee on Ways and Means (originally sponsored by Representatives Grimm and Cantu) (by Governor Spellman request).

Adopting the capital budget.

The bill was read the second time.

MOTION

Senator McDermott moved that the following Committee on Ways and Means amendment be adopted:

"NEW SECTION. Sec. 1. A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be disbursed for capital projects during the period ending June 30, 1985, out of the several funds specified in this act."

INDEX

Arts Commission, sec. 903
Central Washington University, secs. 835-851
Commerce and Economic Development Department, sec. 901
Community College Education Board, secs. 859-882
Corrections Department, secs. 228-244
Eastern Washington University, secs. 826-834
Ecology Department, secs. 301-318
Education, State Board of, sec. 883
Emergency Services Department, sec. 141
Employment Security Department, sec. 245
Evergreen State College, secs. 852-856
Fisheries Department, secs. 501-549
Game Department, secs. 601-647
General Administration Department, secs. 101-130
Labor and Industries Department, sec. 246
Military Department, secs. 135-140
Natural Resources Department, secs. 701-727
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Social and Health Services Department, secs. 201-227
   Departmental Capital Services (Headquarters), secs. 201-208
   Developmental Disabilities, secs. 214-219
   Juvenile Rehabilitation, secs. 209-213
   Mental Health, secs. 220-227
State Treasurer, sec. 902
University of Washington, secs. 814-825
Veterans Affairs Department, sec. 244
Vocational Education Commission, sec. 884
Washington State University, secs. 815-825
Western Washington State University, secs. 857-858

"NEW SECTION. Sec. 2. As used in this act, the following phrases have the following meanings:

"GF, Cap Bldg Constr Acct" means General Fund-Capital Building Construction Account;
"GF, State Bldg Constr Acct" means General Fund-State Building Construction Account;
"GF, Fish Cap Proj Acct" means General Fund-Fisheries Capital Projects Account;
"GF, ORA" means General Fund-Outdoor Recreation Account;
"GF, Sal Enhmt Constr Acct" means General Fund-Salmon Enhancement Construction Account;
"GF, For Dev Acct" means General Fund-Forest Development Account;
"GF, Res Mgmt Cost Acct" means General Fund-Resource Management Cost Account;
"GF, LIRA, DSHS Fac" means General Fund-Local Improvements Revolving Account-Department of Social and Health Services Facilities;
"GF, DSHS Constr Acct" means General Fund-State Social and Health Services Construction Account;
"GF. CEP & RI Acct" means General Fund—Charitable, Educational, Penal, and Reformatory Institutions Account;
"GF. Fire Tmg Constr Acct" means General Fund—Fire Training Construction Account;
"GF. WSU Bldg Acct" means General Fund—Washington State University Building Account;
"GF. St H Ed Constr Acct" means General Fund—State Higher Education Construction Account;
"GF. EWU Cap Proj Acct" means General Fund—Eastern Washington University Capital Projects Account;
"GF. TESC Cap Proj Acct" means General Fund—The Evergreen State College Capital Projects Account;
"GF. Com Col Cap Impvmt Acct" means General Fund—Community College Capital Improvement Account;
"GF. Com Col Cap Proj Acct" means General Fund—Community College Capital Projects Account;
"GF. Com Col Cap Constr Acct" means General Fund—1975 Community College Capital Construction Account;
"GF. CWU Cap Proj Acct" means General Fund—Central Washington University Capital Projects Account;
"GF. UW Bldg Acct" means General Fund—University of Washington Building Account;
"GF. St Bldg Auth Constr Acct" means General Fund—State Building Authority Construction Account;
"GF. WWU Cap Proj Acct" means General Fund—Western Washington University Capital Projects Account;
"GF. Cap Purch & Dev Acct" means General Fund—Capitol Purchase and Development Account;
"GF. Hndcp Fac Constr Acct" means General Fund—Handicapped Facilities Construction Account;
"GF. LIRA, Waste Disp Fac" means General Fund—State and Local Improvement Revolving Account—Waste Disposal Facilities;
"GF. State Emerg Water Proj Rev" means General Fund—Emergency Water Project Revolving Account—State;
"GF. LIRA, Water Sup Fac" means General Fund—State and Local Improvement Revolving Account—Water Supply Facilities;
"GF. LIRA" means General Fund—State and Local Improvement Revolving Account; 
"GF. LIRA, Public Rec Fac" means General Fund State and Local Improvement Revolving Account—Public Recreation Facilities;
"GF. PNW Fest Fac Constr Acct" means General Fund—Pacific Northwest Festival Facility Construction Account;
"GF. Cultural Fac Constr Acct" means General Fund—Cultural Facilities Construction Account;
"GF. H Ed Constr Acct" means General Fund—Higher Education Construction Account 1979;
The words "capital improvements" or "capital projects" used in this act mean acquisition of sites, easements, rights of way, or improvements thereon and appurtenances thereto, construction and initial equipment, reconstruction, demolition, or major alterations of new or presently owned capital assets.

**PART I**

**GENERAL GOVERNMENT**

**NEW SECTION.** Sec. 101. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

To conduct an energy audit program of all state-owned buildings.

<table>
<thead>
<tr>
<th>GF. State Bldg Constr Acct Project</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cost</td>
<td>Estimated Costs</td>
<td>Total Costs</td>
</tr>
<tr>
<td>Through 6/30/83</td>
<td>2,620,900</td>
<td>6,592,500</td>
</tr>
</tbody>
</table>

**NEW SECTION.** Sec. 102. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

To complete the house office building basement alteration and ground floor hearing rooms remodel.

<table>
<thead>
<tr>
<th>GF. Cap Bldg Constr Acct Project</th>
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<th>Appropriation</th>
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<tr>
<td>Cost</td>
<td>Estimated Costs</td>
<td>Total</td>
</tr>
<tr>
<td>Through 7/1/85 and Thereafter</td>
<td>40,000</td>
<td></td>
</tr>
</tbody>
</table>
NEW SECTION. Sec. 103. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
To provide for emergency repair projects on the Capitol campus, including the old capitol, and Capitol Lake.

<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF, Cap Bldg Constr Acct</td>
<td>216,000</td>
</tr>
<tr>
<td>GF, Cap Purch &amp; Dev Acct</td>
<td>72,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Project Costs</th>
<th>Estimated Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Through 6/30/83</td>
<td>7/1/85 and Thereafter</td>
</tr>
<tr>
<td>960,000</td>
<td>1,000,000</td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 104. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
To undertake three nondeferrable repair projects on the Capitol campus.

<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF, Cap Bldg Constr Acct</td>
<td>24,000</td>
</tr>
<tr>
<td>GF, Cap Purch &amp; Dev Acct</td>
<td>576,000</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Project Costs</th>
<th>Estimated Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Through 6/30/83</td>
<td>7/1/85 and Thereafter</td>
</tr>
<tr>
<td>24,000</td>
<td>576,000</td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 105. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
To provide for unanticipated repairs and improvements on the Capitol campus.

<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF, Cap Bldg Constr Acct</td>
<td>216,000</td>
</tr>
<tr>
<td>GF, Cap Purch &amp; Dev Acct</td>
<td>72,000</td>
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</table>

<table>
<thead>
<tr>
<th>Project Costs</th>
<th>Estimated Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Through 6/30/83</td>
<td>7/1/85 and Thereafter</td>
</tr>
<tr>
<td>288,000</td>
<td>600,000</td>
</tr>
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</table>

NEW SECTION. Sec. 106. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
To implement three minor improvement projects on the Capitol campus.

<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF, Cap Bldg Constr Acct</td>
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<tr>
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<table>
<thead>
<tr>
<th>Project Costs</th>
<th>Estimated Costs</th>
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</thead>
<tbody>
<tr>
<td>Through 6/30/83</td>
<td>7/1/85 and Thereafter</td>
</tr>
<tr>
<td>288,000</td>
<td>77,000</td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 107. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
To repair existing campus elevators, escalators, and other conveyance systems.

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<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>GF, Cap Bldg Constr Acct</td>
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</table>

<table>
<thead>
<tr>
<th>Project Costs</th>
<th>Estimated Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Through 6/30/83</td>
<td>7/1/85 and Thereafter</td>
</tr>
<tr>
<td>2,022,000</td>
<td>2,215,000</td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 108. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
To replace and maintain the roofs on Capitol campus buildings.

<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF, State Bldg Constr Acct</td>
<td>298,000</td>
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<tr>
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</table>

<table>
<thead>
<tr>
<th>Project Costs</th>
<th>Estimated Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Through 6/30/83</td>
<td>7/1/85 and Thereafter</td>
</tr>
<tr>
<td>358,000</td>
<td>358,000</td>
</tr>
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</table>

NEW SECTION. Sec. 109. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
To study repair and improve the water distribution system.

<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF, Cap Bldg Constr Acct</td>
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<tr>
<td>Project</td>
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<tr>
<td>GF, Cap Bldg Constr Acct</td>
<td>Reappropriation</td>
</tr>
<tr>
<td>GF, Cap Purch &amp; Dev Acct</td>
<td>Reappropriation</td>
</tr>
<tr>
<td>GF, State Bldg Constr Acct</td>
<td>Reappropriation</td>
</tr>
<tr>
<td>GF, Cap Purch &amp; Dev Acct</td>
<td>Reappropriation</td>
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</table>

**NEW SECTION. Sec. 110. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**
To provide a fire and water damage protection system for the state library.

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated Costs Through 6/30/83</th>
<th>Estimated Costs 7/1/85 and Thereafter</th>
<th>Estimated Total Costs</th>
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</thead>
<tbody>
<tr>
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<td>Appropriation 756,500</td>
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</tr>
<tr>
<td>GF, Cap Purch &amp; Dev Acct</td>
<td>Reappropriation</td>
<td>Appropriation 399,000</td>
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</tr>
<tr>
<td>GF, State Bldg Constr Acct</td>
<td>Reappropriation</td>
<td>Appropriation 4,863,400</td>
<td></td>
</tr>
<tr>
<td>GF, Cap Purch &amp; Dev Acct</td>
<td>Reappropriation</td>
<td>Appropriation 362,000</td>
<td></td>
</tr>
</tbody>
</table>

**NEW SECTION. Sec. 111. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**
To replace the water chiller at the employment security building.

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated Costs Through 6/30/83</th>
<th>Estimated Costs 7/1/85 and Thereafter</th>
<th>Estimated Total Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF, Cap Bldg Constr Acct</td>
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<td>Appropriation 500,000</td>
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<tr>
<td>GF, Cap Purch &amp; Dev Acct</td>
<td>Reappropriation</td>
<td>Appropriation 165,000</td>
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</tr>
<tr>
<td>GF, State Bldg Constr Acct</td>
<td>Reappropriation</td>
<td>Appropriation 4,863,400</td>
<td></td>
</tr>
<tr>
<td>GF, Cap Purch &amp; Dev Acct</td>
<td>Reappropriation</td>
<td>Appropriation 362,000</td>
<td></td>
</tr>
</tbody>
</table>

**NEW SECTION. Sec. 112. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**
To clean and repair the exterior walls of the Temple of Justice.

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated Costs Through 6/30/83</th>
<th>Estimated Costs 7/1/85 and Thereafter</th>
<th>Estimated Total Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF, Cap Bldg Constr Acct</td>
<td>Reappropriation</td>
<td>Appropriation 165,000</td>
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</tr>
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<td>GF, Cap Purch &amp; Dev Acct</td>
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<td>Appropriation 34,000</td>
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</tr>
<tr>
<td>GF, State Bldg Constr Acct</td>
<td>Reappropriation</td>
<td>Appropriation 4,863,400</td>
<td></td>
</tr>
<tr>
<td>GF, Cap Purch &amp; Dev Acct</td>
<td>Reappropriation</td>
<td>Appropriation 362,000</td>
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</tr>
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</table>

**NEW SECTION. Sec. 113. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**
To provide improvements for handicapped access.

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated Costs Through 6/30/83</th>
<th>Estimated Costs 7/1/85 and Thereafter</th>
<th>Estimated Total Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF, Cap Bldg Constr Acct</td>
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<td>Appropriation 34,000</td>
<td></td>
</tr>
<tr>
<td>GF, State Bldg Constr Acct</td>
<td>Reappropriation</td>
<td>Appropriation 4,863,400</td>
<td></td>
</tr>
<tr>
<td>GF, Cap Purch &amp; Dev Acct</td>
<td>Reappropriation</td>
<td>Appropriation 362,000</td>
<td></td>
</tr>
</tbody>
</table>

**NEW SECTION. Sec. 114. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**
To convert industrial space vacated by the state printer in the general administration building to office space for the state auditor and the state treasurer, and to renovate vacated computer space in the state treasurer’s office.

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated Costs Through 6/30/83</th>
<th>Estimated Costs 7/1/85 and Thereafter</th>
<th>Estimated Total Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF, State Bldg Constr Acct</td>
<td>Reappropriation</td>
<td>Appropriation 4,863,400</td>
<td></td>
</tr>
<tr>
<td>GF, Cap Purch &amp; Dev Acct</td>
<td>Reappropriation</td>
<td>Appropriation 368,000</td>
<td></td>
</tr>
<tr>
<td>GF, State Bldg Constr Acct</td>
<td>Reappropriation</td>
<td>Appropriation 510,000</td>
<td></td>
</tr>
<tr>
<td>GF, Cap Purch &amp; Dev Acct</td>
<td>Reappropriation</td>
<td>Appropriation 362,000</td>
<td></td>
</tr>
</tbody>
</table>

**NEW SECTION. Sec. 115. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**
To provide for the installation of energy conservation measures in various capitol campus buildings.

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated Costs Through 6/30/83</th>
<th>Estimated Costs 7/1/85 and Thereafter</th>
<th>Estimated Total Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF, Cap Bldg Constr Acct</td>
<td>Reappropriation</td>
<td>Appropriation 510,000</td>
<td></td>
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<tr>
<td>GF, Cap Purch &amp; Dev Acct</td>
<td>Reappropriation</td>
<td>Appropriation 368,000</td>
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<tr>
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<td>Reappropriation</td>
<td>Appropriation 4,863,400</td>
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</tr>
<tr>
<td>GF, Cap Purch &amp; Dev Acct</td>
<td>Reappropriation</td>
<td>Appropriation 362,000</td>
<td></td>
</tr>
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</table>

**NEW SECTION. Sec. 116. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**
To correct leaks in the capitol campus garage.

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated Costs Through 6/30/83</th>
<th>Estimated Costs 7/1/85 and Thereafter</th>
<th>Estimated Total Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF, Cap Purch &amp; Dev Acct</td>
<td>Reappropriation</td>
<td>Appropriation 362,000</td>
<td></td>
</tr>
</tbody>
</table>
NEW SECTION, Sec. 117. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
To effect critical repairs at the northern state multiservice center.

<table>
<thead>
<tr>
<th>Project Costs Through 6/30/83</th>
<th>Estimated Costs 7/1/85 and Thereafter</th>
<th>Estimated Total Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Through 6/30/83 Estimated</td>
<td>362,000</td>
<td></td>
</tr>
</tbody>
</table>

GF, State Bldg Constr Acct

NEW SECTION, Sec. 118. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
For Northern State Hospital repairs.

| Project Estimated Costs Through 6/30/83 Reappropriation 100,000 Appropriation 2,075,000 |
|-----------------------------------------------|-----------------------------------------------|
| REAPPROPRIATION                              | 150,000                                      |
| through 6/30/83 Estimated Costs 7/1/85 and Thereafter |
| 1,925,000                                     | 2,075,000                                    |

NEW SECTION, Sec. 119. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
For campus electrical repairs.

| Project Estimated Costs Through 6/30/83 Reappropriation 700,000 Appropriation 5,194,000 |
|-----------------------------------------------|-----------------------------------------------|
| REAPPROPRIATION                              | 700,000                                      |
| through 6/30/83 Estimated Costs 7/1/85 and Thereafter |
| 4,494,000                                     | 5,194,000                                    |

NEW SECTION, Sec. 120. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
For capitol campus electrical energy conservation.

| Project Estimated Costs Through 6/30/83 Reappropriation 100,000 Appropriation 468,000 |
|-----------------------------------------------|-----------------------------------------------|
| REAPPROPRIATION                              | 100,000                                      |
| through 6/30/83 Estimated Costs 7/1/85 and Thereafter |
| 368,000                                      | 468,000                                      |

NEW SECTION, Sec. 121. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
For powerhouse equipment modifications and replacement.

| Project Estimated Costs Through 6/30/83 Reappropriation 200,000 Appropriation 987,000 |
|-----------------------------------------------|-----------------------------------------------|
| REAPPROPRIATION                              | 200,000                                      |
| through 6/30/83 Estimated Costs 7/1/85 and Thereafter |
| 787,000                                      | 987,000                                      |

NEW SECTION, Sec. 122. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
For alterations to a portion of the state modular office building at airindustrial park for the state printer.

| Project Estimated Costs Through 6/30/83 Reappropriation 1,040,000 Appropriation 1,429,300 |
|-----------------------------------------------|-----------------------------------------------|
| REAPPROPRIATION                              | 1,040,000                                     |
| through 6/30/83 Estimated Costs 7/1/85 and Thereafter |
| 389,300                                      | 1,429,300                                     |

NEW SECTION, Sec. 123. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
To rehabilitate Capitol Lake.

| Project Estimated Costs Through 6/30/83 Reappropriation 1,400,000 Appropriation |
|-----------------------------------------------|-----------------------------------------------|
| REAPPROPRIATION                              | 1,400,000                                     |
| through 6/30/83 Estimated Costs 7/1/85 and Thereafter |
NEW SECTION. Sec. 124. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
For Office Building No. 2 window drip cap installation.

Reappropriation  Appropriation
GF. Cap Bldg Constr Acct  106,000

NEW SECTION. Sec. 125. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
For alteration of the basement and ground floor of the general administration building for
use as office space: design only.

Reappropriation  Appropriation
GF. Cap Bldg Constr Acct  435,000

NEW SECTION. Sec. 126. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
For elevator/escalator repair and replacement.

Reappropriation  Appropriation
GF. Cap Bldg Constr Acct  350,000

NEW SECTION. Sec. 127. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
For the acquisition of the McNeil Island complex including Gertrude and Pitt Islands.

Reappropriation  Appropriation
GF. State Bldg Constr Acct  8,800,000

NEW SECTION. Sec. 128. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
To provide for alterations to the Public Lands Building for two ground level floor senate
hearing rooms and support spaces. Includes funds not to exceed $284,000 for department of
natural resources office modifications and relocation of department of natural resources
functions.

Reappropriation  Appropriation
GF. Cap Bldg Constr Acct  849,000

NEW SECTION. Sec. 129. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
To provide for Phase II House Office Building remodel.

Reappropriation  Appropriation
GF. Cap Bldg Constr Acct  1,452,000

NEW SECTION. Sec. 130. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Plan, design, construct, furnish, and landscape a multitheatre international performing arts
facility in south King County.

Reappropriation  Appropriation
GF. PHW Frst Fae Constr Acct  5,000,000
NEW SECTION. Sec. 131. FOR THE SECRETARY OF STATE
For renovation of the central Washington regional archives in Ellensburg.

Reappropriation Appropriation
GF, State Bldg Constr Acct
Project Estimated Estimated
Costs Costs Total Costs
Through 7/1/85 and Costs
6/30/83 Thereafter
32,000 57,000

NEW SECTION. Sec. 132. FOR THE SECRETARY OF STATE
Renovate regional archives in King County.

Reappropriation Appropriation
GF, State Bldg Constr Acct
Project Estimated Estimated
Costs Costs Total Costs
Through 7/1/85 and Costs
6/30/83 Thereafter
14,000 62,000

NEW SECTION. Sec. 133. FOR THE SECRETARY OF STATE
Remodel existing space in the archives and records center in Olympia for a conservation laboratory.

Reappropriation Appropriation
GF, Cap Bldg Constr Acct
Project Estimated Estimated
Costs Costs Total Costs
Through 7/1/85 and Costs
6/30/83 Thereafter
37,800

NEW SECTION. Sec. 134. FOR THE SECRETARY OF STATE
Renovations to radar tower for records storage purposes in Blaine.

Reappropriation Appropriation
GF, State Bldg Constr Acct
Project Estimated Estimated
Costs Costs Total Costs
Through 7/1/85 and Costs
6/30/83 Thereafter
37,000

NEW SECTION. Sec. 135. FOR THE MILITARY DEPARTMENT
Provide for minor renovation and energy conservation projects.

Reappropriation Appropriation
GF, State Bldg Constr Acct
Project Estimated Estimated
Costs Costs Total Costs
Through 7/1/85 and Costs
6/30/83 Thereafter
875,000

NEW SECTION. Sec. 136. FOR THE MILITARY DEPARTMENT
To construct and equip maintenance shop—Fort Lewis.

Reappropriation Appropriation
General Fund, Federal
Project Estimated Estimated
Costs Costs Total Costs
Through 7/1/85 and Costs
6/30/83 Thereafter
268,000 1,706,000

NEW SECTION. Sec. 137. FOR THE MILITARY DEPARTMENT
To construct and equip maintenance shop—Ephrata armory.

Reappropriation Appropriation
General Fund, Federal
Project Estimated Estimated
Costs Costs Total Costs
Through 7/1/85 and Costs
6/30/83 Thereafter
193,000

NEW SECTION. Sec. 138. FOR THE MILITARY DEPARTMENT
Construct and equip a 200-man armory—Vancouver barracks.
NEW SECTION. Sec. 139. FOR THE MILITARY DEPARTMENT
Acquire and equip a 200-man armory—South King County.

NEW SECTION. Sec. 140. FOR THE MILITARY DEPARTMENT
Complete exterior renovation and engineering study on total building renovation—Tacoma Armory.

NEW SECTION. Sec. 141. FOR THE DEPARTMENT OF EMERGENCY SERVICES
Study to determine location and design of an emergency services command center.

PART II
HUMAN RESOURCES
NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR
DEPARTMENTAL CAPITAL SERVICES (HEADQUARTERS)
Repairs and improvements—State-wide.

NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR
DEPARTMENTAL CAPITAL SERVICES (HEADQUARTERS)
(1) Construct and equip facilities for the care, training, and rehabilitation of persons with sensory, physical or mental handicaps (Referendum 37—Phase III).
(2) Approve, construct, and equip facilities for the care, training, and rehabilitation of persons with sensory, physical, or mental handicaps involving twenty projects and totaling $2,645,000. The moneys allocated in this section shall revert for reallocation if the final application for the project has not been submitted by December 31, 1983, and approved by March 31, 1984 (Referendum 37—Phase IV).
The department of social and health services is authorized to allocate $1,650,000 in Referendum 29 funds to the City of Seattle for the Downtown Seattle Special Residence for the Mentally Ill. The City of Seattle must submit an application by December 31, 1983, and must receive department approval by March 31, 1984, or the amount authorized shall lapse.

Reappropriation Appropriation
GF, LIRA, DSHS Fac 1,650,000
Project Costs Estimated Total
Through 7/1/85 and Costs
6/30/83 Thereafter 1,650,000

NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR DEPARTMENTAL CAPITAL SERVICES (HEADQUARTERS)
Comply with section 504 relating to handicapped access to facilities.

Reappropriation Appropriation
GF, DSHS Constr Acct 10,000
Project Costs Estimated Total
Through 7/1/85 and Costs
6/30/83 Thereafter 556,085
366,085

NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR DEPARTMENTAL CAPITAL SERVICES (HEADQUARTERS)
Construct and equip a new state public health laboratory.

Reappropriation Appropriation
GF, DSHS Constr Acct 10,163,100
Project Estimated Total
Costs Through 7/1/85 and Costs
6/30/83 Thereafter 11,279,000
440,900

NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR DEPARTMENTAL CAPITAL SERVICES (HEADQUARTERS)
Establish and implement energy conservation program—DSHS institutions.

Reappropriation Appropriation
GF, DSHS Constr Acct 1,174,900
Project Estimated Total
Costs Through 7/1/85 and Costs
6/30/83 Thereafter 2,614,900
690,000

NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR DEPARTMENTAL CAPITAL SERVICES (HEADQUARTERS)
Develop project plans for major current and backlog facility deficiencies.

Reappropriation Appropriation
GF, DSHS Constr Acct 291,239
Project Estimated Total
Costs Through 7/1/85 and Costs
6/30/83 Thereafter 291,239
201,239

NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR DEPARTMENTAL CAPITAL SERVICES (HEADQUARTERS)
Renovation, repair, and construction related to small projects.

Reappropriation Appropriation
GF, DSHS Constr Acct 2,637,600
Project Estimated Total
Costs Through 7/1/85 and Costs
6/30/83 Thereafter 2,637,600

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR JUVENILE REHABILITATION
Renovate kitchen, dining room, and administration building and construct new commissary—Naselle Youth Camp.

GF, DSHS Constr Acct 60,000
NEW SECTION, Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR JUVENILE REHABILITATION
Upgrade facilities including vocational and educational buildings—Green Hill School.

GF, DSHS Constr Acct

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated Costs</th>
<th>Costs 7/1/85 and Thereafter</th>
<th>Appropriation</th>
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NEW SECTION, Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR JUVENILE REHABILITATION
Repair and replace roofs—Echo Glen Children’s Center.

GF, DSHS Constr Acct

<table>
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NEW SECTION, Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR JUVENILE REHABILITATION
Repair utilities—Maple Lane.

GF, DSHS Constr Acct

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<th>Appropriation</th>
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NEW SECTION, Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR JUVENILE REHABILITATION
Repair utilities—Green Hill School.

GF, DSHS Constr Acct

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NEW SECTION, Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR DEVELOPMENTAL DISABILITIES
Renovate Douglas Hall, renovate or construct infirmary, renovate habilitation center, make utility and site improvements, demolish old buildings on north campus, design through working drawings for Phase IV—Lakeland Village.

GF, DSHS Constr Acct

<table>
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<th>Project</th>
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<th>Costs 7/1/85 and Thereafter</th>
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NEW SECTION, Sec. 215. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR DEVELOPMENTAL DISABILITIES
Construct and equip nine residential units, renovate skilled nursing center and health center, renovate kitchen, improve facilities and site, design through working drawings for Phase IV—Rainier School.

GF, DSHS Constr Acct

<table>
<thead>
<tr>
<th>Project</th>
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<th>Costs 7/1/85 and Thereafter</th>
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NEW SECTION, Sec. 216. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR DEVELOPMENTAL DISABILITIES
Renovate and equip the main building, Phase III—Yakima Valley School.

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NEW SECTION, Sec. 217. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR DEVELOPMENTAL DISABILITIES
Repair and upgrade utilities, and fire and safety improvements, Phase IV—Fircrest.

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<th>Estimated</th>
<th>Costs</th>
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NEW SECTION, Sec. 218. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR DEVELOPMENTAL DISABILITIES
Repair or replace roof—Interlake.

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NEW SECTION, Sec. 219. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR DEVELOPMENTAL DISABILITIES
Construct and equip two additional 16-bed residential units—Complete Phase II—Frances Haddon Morgan.

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NEW SECTION, Sec. 220. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR MENTAL HEALTH
Fire and safety improvements—Western State Hospital.

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<th>Through</th>
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NEW SECTION, Sec. 221. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR MENTAL HEALTH
Repair cottages—Child Study and Treatment Center—Western State Hospital campus.

<table>
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NEW SECTION, Sec. 222. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR MENTAL HEALTH
Completion of design, construction, and equipping 225-bed facility for the nonoffender population—Western State Hospital.
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**NEW SECTION, Sec. 223. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR MENTAL HEALTH**
Completion of health, safety, facility, utility and roofing improvements—Western State Hospital.

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**NEW SECTION, Sec. 224. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR MENTAL HEALTH**
Completion of design, construction, and equipping 130-bed facility for nonoffender population—Eastern State Hospital.

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**NEW SECTION, Sec. 225. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR MENTAL HEALTH**
Install emergency generator—Western State Hospital.

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**NEW SECTION, Sec. 226. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR MENTAL HEALTH**
Renovate wards—Eastern State Hospital.

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**NEW SECTION, Sec. 227. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR MENTAL HEALTH**
Renovate wards—Western State Hospital.

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<th>Estimated Costs Through 7/1/85 and 6/30/83</th>
<th>Reappropriation 377,100</th>
<th>Appropriation Estimated Costs Through 7/1/85 and 6/30/83</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>16,096,800</td>
<td>16,473,900</td>
</tr>
</tbody>
</table>

**NEW SECTION, Sec. 228. FOR THE DEPARTMENT OF CORRECTIONS**
Cover current obligations related to design, site planning, and land acquisition for a 500-bed medium security corrections center at Grandview. New contracts or other expenditure obligations relative to this project are to be deferred.

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated Costs Through 7/1/85 and 6/30/83</th>
<th>Reappropriation 1,500,000</th>
<th>Appropriation Estimated Costs Through 7/1/85 and 6/30/83</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>16,096,800</td>
<td>16,473,900</td>
</tr>
</tbody>
</table>
NEW SECTION. Sec. 229. FOR THE DEPARTMENT OF CORRECTIONS
Renovate heating and ventilation system—McNeil Island.

GF, DSHS Constr Acct
Project Estimated Costs Through 7/1/85 and Thereafter
6/30/83 $395,000

NEW SECTION. Sec. 230. FOR THE DEPARTMENT OF CORRECTIONS
Construct 500-bed medium security corrections center on the grounds of the Monroe Reformatory.

GF, DSHS Constr Acct
Project Estimated Costs Through 7/1/85 and Thereafter
6/30/83 $33,862,300

NEW SECTION. Sec. 231. FOR THE DEPARTMENT OF CORRECTIONS
Repair facilities and utilities—McNeil Island.

GF, DSHS Constr Acct
Project Estimated Costs Through 7/1/85 and Thereafter
6/30/83 $2,667,406

NEW SECTION. Sec. 232. FOR THE DEPARTMENT OF CORRECTIONS
Construct a 500-bed medium security corrections center—Clallam Bay.

GF, DSHS Constr Acct
Project Estimated Costs Through 7/1/85 and Thereafter
6/30/83 $42,997,305

NEW SECTION. Sec. 233. FOR THE DEPARTMENT OF CORRECTIONS
Continue to upgrade utilities, living units, and security capabilities—Phase II, Washington State Penitentiary.

GF, DSHS Constr Acct
Project Estimated Costs Through 7/1/85 and Thereafter
6/30/83 $17,017,050

NEW SECTION. Sec. 234. FOR THE DEPARTMENT OF CORRECTIONS
Upgrade security, housing units, utilities, services, and inmate movement—Phase II, Washington State Reformatory.

GF, DSHS Constr Acct
Project Estimated Costs Through 7/1/85 and Thereafter
6/30/83 $17,740,450

NEW SECTION. Sec. 235. FOR THE DEPARTMENT OF CORRECTIONS
Provide facilities for 600 additional inmates—Washington Corrections Center, Shelton.

GF, State Bldg Constr Acct
Project Estimated Costs Through 7/1/85 and Thereafter
6/30/83 $21,400,000
NEW SECTION, Sec. 236. FOR THE DEPARTMENT OF CORRECTIONS
Emergency and unanticipated projects.

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated Costs</th>
<th>Total Costs</th>
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</thead>
<tbody>
<tr>
<td>Through</td>
<td>7/1/85 and</td>
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<tr>
<td>6/30/83</td>
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</tbody>
</table>

**GF, State Bldg Constr Acct**

Reappropriation: Appropriation 337,000
Estimated: Total 337,000

NEW SECTION. Sec. 237. FOR THE DEPARTMENT OF CORRECTIONS
Renovation, repair, construction of small projects—state-wide.

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated Costs</th>
<th>Total Costs</th>
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<tbody>
<tr>
<td>Through</td>
<td>7/1/85 and</td>
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<tr>
<td>6/30/83</td>
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</tbody>
</table>

**GF, State Bldg Constr Acct**

Reappropriation: Appropriation 1,943,203
Estimated: Total 1,943,203

NEW SECTION. Sec. 238. FOR THE DEPARTMENT OF CORRECTIONS
Improve water quality—Washington State Reformatory.

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated Costs</th>
<th>Total Costs</th>
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</thead>
<tbody>
<tr>
<td>Through</td>
<td>7/1/85 and</td>
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<tr>
<td>6/30/83</td>
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</table>

**GF, State Bldg Constr Acct**

Reappropriation: Appropriation 668,300
Estimated: Total 668,300

NEW SECTION. Sec. 239. FOR THE DEPARTMENT OF CORRECTIONS
Renovate farm housing and provide 200 additional beds—McNeil Island.

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated Costs</th>
<th>Total Costs</th>
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<tbody>
<tr>
<td>Through</td>
<td>7/1/85 and</td>
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<td>6/30/83</td>
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</table>

**GF, State Bldg Constr Acct**

Reappropriation: Appropriation 871,165
Estimated: Total 871,165

NEW SECTION. Sec. 240. FOR THE DEPARTMENT OF CORRECTIONS
Improve capability to handle mentally disturbed inmates—Washington Corrections Center.

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated Costs</th>
<th>Total Costs</th>
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<tbody>
<tr>
<td>Through</td>
<td>7/1/85 and</td>
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<td>6/30/83</td>
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</table>

**GF, State Bldg Constr Acct**

Reappropriation: Appropriation 319,954
Estimated: Total 319,954

NEW SECTION. Sec. 241. FOR THE DEPARTMENT OF CORRECTIONS
Construct maximum security inmate living units—Purdy Treatment Center for Women.

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated Costs</th>
<th>Total Costs</th>
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</thead>
<tbody>
<tr>
<td>Through</td>
<td>7/1/85 and</td>
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<tr>
<td>6/30/83</td>
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</table>

**GF, State Bldg Constr Acct**

Reappropriation: Appropriation 5,161,095
Estimated: Total 5,161,095

NEW SECTION. Sec. 242. FOR THE DEPARTMENT OF CORRECTIONS
Install bag house to comply with the air pollution control board’s air quality emissions standards—Washington Corrections Center.

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<thead>
<tr>
<th>Project</th>
<th>Estimated Costs</th>
<th>Total Costs</th>
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</thead>
<tbody>
<tr>
<td>Through</td>
<td>7/1/85 and</td>
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<tr>
<td>6/30/83</td>
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</tbody>
</table>

**GF, State Bldg Constr Acct**

Reappropriation: Appropriation 1,424,496
Estimated: Total 1,424,496

NEW SECTION. Sec. 243. FOR THE DEPARTMENT OF CORRECTIONS
Replace old, small-capacity passenger ferry boat with larger-capacity boat—McNeil Island.
<table>
<thead>
<tr>
<th>Description</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NEW SECTION. Sec. 244. FOR THE DEPARTMENT OF CORRECTIONS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Completion of repair and improvement of utilities and facilities—Omnibus.</td>
<td></td>
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</tr>
<tr>
<td><strong>GF, Slate Bldg Constr Acct</strong></td>
<td>Estimated Costs</td>
<td>Total Costs</td>
</tr>
<tr>
<td>Project</td>
<td>7/1/85 and</td>
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<tr>
<td>Through</td>
<td>Thereafter</td>
<td></td>
</tr>
<tr>
<td><strong>GF, DSHS Constr Acct</strong></td>
<td>Estimated Costs</td>
<td>Total Costs</td>
</tr>
<tr>
<td>Project</td>
<td>7/1/85 and</td>
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<tr>
<td>Through</td>
<td>Thereafter</td>
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<tr>
<td><strong>GF, CEP &amp; RI Acct</strong></td>
<td>Estimated Costs</td>
<td>Total Costs</td>
</tr>
<tr>
<td>Project</td>
<td>7/1/85 and</td>
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<td>Through</td>
<td>Thereafter</td>
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</tr>
<tr>
<td><strong>Unemployment Compensation Administration Fund---Federal</strong></td>
<td>Estimated Costs</td>
<td>Total Costs</td>
</tr>
<tr>
<td>Project</td>
<td>7/1/85 and</td>
<td></td>
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<tr>
<td>Through</td>
<td>Thereafter</td>
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</tr>
<tr>
<td><strong>NEW SECTION. Sec. 245. FOR THE DEPARTMENT OF VETERANS AFFAIRS</strong></td>
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<td></td>
</tr>
<tr>
<td>Repair and improve facilities at the Soldiers' Home and Veterans' Home.</td>
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<tr>
<td><strong>NEW SECTION. Sec. 246. FOR THE EMPLOYMENT SECURITY DEPARTMENT</strong></td>
<td></td>
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</tr>
<tr>
<td>Acquire land and construct an office building in Walla Walla.</td>
<td></td>
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</tr>
<tr>
<td><strong>NEW SECTION. Sec. 247. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES</strong></td>
<td></td>
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</tr>
<tr>
<td>Repair and improve facilities at the Buckner rehabilitation center.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>DEPARTMENT OF ECOLOGY</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>NEW SECTION. Sec. 301. FOR THE DEPARTMENT OF ECOLOGY</strong></td>
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<td></td>
</tr>
<tr>
<td>Acquire property and construct building at Padilla Bay.</td>
<td></td>
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</tr>
<tr>
<td><strong>NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF ECOLOGY</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drilling of test observation wells in Island County.</td>
<td></td>
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</tr>
<tr>
<td><strong>NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF ECOLOGY</strong></td>
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</tr>
<tr>
<td>Provide low water fixtures to reduce water in drainfields, Alta Lake State Park.</td>
<td></td>
<td></td>
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</tbody>
</table>
GF. LIRA. Waste Disp Fac

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated</th>
<th>Estimated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Costs</td>
<td>Costs</td>
<td>Total</td>
</tr>
<tr>
<td>Through</td>
<td>Through</td>
<td>Costs</td>
</tr>
<tr>
<td>6/30/83</td>
<td>35,700</td>
<td>112,800</td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF ECOLOGY
To construct waste disposal facilities at Dash Point, Riverside, and Sacajawea State Parks.
Reappropriation
Appropriation
181,200

GF. LIRA. Waste Disp Fac

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated</th>
<th>Estimated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Costs</td>
<td>Costs</td>
<td>Total</td>
</tr>
<tr>
<td>Through</td>
<td>7/1/85 and</td>
<td>Costs</td>
</tr>
<tr>
<td>6/30/83</td>
<td>564,800</td>
<td>746,000</td>
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</tbody>
</table>

NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF ECOLOGY
To construct water supply facilities at Sacajawea State Park.
Reappropriation
Appropriation
124,900

GF. LIRA Waste Fac 1980

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated</th>
<th>Estimated</th>
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</thead>
<tbody>
<tr>
<td>Costs</td>
<td>Costs</td>
<td>Total</td>
</tr>
<tr>
<td>Through</td>
<td>7/1/85 and</td>
<td>Costs</td>
</tr>
<tr>
<td>6/30/83</td>
<td>95,100</td>
<td>220,000</td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF ECOLOGY
Equip three marine parks (Squaxin Island, Jones Island, and Sucia Island) with self-contained organic sewage treatment systems.
Reappropriation
Appropriation
91,000

GF. LIRA. Waste Fac 1980

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated</th>
<th>Estimated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Costs</td>
<td>Costs</td>
<td>Total</td>
</tr>
<tr>
<td>Through</td>
<td>7/1/85 and</td>
<td>Costs</td>
</tr>
<tr>
<td>6/30/83</td>
<td>36,100</td>
<td>127,100</td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF ECOLOGY
Provide facilities in twenty-seven parks for the disposal of marine sewage from Porta-Potties.
Reappropriation
Appropriation
104,800

GF. LIRA. Water Sup Fac 1980

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated</th>
<th>Estimated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Costs</td>
<td>Costs</td>
<td>Total</td>
</tr>
<tr>
<td>Through</td>
<td>7/1/85 and</td>
<td>Costs</td>
</tr>
<tr>
<td>6/30/83</td>
<td>36,100</td>
<td>43,600</td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF ECOLOGY
Renovate primary and secondary water distribution system——Larrabee State Park.
Reappropriation
Appropriation
43,600

GF. LIRA. Water Sup Fac

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated</th>
<th>Estimated</th>
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</thead>
<tbody>
<tr>
<td>Costs</td>
<td>Costs</td>
<td>Total</td>
</tr>
<tr>
<td>Through</td>
<td>7/1/85 and</td>
<td>Costs</td>
</tr>
<tr>
<td>6/30/83</td>
<td>104,800</td>
<td>220,000</td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF ECOLOGY
Provide water system improvements——Sun Lakes State Park.
Reappropriation
Appropriation
35,000

GF. LIRA. Water Sup Fac

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated</th>
<th>Estimated</th>
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<tbody>
<tr>
<td>Costs</td>
<td>Costs</td>
<td>Total</td>
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<tr>
<td>Through</td>
<td>7/1/85 and</td>
<td>Costs</td>
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<tr>
<td>6/30/83</td>
<td>220,000</td>
<td>220,000</td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF ECOLOGY
Provide for water system improvements——Sun Lakes State Park.
Reappropriation
Appropriation
35,000

GF. LIRA. Water Sup Fac

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated</th>
<th>Estimated</th>
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<tr>
<td>Costs</td>
<td>Costs</td>
<td>Total</td>
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<tr>
<td>Through</td>
<td>7/1/85 and</td>
<td>Costs</td>
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<tr>
<td>6/30/83</td>
<td>220,000</td>
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</tbody>
</table>
NEW SECTION. Sec. 311. FOR THE DEPARTMENT OF ECOLOGY
Extend water system—Jones Island.
Reappropriation Appropriation
GF, LIRA—Water Supply 48,300 48,300
Project Estimated Estimated
Costs Costs Total Costs
Through 7/1/85 and 7/1/85
6/30/83 Thereafter Thereafter

NEW SECTION. Sec. 312. FOR THE DEPARTMENT OF ECOLOGY
Extend water system—Blake Island.
Reappropriation Appropriation
GF, LIRA—Water Supply 87,700 87,700
Project Estimated Estimated
Costs Costs Total Costs
Through 7/1/85 and 7/1/85
6/30/83 Thereafter Thereafter

NEW SECTION. Sec. 313. FOR THE DEPARTMENT OF ECOLOGY
Improve sewage lagoon—Brooks Memorial State Park, Klickitat County.
Reappropriation Appropriation
GF, LIRA, Waste Fae 1980 92,700 92,700
Project Estimated Estimated
Costs Costs Total Costs
Through 7/1/85 and 7/1/85
6/30/83 Thereafter Thereafter

NEW SECTION. Sec. 314. FOR THE DEPARTMENT OF ECOLOGY
Provide funds for sewage treatment facility expansion—Moran State Park, San Juan County.
Reappropriation Appropriation
GF, LIRA, Waste Fae 1980 78,000 78,000
Project Estimated Estimated
Costs Costs Total Costs
Through 7/1/85 and 7/1/85
6/30/83 Thereafter Thereafter

NEW SECTION. Sec. 315. FOR THE DEPARTMENT OF ECOLOGY
Connect Ocean City State Park’s existing sewer system to Ocean Shores municipal sewer system—Grays Harbor County.
Reappropriation Appropriation
GF, LIRA, Waste Fae 1980 120,400 120,400
Project Estimated Estimated
Costs Costs Total Costs
Through 7/1/85 and 7/1/85
6/30/83 Thereafter Thereafter

NEW SECTION. Sec. 316. FOR THE DEPARTMENT OF ECOLOGY
Repair and remodel sewage system—Sun Lakes State Park, Grant County.
Reappropriation Appropriation
GF, LIRA, Waste Fae 1980 312,700 312,700
Project Estimated Estimated
Costs Costs Total Costs
Through 7/1/85 and 7/1/85
6/30/83 Thereafter Thereafter

NEW SECTION. Sec. 317. FOR THE DEPARTMENT OF ECOLOGY
Renovate sewage system—Illahee State Park, Kitsap County.
Reappropriation Appropriation
GF, LIRA, Waste Fae 1980 38,800 38,800
Project Estimated Estimated
Costs Costs Total Costs
Through 7/1/85 and 7/1/85
6/30/83 Thereafter Thereafter
<table>
<thead>
<tr>
<th>Date</th>
<th>Amount</th>
<th>Project</th>
<th>Costs Through</th>
<th>Reappropriation</th>
<th>Appropriation</th>
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<tbody>
<tr>
<td>6/30/83</td>
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<td>NEW SECTION. Sec. 318. FOR THE DEPARTMENT OF ECOLOGY</td>
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<tr>
<td></td>
<td></td>
<td>Renovate sewage system—Pacific Beach State Park, Grays Harbor County.</td>
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<td>GF. LIRA, Waste Fac 1980</td>
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<td>7/1/85 and</td>
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<td>Through Estimated Costs</td>
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<td></td>
<td>26.300</td>
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<td>STATE PARKS AND RECREATION COMMISSION</td>
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<td>NEW SECTION. Sec. 401. FOR THE STATE PARKS AND RECREATION COMMISSION</td>
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<td>Whatcom County Trails</td>
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<td>GF. ORA—State</td>
<td>Estimated Costs</td>
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<td>Project 30.000</td>
<td>7/1/85 and</td>
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<td>Through 7/1/85 and</td>
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<td>30.000</td>
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<td>NEW SECTION. Sec. 402. FOR THE STATE PARKS AND RECREATION COMMISSION</td>
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<td></td>
<td></td>
<td>Acquire access to ocean beach (Griffiths Friday) —— Copalis</td>
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<td></td>
<td>GF. ORA—State</td>
<td>Estimated Costs</td>
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<td>Project 106.000</td>
<td>7/1/85 and</td>
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<td></td>
<td>Through 7/1/85 and</td>
<td>Thereafter</td>
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<td></td>
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<td>210.000</td>
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<td>NEW SECTION. Sec. 403. FOR THE STATE PARKS AND RECREATION COMMISSION</td>
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<tr>
<td></td>
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<td>Develop facilities—Fort Canby.</td>
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<td>GF. ORA—State</td>
<td>Estimated Costs</td>
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<td>Project 85.000</td>
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<td>Through 7/1/85 and</td>
<td>Thereafter</td>
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<td></td>
<td>88.000</td>
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<td></td>
<td>NEW SECTION. Sec. 404. FOR THE STATE PARKS AND RECREATION COMMISSION</td>
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<tr>
<td></td>
<td></td>
<td>Develop facilities—Spencer Spit.</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>GF. ORA—State</td>
<td>Estimated Costs</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Project 39.000</td>
<td>7/1/85 and</td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td>Through 7/1/85 and</td>
<td>Thereafter</td>
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<td></td>
<td>78.000</td>
<td></td>
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<td></td>
<td>NEW SECTION. Sec. 405. FOR THE STATE PARKS AND RECREATION COMMISSION</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Acquire land—Squak Mountain.</td>
<td></td>
<td></td>
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</tr>
<tr>
<td></td>
<td></td>
<td>GF. ORA—State</td>
<td>Estimated Costs</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Project 20.700</td>
<td>7/1/85 and</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Through 7/1/85 and</td>
<td>Thereafter</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>20.700</td>
<td></td>
<td></td>
<td></td>
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</table>
NEW SECTION. Sec. 407. FOR THE STATE PARKS AND RECREATION COMMISSION

Develop facilities—Clallam Spit.

<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF, ORA—State</td>
<td>88,500</td>
</tr>
<tr>
<td>GF, ORA—Federal</td>
<td>88,500</td>
</tr>
<tr>
<td>Project Costs</td>
<td>Estimated</td>
</tr>
<tr>
<td>Through Costs</td>
<td>Estimated</td>
</tr>
<tr>
<td>6/30/83 Costs</td>
<td>Estimated</td>
</tr>
<tr>
<td>Thereafter Costs</td>
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</tr>
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</table>

NEW SECTION. Sec. 408. FOR THE STATE PARKS AND RECREATION COMMISSION

Acquire recreational sites—Beards Hollow and Penrose.

<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
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</thead>
<tbody>
<tr>
<td>GF, ORA—State</td>
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<tr>
<td>Project Costs</td>
<td>Estimated</td>
</tr>
<tr>
<td>Through Costs</td>
<td>Estimated</td>
</tr>
<tr>
<td>6/30/83 Costs</td>
<td>Estimated</td>
</tr>
<tr>
<td>5,400,000 Costs</td>
<td>Estimated</td>
</tr>
<tr>
<td>8,340,300 Costs</td>
<td>Estimated</td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 409. FOR THE STATE PARKS AND RECREATION COMMISSION

Continue to acquire approximately 350 to 400 acres and 1.5 miles of riverfront—Green River Gorge.

<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
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<tbody>
<tr>
<td>GF, ORA—State</td>
<td>296,000</td>
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<tr>
<td>Project Costs</td>
<td>Estimated</td>
</tr>
<tr>
<td>Through Costs</td>
<td>Estimated</td>
</tr>
<tr>
<td>6/30/83 Costs</td>
<td>Estimated</td>
</tr>
<tr>
<td>150,000 Costs</td>
<td>Estimated</td>
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</table>

NEW SECTION. Sec. 410. FOR THE STATE PARKS AND RECREATION COMMISSION

Acquire approximately 152 acres adjacent to Yakima Sportsman State Park.

<table>
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<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
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</thead>
<tbody>
<tr>
<td>GF, ORA—State</td>
<td>22,600</td>
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<tr>
<td>Project Costs</td>
<td>Estimated</td>
</tr>
<tr>
<td>Through Costs</td>
<td>Estimated</td>
</tr>
<tr>
<td>6/30/83 Costs</td>
<td>Estimated</td>
</tr>
<tr>
<td>193,800 Costs</td>
<td>Estimated</td>
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</table>

NEW SECTION. Sec. 411. FOR THE STATE PARKS AND RECREATION COMMISSION

Repair and replace timber breakwater—Fort Worden.

<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF, ORA—State</td>
<td>7,600</td>
</tr>
<tr>
<td>Project Costs</td>
<td>Estimated</td>
</tr>
<tr>
<td>Through Costs</td>
<td>Estimated</td>
</tr>
<tr>
<td>6/30/83 Costs</td>
<td>Estimated</td>
</tr>
<tr>
<td>30,500 Costs</td>
<td>Estimated</td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 412. FOR THE STATE PARKS AND RECREATION COMMISSION

Renovate car-top boat launch ramp and turnaround—Pohtoles.

<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
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<tr>
<td>GF, ORA—State</td>
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<td>Project Costs</td>
<td>Estimated</td>
</tr>
<tr>
<td>Through Costs</td>
<td>Estimated</td>
</tr>
<tr>
<td>6/30/83 Costs</td>
<td>Estimated</td>
</tr>
<tr>
<td>30,500 Costs</td>
<td>Estimated</td>
</tr>
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</table>

NEW SECTION. Sec. 413. FOR THE STATE PARKS AND RECREATION COMMISSION

Expand boat moorage—Deception Pass.

<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF, ORA—State</td>
<td>22,600</td>
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<tr>
<td>Project Costs</td>
<td>Estimated</td>
</tr>
<tr>
<td>Through Costs</td>
<td>Estimated</td>
</tr>
<tr>
<td>6/30/83 Costs</td>
<td>Estimated</td>
</tr>
<tr>
<td>30,500 Costs</td>
<td>Estimated</td>
</tr>
<tr>
<td>Section</td>
<td>Project Description</td>
</tr>
<tr>
<td>---------</td>
<td>---------------------</td>
</tr>
<tr>
<td>414</td>
<td>Renovate campground and day-use area — Riverside.</td>
</tr>
<tr>
<td>415</td>
<td>Begin trail system development — Mt. Spokane.</td>
</tr>
<tr>
<td>416</td>
<td>Construct small bathhouse and kitchen — Fort Worden.</td>
</tr>
<tr>
<td>417</td>
<td>Renovate concession area — Twenty-Five Mile Creek.</td>
</tr>
<tr>
<td>418</td>
<td>Renovate day-use area — Saltwater.</td>
</tr>
<tr>
<td>419</td>
<td>Renovate campground area — Larrabee.</td>
</tr>
<tr>
<td>420</td>
<td>Renovate day-use area — Wenberg.</td>
</tr>
</tbody>
</table>
NEW SECTION. Sec. 421. FOR THE STATE PARKS AND RECREATION COMMISSION
Renovate boat moorage areas: Squaxin Island, Mystery Bay, Jarrell Cove, Penrose Point, Blake Island, and Cornet Bay.

<table>
<thead>
<tr>
<th>GF. ORA — State</th>
<th>Project</th>
<th>Estimated</th>
<th>Costs</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Through</td>
<td>7/1/85 and</td>
<td>292,800</td>
<td>432,300</td>
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</table>

NEW SECTION. Sec. 422. FOR THE STATE PARKS AND RECREATION COMMISSION
Begin phased restoration of day-use buildings — Millersylvania.

<table>
<thead>
<tr>
<th>GF. ORA — State</th>
<th>Project</th>
<th>Estimated</th>
<th>Costs</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Through</td>
<td>7/1/85 and</td>
<td>96,000</td>
<td>249,300</td>
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NEW SECTION. Sec. 423. FOR THE STATE PARKS AND RECREATION COMMISSION
Renovate 25 campsites — Birch Bay.

<table>
<thead>
<tr>
<th>GF. ORA — State</th>
<th>Project</th>
<th>Estimated</th>
<th>Costs</th>
<th>Total</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Through</td>
<td>7/1/85 and</td>
<td>45,700</td>
<td>125,300</td>
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</table>

NEW SECTION. Sec. 424. FOR THE STATE PARKS AND RECREATION COMMISSION
Install rock riprap — Fort Casey.

<table>
<thead>
<tr>
<th>GF. ORA — State</th>
<th>Project</th>
<th>Estimated</th>
<th>Costs</th>
<th>Total</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Through</td>
<td>7/1/85 and</td>
<td>26,000</td>
<td>52,000</td>
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NEW SECTION. Sec. 425. FOR THE STATE PARKS AND RECREATION COMMISSION
Acquire portions of riverbank on the Green River.

<table>
<thead>
<tr>
<th>GF. ORA — State</th>
<th>Project</th>
<th>Estimated</th>
<th>Costs</th>
<th>Total</th>
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<tbody>
<tr>
<td></td>
<td>Through</td>
<td>7/1/85 and</td>
<td>151,500</td>
<td>750,000</td>
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NEW SECTION. Sec. 426. FOR THE STATE PARKS AND RECREATION COMMISSION
Provide emergency funds — State-wide.

<table>
<thead>
<tr>
<th>GF. LIRA, Pub Rec Fac</th>
<th>Project</th>
<th>Estimated</th>
<th>Costs</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Through</td>
<td>7/1/85 and</td>
<td>400,000</td>
<td>1,350,000</td>
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NEW SECTION. Sec. 427. FOR THE STATE PARKS AND RECREATION COMMISSION
Insulate ceilings and walls — Fort Warden.

<table>
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<tr>
<th>GF. LIRA, Pub Rec Fac</th>
<th>Project</th>
<th>Estimated</th>
<th>Costs</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Through</td>
<td>7/1/85 and</td>
<td>255,200</td>
<td>510,400</td>
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NEW SECTION. Sec. 428. FOR THE STATE PARKS AND RECREATION COMMISSION
Install 7,500 feet of underground cable — Fort Flagler.
<table>
<thead>
<tr>
<th>Section</th>
<th>Purpose</th>
<th>Reappropriation</th>
<th>Appropriation</th>
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<tbody>
<tr>
<td>Sec. 429</td>
<td>Renovate kitchen/dining hall, paint entire structure, provide sidewalks for handicapped access—Deception Pass (Cornet Bay)</td>
<td>53,800</td>
<td>53,800</td>
</tr>
<tr>
<td>Sec. 430</td>
<td>Insulate and install storm windows and weather stripping—State-wide.</td>
<td>69,800</td>
<td>69,800</td>
</tr>
<tr>
<td>Sec. 431</td>
<td>Provide insulation blankets for all hot water tanks—State-wide.</td>
<td>11,000</td>
<td>11,000</td>
</tr>
<tr>
<td>Sec. 432</td>
<td>Construct residence, provide underground utilities and landscape—Spencer Spit.</td>
<td>86,700</td>
<td>86,700</td>
</tr>
<tr>
<td>Sec. 433</td>
<td>Replace shop buildings at five sites.</td>
<td>164,200</td>
<td>164,200</td>
</tr>
<tr>
<td>Sec. 434</td>
<td>Provide a water treatment system to remove sulfur odor from park’s water supply—Kopachuck.</td>
<td>4,700</td>
<td>4,700</td>
</tr>
<tr>
<td>Sec. 435</td>
<td>Provide a water treatment system to remove the sulfur odor from the park’s water supply—South Whidbey.</td>
<td>14,000</td>
<td>14,000</td>
</tr>
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</table>
NEW SECTION. Sec. 436. FOR THE STATE PARKS AND RECREATION COMMISSION
Develop a new water source to replace existing surface reservoir system——Fort
Columbia.

GF, ORA

<table>
<thead>
<tr>
<th>Project Costs Through 6/30/83</th>
<th>Estimated Costs 7/1/85 and Thereafter</th>
<th>Estimated Total Costs</th>
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<tr>
<td></td>
<td></td>
<td>14,000</td>
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NEW SECTION. Sec. 437. FOR THE STATE PARKS AND RECREATION COMMISSION
Provide a new eight-inch well and a 10,000 gallon reservoir——Brooks Memorial.

GF, ORA

<table>
<thead>
<tr>
<th>Project Costs Through 6/30/83</th>
<th>Estimated Costs 7/1/85 and Thereafter</th>
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<tbody>
<tr>
<td></td>
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<td>39,600</td>
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NEW SECTION. Sec. 438. FOR THE STATE PARKS AND RECREATION COMMISSION
Provide a new well and pump——Millersylvania.

GF, ORA

<table>
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<tr>
<th>Project Costs Through 6/30/83</th>
<th>Estimated Costs 7/1/85 and Thereafter</th>
<th>Estimated Total</th>
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<tbody>
<tr>
<td></td>
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<td>13,100</td>
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NEW SECTION. Sec. 439. FOR THE STATE PARKS AND RECREATION COMMISSION
Develop a deep well water source to replace existing shallow well——Ocean City.

GF, ORA

<table>
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<tr>
<th>Project Costs Through 6/30/83</th>
<th>Estimated Costs 7/1/85 and Thereafter</th>
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<tbody>
<tr>
<td></td>
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<td>9,800</td>
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NEW SECTION. Sec. 440. FOR THE STATE PARKS AND RECREATION COMMISSION
Staged acquisition for the Green River Gorge Conservation Area.

GF, LIRA, ORA——State

<table>
<thead>
<tr>
<th>Project Costs Through 6/30/83</th>
<th>Estimated Costs 7/1/85 and Thereafter</th>
<th>Estimated Total</th>
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<tbody>
<tr>
<td></td>
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<td>250,000</td>
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GF, LIRA, ORA——Federal

<table>
<thead>
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<th>Project Costs Through 6/30/83</th>
<th>Estimated Costs 7/1/85 and Thereafter</th>
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<tr>
<td></td>
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<td>250,000</td>
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NEW SECTION. Sec. 441. FOR THE STATE PARKS AND RECREATION COMMISSION
Provide for complete assessment of the stability of Lake Sylvia dam and for minor repairs.

GF, ORA

<table>
<thead>
<tr>
<th>Project Costs Through 6/30/83</th>
<th>Estimated Costs 7/1/85 and Thereafter</th>
<th>Estimated Total</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>9,800</td>
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</table>

NEW SECTION. Sec. 442. FOR THE STATE PARKS AND RECREATION COMMISSION
Provide chain link fence along railroad right-of-way to provide safety for visitors——Larrabee.

GF, LIRA, ORA——State

<table>
<thead>
<tr>
<th>Project Costs Through 6/30/83</th>
<th>Estimated Costs 7/1/85 and Thereafter</th>
<th>Estimated Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td>21,500</td>
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</table>
NEW SECTION, Sec. 443. FOR THE STATE PARKS AND RECREATION COMMISSION
Planning and engineering costs for handicapped accessibility—State-wide.

<table>
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<tr>
<th>Through 6/30/83</th>
<th>7/1/85 and Thereafter</th>
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<tbody>
<tr>
<td>Costs</td>
<td>Costs</td>
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<td>42,500</td>
<td>42,500</td>
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NEW SECTION, Sec. 444. FOR THE STATE PARKS AND RECREATION COMMISSION
Replace mooring floats, repair boat ramp, grounding floats and pilings—Beacon Rock.

<table>
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<tr>
<th>Estimated 7/1/85 and Thereafter</th>
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</thead>
<tbody>
<tr>
<td>Costs</td>
</tr>
<tr>
<td>112,700</td>
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NEW SECTION, Sec. 445. FOR THE STATE PARKS AND RECREATION COMMISSION
Replace breakwater, ramps, floats and piling; replace hinged ramp, three floats and pilings—Ilahiee.

<table>
<thead>
<tr>
<th>Estimated 7/1/85 and Thereafter</th>
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</thead>
<tbody>
<tr>
<td>Costs</td>
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<tr>
<td>90,400</td>
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NEW SECTION, Sec. 446. FOR THE STATE PARKS AND RECREATION COMMISSION
Develop two-way paved access road—Fort Ward.

<table>
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<tbody>
<tr>
<td>Costs</td>
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<td>84,800</td>
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NEW SECTION, Sec. 447. FOR THE STATE PARKS AND RECREATION COMMISSION
Replace existing moorage buoys—Blake Island.

<table>
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<tr>
<th>Estimated 7/1/85 and Thereafter</th>
</tr>
</thead>
<tbody>
<tr>
<td>Costs</td>
</tr>
<tr>
<td>15,300</td>
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NEW SECTION, Sec. 448. FOR THE STATE PARKS AND RECREATION COMMISSION
Renovate boat launch and provide new floats—Wenberg.

<table>
<thead>
<tr>
<th>Estimated 7/1/85 and Thereafter</th>
</tr>
</thead>
<tbody>
<tr>
<td>Costs</td>
</tr>
<tr>
<td>28,500</td>
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</tbody>
</table>

NEW SECTION, Sec. 449. FOR THE STATE PARKS AND RECREATION COMMISSION
Provide for 100-car parking lot, security lighting, gates and signs, interior building maintenance and repair, and a new furnace for the swimming pool—St. Edward.
NEW SECTION. Sec. 501. FOR THE DEPARTMENT OF FISHERIES

The legislature recognizes that the local economies of many communities are heavily dependent on the timber and fishing industries of the state and that the current economic recession has created extraordinarily high rates of unemployment in these communities. Therefore, it is the intent of section 501 of this act to direct the director, department of fisheries, to undertake and implement projects, including the administrative costs thereof, which will create employment opportunities for those unemployed as a result of the depressed timber and fishing industries and which:

1. Enhance the natural salmon stocks in those rivers and streams which determine the ocean salmon quota and which, therefore, control the harvest opportunities for commercial and recreational ocean salmon fisheries;
2. Improve the streams and rivers of this state which are important to the success of the natural stocks of salmon;
3. Enhance the maximum utilization of existing salmon stocks; and
4. Develop mini-modular mobile hatchery complexes on rehabilitated rivers and streams.

The director shall submit quarterly reports, beginning October 1, 1983, to the chairman of the ways and means committees of the house of representatives and the senate containing:

(a) The projects initiated;
(b) The projects completed;
(c) The unduplicated counts of unemployed persons gaining employment because of this program;
(d) Department FTE involved; and
(e) Administrative costs.

NEW SECTION. Sec. 502. FOR THE DEPARTMENT OF FISHERIES

Pollution abatement and pond cleaning projects to ensure compliance with various water quality standards.

NEW SECTION. Sec. 503. FOR THE DEPARTMENT OF FISHERIES

Handicapped access projects at various facilities.

NEW SECTION. Sec. 504. FOR THE DEPARTMENT OF FISHERIES

To provide necessary replacements and alterations to the various hatcheries to maintain current production.
NEW SECTION. Sec. 505. FOR THE DEPARTMENT OF FISHERIES
To complete projects that will improve the operation and production efficiencies at various existing facilities.

<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>96,600</td>
<td>Estimated Costs 1.289.400</td>
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</table>

GF. Fish Cap Proj Acct

<table>
<thead>
<tr>
<th>Project Costs Through 6/30/83</th>
<th>Estimated Costs 7/1/85 and Thereafter</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF. Fish Cap Proj Acct</td>
<td>1,386,000</td>
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NEW SECTION. Sec. 506. FOR THE DEPARTMENT OF FISHERIES
To replace and increase the power of auxiliary generators at various hatcheries.

<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
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</thead>
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<td>180,000</td>
<td>Estimated Costs 480,200</td>
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GF. Fish Cap Proj Acct

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<thead>
<tr>
<th>Project Costs Through 6/30/83</th>
<th>Estimated Costs 7/1/85 and Thereafter</th>
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<tbody>
<tr>
<td>GF. Fish Cap Proj Acct</td>
<td>440,000</td>
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NEW SECTION. Sec. 507. FOR THE DEPARTMENT OF FISHERIES
To riprap the banks and remove gravel deposits in Jordan Creek.

<table>
<thead>
<tr>
<th>Reappropriation</th>
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<tbody>
<tr>
<td>410,000</td>
<td>Estimated Costs 440,000</td>
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</table>

GF. Fish Cap Proj Acct

<table>
<thead>
<tr>
<th>Project Costs Through 6/30/83</th>
<th>Estimated Costs 7/1/85 and Thereafter</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF. Fish Cap Proj Acct</td>
<td>144,400</td>
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</table>

NEW SECTION. Sec. 508. FOR THE DEPARTMENT OF FISHERIES
To replace auxiliary hatchery fuel tanks.

<table>
<thead>
<tr>
<th>Reappropriation</th>
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<tbody>
<tr>
<td>72,000</td>
<td>Estimated Costs 91,200</td>
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GF. Fish Cap Proj Acct

<table>
<thead>
<tr>
<th>Project Costs Through 6/30/83</th>
<th>Estimated Costs 7/1/85 and Thereafter</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF. Fish Cap Proj Acct</td>
<td>340,800</td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 509. FOR THE DEPARTMENT OF FISHERIES
To replace Green River hatchery mud pumps and complete work in the channel of Soos Creek.

<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>4,000</td>
<td>Estimated Costs 91,200</td>
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GF. Fish Cap Proj Acct

<table>
<thead>
<tr>
<th>Project Costs Through 6/30/83</th>
<th>Estimated Costs 7/1/85 and Thereafter</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF. Fish Cap Proj Acct</td>
<td>340,800</td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 510. FOR THE DEPARTMENT OF FISHERIES
To construct holding and spawning separation facilities at the Skagit hatchery.

<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
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<tr>
<td>310,000</td>
<td>Estimated Costs 340,800</td>
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GF. Fish Cap Proj Acct

<table>
<thead>
<tr>
<th>Project Costs Through 6/30/83</th>
<th>Estimated Costs 7/1/85 and Thereafter</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF. Fish Cap Proj Acct</td>
<td>340,800</td>
</tr>
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</table>

NEW SECTION. Sec. 511. FOR THE DEPARTMENT OF FISHERIES
To construct a one-half acre adult salmon holding pond, including a fishway system from the Lewis River, and spawning and rearing pens.

<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
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<tr>
<td>370,000</td>
<td>Estimated Costs 439,500</td>
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GF. Fish Cap Proj Acct

<table>
<thead>
<tr>
<th>Project Costs Through 6/30/83</th>
<th>Estimated Costs 7/1/85 and Thereafter</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF. Fish Cap Proj Acct</td>
<td>439,500</td>
</tr>
</tbody>
</table>
To construct an incubation structure, drill wells, and install pipe to George Adams hatchery for chum fry.

<table>
<thead>
<tr>
<th>GF. Fish Cap Proj Acct</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project</td>
<td>Estimated 382.700</td>
<td>Estimated Total Costs 392.800</td>
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<tr>
<td>Costs</td>
<td>Through 6/30/83 10.100</td>
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</tr>
<tr>
<td>Through 7/1/85 and Thereafter</td>
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</table>

**NEW SECTION.** Sec. 513. FOR THE DEPARTMENT OF FISHERIES
To replace the existing vertical intake pickets with an inclined picket intake at the Sunset Falls fishway.

<table>
<thead>
<tr>
<th>GF. Fish Cap Proj Acct</th>
<th>Reappropriation</th>
<th>Appropriation</th>
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</thead>
<tbody>
<tr>
<td>Project</td>
<td>Estimated 35.000</td>
<td>Estimated Total Costs 133.400</td>
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<tr>
<td>Costs</td>
<td>Through 6/30/83 98.400</td>
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<tr>
<td>Through 7/1/85 and Thereafter</td>
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</table>

**NEW SECTION.** Sec. 514. FOR THE DEPARTMENT OF FISHERIES
To riprap Soos Creek at the Green River hatchery.

<table>
<thead>
<tr>
<th>GF. Fish Cap Proj Acct</th>
<th>Reappropriation</th>
<th>Appropriation</th>
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</thead>
<tbody>
<tr>
<td>Project</td>
<td>Estimated 27.500</td>
<td>Estimated Total Costs 39.500</td>
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<tr>
<td>Costs</td>
<td>Through 6/30/83 12.000</td>
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<tr>
<td>Through 7/1/85 and Thereafter</td>
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<td></td>
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</table>

**NEW SECTION.** Sec. 515. FOR THE DEPARTMENT OF FISHERIES
To provide isolated storage building or approved cabinet facilities for the storage of flammable materials at the primary hatchery locations.

<table>
<thead>
<tr>
<th>GF. Fish Cap Proj Acct</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project</td>
<td>Estimated 33.800</td>
<td>Estimated Total Costs 56.200</td>
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<tr>
<td>Costs</td>
<td>Through 6/30/83 22.400</td>
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<tr>
<td>Through 7/1/85 and Thereafter</td>
<td></td>
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</table>

**NEW SECTION.** Sec. 516. FOR THE DEPARTMENT OF FISHERIES
To revise the Skagit hatchery water intake system.

<table>
<thead>
<tr>
<th>GF. Fish Cap Proj Acct</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project</td>
<td>Estimated 161.900</td>
<td>Estimated Total Costs 161.900</td>
</tr>
<tr>
<td>Costs</td>
<td>Through 6/30/83 1.200</td>
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</tr>
<tr>
<td>Through 7/1/85 and Thereafter</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**NEW SECTION.** Sec. 517. FOR THE DEPARTMENT OF FISHERIES
To replace a portion of the Hurd Creek ponds main water supply line.

<table>
<thead>
<tr>
<th>GF. Fish Cap Proj Acct</th>
<th>Reappropriation</th>
<th>Appropriation</th>
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<tbody>
<tr>
<td>Project</td>
<td>Estimated 177.300</td>
<td>Estimated Total Costs 178.500</td>
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<tr>
<td>Costs</td>
<td>Through 6/30/83 1.200</td>
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<tr>
<td>Through 7/1/85 and Thereafter</td>
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</table>

**NEW SECTION.** Sec. 518. FOR THE DEPARTMENT OF FISHERIES
To construct metal-pole storage buildings.

<table>
<thead>
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<th>GF. Fish Cap Proj Acct</th>
<th>Reappropriation</th>
<th>Appropriation</th>
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</thead>
<tbody>
<tr>
<td>Project</td>
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<td>Estimated Total Costs 451.100</td>
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<tr>
<td>Costs</td>
<td>Through 6/30/83 414.100</td>
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<tr>
<td>Through 7/1/85 and Thereafter</td>
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</table>

**NEW SECTION.** Sec. 519. FOR THE DEPARTMENT OF FISHERIES
To drill a well and replace toilets at the Garrison hatchery.
<table>
<thead>
<tr>
<th>GF, Fish Cap Proj Acct</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
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<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Project Costs Through</strong></td>
<td><strong>Estimated</strong></td>
<td><strong>Total</strong></td>
</tr>
<tr>
<td>6/30/83</td>
<td><strong>325,000</strong></td>
<td></td>
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</table>

**NEW SECTION. Sec. 520. FOR THE DEPARTMENT OF FISHERIES**
To install incubators and improve the water supply at the Skykomish hatchery.

<table>
<thead>
<tr>
<th>GF, Fish Cap Proj Acct</th>
<th>Reappropriation</th>
<th>Appropriation</th>
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<tbody>
<tr>
<td></td>
<td>43,000</td>
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</table>

**NEW SECTION. Sec. 521. FOR THE DEPARTMENT OF FISHERIES**
To construct weirs on streams for the enhancement of egg production.

<table>
<thead>
<tr>
<th>GF, Fish Cap Proj Acct</th>
<th>Reappropriation</th>
<th>Appropriation</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>75,000</td>
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**NEW SECTION. Sec. 522. FOR THE DEPARTMENT OF FISHERIES**
To construct divider picket walls in the adult pond at the Soleduck hatchery.

<table>
<thead>
<tr>
<th>GF, Fish Cap Proj Acct</th>
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<th>Appropriation</th>
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<tr>
<td></td>
<td>32,000</td>
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</table>

**NEW SECTION. Sec. 523. FOR THE DEPARTMENT OF FISHERIES**
To replace damaged or missing gabions at the Soleduck hatchery.

<table>
<thead>
<tr>
<th>GF, Fish Cap Proj Acct</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>45,000</td>
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</table>

**NEW SECTION. Sec. 524. FOR THE DEPARTMENT OF FISHERIES**
To purchase and install net pens at Squaxin Island.

<table>
<thead>
<tr>
<th>GF, Fish Cap Proj Acct</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>8,000</td>
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</tr>
</tbody>
</table>

**NEW SECTION. Sec. 525. FOR THE DEPARTMENT OF FISHERIES**
To renovate and make improvements for health and safety code compliance.

<table>
<thead>
<tr>
<th>GF, Fish Cap Proj Acct</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>181,900</td>
<td>190,400</td>
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</table>

**NEW SECTION. Sec. 526. FOR THE DEPARTMENT OF FISHERIES**
Improvements to conserve energy.

<table>
<thead>
<tr>
<th>GF, Fish Cap Proj Acct</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>115,000</td>
<td></td>
</tr>
</tbody>
</table>
NEW SECTION. Sec. 527. FOR THE DEPARTMENT OF FISHERIES
To renovate two Nemah and one Issaquah hatchery residences.

Reappropriation

GF, Fish Cap Proj Acct
Project Estimated Costs
Through 7/1/85 and Thereafter
6/30/83

NEW SECTION. Sec. 528. FOR THE DEPARTMENT OF FISHERIES
Renovations and improvements to the Skykomish settling ponds.

Reappropriation

GF, Fish Cap Proj Acct
Project Estimated Costs
Through 7/1/85 and Thereafter
6/30/83

NEW SECTION. Sec. 529. FOR THE DEPARTMENT OF FISHERIES
Minor replacement and alteration projects to sustain and improve hatchery operations.

Reappropriation

GF, Fish Cap Proj Acct
Project Estimated Costs
Through 7/1/85 and Thereafter
6/30/83

NEW SECTION. Sec. 530. FOR THE DEPARTMENT OF FISHERIES
To renovate and increase the Willapa fish food freezer and provide additional freezer capacity at Minter Creek.

Reappropriation

GF, Fish Cap Proj Acct
Project Estimated Costs
Through 7/1/85 and Thereafter
6/30/83

NEW SECTION. Sec. 531. FOR THE DEPARTMENT OF FISHERIES
To renovate the growth pond at Point Whitney.

Reappropriation

GF, Fish Cap Proj Acct
Project Estimated Costs
Through 7/1/85 and Thereafter
6/30/83

NEW SECTION. Sec. 532. FOR THE DEPARTMENT OF FISHERIES
To remodel the Montesano regional coastal field office.

Reappropriation

GF, Fish Cap Proj Acct
Project Estimated Costs
Through 7/1/85 and Thereafter
6/30/83

NEW SECTION. Sec. 533. FOR THE DEPARTMENT OF FISHERIES
To supplement the Green River sand separator with a mechanical water filtration system.

Reappropriation

GF, Fish Cap Proj Acct
Project Estimated Costs
Through 7/1/85 and Thereafter
6/30/83

NEW SECTION. Sec. 534. FOR THE DEPARTMENT OF FISHERIES
To install a mechanical water filter system at Puyallup.
GF. Fish Cap Proj Acct
Project Costs
Through 6/30/83
Reappropriation
Appropriation
117,100
Estimated
Total Costs
117,100

NEW SECTION. Sec. 535. FOR THE DEPARTMENT OF FISHERIES
To renovate the Samish and Puyallup adult holding ponds.
Reappropriation
Appropriation
513,600
Estimated
Total Costs
513,600

GF. Fish Cap Proj Acct
Project Costs
Through 6/30/83
Reappropriation
Appropriation
75,000
Estimated
Total Costs
75,000

NEW SECTION. Sec. 536. FOR THE DEPARTMENT OF FISHERIES
To construct a concrete settling pond at Naselle.
Reappropriation
Appropriation
120,000
Estimated
Total Costs
120,000

GF. Fish Cap Proj Acct
Project Costs
Through 6/30/83
Reappropriation
Appropriation
325,000
Estimated
Total Costs
325,000

NEW SECTION. Sec. 537. FOR THE DEPARTMENT OF FISHERIES
To install intruder detection systems at four hatcheries.

GF. Fish Cap Proj Acct
Project Costs
Through 6/30/83
Reappropriation
Appropriation
14,000
Estimated
Total Costs
14,000

NEW SECTION. Sec. 538. FOR THE DEPARTMENT OF FISHERIES
To drill two wells, develop a water supply system, and replace the egg incubator trays at
Minter Creek.

GF. Fish Cap Proj Acct
Project Costs
Through 6/30/83
Reappropriation
Appropriation
123,800
Estimated
Total Costs
123,800

NEW SECTION. Sec. 539. FOR THE DEPARTMENT OF FISHERIES
To construct a public fishing pier and reef on the Tacoma waterfront.

GF. ORA----State
Project Costs
Through 6/30/83
Reappropriation
Appropriation
84,000
Estimated
Total Costs
84,000

GF. ORA----Federal
Project Costs
Through 6/30/83
Reappropriation
Appropriation
7,000
Estimated
Total Costs
7,000

NEW SECTION. Sec. 540. FOR THE DEPARTMENT OF FISHERIES
To acquire and develop property on Oakland Bay.

GF. ORA----State
Project Costs
Through 6/30/83
Reappropriation
Appropriation
102,800
Estimated
Total Costs
102,800

NEW SECTION. Sec. 541. FOR THE DEPARTMENT OF FISHERIES
To construct pedestrian access walkways at Westport.

GF. ORA----State
Project Costs
Through 6/30/83
Reappropriation
Appropriation
102,800
Estimated
Total Costs
102,800
### GF. ORA—Federal

<table>
<thead>
<tr>
<th>Costs</th>
<th>Estimated Costs Through 6/30/83</th>
<th>Estimated Costs 7/1/85 and Thereafter</th>
<th>Reappropriation</th>
<th>Appropriation</th>
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</thead>
<tbody>
<tr>
<td>84,000</td>
<td>7/1/85</td>
<td>208,000</td>
<td>40,000</td>
<td>40,000</td>
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</tbody>
</table>

### NEW SECTION, Sec. 542. FOR THE DEPARTMENT OF FISHERIES
To redevelop the Boston Harbor public boat launch.

<table>
<thead>
<tr>
<th>Costs</th>
<th>Estimated Costs Through 6/30/83</th>
<th>Estimated Costs 7/1/85 and Thereafter</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>50,000</td>
<td>7/1/85</td>
<td>94,400</td>
<td>44,400</td>
<td>44,400</td>
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</tbody>
</table>

### NEW SECTION, Sec. 543. FOR THE DEPARTMENT OF FISHERIES
To construct a recreational fishing area at the east end of the Hood Canal bridge.

<table>
<thead>
<tr>
<th>Costs</th>
<th>Estimated Costs Through 6/30/83</th>
<th>Estimated Costs 7/1/85 and Thereafter</th>
<th>Reappropriation</th>
<th>Appropriation</th>
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<tbody>
<tr>
<td>360,000</td>
<td>7/1/85</td>
<td>380,000</td>
<td>20,000</td>
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</table>

### NEW SECTION, Sec. 544. FOR THE DEPARTMENT OF FISHERIES
To enhance the Frye Cove beach to create hardshell clam beds.

<table>
<thead>
<tr>
<th>Costs</th>
<th>Estimated Costs Through 6/30/83</th>
<th>Estimated Costs 7/1/85 and Thereafter</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>35,000</td>
<td>7/1/85</td>
<td>45,500</td>
<td>10,500</td>
<td>10,500</td>
</tr>
</tbody>
</table>

### NEW SECTION, Sec. 545. FOR THE DEPARTMENT OF FISHERIES
To enhance the Bywater Bay beach to create hardshell clam beds.

<table>
<thead>
<tr>
<th>Costs</th>
<th>Estimated Costs Through 6/30/83</th>
<th>Estimated Costs 7/1/85 and Thereafter</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>20,000</td>
<td>7/1/85</td>
<td>28,000</td>
<td>8,000</td>
<td>8,000</td>
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</tbody>
</table>

### NEW SECTION, Sec. 546. FOR THE DEPARTMENT OF FISHERIES
To redevelop the public boat access facility at Pillar Point.

<table>
<thead>
<tr>
<th>Costs</th>
<th>Estimated Costs Through 6/30/83</th>
<th>Estimated Costs 7/1/85 and Thereafter</th>
<th>Reappropriation</th>
<th>Appropriation</th>
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<tbody>
<tr>
<td>159,000</td>
<td>7/1/85</td>
<td>163,400</td>
<td>4,400</td>
<td>4,400</td>
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</table>

### NEW SECTION, Sec. 547. FOR THE DEPARTMENT OF FISHERIES
To construct shelters on the Elliott Bay fishing pier.

<table>
<thead>
<tr>
<th>Costs</th>
<th>Estimated Costs Through 6/30/83</th>
<th>Estimated Costs 7/1/85 and Thereafter</th>
<th>Reappropriation</th>
<th>Appropriation</th>
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</thead>
<tbody>
<tr>
<td>49,000</td>
<td>7/1/85</td>
<td>94,000</td>
<td>45,000</td>
<td>45,000</td>
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</tbody>
</table>

### NEW SECTION, Sec. 548. FOR THE DEPARTMENT OF FISHERIES
To construct artificial reefs in Puget Sound and Hood Canal.

<table>
<thead>
<tr>
<th>Costs</th>
<th>Estimated Costs Through 6/30/83</th>
<th>Estimated Costs 7/1/85 and Thereafter</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>50,000</td>
<td>7/1/85</td>
<td>75,000</td>
<td>50,000</td>
<td>50,000</td>
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<tr>
<td>NEW SECTION</td>
<td>Sec. 549. FOR THE DEPARTMENT OF FISHERIES</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-------------</td>
<td>------------------------------------------</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>To partially renovate the Snow Creek public boat launch.</td>
<td></td>
<td></td>
<td></td>
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<table>
<thead>
<tr>
<th>GF. ORA — State</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Costs</td>
<td>Estimated Costs</td>
<td>200,000</td>
</tr>
<tr>
<td>6/30/83</td>
<td>7/1/85 and</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Thereafter</td>
<td>450,000</td>
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<table>
<thead>
<tr>
<th>NEW SECTION</th>
<th>Sec. 601. FOR THE DEPARTMENT OF GAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relocate Seattle regional office.</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>GF. ORA — State</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Costs</td>
<td>Estimated Costs</td>
<td></td>
</tr>
<tr>
<td>6/30/83</td>
<td>7/1/85 and</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Thereafter</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1,044,000</td>
<td></td>
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</tbody>
</table>

| PART VI |
| DEPARTMENT OF GAME |

<table>
<thead>
<tr>
<th>NEW SECTION</th>
<th>Sec. 602. FOR THE DEPARTMENT OF GAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relocate engineering shop and storage facilities.</td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>GF. ORA — State</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Costs</td>
<td>Estimated Costs</td>
<td></td>
</tr>
<tr>
<td>6/30/83</td>
<td>7/1/85 and</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Thereafter</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1,360,000</td>
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</tr>
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</table>

<table>
<thead>
<tr>
<th>NEW SECTION</th>
<th>Sec. 603. FOR THE DEPARTMENT OF GAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complete construction of public access—Wenas Lake, Yakima County.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>GF. ORA — State</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Costs</td>
<td>Estimated Costs</td>
<td></td>
</tr>
<tr>
<td>6/30/83</td>
<td>7/1/85 and</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Thereafter</td>
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<tr>
<td></td>
<td>996,700</td>
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<table>
<thead>
<tr>
<th>NEW SECTION</th>
<th>Sec. 604. FOR THE DEPARTMENT OF GAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Redevelop public access facilities—Snake River, Asotin County.</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>GF. ORA — State</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Costs</td>
<td>Estimated Costs</td>
<td></td>
</tr>
<tr>
<td>6/30/83</td>
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<tr>
<th>NEW SECTION</th>
<th>Sec. 605. FOR THE DEPARTMENT OF GAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provide a float for fishing and boating—Clear Lake, Thurston County.</td>
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</table>

<table>
<thead>
<tr>
<th>GF. ORA — State</th>
<th>Reappropriation</th>
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<tr>
<td>Project Costs</td>
<td>Estimated Costs</td>
<td></td>
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<td>6/30/83</td>
<td>7/1/85 and</td>
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<tr>
<td></td>
<td>63,000</td>
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<table>
<thead>
<tr>
<th>NEW SECTION</th>
<th>Sec. 606. FOR THE DEPARTMENT OF GAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct boating facilities, interpretive facilities, trails, and water control structure—Tennant Lake H.M.A., Whatcom County.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>GF. ORA — State</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Costs</td>
<td>Estimated Costs</td>
<td></td>
</tr>
<tr>
<td>6/30/83</td>
<td>7/1/85 and</td>
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</tr>
<tr>
<td></td>
<td>186,000</td>
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</table>
NEW SECTION. Sec. 607. FOR THE DEPARTMENT OF GAME  
Rebuild fishing dock and provide parking and sanitary facilities—Mercer Island, King County.  

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Costs</td>
<td>Through 7/1/85 and Thereafter</td>
<td></td>
</tr>
<tr>
<td>GF, ORA—State</td>
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</tr>
<tr>
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<td>Appropriation</td>
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NEW SECTION. Sec. 608. FOR THE DEPARTMENT OF GAME  
Construct public access facilities—Klickitat River.  

<table>
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<tr>
<th>Project</th>
<th>Estimated</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Costs</td>
<td>Through 7/1/85 and Thereafter</td>
<td></td>
</tr>
<tr>
<td>GF, ORA—State</td>
<td>1,000</td>
<td></td>
</tr>
<tr>
<td>Reappropriation</td>
<td>64,000</td>
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<tr>
<td>Appropriation</td>
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</table>

NEW SECTION. Sec. 609. FOR THE DEPARTMENT OF GAME  
Construct public access facilities—Lake Washington, King County.  

<table>
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<tr>
<th>Project</th>
<th>Estimated</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Costs</td>
<td>Through 7/1/85 and Thereafter</td>
<td></td>
</tr>
<tr>
<td>GF, ORA—State</td>
<td>1,000</td>
<td></td>
</tr>
<tr>
<td>Reappropriation</td>
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<tr>
<td>Appropriation</td>
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</table>

NEW SECTION. Sec. 610. FOR THE DEPARTMENT OF GAME  
Repair three dikes—Skagit Wildlife Recreation Area.  

<table>
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<tr>
<th>Project</th>
<th>Estimated</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Costs</td>
<td>Through 7/1/85 and Thereafter</td>
<td></td>
</tr>
<tr>
<td>GF, ORA—State</td>
<td>1,000</td>
<td></td>
</tr>
<tr>
<td>Reappropriation</td>
<td>34,000</td>
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</tr>
<tr>
<td>Appropriation</td>
<td></td>
<td></td>
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</table>

NEW SECTION. Sec. 611. FOR THE DEPARTMENT OF GAME  
Redevelop and construct boat launching facilities at Fazon Lake and Badger Lake.  

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Costs</td>
<td>Through 7/1/85 and Thereafter</td>
<td></td>
</tr>
<tr>
<td>Game Fund—State</td>
<td>52,700</td>
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<tr>
<td>Reappropriation</td>
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<td>Appropriation</td>
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NEW SECTION. Sec. 612. FOR THE DEPARTMENT OF GAME  
Construct new residence and upgrade domestic water supply—Ringold Rearing Pond.  

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
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<td>Through 7/1/85 and Thereafter</td>
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<tr>
<td>GF, ORA—State</td>
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<td>Appropriation</td>
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</table>

NEW SECTION. Sec. 613. FOR THE DEPARTMENT OF GAME  
Repair or replace fish screens at lake outlets preventing out migration of planted trout.  

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Costs</td>
<td>Through 7/1/85 and Thereafter</td>
<td></td>
</tr>
<tr>
<td>Game Fund—State</td>
<td>85,500</td>
<td></td>
</tr>
<tr>
<td>Reappropriation</td>
<td>33,500</td>
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<tr>
<td>Appropriation</td>
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NEW SECTION. Sec. 614. FOR THE DEPARTMENT OF GAME  

Complete acquisition of thirty-five acres in three parcels of cooperative project with Whatcom County. Tennant Lake Wildlife Recreation Area.

<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
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</thead>
<tbody>
<tr>
<td>153,000</td>
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</table>

**NEW SECTION. Sec. 615. FOR THE DEPARTMENT OF GAME**

Emergency repairs and replacements.

<table>
<thead>
<tr>
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<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>200,000</td>
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</table>

**NEW SECTION. Sec. 616. FOR THE DEPARTMENT OF GAME**

Facility maintenance and general repair.

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<thead>
<tr>
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<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>316,000</td>
<td>35,000</td>
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</table>

**NEW SECTION. Sec. 617. FOR THE DEPARTMENT OF GAME**

Preplanning and design for capital projects.

<table>
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<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>32,000</td>
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</table>

**NEW SECTION. Sec. 618. FOR THE DEPARTMENT OF GAME**

Replace toilets at public access areas.

<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>200,000</td>
<td></td>
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</tbody>
</table>

**NEW SECTION. Sec. 619. FOR THE DEPARTMENT OF GAME**

Construct and maintain boundary and big game drift fences state-wide.

<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>150,000</td>
<td>261,200</td>
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</table>

**NEW SECTION. Sec. 620. FOR THE DEPARTMENT OF GAME**

Construct concrete broodstock ponds, spawning building, roads, and fencing—South Tacoma hatchery.

<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
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</thead>
<tbody>
<tr>
<td>120,000</td>
<td></td>
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</tbody>
</table>

**NEW SECTION. Sec. 621. FOR THE DEPARTMENT OF GAME**

Relocate or rebuild Bogachiel residence to avoid flooding—Clallam County.
NEW SECTION. Sec. 622. FOR THE DEPARTMENT OF GAME
Reconstruct water supply to Ringgold rearing ponds—Franklin County.

NEW SECTION. Sec. 623. FOR THE DEPARTMENT OF GAME
Acquire property to replace lost habitat—Snake River and tributaries, several sites.

NEW SECTION. Sec. 624. FOR THE DEPARTMENT OF GAME
Acquire approximately 491 acres near the Yakima River. No moneys appropriated in this section may be expended without first selling owned lands of equal or greater value.

NEW SECTION. Sec. 625. FOR THE DEPARTMENT OF GAME
Acquire Heidt property, approximately 1,500 acres, Asotin County. No moneys appropriated in this section may be expended without first selling owned lands of equal or greater value.

NEW SECTION. Sec. 626. FOR THE DEPARTMENT OF GAME
Acquire approximately 578 acres along the Okanogan River. No moneys appropriated in this section may be expended without first selling owned lands of equal or greater value.
Acquire approximately 250 acres. Pipestone Canyon—Okanogan County. No moneys appropriated in this section may be expended without first selling owned lands of equal or greater value.

<table>
<thead>
<tr>
<th>Game Fund</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project</td>
<td>Estimated Costs</td>
<td>132,000</td>
</tr>
<tr>
<td>Costs</td>
<td>7/1/83 and Thereafter</td>
<td></td>
</tr>
<tr>
<td>6/30/83</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 629. FOR THE DEPARTMENT OF GAME
Acquire approximately 2,000 acres for big game winter range—Yakima County. No moneys appropriated in this section may be expended without first selling owned lands of equal or greater value.

<table>
<thead>
<tr>
<th>Game Fund</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project</td>
<td>Estimated Costs</td>
<td>132,000</td>
</tr>
<tr>
<td>Costs</td>
<td>7/1/85 and Thereafter</td>
<td></td>
</tr>
<tr>
<td>6/30/83</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 630. FOR THE DEPARTMENT OF GAME
Acquire approximately 41.4 acres for Band-tailed Pigeon site—Skagit County. No moneys appropriated in this section may be expended without first selling owned lands of equal or greater value.

<table>
<thead>
<tr>
<th>Game Fund</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project</td>
<td>Estimated Costs</td>
<td>98,000</td>
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<tr>
<td>Costs</td>
<td>7/1/85 and Thereafter</td>
<td></td>
</tr>
<tr>
<td>6/30/83</td>
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</table>

NEW SECTION. Sec. 631. FOR THE DEPARTMENT OF GAME
Acquire approximately 500 acres of water fowl habitat—Snohomish and Island Counties. No moneys appropriated in this section may be expended without first selling owned lands of equal or greater value.

<table>
<thead>
<tr>
<th>Game Fund</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project</td>
<td>Estimated Costs</td>
<td>435,000</td>
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<tr>
<td>Costs</td>
<td>7/1/85 and Thereafter</td>
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<tr>
<td>6/30/83</td>
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<td></td>
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</table>

NEW SECTION. Sec. 632. FOR THE DEPARTMENT OF GAME
Acquire approximately 500 acres for public use—Chehalis Valley, Grays Harbor County. No moneys appropriated in this section may be expended without first selling owned lands of equal or greater value.

<table>
<thead>
<tr>
<th>Game Fund</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project</td>
<td>Estimated Costs</td>
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<tr>
<td>Costs</td>
<td>7/1/85 and Thereafter</td>
<td></td>
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<tr>
<td>6/30/83</td>
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NEW SECTION. Sec. 633. FOR THE DEPARTMENT OF GAME
Acquire access to stream bank—Mitigation for Wells dam. Okanogan County.

<table>
<thead>
<tr>
<th>Game Fund—Game Special Wildlife Account</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project</td>
<td>Estimated Costs</td>
<td>62,900</td>
</tr>
<tr>
<td>Costs</td>
<td>7/1/85 and Thereafter</td>
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</tr>
<tr>
<td>6/30/83</td>
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</table>

NEW SECTION. Sec. 634. FOR THE DEPARTMENT OF GAME
1-82 land acquisition in Yakima County—Phase II.

<table>
<thead>
<tr>
<th>Game Fund—Game Special Wildlife Account</th>
<th>Reappropriation</th>
<th>Appropriation</th>
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</thead>
<tbody>
<tr>
<td>Project</td>
<td>Estimated Costs</td>
<td>62,900</td>
</tr>
<tr>
<td>Costs</td>
<td>7/1/85 and Thereafter</td>
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</tr>
<tr>
<td>6/30/83</td>
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</table>

GF. ORA—State
NEW SECTION. Sec. 635. FOR THE DEPARTMENT OF GAME
Construct public access facilities—1-82, Yakima County.

NEW SECTION. Sec. 636. FOR THE DEPARTMENT OF GAME
Acquire five acres on Mineral Lake for public access—Lewis County.

NEW SECTION. Sec. 637. FOR THE DEPARTMENT OF GAME
Acquire public access—Cottage Lake, King County.

NEW SECTION. Sec. 638. FOR THE DEPARTMENT OF GAME
Construct public access facilities—Kress Lake, Cowlitz County.

NEW SECTION. Sec. 639. FOR THE DEPARTMENT OF GAME
Redevelop access areas—Aeneas Valley, Okanogan County.

NEW SECTION. Sec. 640. FOR THE DEPARTMENT OF GAME
Redevelop access areas—Amber Lake, Spokane County.

NEW SECTION. Sec. 641. FOR THE DEPARTMENT OF GAME
Acquire access to department property on Fern Lake—Kitsap County.
<table>
<thead>
<tr>
<th>Project</th>
<th>GF, ORA—State</th>
<th>GF, ORA—Federal</th>
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<tbody>
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</tr>
<tr>
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<td>6/30/83</td>
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**NEW SECTION. Sec. 642. FOR THE DEPARTMENT OF GAME**
Construct facilities on Big and Little Green Lakes—Okanogan County.

<table>
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<th>GF, ORA—Federal</th>
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</thead>
<tbody>
<tr>
<td>Costs</td>
<td>Reappropriation</td>
<td>Appropriation</td>
</tr>
<tr>
<td>Through</td>
<td>Estimated Costs</td>
<td>Estimated Costs</td>
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<tr>
<td>7/1/85</td>
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<tr>
<td></td>
<td>47,000</td>
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**NEW SECTION. Sec. 643. FOR THE DEPARTMENT OF GAME**
Construct public access—Stillaguamish River, Snohomish County.

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<th>Project</th>
<th>GF, ORA—State</th>
<th>GF, ORA—Federal</th>
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<td>Costs</td>
<td>Reappropriation</td>
<td>Appropriation</td>
</tr>
<tr>
<td>Through</td>
<td>Estimated Costs</td>
<td>Estimated Costs</td>
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<tr>
<td>7/1/85</td>
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<td>Total Costs</td>
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<tr>
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<td>93,200</td>
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**NEW SECTION. Sec. 644. FOR THE DEPARTMENT OF GAME**
Redevelop public access—Diamond Lake, Pend Oreille County.

<table>
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<tr>
<th>Project</th>
<th>GF, ORA—State</th>
<th>GF, ORA—Federal</th>
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<td>Reappropriation</td>
<td>Appropriation</td>
</tr>
<tr>
<td>Through</td>
<td>Estimated Costs</td>
<td>Estimated Costs</td>
</tr>
<tr>
<td>7/1/85</td>
<td>Total Costs</td>
<td>Total Costs</td>
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<td>67,000</td>
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**NEW SECTION. Sec. 645. FOR THE DEPARTMENT OF GAME**
Construct public access—Munn Lake, Thurston County.

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<th>Project</th>
<th>GF, ORA—State</th>
<th>GF, ORA—Federal</th>
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</thead>
<tbody>
<tr>
<td>Costs</td>
<td>Reappropriation</td>
<td>Appropriation</td>
</tr>
<tr>
<td>Through</td>
<td>Estimated Costs</td>
<td>Estimated Costs</td>
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<td>Total Costs</td>
<td>Total Costs</td>
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<td>53,400</td>
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**NEW SECTION. Sec. 646. FOR THE DEPARTMENT OF GAME**
Redevelop public access—Jamison Lake, Douglas County.

<table>
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<th>Project</th>
<th>GF, ORA—State</th>
<th>GF, ORA—Federal</th>
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</thead>
<tbody>
<tr>
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<td>Reappropriation</td>
<td>Appropriation</td>
</tr>
<tr>
<td>Through</td>
<td>Estimated Costs</td>
<td>Estimated Costs</td>
</tr>
<tr>
<td>7/1/85</td>
<td>Total Costs</td>
<td>Total Costs</td>
</tr>
<tr>
<td>6/30/83</td>
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<td>Thereafter</td>
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**NEW SECTION. Sec. 647. FOR THE DEPARTMENT OF GAME**
Construct public access facilities—Fan Lake, Pend Oreille County.

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<tr>
<th>Project</th>
<th>GF, ORA—State</th>
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<td>Estimated Costs</td>
</tr>
<tr>
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<tr>
<td>6/30/83</td>
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### NEW SECTION. Sec. 701. FOR THE DEPARTMENT OF NATURAL RESOURCES

Construct and improve the Cedar Creek and Sherman Valley roads.

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<th>Appropriation</th>
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<td>7/1/85 and</td>
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### NEW SECTION. Sec. 702. FOR THE DEPARTMENT OF NATURAL RESOURCES

Construct and improve campsites, roads, trails, and other recreation projects.

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<tr>
<td>Through</td>
<td>7/1/85 and</td>
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### NEW SECTION. Sec. 703. FOR THE DEPARTMENT OF NATURAL RESOURCES

Prepare sites for commercial lease—State-wide.

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### NEW SECTION. Sec. 704. FOR THE DEPARTMENT OF NATURAL RESOURCES

Construct and improve campsites, roads and trails—State-wide.

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<tr>
<td>Through</td>
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### NEW SECTION. Sec. 705. FOR THE DEPARTMENT OF NATURAL RESOURCES

Construct and improve roads and bridges.

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<tr>
<td>Through</td>
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### NEW SECTION. Sec. 706. FOR THE DEPARTMENT OF NATURAL RESOURCES

Prepare lands for income-producing agricultural leases by developing irrigation facilities.

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<tr>
<td>Through</td>
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### NEW SECTION. Sec. 707. FOR THE DEPARTMENT OF NATURAL RESOURCES

Construct road access system to a large block of state-owned timber lands—Cavanaugh Block.

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<td>6/30/83</td>
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**NEW SECTION. Sec. 708. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Construct bridge and access road to state timber lands—McDonald Mainline.

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**NEW SECTION. Sec. 709. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Increase seedling quality and production, Forest Nursery.

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**NEW SECTION. Sec. 710. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Replace a forty-five year-old condemned bridge—Snohomish County.

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**NEW SECTION. Sec. 711. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Acquire rights of way for land management.

<table>
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<th>Through 7/1/85 and</th>
<th>Thereafter</th>
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<tbody>
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<tr>
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<tr>
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**NEW SECTION. Sec. 712. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Purchase land for resource management, Natural Resources Land Bank.

<table>
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<tbody>
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**NEW SECTION. Sec. 713. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Construct and improve roads and bridges—State-wide.

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**NEW SECTION. Sec. 714. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Develop a rock pit to produce gravel for roadbeds, Tiger Mountain rock pit—King County.

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<th>Through 7/1/85 and</th>
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<th>Through 7/1/85 and</th>
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</table>
NEW SECTION. Sec. 715. FOR THE DEPARTMENT OF NATURAL RESOURCES
Prepare site for commercial lease by developing water, sewer, streets, and drainage—-
Bucklin Hill——Silverdale——Kitsap County.

Reappropriation  
GF. Res Mgmt Cost Acct  
Project Estimated  
Costs Estimated  
Through 7/1/85 and  
6/30/83  
17,000

NEW SECTION. Sec. 716. FOR THE DEPARTMENT OF NATURAL RESOURCES

Reappropriation  
GF. Res Mgmt Cost Acct  
Project Estimated  
Costs Estimated  
Through 7/1/85 and  
6/30/83  
17,000

NEW SECTION. Sec. 717. FOR THE DEPARTMENT OF NATURAL RESOURCES
Prepare land for planned unit development and develop a sewer system—-Illahee
U.L.I.D.—-Kitsap County.

Reappropriation  
GF. Res Mgmt Cost Acct  
Project Estimated  
Costs Estimated  
Through 7/1/85 and  
6/30/83  
17,000

NEW SECTION. Sec. 718. FOR THE DEPARTMENT OF NATURAL RESOURCES
Improve lands for commercial development, construction of frontage roads—-Kennewick
16—-Benton County.

Reappropriation  
GF. Res Mgmt Cost Acct  
Project Estimated  
Costs Estimated  
Through 7/1/85 and  
6/30/83  
17,000

NEW SECTION. Sec. 719. FOR THE DEPARTMENT OF NATURAL RESOURCES
Construct and improve campsites, roads, parking, trails, and other recreation projects—-  
State-wide.

Reappropriation  
General Fund—-ORV Account  
Project Estimated  
Costs Estimated  
Through 7/1/85 and  
6/30/83  
17,000

NEW SECTION. Sec. 720. FOR THE DEPARTMENT OF NATURAL RESOURCES
Remove derelict structures, replace heating systems, and dredge dock areas—-State-
wide.

Reappropriation  
GF. Res Mgmt Cost Acct  
Project Estimated  
Costs Estimated  
Through 7/1/85 and  
6/30/83  
17,000

NEW SECTION. Sec. 721. FOR THE DEPARTMENT OF NATURAL RESOURCES
Provide culvert and other materials for honor camp road maintenance—-State-wide.

Reappropriation  
GF. Res Mgmt Cost Acct  
Project Estimated  
Costs Estimated  
Through 7/1/85 and  
6/30/83  
17,000
NEW SECTION. Sec. 722. FOR THE DEPARTMENT OF NATURAL RESOURCES
Acquisition of Milwaukee Railroad right of way, and a study of the potential use of this property.

Reappropriation
GF. ORA
Project Costs Estimated Total
Costs Through 7/1/85 and Costs
6/30/83 Thereafter

NEW SECTION. Sec. 723. FOR THE DEPARTMENT OF NATURAL RESOURCES
Miscellaneous building projects—State-wide.

Reappropriation
GF. For Dev Acct
GF. Res Mgmt Cost Acct
Project Costs Estimated Total
Costs Through 7/1/85 and Costs
6/30/83 Thereafter

NEW SECTION. Sec. 724. FOR THE DEPARTMENT OF NATURAL RESOURCES
Fuel facility projects—State-wide.

Reappropriation
GF. For Dev Acct
GF. Res Mgmt Cost Acct
Project Costs Estimated Total
Costs Through 7/1/85 and Costs
6/30/83 Thereafter

50,000

NEW SECTION. Sec. 725. FOR THE DEPARTMENT OF NATURAL RESOURCES
Nursery projects.

Reappropriation
GF. For Dev Acct
GF. Res Mgmt Cost Acct
Project Costs Estimated Total
Costs Through 7/1/85 and Costs
6/30/83 Thereafter

157,900

NEW SECTION. Sec. 726. FOR THE DEPARTMENT OF NATURAL RESOURCES
Prepare land for commercial lease—Water, sewer, streets, and utilities—Pasco 16
Phase 1 U.L.I.D.—Franklin County.

Reappropriation
GF. Res Mgmt Cost Acct
Project Costs Estimated Total
Costs Through 7/1/85 and Costs
6/30/83 Thereafter

50,000

NEW SECTION. Sec. 727. FOR THE DEPARTMENT OF NATURAL RESOURCES
Provide irrigation for development of state land, install pumps and mainlines—State-wide.

Reappropriation
GF. Res Mgmt Cost Acct
Project Costs Estimated Total
Costs Through 7/1/85 and Costs
6/30/83 Thereafter

50,000

EDUCATION

NEW SECTION. Sec. 801. FOR THE UNIVERSITY OF WASHINGTON
To renovate and remodel E and F wings, complete E court, and provide fire safety improvements for the health sciences building.

Reappropriation
GF. H Ed Constr Acct
Project Costs Estimated
Costs

200,000

Estimated
NEW SECTION. Sec. 802. FOR THE UNIVERSITY OF WASHINGTON

To construct and equip and/or purchase an existing facility for a consolidated hospital laundry facility.

<table>
<thead>
<tr>
<th>Project</th>
<th>Costs</th>
<th>Through 6/30/83</th>
<th>Through 7/1/85 and Thereafter</th>
<th>Total Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reappropriation</td>
<td>4,190,000</td>
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<td></td>
<td></td>
</tr>
<tr>
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<td>Estimated</td>
<td></td>
<td></td>
<td>Estimated</td>
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</tbody>
</table>

NEW SECTION. Sec. 803. FOR THE UNIVERSITY OF WASHINGTON

To acquire land, construct and equip a hospital general services facility.

<table>
<thead>
<tr>
<th>Project</th>
<th>Costs</th>
<th>Through 6/30/83</th>
<th>Through 7/1/85 and Thereafter</th>
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</tr>
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<tr>
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</table>

NEW SECTION. Sec. 804. FOR THE UNIVERSITY OF WASHINGTON

To construct and equip a building to house the institute of marine sciences.

<table>
<thead>
<tr>
<th>Project</th>
<th>Costs</th>
<th>Through 6/30/83</th>
<th>Through 7/1/85 and Thereafter</th>
<th>Total Costs</th>
</tr>
</thead>
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<tr>
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<td></td>
<td>Estimated</td>
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</tbody>
</table>

NEW SECTION. Sec. 805. FOR THE UNIVERSITY OF WASHINGTON

To provide for the expansion, renovation and equipping of the University hospital.

<table>
<thead>
<tr>
<th>Project</th>
<th>Costs</th>
<th>Through 6/30/83</th>
<th>Through 7/1/85 and Thereafter</th>
<th>Total Costs</th>
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<td>Appropriation</td>
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<td></td>
<td></td>
<td>Estimated</td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 806. FOR THE UNIVERSITY OF WASHINGTON

To bring BB tower Health Sciences, RR wing Health Sciences, Atmospheric Sciences, Condon, Padelford and Harborview Halls into compliance with the Seattle high-rise fire safety code requirements.

<table>
<thead>
<tr>
<th>Project</th>
<th>Costs</th>
<th>Through 6/30/83</th>
<th>Through 7/1/85 and Thereafter</th>
<th>Total Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reappropriation</td>
<td>1,350,000</td>
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<td>Appropriation</td>
<td>Estimated</td>
<td></td>
<td></td>
<td>Estimated</td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 807. FOR THE UNIVERSITY OF WASHINGTON

To construct a hazardous waste handling facility on the J wing loading dock of the Health Sciences Building.

<table>
<thead>
<tr>
<th>Project</th>
<th>Costs</th>
<th>Through 6/30/83</th>
<th>Through 7/1/85 and Thereafter</th>
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</thead>
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<tr>
<td>Reappropriation</td>
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<td></td>
<td>Estimated</td>
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NEW SECTION. Sec. 808. FOR THE UNIVERSITY OF WASHINGTON

To extend the emergency electrical power system to the west campus.

<table>
<thead>
<tr>
<th>Project</th>
<th>Costs</th>
<th>Through 6/30/83</th>
<th>Through 7/1/85 and Thereafter</th>
<th>Total Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reappropriation</td>
<td>355,000</td>
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<td></td>
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<tr>
<td>Appropriation</td>
<td>Estimated</td>
<td></td>
<td></td>
<td>Estimated</td>
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</table>
NEW SECTION. Sec. 809. FOR THE UNIVERSITY OF WASHINGTON
To provide general repairs and improvements for safety and ventilation.

<table>
<thead>
<tr>
<th>Project</th>
<th>Costs Through 6/30/83</th>
<th>Costs 7/1/85 and Thereafter</th>
<th>Total Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF, St H Ed Constr Acct</td>
<td>Estimated Costs</td>
<td>Estimated Costs</td>
<td>355,000</td>
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</tbody>
</table>

NEW SECTION. Sec. 810. FOR THE UNIVERSITY OF WASHINGTON
To provide for minor repairs and improvements and real estate contract payments.

<table>
<thead>
<tr>
<th>Project</th>
<th>Costs Through 6/30/83</th>
<th>Costs 7/1/85 and Thereafter</th>
<th>Estimated Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF, UW Bldg Acct</td>
<td>Estimated Costs</td>
<td>Estimated Costs</td>
<td>13,190,000</td>
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</tbody>
</table>

NEW SECTION. Sec. 811. FOR THE UNIVERSITY OF WASHINGTON
To replace instructional and support equipment and the purchase of high technology equipment.

<table>
<thead>
<tr>
<th>Project</th>
<th>Costs Through 6/30/83</th>
<th>Costs 7/1/85 and Thereafter</th>
<th>Estimated Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF, UW Bldg Acct</td>
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<td>Estimated Costs</td>
<td>3,969,000</td>
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</table>

NEW SECTION. Sec. 812. FOR THE UNIVERSITY OF WASHINGTON
Various projects to improve energy conservation and reduce operating costs.

<table>
<thead>
<tr>
<th>Project</th>
<th>Costs Through 6/30/83</th>
<th>Costs 7/1/85 and Thereafter</th>
<th>Estimated Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF, St H Ed Constr Acct</td>
<td>Estimated Costs</td>
<td>Estimated Costs</td>
<td>3,330,000</td>
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NEW SECTION. Sec. 813. FOR THE UNIVERSITY OF WASHINGTON
To fund additional working drawings, renovation and construction for the ceramic engineering program at Roberts Hall.

<table>
<thead>
<tr>
<th>Project</th>
<th>Costs Through 6/30/83</th>
<th>Costs 7/1/85 and Thereafter</th>
<th>Estimated Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF, H Ed Constr Acct</td>
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<td>Estimated Costs</td>
<td>10,050,000</td>
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</table>

NEW SECTION. Sec. 814. FOR THE UNIVERSITY OF WASHINGTON
To fund work on the power plant.

<table>
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<tr>
<th>Project</th>
<th>Costs Through 6/30/83</th>
<th>Costs 7/1/85 and Thereafter</th>
<th>Estimated Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF, H Ed Constr Acct</td>
<td>Estimated Costs</td>
<td>Estimated Costs</td>
<td>190,000</td>
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</table>

NEW SECTION. Sec. 815. FOR WASHINGTON STATE UNIVERSITY
To complete the construction of an animal holding facility for the College of Veterinary Medicine.

<table>
<thead>
<tr>
<th>Project</th>
<th>Costs Through 6/30/83</th>
<th>Costs 7/1/85 and Thereafter</th>
<th>Estimated Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF, H Ed Constr Acct</td>
<td>Estimated Costs</td>
<td>Estimated Costs</td>
<td>190,000</td>
</tr>
</tbody>
</table>
Through 6/30/83 Costs
1.337.000 $2,018,000

NEW SECTION, Sec. 816. FOR WASHINGTON STATE UNIVERSITY
To complete omnibus minor capital improvement projects.

Reappropriation Appropriation
GF, WSU Bldg Acct 2,580,000
Project Estimated Estimated
Costs Costs Total
Through 7/1/85 and Costs
6/30/83 Thereafter
3,159,000 $5,739,000

NEW SECTION, Sec. 817. FOR WASHINGTON STATE UNIVERSITY
To complete Phase II of the Fulmer Hall renovation for the chemistry department.

Reappropriation Appropriation
GF, H Ed Constr Acct 578,000
Project Estimated Estimated
Costs Costs Total
Through 7/1/85 and Costs
6/30/83 Thereafter
1,804,000 $2,382,000

NEW SECTION, Sec. 818. FOR WASHINGTON STATE UNIVERSITY
To complete the design, renovation, and equipping of College Hall for the Anthropology Department.

Reappropriation Appropriation
GF, H Ed Constr Acct 2,362,000
Project Estimated Estimated
Costs Costs Total
Through 7/1/85 and Costs
6/30/83 Thereafter
1,567,000 $3,929,000

NEW SECTION, Sec. 819. FOR WASHINGTON STATE UNIVERSITY
To complete the planning, construction, and equipping of the joint treatment plant with the City of Pullman.

Reappropriation Appropriation
GF, WSU Bldg Acct 807,000
Project Estimated Estimated
Costs Costs Total
Through 7/1/85 and Costs
6/30/83 Thereafter
30,000 $837,000

NEW SECTION, Sec. 820. FOR WASHINGTON STATE UNIVERSITY
To complete the design, renovation, and equipping of Science Hall.

Reappropriation Appropriation
GF, H Ed Constr Acct 3,899,000
Project Estimated Estimated
Costs Costs Total
Through 7/1/85 and Costs
6/30/83 Thereafter
338,000 $4,237,000

NEW SECTION, Sec. 821. FOR WASHINGTON STATE UNIVERSITY
To design, construct, and equip a new facility for the department of electrical engineering and a portion of the department of mechanical engineering.

Reappropriation Appropriation
GF, WSU Bldg Acct 13,776,000
Project Estimated Estimated
Costs Costs Total
Through 7/1/85 and Costs
6/30/83 Thereafter
100,000 $13,876,000

NEW SECTION, Sec. 822. FOR WASHINGTON STATE UNIVERSITY
To design a new facility for the department of chemistry, the energy institute, and the biological chemistry institute.

Reappropriation Appropriation
GF, WSU Bldg Acct 1,061,000
Project Estimated Estimated
Costs Costs Total
Through 7/1/85 and Costs
6/30/83 Thereafter
100,000 $1,061,000
FIFTEENTH DAY, MAY 9, 1983

6/30/83 Thereafter 19,138,000 20,199,000

NEW SECTION. Sec. 823. FOR WASHINGTON STATE UNIVERSITY
To provide for minor alterations, renovations, and improvements.

Reappropriation Appropriation
GF. WSU Bldg Acct 3,308,000
Project Estimated
Costs Estimated
Through 7/1/85 and
6/30/83 Thereafter
13,346,000 16,654,000

NEW SECTION. Sec. 824. FOR WASHINGTON STATE UNIVERSITY
To renovate Fulmer Hall Phase III including expansion and replacement of major portions of the service and utility systems.

Reappropriation Appropriation
GF. WSU Bldg Acct 1,856,000
Project Estimated
Costs Estimated
Through 7/1/85 and
6/30/83 Thereafter
5,000 2,705,000 4,566,000

NEW SECTION. Sec. 825. FOR WASHINGTON STATE UNIVERSITY
To design the remodeling of McCoy Hall for the department of veterinary clinical medicine and surgery. The appropriation is contingent upon the receipt of $1,448,000 in federal funds.

Reappropriation Appropriation
GF. WSU Bldg Acct 160,000
Project Estimated
Costs Estimated
Through 7/1/85 and
6/30/83 Thereafter
160,000

NEW SECTION. Sec. 826. FOR EASTERN WASHINGTON UNIVERSITY
The funds provided in sections 827 through 834 are subject to the following conditions and limitations:

1. Not more than $389,000 of the amount provided in section 828 may be used solely for payment on the lease of the Spokane facility and in that event only with the prior approval of the director, office of financial management.

2. No other funds may be used for any other purpose or purposes at or on such Spokane facility without the prior and specific approval of the director, office of financial management.

NEW SECTION. Sec. 827. FOR EASTERN WASHINGTON UNIVERSITY
Minor capital improvements and energy conservation projects—Omnibus.

Reappropriation Appropriation
GF. EWU Cap Proj Acct 260,000
Project Estimated
Costs Estimated
Through 7/1/85 and
6/30/83 Thereafter
1,065,000 1,325,000

NEW SECTION. Sec. 828. FOR EASTERN WASHINGTON UNIVERSITY
Provide for minor capital improvements and a one-year lease for the Spokane Center.

Reappropriation Appropriation
GF. EWU Cap Proj Acct 1,766,000
Project Estimated
Costs Estimated
Through 7/1/85 and
6/30/83 Thereafter
6,559,200 8,325,200

NEW SECTION. Sec. 829. FOR EASTERN WASHINGTON UNIVERSITY
Complete the design, renovation, and equipping of the manual arts building and Sutton Hall.

Reappropriation Appropriation
GF. H Ed Constr Acct 4,781,000
Project Estimated
Costs Estimated
Through 7/1/85 and
NEW SECTION. Sec. 830. FOR EASTERN WASHINGTON UNIVERSITY

Continue work on Martin Hall.

Reappropriation

GF. EWU Cap Proj Acct

Project

Costs

Through

6/30/83

Thereafter

450,000

5,231,000

NEW SECTION. Sec. 831. FOR EASTERN WASHINGTON UNIVERSITY

Provide planning and design funds through working drawings for the remodeling of and addition to the science building.

Reappropriation

GF. EWU Cap Proj Acct

Project

Costs

Through

6/30/83

Thereafter

70,000

NEW SECTION. Sec. 832. FOR EASTERN WASHINGTON UNIVERSITY

To replace instructional and support equipment.

Reappropriation

GF. EWU Cap Proj Acct

Project

Costs

Through

6/30/83

275,000

NEW SECTION. Sec. 833. FOR EASTERN WASHINGTON UNIVERSITY

Handicap access.

Reappropriation

GF. EWU Cap Proj Acct

Project

Costs

Through

6/30/83

Thereafter

50,000

NEW SECTION. Sec. 834. FOR EASTERN WASHINGTON UNIVERSITY

To complete the construction of HPERA fieldhouse.

Reappropriation

GF. St H Ed Constr Acct

Project

Costs

Through

6/30/83

2,432,000

2,457,000

NEW SECTION. Sec. 835. FOR CENTRAL WASHINGTON UNIVERSITY

Complete the modifications of existing campus buildings to comply with handicapped access standards.

Reappropriation

GF. St H Ed Constr Acct

Project

Costs

Through

6/30/83

446,000

586,350

NEW SECTION. Sec. 836. FOR CENTRAL WASHINGTON UNIVERSITY

Complete the removal of asbestos from places of public occupancy.

Reappropriation

GF. CWU Cap Proj Acct

Project

Costs

Through

6/30/83

140,000

186,000

NEW SECTION. Sec. 837. FOR CENTRAL WASHINGTON UNIVERSITY
Provide computer equipment and systems.

<table>
<thead>
<tr>
<th>GF. CWU Cap Proj Acct</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
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<tr>
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</tr>
<tr>
<td>Through</td>
<td>7/1/85 and</td>
<td>Costs</td>
</tr>
<tr>
<td>6/30/83</td>
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<tr>
<td>671.266</td>
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<td>699.166</td>
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</table>

**NEW SECTION.** Sec. 838. FOR CENTRAL WASHINGTON UNIVERSITY

Provide for utilities improvements.

<table>
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<tr>
<th>GF. CWU Cap Proj Acct</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project</td>
<td>Estimated</td>
<td>Estimated</td>
</tr>
<tr>
<td>Costs</td>
<td>Costs</td>
<td>Total</td>
</tr>
<tr>
<td>Through</td>
<td>7/1/85 and</td>
<td>Costs</td>
</tr>
<tr>
<td>6/30/83</td>
<td>Thereafter</td>
<td></td>
</tr>
<tr>
<td>692.426</td>
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<td>890.426</td>
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</table>

**NEW SECTION.** Sec. 839. FOR CENTRAL WASHINGTON UNIVERSITY

Provide for minor capital improvements and land acquisition to upgrade university buildings and facilities.

<table>
<thead>
<tr>
<th>GF. CWU Cap Proj Acct</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
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<td>Through</td>
<td>7/1/85 and</td>
<td>Costs</td>
</tr>
<tr>
<td>6/30/83</td>
<td>Thereafter</td>
<td></td>
</tr>
<tr>
<td>2,430.000</td>
<td></td>
<td>2,665.000</td>
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</table>

**NEW SECTION.** Sec. 840. FOR CENTRAL WASHINGTON UNIVERSITY

Complete renovation and remodeling, including the addition of a multiform theatre and associated components and the remodeling of Wildcat Shop for computer services.

<table>
<thead>
<tr>
<th>GF. H Ed Constr Acct</th>
<th>Reappropriation</th>
<th>Appropriation</th>
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<tbody>
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<td>7/1/85 and</td>
<td>Costs</td>
</tr>
<tr>
<td>6/30/83</td>
<td>Thereafter</td>
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<tr>
<td>3,474.000</td>
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<td>3,496.000</td>
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**NEW SECTION.** Sec. 841. FOR CENTRAL WASHINGTON UNIVERSITY

Provide for minor capital improvements.

<table>
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<tr>
<th>GF. CWU Cap Proj Acct</th>
<th>Reappropriation</th>
<th>Appropriation</th>
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<td>7/1/85 and</td>
<td>Costs</td>
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<tr>
<td>6/30/83</td>
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<tr>
<td>552.800</td>
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<td>907,000</td>
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**NEW SECTION.** Sec. 842. FOR CENTRAL WASHINGTON UNIVERSITY

Complete the improvement, extension, and modification of the underground utilities and services.

<table>
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<tr>
<th>GF. CWU Cap Proj Acct</th>
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<th>Appropriation</th>
</tr>
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<tr>
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<td>7/1/85 and</td>
<td>Costs</td>
</tr>
<tr>
<td>6/30/83</td>
<td>Thereafter</td>
<td></td>
</tr>
<tr>
<td>30,000</td>
<td></td>
<td>270,000</td>
</tr>
</tbody>
</table>

**NEW SECTION.** Sec. 843. FOR CENTRAL WASHINGTON UNIVERSITY

Complete the installation of energy economizers, monitoring equipment, fuel atomizers, and insulation.

<table>
<thead>
<tr>
<th>GF. CWU Cap Proj Acct</th>
<th>Reappropriation</th>
<th>Appropriation</th>
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</thead>
<tbody>
<tr>
<td>Project</td>
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<tr>
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<td>Costs</td>
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<tr>
<td>Through</td>
<td>7/1/85 and</td>
<td>Costs</td>
</tr>
<tr>
<td>6/30/83</td>
<td>Thereafter</td>
<td></td>
</tr>
<tr>
<td>225,000</td>
<td></td>
<td>535,000</td>
</tr>
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</table>

**NEW SECTION.** Sec. 844. FOR CENTRAL WASHINGTON UNIVERSITY
Complete the expansion of the control system throughout the campus to achieve energy savings.

<table>
<thead>
<tr>
<th>GF, CWU Cap Proj Acct</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project</td>
<td>Estimated Costs</td>
<td>Estimated Total Costs</td>
</tr>
<tr>
<td>Through</td>
<td>7/1/85 and Thereafter</td>
<td>1,100,000</td>
</tr>
<tr>
<td>6/30/83</td>
<td>234,000</td>
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</table>

NEW SECTION, Sec. 845. FOR CENTRAL WASHINGTON UNIVERSITY

Improve campus utilities.

<table>
<thead>
<tr>
<th>GF, CWU Cap Proj Acct</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
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<tr>
<td>Project</td>
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<td>Estimated Total Costs</td>
</tr>
<tr>
<td>Through</td>
<td>7/1/85 and Thereafter</td>
<td>233,900</td>
</tr>
<tr>
<td>6/30/83</td>
<td>233,900</td>
<td></td>
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NEW SECTION, Sec. 846. FOR CENTRAL WASHINGTON UNIVERSITY

Omnibus projects to renovate and remodel campus facilities.

<table>
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<tr>
<th>GF, CWU Cap Proj Acct</th>
<th>Reappropriation</th>
<th>Appropriation</th>
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<tbody>
<tr>
<td>Project</td>
<td>Estimated Costs</td>
<td>Estimated Total Costs</td>
</tr>
<tr>
<td>Through</td>
<td>7/1/85 and Thereafter</td>
<td>334,600</td>
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<tr>
<td>6/30/83</td>
<td>525,472</td>
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</tbody>
</table>

NEW SECTION, Sec. 847. FOR CENTRAL WASHINGTON UNIVERSITY

Restore and remodel Barge Hall for student services and administration.

<table>
<thead>
<tr>
<th>GF, CWU Cap Proj Acct</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project</td>
<td>Estimated Costs</td>
<td>Estimated Total Costs</td>
</tr>
<tr>
<td>Through</td>
<td>7/1/85 and Thereafter</td>
<td>6,238,200</td>
</tr>
<tr>
<td>6/30/83</td>
<td>17,475</td>
<td></td>
</tr>
</tbody>
</table>

NEW SECTION, Sec. 848. FOR CENTRAL WASHINGTON UNIVERSITY

Upgrade the existing computer hardware.

<table>
<thead>
<tr>
<th>GF, CWU Cap Proj Acct</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project</td>
<td>Estimated Costs</td>
<td>Estimated Total Costs</td>
</tr>
<tr>
<td>Through</td>
<td>7/1/85 and Thereafter</td>
<td>475,000</td>
</tr>
<tr>
<td>6/30/83</td>
<td>525,472</td>
<td></td>
</tr>
</tbody>
</table>

NEW SECTION, Sec. 849. FOR CENTRAL WASHINGTON UNIVERSITY

Provide for additional staff space—Computer center.

<table>
<thead>
<tr>
<th>GF, CWU Cap Proj Acct</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project</td>
<td>Estimated Costs</td>
<td>Estimated Total Costs</td>
</tr>
<tr>
<td>Through</td>
<td>7/1/85 and Thereafter</td>
<td>475,000</td>
</tr>
<tr>
<td>6/30/83</td>
<td>525,472</td>
<td></td>
</tr>
</tbody>
</table>

NEW SECTION, Sec. 850. FOR CENTRAL WASHINGTON UNIVERSITY

Provide for the physical improvement of buildings and facilities—Omnibus.

<table>
<thead>
<tr>
<th>GF, CWU Cap Proj Acct</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project</td>
<td>Estimated Costs</td>
<td>Estimated Total Costs</td>
</tr>
<tr>
<td>Through</td>
<td>7/1/85 and Thereafter</td>
<td>1,509,000</td>
</tr>
<tr>
<td>6/30/83</td>
<td>525,472</td>
<td></td>
</tr>
</tbody>
</table>

NEW SECTION, Sec. 851. FOR CENTRAL WASHINGTON UNIVERSITY

Replace the roofing membrane on Bouillon Hall.

<table>
<thead>
<tr>
<th>GF, CWU Cap Proj Acct</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project</td>
<td>Estimated Costs</td>
<td>Estimated Total Costs</td>
</tr>
<tr>
<td>Through</td>
<td>7/1/85 and Thereafter</td>
<td>3,285,500</td>
</tr>
<tr>
<td>6/30/83</td>
<td>1,776,500</td>
<td></td>
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</table>

NEW SECTION, Sec. 852. FOR CENTRAL WASHINGTON UNIVERSITY

Provide for the physical improvement of buildings and facilities—Omnibus.

<table>
<thead>
<tr>
<th>GF, CWU Cap Proj Acct</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project</td>
<td>Estimated Costs</td>
<td>Estimated Total Costs</td>
</tr>
<tr>
<td>Through</td>
<td>7/1/85 and Thereafter</td>
<td>516,000</td>
</tr>
<tr>
<td>6/30/83</td>
<td>525,472</td>
<td></td>
</tr>
</tbody>
</table>
NEW SECTION. Sec. 852. FOR THE EVERGREEN STATE COLLEGE
Modifications to bring buildings into code compliance.

GF, TESC Cap Proj Acct
Project
Costs
Through 6/30/83
Costs
7/1/85 and Thereafter
Estimated Costs 35,700
Reappropriation Appropriation 152,000

NEW SECTION. Sec. 853. FOR THE EVERGREEN STATE COLLEGE
Roof repairs to three buildings.

GF, St H Ed Constr Acct
Project
Costs
Through 6/30/83
Costs
7/1/85 and Thereafter
Estimated Costs 16,000
Reappropriation Appropriation 397,000

NEW SECTION. Sec. 854. FOR THE EVERGREEN STATE COLLEGE
Minor capital projects——Omnibus.

GF, TESC Cap Proj Acct
Project
Costs
Through 6/30/83
Costs
7/1/85 and Thereafter
Estimated Costs 685,200
Reappropriation Appropriation 735,200

NEW SECTION. Sec. 855. FOR THE EVERGREEN STATE COLLEGE
Instructional equipment replacement.

GF, TESC Cap Proj Acct
Project
Costs
Through 6/30/83
Costs
7/1/85 and Thereafter
Estimated Costs 205,000
Reappropriation Appropriation 325,000

NEW SECTION. Sec. 856. FOR WESTERN WASHINGTON UNIVERSITY
Modifications and improvements to buildings to reduce energy consumption.

GF, WWU Cap Proj Acct
Project
Costs
Through 6/30/83
Costs
7/1/85 and Thereafter
Estimated Costs 330,300
Reappropriation Appropriation 447,300

NEW SECTION. Sec. 857. FOR WESTERN WASHINGTON UNIVERSITY
Minor capital improvements——Omnibus.

GF, WWU Cap Proj Acct
Project
Costs
Through 6/30/83
Costs
7/1/85 and Thereafter
Estimated Costs 473,000
Reappropriation Appropriation 9,458,000

NEW SECTION. Sec. 858. FOR WESTERN WASHINGTON UNIVERSITY
For the South Academic Building.

GF, WWU Cap Proj Acct
Project
Costs
Through 6/30/83
Costs
7/1/85 and Thereafter
Estimated Costs 5,981,000
Reappropriation Appropriation 6,131,000

NEW SECTION. Sec. 859. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
### New Section. Sec. 860. For the State Board for Community College Education
Reappropriation for section 504 handicapped access building modifications.

<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>332,000</td>
<td></td>
</tr>
</tbody>
</table>

### New Section. Sec. 861. For the State Board for Community College Education
Reappropriation for emergency repairs at various campuses.

<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>151,998</td>
<td></td>
</tr>
</tbody>
</table>

### New Section. Sec. 862. For the State Board for Community College Education
Reappropriation for nondeductible repair projects at various campuses.

<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>563,100</td>
<td></td>
</tr>
</tbody>
</table>

### New Section. Sec. 863. For the State Board for Community College Education
Nondeductible projects

<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>196,859</td>
<td></td>
</tr>
</tbody>
</table>

### New Section. Sec. 864. For the State Board for Community College Education
Reappropriation to modify facilities for code compliance at various campuses.

<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>43,876</td>
<td></td>
</tr>
</tbody>
</table>

### New Section. Sec. 865. For the State Board for Community College Education
Reappropriations for minor repair and improvement projects at twenty campuses.

<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>62,982</td>
<td></td>
</tr>
</tbody>
</table>

### New Section. Sec. 866. For the State Board for Community College Education
Reappropriation for vocational facility at Lower Columbia College.

<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>235,000</td>
<td></td>
</tr>
<tr>
<td>Project</td>
<td>Costs Through 6/30/83</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td><strong>GF, Com Col Cap Impvmt Acct</strong></td>
<td>258,000</td>
</tr>
<tr>
<td><strong>GF, Com Col Cap Proj Acct</strong></td>
<td>81,566</td>
</tr>
<tr>
<td><strong>GF, Com Col Cap Constr Acct</strong></td>
<td>185,984</td>
</tr>
</tbody>
</table>

**NEW SECTION. Sec. 867. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION**
Reappropriations for projects approved in prior biennia.

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated Through 7/1/85 and Thereafter</th>
<th>Reappropriation</th>
<th>Appropriation</th>
<th>Estimated Total Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>GF, Com Col Cap Impvmt Acct</strong></td>
<td>6,490,969</td>
<td>107,405</td>
<td>107,405</td>
<td>166,405</td>
</tr>
</tbody>
</table>

**NEW SECTION. Sec. 868. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION**
Reappropriation for two minor improvement projects at two campuses.

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated Through 7/1/85 and Thereafter</th>
<th>Reappropriation</th>
<th>Appropriation</th>
<th>Estimated Total Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>GF, H Ed Constr Acct</strong></td>
<td>59,000</td>
<td>57,000</td>
<td>57,000</td>
<td>114,000</td>
</tr>
</tbody>
</table>

**NEW SECTION. Sec. 869. FOR THE STATE BOARD FOR COMMUNITY COLLEGES**
Code requirement repairs at Bellevue and Centralia Community College.

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated Through 7/1/85 and Thereafter</th>
<th>Reappropriation</th>
<th>Appropriation</th>
<th>Estimated Total Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>GF, H Ed Constr Acct</strong></td>
<td>41,000</td>
<td>396,000</td>
<td>396,000</td>
<td>437,000</td>
</tr>
</tbody>
</table>

**NEW SECTION. Sec. 870. FOR THE STATE BOARD FOR COMMUNITY COLLEGES**
Heat system repairs at Clark College.

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated Through 7/1/85 and Thereafter</th>
<th>Reappropriation</th>
<th>Appropriation</th>
<th>Estimated Total Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>GF, Com Col Cap Constr Acct</strong></td>
<td>41,000</td>
<td>21,439</td>
<td>21,439</td>
<td>62,439</td>
</tr>
</tbody>
</table>

**NEW SECTION. Sec. 871. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION**
Reappropriation for minor repair and improvement projects at four campuses.

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated Through 7/1/85 and Thereafter</th>
<th>Reappropriation</th>
<th>Appropriation</th>
<th>Estimated Total Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>GF, Com Col Cap Constr Acct</strong></td>
<td>1,500,000</td>
<td>689,002</td>
<td>689,002</td>
<td>2,189,002</td>
</tr>
</tbody>
</table>

**NEW SECTION. Sec. 872. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION**
Reappropriation for remodeling and minor improvement funds allocated to the districts.

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated Through 7/1/85 and Thereafter</th>
<th>Reappropriation</th>
<th>Appropriation</th>
<th>Estimated Total Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>GF, Com Col Cap Constr Acct</strong></td>
<td>79,627</td>
<td></td>
<td>79,627</td>
<td>79,627</td>
</tr>
</tbody>
</table>

**NEW SECTION. Sec. 873. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION**
Reappropriation of emergency funds allocated by the state board for community college education.
NEW SECTION. Sec. 874. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
Reappropriation for minor improvements at various campuses.

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated</th>
<th>Costs</th>
<th>Total Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Through 6/30/83</td>
<td>443,141</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 875. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
Reappropriation for six minor improvement projects at five campuses.

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated</th>
<th>Costs</th>
<th>Total Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Through 6/30/83</td>
<td>141,503</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 876. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
To provide for minor capital improvements to correct facility deficiencies and improve utilization, to be allocated to each district by the state board for community college education.

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated</th>
<th>Costs</th>
<th>Total Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Through 6/30/83</td>
<td>2,900,000</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 877. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
To provide for unforeseen emergency capital repairs, to be administered by the state board for community college education.

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated</th>
<th>Costs</th>
<th>Total Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Through 6/30/83</td>
<td>2,050,600</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 878. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
To provide funding for repair or replacement of electrical system components at Everett, Lower Columbia, Skagit Valley, Wenatchee, and the Whidbey branch of Skagit Valley Colleges.

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated</th>
<th>Costs</th>
<th>Total Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Through 6/30/83</td>
<td>707,500</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 879. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
To provide for repair or replacement of roofs at Fort Steilacoom, Columbia Basin, Olympic, Everett, and the Whidbey branch of Skagit Valley Colleges.

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated</th>
<th>Costs</th>
<th>Total Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Through 6/30/83</td>
<td>734,600</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 880. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
To provide for repair of buildings, mechanical systems, and fixed equipment at Fort Steilacoom, Columbia Basin, Olympic, Everett, and the Whidbey branch of Skagit Valley Colleges.

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated</th>
<th>Costs</th>
<th>Total Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Through 6/30/83</td>
<td>734,600</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project Costs Through 6/30/83</td>
<td>Estimated Costs 7/1/85 and Thereafter</td>
<td>Estimated Total Costs</td>
<td></td>
</tr>
<tr>
<td>-------------------------------</td>
<td>-----------------------------------------</td>
<td>-----------------------</td>
<td></td>
</tr>
<tr>
<td><strong>NEW SECTION. Sec. 881. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</strong> For repair or replacement of elements for heating/ventilating/air-conditioning systems at Fort Steilacoom, Lower Columbia, South Seattle, Wenatchee, and Skagit Valley Colleges.</td>
<td>Reappropriation Appropriation 1,091,900</td>
<td></td>
<td></td>
</tr>
<tr>
<td>GF, St H Ed Constr Acct Project Costs Through 6/30/83</td>
<td>Estimated Costs 7/1/85 and Thereafter</td>
<td>Estimated Total Costs 1,091,900</td>
<td></td>
</tr>
<tr>
<td><strong>NEW SECTION. Sec. 882. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</strong> To fund payments toward the purchase from the department of natural resources the land upon which Grays Harbor, Highline, and Green River Colleges are located.</td>
<td>Reappropriation Appropriation 25,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>GF, St H Ed Constr Acct Project Costs Through 6/30/83</td>
<td>Estimated Costs 7/1/85 and Thereafter</td>
<td>Estimated Total Costs 25,000</td>
<td></td>
</tr>
<tr>
<td><strong>NEW SECTION. Sec. 883. FOR THE STATE BOARD OF EDUCATION—SUPERINTENDENT OF PUBLIC INSTRUCTION</strong> To provide for planning, construction, modernization, and demolition of public school facilities: PROVIDED. That a maximum of $115,400,000 may be disbursed during the 1983-85 biennium: PROVIDED FURTHER. That a maximum of $910,000 may be expended by the Superintendent of Public Instruction for costs of administering this program.</td>
<td>Reappropriation Appropriation 123,900,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Common school construction fund Project Costs Through 6/30/83 185,492,000</td>
<td>Estimated Costs 7/1/85 and Thereafter 359,392,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>NEW SECTION. Sec. 884. FOR THE COMMISSION FOR VOCATIONAL EDUCATION</strong> To plan, design, and construct a fire service training center, to include a marine fire training structure.</td>
<td>Reappropriation Appropriation 6,953,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>GF, Fire Trng Constr Acct Project Costs Through 6/30/83 1,353,000</td>
<td>Estimated Costs 7/1/85 and Thereafter 6,953,000</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**PART IX MISCELLANEOUS**

**NEW SECTION. Sec. 901. FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT OR SUCCESSOR AGENCY—PUBLIC FACILITIES CONSTRUCTION LOAN REVOLVING FUND**

For public works financing through the community economic revitalization board. Ten percent of the appropriation in this section shall be used to fund projects certified by the planning and community affairs agency or successor agency in the community block grant program and approved by the community economic revitalization board.

If Substitute House Bill No. 245 is not enacted before July 1, 1983, the appropriation in this section shall lapse.

**NEW SECTION. Sec. 902. STATE TREASURER—REAPPROPRIATION OF BOND PROCEEDS** To repay advances made in anticipation of receipt of bond proceeds.
NEW SECTION. Sec. 903. FOR THE ARTS COMMISSION—ART WORK ALLOWANCE

One-half of one percent of moneys appropriated in this act shall be spent as provided in RCW 28A.85.055, 28B.10.020 (section 9, chapter 5, Laws of 1983 (Engrossed House Bill No. 867)), or 43.17.200.

NEW SECTION. Sec. 904. To effectively carry out the provisions of this act, the governor may assign responsibility for planning, engineering, construction, and other related activities to any appropriate agency.

NEW SECTION. Sec. 905. Reappropriations shall be limited to the unexpended balances remaining June 30, 1983, in the current appropriation for each project.

NEW SECTION. Sec. 906. If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys with any moneys available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the committees on ways and means of the senate and house of representatives.

NEW SECTION. Sec. 907. Notwithstanding any other provisions of law, for the 1983-85 biennium, state treasurer transfers of reimbursement to the general fund from the community college capital projects account for debt service payments made under the provisions of Title 28B RCW shall occur only after such debt service payment has been made and only to the extent that funds are actually available in the account. Any unpaid reimbursements shall be a continuing obligation against the community college capital projects account until paid. The state board for community college education need not accumulate any specific balance in the community college capital projects account in anticipation of transfers to reimburse the general fund.

NEW SECTION. Sec. 908. Any capital improvements or capital project involving construction or major expansion of a state office facility, including district headquarters, detachment offices, and off-campus faculty offices, shall be reviewed by the department of general administration for possible consolidation and compliance with state office standards prior to allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while ensuring proper service to the public.

NEW SECTION. Sec. 909. The governor, through the director of financial management, may authorize a transfer of appropriation authority provided for a capital project which is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer shall be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects which are funded from the same fund or account.

A report of any transfer authorized under this section shall be filed with the legislative auditor by the director of financial management within thirty days of the date the transfer is effected. The legislative auditor shall review and compile these filings and periodically report thereon to the legislative budget committee and the appropriate standing committees of the senate and house of representatives.

NEW SECTION. Sec. 910. To effectively, efficiently, and economically carry out the provisions of this act, each agency shall establish a start date and completion date on each project which has an estimated total cost which exceeds two hundred thousand dollars and for which a start or completion date is not specified in this act. This information shall be furnished to the office of financial management and the legislative auditor no later than the date the allotment request is filed with the office of financial management. If a project cannot start on or before the indicated start date or be completed by the indicated completion date, the director of the agency shall document and file with the office of financial management and the legislative budget committee the reason for the delay and indicate the new start and/or completion date(s). The legislative auditor shall review these filings and report thereon to the legislative budget committee and the appropriate standing committees of the senate and house of representatives.

As a result of these filings, agency directors may be required to appear before the legislative budget committee for further explanation of a project delay.

NEW SECTION. Sec. 911. 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. 912. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1983.
MOTION

Senator Shinpoch moved that the following amendment by Senators Shinpoch and Talmadge to the committee amendment be adopted:

On page 11, after 9, insert the following:

NEW SECTION. Sec. 131. For the Department of General Administration. Provide funds to the Department of General Administration for a study to determine the feasibility and cost of constructing a bridge to McNeil Island across Pitt Passage.

Senator Guess: Senator Shinpoch, do you really think that the Department of General Administration is the agency to study it? The operation of the prison is by Corrections and the agency that can tell you, without too much trouble, what the cost of a bridge would be, would be the Department of Transportation. It seems to me that since the Department of Corrections is the one who is going to be really responsible for making its final determination—I think it ought to go to Corrections and they have the opportunity to call on the Department of Transportation to do the job.

Senator Shinpoch: Senator Guess, we discussed whether it should be Corrections or General Administration and came to the conclusion that it should be General Administration. I think that you are probably correct, in that studying of a bridge, it is also possible that we should have also considered Transportation. General Administration is the one that is going to do—probably the study and is going to do all the work—irrespective of whether you put it in Corrections or General Administration. It seemed to us that we could get a less biased report if we put it in General Administration than we could have if we put it into Corrections. That is the reason that we selected General Administration over Corrections.

Senator Goltz: Senator Shinpoch, the format of the capital budget provides for something called ‘estimated total cost’ and usually that is the estimated total cost of the project including such an appropriation as the planning funds or the study funds which are provided in this particular section. Is there any idea about what the estimated total cost of such a bridge would be?

Senator Shinpoch: I have heard the figure of one million, but I doubt that we are going to build a bridge for one million, but then I have no idea. Senator Goltz I don’t even know whether the one hundred thousand is a correct figure. Maybe something less—is a correct figure to make a legitimate trade study—and that is what you are really making. You are making a trade study of the cost of the ferry over a time frame versus the initial cost of a bridge and that kind of thing.

Senator Haley: Senator Shinpoch, were you aware of that study that has been done by the U.S. Government that looked into how much it would cost and how much the specs might be to build a bridge across this passage?

Senator Shinpoch: I was aware that the federal government had done a study of all the costs of McNeil Island and decided it was no longer feasible from an operation standpoint. I suspect that once they made that decision that anything they were going to do—the cost got rated—I suspect that they didn’t look at anything except Cadillacs.

Further debate ensued.
The President declared the question before the Senate to be adoption of the amendment by Senators Shinpoch and Talmadge to the Committee on Ways and Means amendment.

The motion by Senator Shinpoch carried and the amendment to the committee amendment was adopted on a rising vote.

MOTION

Senator McDermott moved the following amendments to the committee amendment be considered and adopted simultaneously:

On page 20, strike all of section 228, and insert the following:

"NEW SECTION. Sec. 229. For the Department of Corrections

Construct a 500-bed medium security corrections center——Grandview.

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Renumber the following section consecutively.

On page 20, strike all of section 232, and insert the following:

"NEW SECTION. Sec. 232. For the Department of Corrections

Cover current obligations related to design, site planning, and land acquisition for a 500-bed medium security corrections center at Clallam Bay. New contracts or other expenditure obligations relative to this project are to be deferred.

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Renumber the following sections consecutively.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator McDermott to the committee amendment.

The motion by Senator McDermott failed and the amendments to the committee amendment were not adopted.

MOTION

Senator McDermott moved that the following amendment to the committee amendment be adopted:

On page 20, line 10, after "relative to" insert "construction of"

Debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator McDermott, does this put back, in essence, the so-called Grandview site to where it was before—it goes back to the status quo?"

Senator McDermott: "Yes, the bill before you is exactly as it came from the Governor. We are merely limiting the use of money to the EIS and stop—no construction, no grading, no anything. That is our intention here."

Senator Deccio: "My question—does that go back to the status quo from the Governor's budget or does that change the Governor's—"

Senator McDermott: "We are clarifying what we think the Department of Corrections' intent was. They say they are not going to begin construction and the money that is in here is merely to make preparations for some future date to getting that prison. It is merely clarifying. They said they were not going to do construction. We are making sure that the language says that."

The President declared the question before the Senate to be adoption of the amendment by Senator McDermott to the Committee on Ways and Means amendment.
The motion by Senator McDermott carried and the amendment to the committee amendment was adopted.

MOTIONS

On motion of Senator McDermott, the following amendment to the Committee on Ways and Means amendment was adopted:
On page 20, strike all of line 17 and insert "830,000" and "2,330,000"

On motion of Senator McDermott, the following amendments to the Committee on Ways and Means amendment were considered and adopted simultaneously:
On page 30, after line 11, insert "GF, ORA -- Federal 58,900"
On page 30, after line 22, insert "GF, ORA -- Federal 96,300"
On page 34, line 6, strike "GF, ORA -- Federal 155,200"

On motion of Senator McDermott, the following amendment to the Committee on Ways and Means amendment was adopted:
On page 61, strike section 647.

MOTION

Senator Lee moved the following amendment by Senators Lee, Bluechel and von Reichbauer to the Committee on Ways and Means amendment be adopted:
On page 39, after line 27, insert the following:
"NEW SECTION. Sec. 449. For the State Parks and Recreation Commission.
Acquire approximately 38 acres, known as the West Hylebos area, near Federal Way.

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Thereafter

Renumber the remaining sections accordingly.

Debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator Lee, where did we now come up with a figure of two hundred and twenty-eight thousand dollars for the purchase of this swamp land?"

Senator Lee: "Yes, I will be glad to answer that question. First of all, we subtracted out the land that is to be donated by one of the private land owners--several of the private land owners involved--and then we figured the figure of six thousand dollars per acre. At the present time, I believe the lot in which there are four per acre surrounding it are selling for about fifty-five hundred, or in other words, well over twenty thousand per acre."

Further debate ensued.

POINT OF INQUIRY

Senator Shinpoch: "Senator Lee, I noticed that this is out of the general fund of the outdoor recreation account of the state. Could you tell me how much money is in that account?"

Senator Lee: "I don't have those figures before me, but I understand that there is enough money for this particular project. As you know, the outdoor recreation account is administered by the Interagency Committee for Outdoor Recreation by various applications that come before them and so they try to keep a sizable amount of money available for local government applications. This would be a state application for that amount of funds."

Senator Shinpoch: "Thank you, Senator Lee. I must have misunderstood Mr. Tveten when he was testifying in front of the committee the other day. His testimony, as I recall, was that they had no money in the outdoor recreation account to buy this--that if we were going to buy it, it would have to be out of the general funds of the state under HJR 52, which is the debt limit that we just raised. That was
his testimony—it would have to be out of that. I think that when you are consider-
ing this you should consider that it is not going to be out of the—assuming that the
Director’s testimony is correct—and I would make that assumption—even it is out of
the general fund, it is not out of the outdoor recreation account."

Senator Lee: “I presume that that was an additional question. The Director did
say that he thought we needed another state-wide bond issue. What has been
done with Referendum 52 monies, is that the bonds have been sold and have been
deposited in the outdoor recreation account, from which then, these various kinds
of appropriations are taken from. They don't have any uncommitted bond money
out there. That is correct.”

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
adoption of the amendment by Senators Lee, Bluechel and von Reichbauer to the
committee amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Lee failed, the Presi-
dent voting ‘nay,’ and the amendment to the committee amendment was not
adopted by the following vote: Yeas, 24; nays, 24; absent, 1.

Voting yea: Senators Barr. Benitz, Bluechel, Clarke, Craswell, Decio, Fuller, Guess, Haley,
Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen,

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund,
Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart,

Absent: Senator Woody – 1.

MOTION

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

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

“NEW SECTION. Sec. 450. For the State Parks and Recreation Commission.

Add gravel to 90-car parking lot, relocate 200 feet of existing equestrian trail, and
develop hiking trail—Bridle Trails.

Reappropriation

GF, ORA State
GF, ORA

Project

Costs

Through

6/30/83

Estimated

Costs

7/1/85 and

Thereafter

Estimated

Total

Costs

98,200”

Renumber the remaining sections accordingly.

MOTIONS

On motion of Senator Hansen, the following amendment to the Committee on
Ways and Means amendment was adopted:

On page 66, line 2, strike “Acquisition” and insert “Maintenance”

On motion of Senator McDermott, the following amendments to the Committee
on Ways and Means amendment were considered and adopted simultaneously:

On page 68, on line 6, strike “300,000,” and insert “400,000”

On page 68, on line 11, strike “4,577,000,” and insert “4,477,000”

MOTION

Senator Peterson moved the following amendment by Senators Peterson and
Goltz to the Committee on Ways and Means amendment be adopted:

On page 79, after line 32, insert the following:

“NEW SECTION. Sec. 659. For Western Washington University

Design an addition to and remodel the existing arts technology building.

Reappropriation

GF, WWU Cap Proj Acct

Project

Estimated

Costs

Through

7/1/85 and

Appropriation

572,000

Estimated

Total

Costs
FIFTEENTH DAY, MAY 9, 1983

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Peterson and Goltz to the Committee on Ways and Means amendment.

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

MOTION

Senator Deccio moved adoption of the following amendment by Senators Deccio, Newhouse and Hansen to the Committee on Ways and Means amendment:

On page 77, after line 27, insert new section before existing Section 848:

"NEW SECTION. Sec. 848. For Central Washington University. Construct and equip computer applications laboratory Hogue Technology Building and renovate Hebeler Building.

Reappropriation

Appropriation

GF, CWU Cap Proj Acct

Estimated

Costs

Total

Costs

946,500

946,500"

Senator Patterson: "Senator Hansen, was this project one of the top priorities in the building request program of Central when they submitted it to the Governor's Office? Was this one of their top priorities and had they asked that these tuition monies be set aside for the remodeling of this particular hall in high tech?"

Senator Hansen: "As I understand it, that is right, Senator Patterson."

Senator Patterson: "This is one of their top priorities?"

Senator Hansen: "They have already started their high tech program, if you have been there, and are years ahead in this high tech field on the campus there at the present time."

Senator Patterson: "In that case, I would like to support this amendment. You know, many times we overlook the fact that we have people on these campuses that spend a great deal of time trying to determine their curriculum and the facilities that are needed to support the curriculum and if this was one of the top priority facilities that Central decided that they would ask the Legislature to appropriate the money out of their own tuition-generated funds, then I think it is quite appropriate that we respond to the request of the regents of Central in this particular case, because they are using money that is collected through the tuition that is charged to every student there and if this is high priority, I think we ought to respond in that way."

REMARKS BY SENATOR MCDERMOTT

Senator McDermott: "In answer to your question, Senator Patterson, it was number seven on their priority list. We gave them the first six that they asked for and that is why I cut off the line at this point. There is additional space—if you look through the budget, they asked for computer hardware, they asked for additional computer space in the staff center. There are a number of issues related to high tech. This is going the whole route and working on a major remodel and we stopped at that point to wait for the committee's advice."

Further debate ensued.

The President Deccio demanded a roll call and it was not sustained.

The President declared the question before the Senate to be adoption of the amendment by Senators Deccio, Newhouse and Hansen to the committee amendment.
The motion by Senator Deccio carried and the amendment to the committee amendment was adopted on a rising vote.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Gaspard moved that the Senate reconsider the vote by which the amendment by Senators Peterson and Goltz to page 79, after line 32, failed to be adopted by the Senate.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Gaspard to reconsider the vote by which the amendment by Senators Peterson and Goltz to the committee amendment was not adopted.

The motion by Senator Gaspard carried and the Senate immediately reconsidered the amendment on page 79, after line 32, to the committee amendment.

Debate ensued.

POINT OF INQUIRY

Senator Patterson: “Senator Goltz, as you well know, this project on this amendment will call for something over nine million dollars once the planning money is put in place. I am just asking the question as to whether or not your projection on your tuition monies that would be called upon to amortize this kind of an expenditure, whether or not that projection does cover the cost of this building and in what period of time?”

Senator Goltz: “Senator Patterson, I do not have a flow chart of the dollars generated out of the normal school fund and the tuition revenues. It is my impression that this is not sufficient, that there would have to be some money from the higher education construction account down the road if this project does, in fact, cost this much money. In answer to your question, there may need to be, at some future time, some additional money from an account other than the student tuition in the normal school fund.”

Senator Patterson: “Then you would be calling on substantial money from the general fund at that point in time.”

Senator Goltz: “We would have to face that at that particular time. That would be two years down the road after the project, on its merits, can be determined and the cost to be more carefully fixed.”

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 roll call on adoption of the amendment by Senators Peterson and Goltz to page 79, after line 32, on reconsideration, to the committee amendment.

ROLL CALL

The Secretary called the roll and the amendment to page 79, after line 32, on reconsideration, to the committee amendment was adopted by the following vote:


Voting yea: Senators Bender, Bottiger, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hemstad, McDermott, McManus, Metcall, Moore, Owen, Patterson, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 29.


MOTION

At 5:55 p.m., on motion of Senator Shinpoch, 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 President returned the Senate to the fourth order of business.
MESSAGES FROM THE HOUSE

May 9, 1983

Mr. President:
The Speaker has signed:
SUBSTITUTE SENATE BILL NO. 3520,
SUBSTITUTE SENATE BILL NO. 3628, and the same are herewith transmitted.
DEAN R. FOSTER, Chief Clerk

May 9, 1983

Mr. President:
The House has passed:
SUBSTITUTE SENATE BILL NO. 3067, and the same is herewith transmitted.
DEAN R. FOSTER, Chief Clerk

May 9, 1983

Mr. President:
The House concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 570 and passed the bill as amended by the Senate.
DEAN R. FOSTER, Chief Clerk

May 9, 1983

Mr. President:
The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 139 and passed the bill as amended by the Senate.
DEAN R. FOSTER, Chief Clerk

SIGN BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 4137.

SIGN BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 3067.

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

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 55 and the pending Committee on Ways and Means amendment under consideration earlier today.

MOTIONS

On motion of Senator Zimmerman, Senator Pullen was excused.
Senator Granlund moved the following amendment by Senators Granlund and Gaspard to the Committee on Ways and Means amendment be adopted:
On page 86, after line 42, add a new section to read as follows:
"NEW SECTION. Sec. 905. Prior to expending any funds appropriated under Section 131 of this act to study the feasibility and costs of constructing a bridge to McNeil Island across Pitt Passage, the Department of General Administration shall first investigate and utilize the finding of existing studies on the subject."
Renumber the remaining sections accordingly.

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 adoption of the amendment by Senators Granlund and Gaspard to the committee amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Granlund carried and the amendment to the committee amendment was adopted by the following vote:
Yeas, 42; nays, 3; absent, 3; excused, 1.

Voting yea: Senators Barr, Bauer, Benitz, Bluechei, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, McCaslin, Mc Dermott, McManus, Metcalfe, Newhouse, Owen, Patterson,
MOTION

Senator Hemstad moved the following amendment by Senators Hemstad and Lee to the Committee on Ways and Means amendment be adopted:

On page 79, after line 23, insert:

NEW SECTION. Sec. 857. For the Evergreen State College

For replacement of the academic computer.

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Renumber sections consecutively.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Hemstad and Lee to the Committee on Ways and Means amendment.

The motion by Senator Hemstad failed and the amendment to the committee amendment was not adopted.

MOTION

On motion of Senator McDermott, the following amendment to the Committee on Ways and Means amendment was adopted:

On page 80, line 2, strike “GF, St H Ed Constr Acct” and insert “GF, State”

MOTION

Senator Deccio moved adoption of the following amendment by Senators Deccio and Hansen to the Committee on Ways and Means amendment.

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

NEW SECTION. Sec. 450. FOR THE STATE PARKS AND RECREATION COMMISSION

Complete Phase I and initiate Phase II acquisition to preserve Yakima Greenway.

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Renumber the sections consecutively.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Deccio and Hansen to the Committee on Ways and Means amendment.

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

The President declared the question before the Senate to be adoption of the Committee on Ways and Means amendment, as amended.

The motion by Senator McDermott carried and the committee amendment, as amended, was adopted.
MOTION

On motion of Senator McDermott, the rules were suspended. Engrossed Substitute House Bill No. 55, 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 Lee: "Senator McDermott, I'm wondering—are there any bond authorizations in this capital budget bill? Are we authorizing some bond sales?"

Senator McDermott: "To my knowledge, no. This is merely the authorization of the expenditure of money."

Senator Lee: "O.K. I did want to make that point, so then this would not take a sixty percent majority as the capital budgets, in the past, have—just a simple majority?"

Senator McDermott: "The President has already ruled on that."

POINT OF INQUIRY

Senator Guess: "Senator McDermott, you said that two hundred twenty-nine million is going to come from the reappropriation and four hundred thirty-one million is going to come from new. Where is this money going to come from since Senator Lee raised the point? I'm curious. Where are we going to get all this money?"

Senator McDermott: "Some of the money comes from the game fund, some of the money comes from the general fund, some of the money comes from the outdoor recreation budget account. There are a variety of sources. Some is federal money. We are repairing armories with federal money. There are a variety of sources from which this money comes. It all comes from taxpayers quite obviously, but in the budget, itself, it comes in a variety of ways."

Senator Guess: "How much of the program though—out of that four hundred thirty-one million is going to be supported by new bonds? Do you have a breakdown on that?"

Senator McDermott: "I'm sorry, I can't give you that figure exactly."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 55, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 55, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 29; nays, 19; excused, 1.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Jones, McDermott, McManus, Owen, Patterson, Peterson, Rinehart, Sellar, Shimpoch, Talmadge, Thompson, Warnke, Williams, Woody, Zimmerman - 29.


Excused: Senator Pullen - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 55, 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. 1094, by Representative Moon

Relating to local government.

The bill was read the second time.

MOTION

Senator Williams moved adoption of the following Committee on Energy and Utilities amendment:

Strike everything after the enacting clause and insert the following:
NEW SECTION. Sec. 1. There is added to chapter 35.21 RCW a new section to read as follows:

Officials and employees of cities and towns shall be immune from civil liability for mistakes and errors of judgment in the good faith performance of acts within the scope of their official duties involving the exercise of judgment and discretion which relate solely to their responsibilities for electrical utilities. This grant of immunity shall not be construed as modifying the liability of the city or town.

NEW SECTION. Sec. 2. There is added to chapter 54.12 RCW a new section to read as follows:

Commissioners and employees of public utility districts shall be immune from civil liability for mistakes and errors of judgment in the good faith performance of acts within the scope of their official duties involving the exercise of judgment and discretion which relate solely to their responsibilities for electrical utilities. This grant of immunity shall not be construed as modifying the liability of the public utility district.

NEW SECTION. Sec. 3. There is added to chapter 87.03 RCW a new section to read as follows:

Directors and employees of irrigation districts shall be immune from civil liability for mistakes and errors of judgment in the good faith performance of acts within the scope of their official duties involving the exercise of judgment and discretion which relate solely to their responsibilities for electrical utilities. This grant of immunity shall not be construed as modifying the liability of the irrigation district.

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

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

MOTION

On motion of Senator Bollinger, further consideration of Engrossed House Bill No. 1094 was deferred.

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

MESSAGE FROM THE HOUSE

May 6, 1983

Mr. President:

The House has passed REENGROSSED SUBSTITUTE SENATE BILL NO. 3660 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 6, chapter 157, Laws of 1973 1st ex. sess. as last amended by section 10, chapter ... (SSB 3782), Laws of 1983 and RCW 26.09.060 are each amended to read as follows:

(1) In a proceeding for:
(a) Dissolution of marriage, legal separation, or a declaration of invalidity; or
(b) Disposition of property or liabilities, maintenance, or support following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse; either party may move for temporary maintenance or for temporary support of children entitled to support. The motion shall be accompanied by an affidavit setting forth the factual basis for the motion and the amounts requested.
(2) As a part of a motion for temporary maintenance or support or by independent motion accompanied by affidavit, either party may request the court to issue a temporary restraining order or preliminary injunction, providing relief proper in the circumstances, and restraining or enjoining any person from:
(a) Transferring, removing, encumbering, concealing or in any way disposing of any property except in the usual course of business or for the necessities of life, and, if so restrained or enjoined, requiring him to notify the moving party of any proposed extraordinary expenditures made after the order is issued;
(b) Molesting or disturbing the peace of the other party or of any child and, upon a showing by clear and convincing evidence that the party so restrained or enjoined has used or displayed or threatened to use a deadly weapon as defined in RCW 9A.04.110 in an act of violence or has previously committed acts of domestic violence and is likely to use or display or threaten to use a deadly weapon in an act of domestic violence, requiring the party to surrender any deadly weapon in his immediate possession or control or subject to his immediate possession or control to the sheriff of the county having jurisdiction of the proceeding or to the restrained or enjoined party's counsel or to any person designated by the court. The court may order temporary surrender of deadly weapons without notice to the other party only if it finds..."
on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for response has elapsed;
(c) Entering the family home or the home of the other party upon a showing of the necessity therefor;
(d) Removing a child from the jurisdiction of the court.
(3) The court may issue a temporary restraining order without requiring notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed
(4) The court may issue a temporary restraining order or preliminary injunction and an order for temporary maintenance or support in such amounts and on such terms as are just and proper in the circumstances.
(5) A temporary order, temporary restraining order, or preliminary injunction:
(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding;
(b) May be revoked or modified;
(c) Terminates when the final decree is entered or when the petition for dissolution, legal separation, or declaration of invalidity is dismissed;
(d) May be entered in a proceeding for the modification of an existing decree.
(6) A support debt owed to the state for public assistance expenditures which has been charged against a party pursuant to RCW 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise extinguished by, the final decree or order, unless the office of support enforcement has been given notice of the final proceeding and an opportunity to present its claim for the support debt to the court and has failed to file an affidavit as provided in this subsection. Notice of the proceeding shall be served upon the office of support enforcement personally, or by certified mail, and shall be given no fewer than thirty days prior to the date of the final proceeding. An original copy of the notice shall be filed with the court either before service or within a reasonable time thereafter. The office of support enforcement may present its claim, and thereby preserve the support debt, by filing an affidavit setting forth the amount of the debt with the court, and by mailing a copy of the affidavit to the parties or their attorney prior to the date of the final proceeding.
Sec. 5. Section 7, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.16.200 are each amended to read as follows:
Neither husband or wife is liable for the debts or liabilities of the other incurred before marriage, nor for the separate debts of each other, nor is the rent or income of the separate property of either liable for the separate debts of the other: PROVIDED, That the earnings and accumulations of the husband shall be available to the legal process of creditors for the satisfaction of debts incurred by him prior to marriage, and the earnings and accumulations of the wife shall be available to the legal process of creditors for the satisfaction of debts incurred by her prior to marriage. For the purpose of this section, neither the husband nor the wife shall be construed to have any interest in the earnings of the other: PROVIDED FURTHER, That no separate debt, except a child support or maintenance obligation, may be the basis of a claim against the earnings and accumulations of either a husband or wife unless the same is reduced to judgment within three years of the marriage of the parties. The obligation of a parent or stepparent to support a child may be collected out of the parent's or stepparent's separate property, the parent's or stepparent's earnings and accumulations, and the parent's or stepparent's share of community personal and real property. Funds in a community bank account which can be identified as the earnings of the nonobligated spouse are exempt from satisfaction of the child support obligation of the debtor spouse.
Sec. 2. Section 10, page 452, Laws of 1873 as last amended by section 1, chapter 121, Laws of 1969 ex. sess. and RCW 26.16.200 are each amended to read as follows:
(4) The court may issue a temporary restraining order or preliminary injunction and an order for temporary maintenance or support in such amounts and on such terms as are just and proper in the circumstances.
(5) A temporary order, temporary restraining order, or preliminary injunction:
(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding;
(b) May be revoked or modified;
(c) Terminates when the final decree is entered or when the petition for dissolution, legal separation, or declaration of invalidity is dismissed;
(d) May be entered in a proceeding for the modification of an existing decree.
(6) A support debt owed to the state for public assistance expenditures which has been charged against a party pursuant to RCW 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise extinguished by, the final decree or order, unless the office of support enforcement has been given notice of the final proceeding and an opportunity to present its claim for the support debt to the court and has failed to file an affidavit as provided in this subsection. Notice of the proceeding shall be served upon the office of support enforcement personally, or by certified mail, and shall be given no fewer than thirty days prior to the date of the final proceeding. An original copy of the notice shall be filed with the court either before service or within a reasonable time thereafter. The office of support enforcement may present its claim, and thereby preserve the support debt, by filing an affidavit setting forth the amount of the debt with the court, and by mailing a copy of the affidavit to the parties or their attorney prior to the date of the final proceeding.
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(5) A temporary order, temporary restraining order, or preliminary injunction:
(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding;
(b) May be revoked or modified;
(c) Terminates when the final decree is entered or when the petition for dissolution, legal separation, or declaration of invalidity is dismissed;
(d) May be entered in a proceeding for the modification of an existing decree.
(6) A support debt owed to the state for public assistance expenditures which has been charged against a party pursuant to RCW 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise extinguished by, the final decree or order, unless the office of support enforcement has been given notice of the final proceeding and an opportunity to present its claim for the support debt to the court and has failed to file an affidavit as provided in this subsection. Notice of the proceeding shall be served upon the office of support enforcement personally, or by certified mail, and shall be given no fewer than thirty days prior to the date of the final proceeding. An original copy of the notice shall be filed with the court either before service or within a reasonable time thereafter. The office of support enforcement may present its claim, and thereby preserve the support debt, by filing an affidavit setting forth the amount of the debt with the court, and by mailing a copy of the affidavit to the parties or their attorney prior to the date of the final proceeding.
Sec. 2. Section 10, page 452, Laws of 1873 as last amended by section 1, chapter 121, Laws of 1969 ex. sess. and RCW 26.16.200 are each amended to read as follows:

The defendant may also in like manner controvert the answer of the garnishee and claim the exemption provided by RCW 26.16.200.
Sec. 5. Section 7, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.26.060 are each amended to read as follows:
A child, ((his)) a child’s natural mother, ((or a man presumed to be his father under RCW 26.26.040)) a man alleged or alleging himself to be the father, a child’s guardian, a child’s personal representative, the state of Washington, or any interested party may bring an action (((examiner of blood types))) at any time for the purpose of declaring the existence or nonexistence of the father and child relationship (((presumed under RCW 26.26.040)) or).

(b) A man presumed to be a child’s father under RCW 26.26.040 may bring an action for the purpose of declaring the nonexistence of the father and child relationship (((presumed under RCW 26.26.040) (1), (2), (3) or (4)) only if the action is brought within a reasonable time after obtaining knowledge of relevant facts. After the presumption has been rebutted, paternity of the child by another man may be determined in the same action, if he has been made a party.

(2) ((Any interested party or the department of social and health services or the state of Washington may bring an action at any time for the purpose of determining the existence or nonexistence of the father and child relationship:

(3)) In an action brought by the state pursuant to this chapter, the state may be represented by either the prosecuting attorney for the county where the action is brought or by the attorney general.

(4) An action to determine the existence of the father and child relationship with respect to a child who has no presumed father under RCW 26.26.040 may be brought by the child, the mother or personal representative of the child, the department of social and health services, the state of Washington, the personal representative or a parent of the mother if the mother died, a man alleged or alleging himself to be the father, or the personal representative or a parent of the alleged father if the alleged father has died or is a minor. If a child has no presumed father under RCW 26.26.040 and the action to determine the existence of the father and child relationship has not been brought and proceedings to adopt the child have not been instituted within one year after the child’s birth, an action to determine the existence of the relationship may be brought promptly on behalf of the child by the department of social and health services or the state of Washington:

(3)) Regardless of its terms, no agreement between an alleged or presumed father and the mother or child shall bar an action under this section.

(5) No action may be brought by the department of social and health services to establish the parentage of anyone who is not a presumed parent under RCW 26.26.040 to support a child after five years (a) from the date of the child’s birth, (b) from any date the alleged parent ceases to contribute to the care, education, and support of the child, as required by chapter 26.20 RCW, whichever is later. PROVIDED: That the time during which the alleged parent is absent from the state shall not be included in the time periods described above;

(5) Actions under this chapter may be maintained as to any child, whether born before or after the enactment of this chapter.

Sec. 6. Section 10, chapter 42, Laws of 1975–76 2nd ex. sess. and RCW 26.26.090 are each amended to read as follows:

The child shall be made a party to the action. If ((thee)) the child is a minor ((thee)), the child shall be represented by ((his)) the child’s general guardian or a guardian ad litem appointed by the court subject to RCW 74.30.310. The child’s mother or father may not represent the child as guardian or otherwise. The natural mother, each man presumed to be the father under RCW 26.26.040, and each man alleged to be the natural father, shall be made parties or, if not subject to the jurisdiction of the court, shall be given notice of the action in a manner prescribed by the court and an opportunity to be heard. The court may deny the action to determine the existence of the father and child relationship.

Sec. 7. Section 11, chapter 42, Laws of 1975–76 2nd ex. sess. and RCW 26.26.100 are each amended to read as follows:

The court may, and upon request of a party shall, require the child, mother, and a presumed or alleged father to submit to blood tests. The tests shall be performed by an expert ((qualified as an examiner of blood types)) in paternity blood testing appointed by the court.

(2) The court, upon reasonable request by a party, shall order that ((independent)) additional blood tests be performed by other experts qualified ((as examiner of blood types)) in paternity blood testing.

(3) In all cases, the court shall determine the number and qualifications of the experts.

Sec. 8. Section 14, chapter 42, Laws of 1975–76 2nd ex. sess. and RCW 26.26.130 are each amended to read as follows:

(1) The judgment and order of the court determining the existence or nonexistence of the parent and child relationship (((is))) shall be conclusive for all purposes.

(2) If the judgment and order of the court is at variance with the child’s birth certificate, the court shall order that an amended birth certificate be issued.

(3) The judgment and order (((may))) shall contain (((any))) other appropriate provisions directed (((against))) to the appropriate (((party))) parties to the proceeding, concerning the duty of current and future support, the extent of any liability for past support furnished to the child if
that issue is before the court, the custody and guardianship of the child, visitation privileges with the child, the furnishing of bond or other security for the payment of the judgment, or any other matter in the best interest of the child. The judgment and order may direct the father to pay the reasonable expenses of the mother's pregnancy and confinement.

(4) Support judgment and orders shall be for periodic payments which may vary in amount. The court may limit the father's liability for the past support to the child to the proportion of the expenses already incurred as the court deems just: PROVIDED HOWEVER, that the court shall not limit or affect in any manner the right of nonparties including the state of Washington to seek reimbursement for support and other services previously furnished to the child.

(5) In determining the amount to be paid by a parent for support of the child and the period during which the duty of support is owed, the court shall consider all relevant facts, including, but not limited to:
   (a) The needs of the child;
   (b) The standard of living and circumstances of the parents;
   (c) The relative financial means of the parents;
   (d) The earning ability of the parents;
   (e) The need and capacity of the child for education, including higher education;
   (f) The age of the child;
   (g) The responsibility of the parents for the support of others; and
   (h) The value of services contributed by the custodial parent.

(6) In determining custody, a court, in accordance with the best interests of the child, shall consider all relevant facts including:
   (a) The wishes of the child's parents or parent as to (his) the child's custody and as to visitation;
   (b) The wishes of the child as to (his) the child's custodian and as to visitation privileges;
   (c) The interaction and interpersonal relationship of the child with (his) the child's parent or parents, (his) the child's siblings, and any other person who may significantly affect the child's best interests;
   (d) The child's adjustment to (his) home, school, and community; and
   (e) The mental and physical health of all individuals involved.

The court shall not consider conduct of a proposed custodian that does not affect the welfare of the child.

(7) In any dispute between the natural parents of a child and a person or persons who have (a) commenced adoption proceedings or who have been granted an order of adoption, and (b) pursuant to a court order, or placement by the department of social and health services or by a licensed agency, have had actual custody of the child for a period of one year or more before court action is commenced by the natural parent or parents, the court shall consider the best welfare and interests of the child, including the child's need for situation stability, in determining the matter of custody, and the parent or person who is more fit shall have the superior right to custody.

Sec. 9. Section 19, chapter 42, Laws of 1975-76 2nd ex. sess. and RCW 26.26.180 are each amended to read as follows:

Any promise in writing to furnish support for a child, growing out of a supposed or alleged father and child relationship, does not require consideration and is enforceable according to its terms, subject to RCW 26.26.060((9))((3)).

Sec. 10. Section 21, chapter 42, Laws of 1975-76 2nd ex. sess. and RCW 26.26.200 are each amended to read as follows:

Notwithstanding any other rule of law concerning public hearings and records, any hearing or trial held under this chapter shall be held in closed court without admittance of any person other than those necessary to the action or proceeding or for the orderly administration of justice. All papers and records, other than the final judgment and matters related to the enforcement of the final judgment, pertaining to the action or proceeding, whether part of the permanent record of the court or of a file in the department of social and health services, are subject to inspection by a nonparty only upon an order of the court for good cause shown following reasonable notice to all parties of the hearing where such order is to be sought.

NEW SECTION. Sec. 11. There is added to chapter 26.26 RCW a new section to read as follows:

A court may not order payment for support provided or expenses incurred more than five years prior to the commencement of the action. Any period of time in which the responsible party has concealed himself or avoided the jurisdiction of the court under this chapter shall not be included within the five-year period.

NEW SECTION. Sec. 12. There is added to chapter 26.26 RCW a new section to read as follows:

(1) If the court has made a finding as to the paternity of a child, or if a party's acknowledgment of paternity has been filed with the court, or a party alleges he is the father of the child, any party may move for temporary support for the child prior to the date of entry of the
final order. The motion shall be accompanied by an affidavit setting forth the factual basis for the motion and the amounts requested.

(2) Any party may request the court to issue a temporary restraining order or preliminary injunction, providing relief proper in the circumstances, and restraining or enjoining any party from:

(a) Molesting or disturbing the peace of another party;
(b) Entering the home of another party; or
(c) Removing a child from the jurisdiction of the court.

(3) The court may issue a temporary restraining order without requiring notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

(4) The court may issue a temporary restraining order or preliminary injunction and an order for temporary support in such amounts and on such terms as are just and proper in the circumstances.

(5) A temporary order, temporary restraining order, or preliminary injunction:
(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding;
(b) May be revoked or modified;
(c) Terminates when the final order is entered or when the petition is dismissed; and
(d) May be entered in a proceeding for the modification of an existing order.

(6) A support debt owed to the state for public assistance expenditures which has been charged against a party pursuant to RCW 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise extinguished by, the final decree or order, unless the office of support enforcement has been given notice of the final proceeding and an opportunity to present its claim for the support debt to the court and has failed to file an affidavit as provided in this subsection. Notice of the proceeding shall be served upon the office of support enforcement personally, or by certified mail, and shall be given no fewer than thirty days prior to the date of the final proceeding. An original copy of the notice shall be filed with the court either before service or within a reasonable time thereafter. The office of support enforcement may present its claim, and thereby preserve the support debt, by filing an affidavit setting forth the amount of the debt with the court, and by mailing a copy of the affidavit to the parties or their attorney prior to the date of the final proceeding.

NEW SECTION. Sec. 13. There is added to chapter 4.16 RCW a new section to read as follows:

This chapter does not limit the time in which an action for determination of paternity may be brought under chapter 26.26 RCW.

Sec. 14. Section 21, chapter 5, Laws of 1961 ex. sess. as amended by section 38, chapter 42, Laws of 1975—76 2nd ex. sess. and RCW 70.58.095 are each amended to read as follows:

The state registrar of vital statistics shall establish a new certificate of birth for a person born in this state when he receives a request that a new certificate be established and such evidence as required by regulation of the state board of health proving that such person has been acknowledged, or that a court of competent jurisdiction has determined the paternity of such person. When a new certificate of birth is established, the actual place and date of birth shall be shown. It shall be substituted for the original certificate of birth. Thereafter, the original certificate and the evidence of paternity, or acknowledgment shall not be subject to inspection except upon order of a court of competent jurisdiction, or upon written request of the department of social and health services, the attorney general, or a prosecuting attorney, stating that the documents are being sought in furtherance of an action to enforce a duty of support. If no certificate of birth is on file for the person for whom a new certificate is to be established under this section, a delayed registration of birth shall be filed with the state registrar of vital statistics as provided in RCW 70.58.120.

Sec. 15. Section 13, chapter 206, Laws of 1963 as amended by section 370, chapter 141, Laws of 1979 and RCW 74.20.280 are each amended to read as follows:

The department is authorized and directed to establish a central unit to serve as a registry for the receipt of information, for answering interstate inquiries concerning (deserting) the parents of dependent children, to coordinate and supervise departmental activities in relation to (deserting) such parents (and), to assure effective cooperation with law enforcement agencies, and to perform other functions authorized by state and federal support enforcement and child custody statutes and regulations.

To effectuate the purposes of this section, the secretary may request from state, county and local agencies all information and assistance as authorized by this chapter. Upon the request of the department of social and health services all state, county and city agencies, officers and employees shall cooperate in the location of the parents (who have abandoned or deserted: or are failing to support, children receiving public assistance) of a dependent child and shall (on request) supply the (state) department (of social and health services) with all information (on-hand) relative to the location, income and property of such parents, notwithstanding any provision of law making such information confidential.
Any records established pursuant to the provisions of this section shall be available only to the attorney general, prosecuting attorneys, and courts having jurisdiction in support and/or abandonment proceedings or actions, or other authorized agencies, or persons for use consistent with the intent of state and federal support enforcement and child custody statutes and regulations.

Sec. 16. Section 28A.10.080, chapter 223, Laws of 1969 ex. sess. as last amended by section 11, chapter 151, Laws of 1979 and RCW 28A.10.080 are each amended to read as follows:

(1) The state agency may purchase, from any source, by contract, vocational rehabilitation services for handicapped persons, payments for such services to be made subject to procedures and fiscal controls approved by the director of financial management. The performance of and payment for such services shall be subject to post audit review by the state auditor.

(2) Notwithstanding any other provision of RCW 28A.10.080, 28A.10.100, 28A.10.105 and 28A.10.110, when the state agency determines that a mentally retarded, severely handicapped, or disadvantaged person can reasonably be expected to benefit from, or in his best interests reasonably requires extended sheltered employment or supervised work furnished by an approved nonprofit organization, the state agency is authorized to contract with such organization for the furnishing of such sheltered employment or supervised work to such mentally retarded, severely handicapped, or disadvantaged person. (The state agency is authorized to expend or toward the cost of providing such sheltered employment or supervised work a sum or sums not to exceed one thousand five hundred dollars per annum for each such mentally retarded, severely handicapped, or disadvantaged person; provided that the state agency is authorized to expend in excess of one thousand five hundred dollars per annum for each such mentally retarded, severely handicapped, or disadvantaged person in order to maintain him as a contributing and self-supporting member of society as an alternative to dependency.)

(3) The determination of eligibility for such service shall be made for each individual by the state agency. The mentally retarded, severely handicapped and disadvantaged individuals served under this law shall be construed to be poor or otherwise eligible for any service under this law.

(4) The state agency shall maintain a register of nonprofit organizations which it has inspected and certified as meeting required standards and as qualifying to serve the needs of such mentally retarded, severely handicapped, or disadvantaged persons. Eligibility of such organizations to receive the funds hereinbefore specified shall be based upon standards and criteria promulgated by the state agency.

(5) The state agency is authorized to promulgate such rules and regulations as it may deem necessary or proper to carry out the provisions of this section.

NEW SECTION. Sec. 17. There is added to chapter 43.20A RCW a new section to read as follows:

(1) "Vendor", for the purposes of this section, means any public or private agency providing services under contract to or for clientele of the department.

(2) Except as provided in subsection (5) of this section, vendors of services to the department of social and health services shall pay interest on overpayments or erroneous payments made by the department on billings from the vendor at the rate of one percent per month, but of at least one dollar per month.

(3) The department may recover interest accrued under this section by setoff or recoupment against subsequent contract payments due to the vendor.

(4) The interest shall begin accruing thirty days after notice to the vendor of overpayment or erroneous payment or the date of the final decision on any administrative or judicial remedy sought by the vendor, whichever is the later date.

(5) This section does not apply to:

(a) Interagency or intergovernmental transactions;

(b) Contracts for public works, goods and services procured for the exclusive use of the department, equipment, or travel;

(c) Claims subject to a good faith dispute. A good faith dispute exists when:

(i) The exact amount of the overpayment has not been established by agreement of the parties or by operation of law; or

(ii) All administrative or judicial remedies available have not been exhausted;

(d) Nursing homes licensed under chapter 18.51 RCW or portions of hospitals licensed under chapter 70.41 RCW and operating as a nursing home, if those facilities are subject to chapter 74.46 RCW;

(e) Contracts entered into before the effective date of this section.
NEW SECTION. Sec. 18. The enactment of section 17 of this act shall not have the effect of terminating or in any way amending any liability, civil or criminal, which is already in existence on the effective date of section 17 of this act.

Sec. 19. Section 6, chapter 224, Laws of 1982 and RCW 71.20.016 are each amended 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" (steel) means a disability attributable to mental retardation, cerebral palsy, epilepsy, autism, or another neurological or other condition of an individual found by the secretary (((of Health and Human Services))) of the department of social and health 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.

NEW SECTION. Sec. 20. There is added to chapter 43.20A RCW a new section to read as follows:

The department may establish and operate workshops for the training, habilitation, and rehabilitation of residents of institutions of the department. Products, goods, wares, articles, or merchandise manufactured or produced by the workshops may be sold to governmental agencies or on the open market at fair value. Prior to establishment of new state-operated workshops at institutions, the department shall consider the availability, appropriateness, and relative cost of contracting with and giving first preference to private nonprofit sheltered workshops, as defined in RCW 82.04.385, to provide workshop activities for residents of the institution.

The secretary shall credit the moneys derived from the sale of items from workshops under this section to a revolving fund under the control of the superintendent of the institution or facility where the items were manufactured. These moneys shall be expended for the purchase of supplies and materials for use in the workshop, to provide pay and training incentives for residents, and for other costs of the operation of the workshop. Payment of residents for work performed on workshop projects shall take into account resident productivity in comparison to the productivity of a nondisabled person earning the minimum wage as well as other factors consistent with goals of rehabilitation and treatment. Institutional work training programs shall be operated in accordance with standards required by the department for private vendors for the same or similar service.

Workshop materials and supplies may be purchased through state purchasing or from private vendors. Each institution or facility shall maintain records to demonstrate that purchases are made at the fair market value or best available price.

Sec. 21. Section 2, chapter 102, Laws of 1967 ex. sess. as amended by section 47, chapter 141. Laws of 1979 and RCW 43.20A.605 are each amended to read as follows:

(1) The secretary shall have full authority to administer oaths and take testimony thereunder, to issue subpoenas requiring the attendance of witnesses before him together with all books, memoranda, papers, and other documents, articles or instruments, and to compel the disclosure by such witnesses of all facts known to them relative to the matters under investigation. (The provisions of RCW 34.04.105 shall apply to subpoenas issued hereunder.)

(2) Subpoenas issued in agency hearings and contested cases shall be governed by the provisions of RCW 34.04.105.

(3) Subpoenas issued in the conduct of investigations required or authorized by other statutory provisions or necessary in the enforcement of other statutory provisions shall be governed by the following:

(a) The secretary shall not compel the production of any papers, books, records, or documents which are in the custody of another public official or agency and within the public official's or agency's power to provide voluntarily on request.

(b) If an individual fails to obey the subpoena or obeys the subpoena but refuses to testify when required concerning any matter under examination or investigation, the secretary may petition the superior court of the county where the examination or investigation is being conducted for enforcement of the subpoena. The petition shall be accompanied by a copy of the subpoena and proof of service, and shall set forth in what specific manner the subpoena has not been complied with, and shall ask an order of the court to compel the witness to appear and testify before the agency. The court, upon such petition, shall enter an order directing the witness to appear before the court at a time and place to be fixed in such order and at that time and place show cause why the witness has not responded to the subpoena or has refused to testify. A copy of the order shall be served upon the witness. If it appears to the court that the subpoena was properly issued and that the particular questions which the witness refuses to answer are reasonable and relevant, the court shall enter an order that the witness appear at the time and place fixed in the order and testify or produce the required papers. On failing to obey the order, the witness shall be dealt with as for contempt of court.

(c) Subpoenas issued under this subsection shall be served in the manner prescribed for service of a summons in a civil action or by certified mail, return receipt requested. The return receipt is prima facie evidence of service.
Sec. 22. Section 74.04.290, chapter 26, Laws of 1959 as last amended by section 2, chapter 171, Laws of 1979 ex. sess. and RCW 74.04.290 are each amended to read as follows:

In carrying out any of the provisions of this title, the secretary, county administrators, hearing examiners, or other duly authorized officers of the department shall have power to subpoena witnesses, administer oaths, take testimony and compel the production of such papers, books, records and documents as they may deem relevant to the performance of their duties; but no officer or agency mentioned in this section shall have power to compel the production of any papers, books, records or documents which are in the custody of any other such officer or agency and within his or its power to provide voluntarily on request:

If an individual fails to obey the subpoena or obeys the subpoena but refuses to testify when required concerning any matter under examination or investigation or the subject of a hearing, the officer or agency issuing the subpoena may petition the superior court of the county where the examination or investigation is being conducted for enforcement of the subpoena. The petition shall be accompanied by a copy of the subpoena and proof of service; and shall set forth in what specific manner the subpoena has not been complied with, and shall ask an order of the court to compel the witness to appear and testify before the agency. The court upon such petition shall enter an order directing the witness to appear before the court at a time and place to be fixed in such order and then and there to show cause why he has not responded to the subpoena or has refused to testify. A copy of the order shall be served upon the witness. If it appears to the court that the subpoena was properly issued and that the particular questions which the witness refuses to answer are reasonable and relevant the court shall enter an order that the witness appear at the time and place fixed in the order and testify or produce the required papers, and on failing to obey said order the witness shall be dealt with as for contempt of court:

The subpoena shall be served in the same manner prescribed for the service of a summons in a civil action or by certified mail. return receipt requested. The receipt shall be prima facie evidence of service). Subpoenas issued under this power shall be under RCW 43.20A.605.

Sec. 23. Section 10, chapter 152, Laws of 1979 ex. sess. and RCW 74.09.290 are each amended to read as follows:

The secretary of the department of social and health services or his authorized representative shall have the authority to:

(1) Conduct audits and investigations of providers of medical and other services furnished pursuant to this chapter, except that the Washington state medical disciplinary board shall generally serve in an advisory capacity to the secretary in the conduct of audits or investigations of physicians. In the conduct of such audits or investigations, the secretary may examine only those records or portions thereof, including patient records, for which services were rendered by a health care provider and reimbursed by the department, notwithstanding the provisions of RCW 5.60.060, 18.53.200, 18.83.110, or any other statute which may make or purport to make such records privileged or confidential: PROVIDED. That no original patient records shall be removed from the premises of the health care provider, and that the disclosure of any records or information by the department of social and health services is prohibited and constitutes a violation of RCW 42.22.040, unless such disclosure is directly connected to the official purpose for which the records or information were obtained: PROVIDED FURTHER. That the disclosure of patient information as required under this section shall not subject any physician or other health services provider to any liability for breach of any confidential relationship between the provider and the patient, but no evidence resulting from such disclosure may be used in any civil, administrative, or criminal proceeding against the patient unless a waiver of the applicable evidentiary privilege is obtained: PROVIDED FURTHER. That the secretary shall destroy all copies of patient medical records in their possession upon completion of the audit, investigation or proceedings;

(2) ((Issue subpoenas, compel the attendance of witnesses, administer oaths, certify to official acts, take depositions within and without the state of Washington as now provided by law, and compel the production of pertinent books, payrolls, accounts, papers, records, documents, and testimony relevant to such investigation. If a person in attendance before such secretary or his authorized representative refuses, without reasonable cause, to be examined or to answer a legal or pertinent question, or to produce a book or paper or other evidence when ordered to do so by the secretary or his authorized representative, said secretary or his authorized representative may apply to the judge of the superior court of the county where such person is in attendance, upon affidavit for an order returnable in not less than two nor more than five days, directing such person to show cause before such judge, or any other judge of such county, why he should not produce such records. Upon the hearing of such order, if the judge shall determine that such person has refused, without reasonable cause or legal excuse to be examined or to answer a legal or pertinent question, or to produce a book or paper which he was ordered to bring or produce, he may forthwith punish the offender for contempt of court. Subpoenas shall be served and witness fees and mileage paid as allowed in civil cases in the superior courts of this state;

(3) Approve or deny applications to participate as a provider of services furnished pursuant to this chapter: FIFTEENTH DAY, MAY 9, 1983 1961

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Section 1. Section 43.20A.020, chapter 43.20A RCW as amended by section 3, chapter 18, Laws of 1967 ex. sess. are each amended to read as follows:

The secretary, or superintendent for more than one facility or institution of the department where one or both facilities or institutions are required by law to have a chief executive officer, administrator, or superintendent. This section, however, shall not apply to RCW 72.40.020.

Sec. 2. Section 18, chapter 43.20A RCW as amended by section 3, chapter 18, Laws of 1967 ex. sess. are each amended to read as follows:

The chief executive officer of any institution and whose title shall be "superintendent". Said appointment shall be for a term of four years, but the appointee may be removed by the secretary in his discretion.

No person shall be eligible for appointment as superintendent of a hospital for the mentally ill unless he has had three or more years experience as a practicing physician after receiving his diploma or license.

The chief executive officer of any institution may, at his pleasure, discharge any person therein employed. The secretary shall investigate all complaints made against the chief executive officers necessary to manage one or more of the public facilities operated by the department. This section, however, shall not apply to RCW 72.40.020.

Except as otherwise provided in this title, the chief executive officer of each institution may appoint all assistants and employees required for the management of the institution placed in his charge, the number of such assistants and employees to be determined and fixed by the secretary. The chief executive officer of any institution may, at his discretion, discharge any person therein employed. The secretary shall investigate all complaints made against the chief executive officer of any institution and also any complaint against any other officer or employee thereof, if it has not been investigated and reported upon by the chief executive officer.

The secretary may, after investigation, for good and sufficient reasons, order the discharge of any subordinate officer or employee of an institution.

Each chief executive officer shall receive such salary as is fixed by the secretary, who shall also fix the compensation of other officers and the employees of each institution. Such latter compensation shall be fixed on or before the first day of April of each year and no change shall be made in the compensation, so fixed, during the twelve month period commencing April 1st.

Sec. 3. Section 165, chapter 228, Laws of 1979 ex. sess. and RCW 70.124.050 are each amended to read as follows:

In all cases investigated by the department a report to the complainant shall be made by the department.

NEW SECTION. Sec. 25. There is added to chapter 43.20A RCW a new section to read as follows:

The superintendent of the correctional institution established by this chapter shall be appointed by the secretary. (The superintendent shall have such administrative and correctional experience and possess such qualifications as shall be determined by the state personnel board subject to the advice and approval of the secretary.)

Sec. 26. Section 228, chapter 228, Laws of 1979 ex. sess. and RCW 70.124.050 are each amended to read as follows:

The superintendent of the correctional institution established by this chapter shall be appointed by the secretary. (The superintendent shall have such administrative and correctional experience and possess such qualifications as shall be determined by the state personnel board subject to the advice and approval of the secretary.)

Sec. 27. Section 141, chapter 149, Laws of 1979 and RCW 72.01.060 are each amended to read as follows:

The superintendent of the correctional institution established by this chapter shall be appointed by the secretary. (The superintendent shall have such administrative and correctional experience and possess such qualifications as shall be determined by the state personnel board subject to the advice and approval of the secretary.)

Sec. 28. Section 228, chapter 228, Laws of 1979 ex. sess. and RCW 72.01.060 are each amended to read as follows:

The superintendent of the correctional institution established by this chapter shall be appointed by the secretary. (The superintendent shall have such administrative and correctional experience and possess such qualifications as shall be determined by the state personnel board subject to the advice and approval of the secretary.)

Sec. 29. Section 18, chapter 18, Laws of 1967 ex. sess. as amended by section 55, chapter 80, Laws of 1977 ex. sess. and RCW 72.30.030 are each amended to read as follows:

The superintendent of a state school shall have a demonstrated history of knowledge, understanding, and compassion for the needs, treatment, and training of developmentally disabled persons.
The superintendent of the Interlake School (for handicapped persons) shall be appointed by the secretary (and shall have such administrative experience and possess such qualifications as shall be determined by the state personnel board subject to the advice and approval of the secretary).

Sec. 30. Section 72.33.040, chapter 28, Laws of 1959 as last amended by section 12, chapter 217, Laws of 1979 ex. sess. and RCW 72.33.040 are each amended to read as follows:

((The superintendent of a state school appointed after June 12, 1957 shall be a person of good character, and either a physician licensed to practice in the State of Washington or has attained a minimum of a master's degree from an accredited college or university in psychology, social science, or education, and in addition shall have had suitable experience in an administrative or professional capacity in the residential care, treatment and training of handicapped persons.))

The superintendent of a state school shall have a demonstrated history of knowledge, understanding, and compassion for the needs, treatment, and training of developmentally disabled persons.

The superintendent shall have custody of all residents and control of the medical, educational, therapeutic and dietetic treatment of all persons resident in such state school, except for the program of education provided pursuant to RCW 28A.58.772 through 28A.58.776, as now or hereafter amended, which the school district conducting the program shall have control of and joint custody of such residents in connection therewith: PROVIDED. That the superintendent shall cause surgery to be performed on any resident only upon gaining the consent of a parent, guardian, or limited guardian as authorized, except if after reasonable effort to locate the parents, guardian, or limited guardian as authorized, and the health of such resident is certified by the attending physician to be jeopardized unless such surgery is performed, the required consent shall not be necessary.

The superintendent shall have control of the internal government and economy of the state school and shall appoint and direct all subordinate officers and employees: PROVIDED. That the powers and duties conferred upon the superintendent shall be subject to the rules and regulations of the department and the state personnel board.

The superintendent shall have authority to engage the residents of the state school in beneficial work programs but shall not abuse such therapy by excessive hours or for purposes of discipline or punishment.

NEW SECTION. Sec. 31. There is added to chapter 74.20 RCW a new section to read as follows:

If the legal custodian has been wrongfully deprived of physical custody, the department is authorized to excuse the custodian from support payments for a child or children receiving or on whose behalf public assistance was provided under chapter 74.12 RCW.

Sec. 32. Section 74.04.060, chapter 26, Laws of 1959 as amended by section 1, chapter 152, Laws of 1973 and RCW 74.04.060 are each amended to read as follows:

For the protection of applicants and recipients, the department and the county offices and their respective officers and employees are prohibited, except as hereinafter provided, from disclosing the contents of any records, files, papers and communications, except for purposes directly connected with the administration of the programs of this title. In any judicial proceeding, except such proceeding as is directly concerned with the administration of these programs, such records, files, papers and communications, and their contents, shall be deemed privileged communications and except for the right of any individual to inquire of the office whether a named individual is a recipient of welfare assistance and such person shall be entitled to an affirmative or negative answer. However, upon written request of a parent who has been awarded visitation rights in an action for divorce or separation or any parent with legal custody of the child, the department shall disclose to him or her the current address and location of his or her natural or adopted children. Information supplied to a parent by the department shall be used only for purposes directly related to the enforcement of the visitation and custody provisions of the court order of separation or decree of divorce. No parent shall disclose such information to any other person except for the purpose of enforcing visitation provisions of the said order or decree.

The county offices shall maintain monthly at their offices a report showing the names and addresses of all recipients in the county receiving public assistance under this title, together with the amount paid to each during the preceding month.

The provisions of this section shall not apply to duly designated representatives of approved private welfare agencies, public officials, members of legislative interim committees and advisory committees when performing duties directly connected with the administration of the title such as regulation and investigation directly connected therewith: PROVIDED. HOW-EVER. That any information so obtained by such persons or groups shall be treated with such degree of confidentiality as is required by the federal social security law.

It shall be unlawful, except as provided in this section, for any person, body, association, firm, corporation or other agency to solicit, publish, disclose, receive, make use of, or to authorize, knowingly permit, participate in or acquiesce in the use of any lists or names for
commercial or political purposes of any nature. The violation of this section shall be a gross misdemeanor.

NEW SECTION. Sec. 33. There is added to chapter 74.04 RCW a new section to read as follows:

1. The department and the office of administrative hearings shall insure that bilingual services are provided to non-English speaking applicants and recipients. The services shall be provided to the extent necessary to assure that non-English speaking persons are not denied, or unable to obtain or maintain, services or benefits because of their inability to speak English.

2. If the number of non-English speaking applicants or recipients sharing the same language served by any community service office client contact job classification equals or exceeds fifty percent of the average caseload of a full-time position in such classification, the department shall, through attrition, employ bilingual personnel to serve such applicants or recipients.

3. Regardless of the applicant or recipient caseload of any community service office, each community service office shall ensure that bilingual services required to supplement the community service office staff are provided through contracts with interpreters, local agencies, or other community resources.

4. Initial client contact materials shall inform clients in all primary languages of the availability of interpretation services for non-English speaking persons. Basic informational pamphlets shall be translated into all primary languages.

5. To the extent all written communications directed to applicants or recipients are not in the primary language of the applicant or recipient, the department and the office of administrative hearings shall include with the written communication a notice in all primary languages of applicants or recipients describing the significance of the communication and specifically how the applicants or recipients may receive assistance in understanding, and responding to it, if necessary.

6. As used in this section, "primary languages" includes but is not limited to Spanish, Vietnamese, Cambodian, Laotian, and Chinese.

7. The department shall report to the legislature by July 1, 1984, on the cost-effectiveness of translating all written forms, notices, and other documents provided to non-English speaking applicants or recipients into primary languages.

NEW SECTION. Sec. 34. There is added to chapter 74.04 RCW a new section to read as follows:

No payment may be collected by the department for residential care if the collection will reduce the income as defined in RCW 74.04.005 of the head of household and remaining dependents below one hundred percent of the need standard for aid to families with dependent children.

NEW SECTION. Sec. 35. There is added to chapter 74.04 RCW a new section to read as follows:

1. The secretary is authorized to expend state funds in amounts necessary to continue federal aid assistance to clients who are eligible for such assistance except for temporary interruption in availability of federal funds when:

   a. Nonavailability of federal funds is the result of temporary expiration of appropriations or other factors and not the result of legislative changes in program structure, existence, or eligibility conditions.

   b. The secretary finds that federal funding may reasonably be expected to resume promptly and that federal repayment to the state for such funds advanced will cover what would otherwise have been the federal contribution to the cost of the assistance; and

   c. Expenditures are in accordance with RCW 43.88.070.

2. The provisions of this section shall terminate on June 30, 1985.

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 for the purpose of making available to states and their subdivisions assistance in providing public assistance to persons in need thereof.
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) (a) "General assistance"—Aid to (unemployable) persons in need who:

(i) Are not eligible to receive federal-aid assistance, other than food stamps and medical assistance, by reason other than resource and income eligibility; and

(ii) Are either:

(A) Pregnant: PROVIDED. That during any period in which an aid for dependent children employable program is not in operation, only those pregnant women who are categorically eligible for medicaid are eligible for general assistance: or

(B) Incapacitated from gainful employment by reason of:

(1) 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) shall be 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 plans); that will likely continue for a minimum of sixty days as determined by the department: PROVIDED. That persons in approved alcoholism or drug programs may be eligible for less than a sixty-day period in accordance with their plans; or

(C) Eligible for supplemental security income and whose need, as defined in this section, is not met by such supplemental security income grant because of separation from a spouse.

(b) General assistance shall be provided only to persons who are not members of assistance units receiving federal aid assistance, except as provided in subsection (d) (a) (i) (B) and (C) of this section, and will accept available services which can reasonably be expected to enable the person to work or reduce the need for assistance unless there is good cause to refuse. Failure to accept such services shall result in termination until the person agrees to cooperate in accepting such services and subject to the following maximum periods of ineligibility after reapplication:

(i) First failure: One week;

(ii) Second failure within six months: One month;

(iii) Third and subsequent failure within one year: Two months.

(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.

(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 need, whether 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 necessary for federal aid assistance.

(c) A motor vehicle, other than a motor home, used and useful having an equity value not to exceed one thousand five hundred dollars.

(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.

(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 during the month of application or after applying for or receiving public assistance: PROVIDED, 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 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 income 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.

(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 income received by or available to the applicant or recipient and the dependent members of his family.

(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. 37. Section 3, chapter 10, Laws of 1973 2nd ex. sess. as last amended by section 7, chapter 6, Laws of 1981 1st ex. sess. and RCW 74.04.620 are each amended to read as follows:

(1) The department is authorized to establish a program of state supplementation to the national program of supplemental security income consistent with Public Law 92-603 and Public Law 93-66 to those persons who are in need thereof in accordance with eligibility requirements established by the department.

(2) The department is authorized to establish reasonable standards of assistance and resource and income exemptions specifically for such program of state supplementation which shall be consistent with the provisions of the Social Security Act.

(3) The department is authorized to make payments to applicants for supplemental security income, pursuant to agreements as provided in Public Law 93-368, who are otherwise eligible for general assistance.

(4) Any agreement between the department and a supplemental security income applicant providing for the reimbursement of interim assistance to the department shall provide, if the applicant has been represented by an attorney, that twenty-five percent of the reimbursement received shall be withheld by the department and all or such portion thereof as has been approved as a fee by the United States department of health and human services shall be released directly to the applicant's attorney. The secretary may maintain such records as are deemed appropriate to measure the cost and effectiveness of such agreements and may make recommendations concerning the continued use of such agreements to the legislature.

Sec. 38. Section 4, chapter 10, Laws of 1981 2nd ex. sess. and RCW 74.04.770 are each amended to read as follows:

The department shall establish consolidated standards of need each ((biennium)) fiscal year 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 be based on
For the purposes of the administration of aid to families with dependent children assistance, the term "dependent child" means any child in need under the age of eighteen years...
who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of the parent, and who is with his father, mother, grandmother, grandfather, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece, in a place of residence maintained by one or more of such relatives as his or their homes. The term a "dependent child" shall, notwithstanding the foregoing, also include a child who would meet such requirements except for his removal from the home of a relative specified above as a result of a judicial determination that continuation therein would be contrary to the welfare of such child, for whose placement and care the state department of social and health services or the county office is responsible, and who has been placed in a licensed or approved child care institution or foster home as a result of such determination and who: (1) Was receiving an aid to families with dependent children grant for the month in which court proceedings leading to such determination were initiated; or (2) would have received aid to families with dependent children for such month if application had been made therefor; or (3) in the case of a child who had been living with a specified relative within six months prior to the month in which such proceedings were initiated, would have received aid to families with dependent children for such month if in such month he had been living with such a relative and application had been made therefor, as authorized by the Social Security Act; PROVIDED, That to the extent authorized by the legislature in the biennial appropriations act and to the extent that matching funds are available from the federal government, aid to families with dependent children assistance shall be available to any child in need who has been deprived of parental support or care by reason of the unemployment of a parent or stepparent liable under this chapter for support of the child.

"Aid to families with dependent children" means money payments, services, and remedial care with respect to a dependent child or dependent children and the needy parent or relative with whom the child lives and may include the spouse of such relative if living with him and if such relative is the child's parent and the child is a dependent child by reason of the physical or mental incapacity or unemployment of a parent or stepparent liable under this chapter for the support of such child.

NEW SECTION. Sec. 41. There is added to chapter 74.04 RCW a new section to read as follows:

(1) The department shall provide a community work and training program for recipients of aid for dependent children in accordance with RCW 74.04.390 through 74.04.470 beginning no later than January 1, 1984. The program shall be designed to:

(a) Provide community work and training services to a minimum of two hundred recipients in each biennium;

(b) Provide community work and training experience which will enhance the recipient's ability to obtain employment;

(c) Provide useful assistance to public and private nonprofit agencies which would otherwise not be provided by paid employees;

(d) Coordinate with other public or private employment programs to assure maximum employment opportunities for program participants;

(e) Utilize the effective components of the community work experience pilot program.

NEW SECTION. Sec. 42. There is added to chapter 74.04 RCW a new section to read as follows:

(1) The department of social and health services shall apply for a waiver from the federal government to implement a community work and training program for recipients of food stamps in accordance with RCW 74.04.390 through 74.04.470. The program shall be established in two counties, one east and one west of the Cascade Mountains, and shall serve a minimum of one hundred recipients in each fiscal year.

(2) Any member of a household participating in the food stamp program who is not exempt under subsection (3) of this section may be required to participate in the community work and training program required in subsection (1) of this section in order to continue to be eligible for food stamps.

(3) No household member shall be required to participate in the community work and training program who is:

(a) Determined to have good cause to refuse employment under chapter 74.23 RCW;

(b) Under eighteen or over sixty years of age;

(c) A parent or other member of the household responsible for the care of a child under six or of an incapacitated person;

(d) Employed at least twenty hours a week or participating in another work and training program under this title; or

(e) A regular participant in a drug addiction or alcohol training program.

(4) The department shall adopt any rules necessary to administer the community work and training program for food stamp recipients consistent with this title and with federal statutes and regulations.

Sec. 43. Section 2, chapter 161, Laws of 1979 ex. sess. as last amended by section 2, chapter ____ (SB 4204), Laws of 1983 and RCW 70.38.025 are each amended to read as follows:
When used in this chapter, the terms defined in this section shall have the meanings indicated.

(1) "Board of health" means the state board of health created pursuant to chapter 43.20 RCW.

(2) "Capital expenditure" is an expenditure, including a force account expenditure (i.e., an expenditure for a construction project undertaken by a facility as its own contractor) which, under generally accepted accounting principles, is not properly chargeable as an expense of operation or maintenance. Where a person makes an acquisition under lease or comparable arrangement, or through donation, which would have required review if the acquisition had been made by purchase, such expenditure shall be deemed a capital expenditure. Capital expenditures include donations of equipment or facilities to a health care facility which if acquired directly by such facility would be subject to certificate of need review under the provisions of this chapter and transfer of equipment or facilities for less than fair market value if a transfer of the equipment or facilities at fair market value would be subject to such review. The cost of any studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition, improvement, expansion, or replacement of any plant or equipment with respect to which such expenditure is made shall be included in determining the amount of the expenditure.

(3) "Council" means the state health coordinating council created in RCW 70.38.055 and described in Public Law 93--641.

(4) "Department" means the state department of social and health services.

(5) "Expenditure minimum" means, for the purposes of the certificate of need program, one million dollars adjusted by the department by rule to reflect changes in the United States department of commerce composite construction cost index; or a lesser amount required by federal law and established by the department by rule.

(6) "Federal law" means Public Law 93--641, as amended, or its successor.

(7) "Health care facility" means hospices, hospitals, psychiatric hospitals, tuberculosis hospitals, (alcoholism hospitals); nursing homes, kidney disease treatment centers, ambulatory surgical facilities, rehabilitation facilities, and home health agencies, and includes such facilities when owned and operated by the state or by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations, but does not include Christian Science sanatoriums operated, listed, or certified by the First Church of Christ Scientist, Boston, Massachusetts. In addition, the term does not include any nonprofit hospital: (a) Which is operated exclusively to provide health care services for children; (b) which does not charge fees for such services; (c) whose rate reviews are waived by the state hospital commission; and (d) if not contrary to federal law as necessary to the receipt of federal funds by the state.

(8) "Health maintenance organization" means a public or private organization, organized under the laws of the state, which:

(a) is a qualified health maintenance organization under Title XIII, section 1310(d) of the Public Health Services Act; or

(b) (i) Provides or otherwise makes available to enrolled participants health care services, including at least the following basic health care services: Usual physician services, hospitalization, laboratory, x-ray, emergency, and preventive services, and out-of-area coverage; (ii) is compensated (except for copayments) for the provision of the basic health care services listed in (b)(i) to enrolled participants by a payment which is paid on a periodic basis without regard to the date the health care services are provided and which is fixed without regard to the frequency, extent, or kind of health service actually provided: and (iii) provides physicians' services primarily (A) directly through physicians who are either employees or partners of such organization, or (B) through arrangements with individual physicians or one or more groups of physicians (organized on a group practice or individual practice basis).

(9) "Health services" means clinically related (i.e., preventive, diagnostic, curative, rehabilitative, or palliative) services and includes alcoholism, drug abuse, and mental health services and as defined in federal law.

(10) "Health service area" means a geographic region appropriate for effective health planning which includes a broad range of health services and a population of at least four hundred fifty thousand persons.

(11) "Institutional health services" means health services provided in or through health care facilities and entailing annual operating costs of at least five hundred thousand dollars adjusted by the department by rule to reflect changes in the United States department of commerce composite construction cost index; or a lesser amount required by federal law and established by the department by rule: PROVIDED, That no new health care facility may be initiated as an institutional health service.

(12) "Major medical equipment" means medical equipment which is used for the provision of medical and other health services and which costs in excess of one million dollars, adjusted by the department by rule to reflect changes in the United States department of commerce composite construction cost index; or a lesser amount required by federal law and established by the department by rule: except that such term does not include medical equipment.

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acquired by or on behalf of a clinical laboratory to provide clinical laboratory services if the clinical laboratory is independent of a physician’s office and a hospital and it has been determined under Title XVIII of the Social Security Act to meet the requirements of paragraphs (10) and (11) of section 1861(s) of such act.

(13) “Person” means an individual, a trust or estate, a partnership, a corporation (including associations, joint stock companies, and insurance companies), the state, or a political subdivision or instrumentality of the state, including a municipal corporation or a hospital district.

(14) “Provider” generally means a health care professional or an organization, institution, or other entity providing health care but the precise definition for this term shall be established by rule of the department, consistent with federal law.

(15) “Public health” means the level of well-being of the general population: those actions in a community necessary to preserve, protect, and promote the health of the people for which government is responsible; and the governmental system developed to guarantee the preservation of the health of the people.

(16) “Regional health council” means a public regional planning body or a private non-profit corporation which is organized and operated in a manner that is consistent with the laws of the state and which is capable of performing each of the functions described in RCW 70.38-0.85. A regional health council shall have a governing body for health planning which is composed of a majority (but not more than sixty percent of the members) of persons who are residents of the health service area served by the entity: who are consumers of health care: who are broadly representative of the social, economic, linguistic, and racial populations, and geographic areas of the health service area, and major purchasers of health care: and who are not, nor within the twelve months preceding appointment have been, providers of health care.

(17) “Regional health plan” means a document which provides at least a statement of health goals and priorities for the health service area. In addition, it sets forth the number, type, and distribution of health facilities, services, and manpower needed within the health service area to meet the goals of the plan.

(18) “State health plan” means a document developed in accordance with RCW 70.38.065.

NEW SECTION. Sec. 45. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 277, Laws of 1959, section 216, chapter 141. Laws of 1979 and RCW 72.18.010;
(2) Section 4, chapter 277, Laws of 1959, section 217, chapter 141. Laws of 1979 and RCW 72.18.040;
(3) Section 5, chapter 277, Laws of 1959, section 218, chapter 141. Laws of 1979 and RCW 72.18.050;
(4) Section 6, chapter 277, Laws of 1959, section 219, chapter 141. Laws of 1979 and RCW 72.18.060;
(5) Section 7, chapter 277, Laws of 1959, section 220, chapter 141. Laws of 1979 and RCW 72.18.070; and
(6) Section 8, chapter 277, Laws of 1959, section 221, chapter 141. Laws of 1979 and RCW 72.18.080.

NEW SECTION. Sec. 46. If any provision of this act or its application to any person or circumstances is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.


and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

Senator McManus moved that the Senate do concur in the House amendments to Reengrossed Substitute Senate Bill No. 3660.

MOTION

On motion of Senator Bottiger, further consideration of Reengrossed Substitute Senate Bill No. 3660 was deferred.

MESSAGE FROM THE HOUSE

May 7, 1983

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4245 with the following amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. There is added to chapter 70.105 RCW a new section to read as follows:

The legislature hereby declares that:

1) The health and welfare of the people of the state depend on clean and pure environmental resources unaffected by hazardous waste contamination. Management and regulation of hazardous waste disposal should encourage practices which result in the least amount of waste being produced. Towards that end, the legislature finds that the following priorities in the management of hazardous waste are necessary and should be followed in order of descending priority as applicable:

(a) Waste reduction;
(b) Waste recycling;
(c) Physical, chemical, and biological treatment;
(d) Incineration;
(e) Solidification/stabilization treatment;
(f) Landfill.

2) As used in this section:

(a) "Waste reduction" means reducing waste so that hazardous byproducts are not produced;
(b) "Waste recycling" means reusing waste materials and extracting valuable materials from a waste stream;
(c) "Physical, chemical, and biological treatment" means processing the waste to render it completely innocuous, produce a recyclable byproduct, reduce toxicity, or substantially reduce the volume of material requiring disposal;

(d) "Incineration" means reducing the volume or toxicity of wastes by use of an enclosed device using controlled flame combustion;

(e) "Solidification/stabilization treatment" means the use of encapsulation techniques to solidify wastes and make them less permeable or leachable; and

(f) "Landfill" means a disposal facility, or part of a facility, at which waste is placed in or on land and which is not a land treatment facility, surface impoundment, or injection well.

NEW SECTION. Sec. 2. There is added to chapter 70.105 RCW a new section to read as follows:

The department shall conduct a study to determine the best management practices for categories of waste for the priority waste management methods established in section 1 of this act, with due consideration in the course of the study to sound environmental management and available technology. As an element of the study, the department shall review methods that will help achieve the priority of section 1(1)(a) of this act, waste reduction. After conducting the study, the department shall prepare new rules or modify existing rules as appropriate to promote implementation of the priorities established in section 1 of this act for management practices which assure use of sound environmental management techniques and available technology. The preliminary study shall be completed by July 1, 1986, and the rules shall be adopted by July 1, 1987. The solid waste advisory committee shall review the studies and the new or modified rules and submit recommendations to the legislature by January 1, 1988, regarding policy options (such as fee incentives, disposal bans, etc.) that will be used to reduce the production of dangerous and extremely hazardous waste in Washington state.

NEW SECTION. Sec. 3. There is added to chapter 70.105 RCW a new section to read as follows:

Consistent with the purposes of sections 1 and 2 of this act, the department is authorized to promote the priority waste management methods listed in section 1 of this act by establishing or assisting in the establishment of: (1) Consultative services which, in conjunction with any business or industry requesting such service, study and recommend alternative waste management practices; and (2) technical assistance, such as a toll-free telephone service, to persons interested in waste management alternatives. Any person receiving such service or assistance may, in accordance with state law, request confidential treatment of information about their manufacturing or business practices.

NEW SECTION. Sec. 4. There is added to chapter 70.105 RCW a new section to read as follows:

All fines and penalties collected under this chapter shall be deposited in the hazardous waste control and elimination account, which is hereby created in the state general fund. Moneys in the account collected from fines and penalties shall be expended exclusively by the department of ecology for the purposes of providing technical services under section 3 of this act, subject to legislative appropriation.

NEW SECTION. Sec. 5. (1) There is appropriated to the department of ecology from the hazardous waste control and elimination account in the general fund for the biennium ending June 30, 1985, the sum of one hundred thousand dollars, or so much thereof as may be necessary, for the purposes of section 3 of this act.

(2) There is appropriated to the department of ecology from the general fund for the biennium ending June 30, 1985, the sum of two hundred thousand dollars, or so much thereof as may be necessary, for the purposes of section 2 of this act.

"On page 1, line 1 of the title, after "wastes:" strike the remainder of the title and insert "adding new sections to chapter 70.105 RCW; and making appropriations."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Hughes, the Senate did not concur in the House amendments to Substitute Senate Bill No. 4245 and asks the House for a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 4245, and the House amendments thereto: Senators Hughes, Haley and Talmadge.

MOTION

On motion of Senator Shinpoch, the Conference Committee appointments were confirmed.
POINT OF INQUIRY

Senator Hayner: "Senator Bolliger, there a number of the members of our caucus that are quite concerned with the schedule that we have. This is the fifteenth day of the special session, many of them have to be back at their jobs or to their farms and so forth. We have still the operating budget, the revenue package—we just passed the capital budget which is significantly different from the House budget—and in fact it is back to very close to what the Governor proposed. We have not done anything about the timber tax. I understand there are problems with the boat tax. We have not dealt with all the concurrences. We have a dispute going between us on a number of these bills and we would like to know what kind of a schedule we can expect. When do you anticipate we will be out of here because we're really getting concerned."

Senator Bolliger: "Senator Hayner, nobody could be more concerned, nor more anxious than I to be out of here. Again, I would like to compliment you and your caucus for all the cooperation and the lack of dilatory tactics and refusal to bump that have occurred elsewhere on this campus. We are progressing. I told the caucus this morning that I have a list of things to do and I would like to get all the way through them. One of them is the gas tax, but apparently there has been some kind of a change in the boat count that might cause us to delay that another day, and I'm sure you and I have discussed that in private.

"We are proceeding. We had tried to get out of the way, today, the capital budget, the debt limit, at least one of the WPPSS bills and we have it written on our blackboard and you're invited to come into the caucus and to look at the schedule. As soon as we can get the votes to do all these things, we will be out of here."

Senator Hayner: "When will that be?"

Senator Bolliger: "Senator, at some point in time, I may come across the aisle and claim back the three votes that I was able to secure for you in the last session to get us out on time. I want to make sure that they're really critical and crucial and nothing like putting the sales tax on food."

"There being no objection, the Senate resumed consideration of Engrossed House Bill No. 1094 and the pending motion by Senator Williams to adopt the Committee on Energy and Utilities amendment.

MOTION

Senator Hansen moved that the following amendment by Senators Hansen and McCaslin to the Committee on Energy and Utilities amendment be adopted:

On page 2, after line 20, insert the following:

NEW SECTION Sec. 4. There is added to chapter 87.03 RCW a new section to read as follows:

In addition to other powers conferred by law, an irrigation district is authorized to construct, purchase, lease, or otherwise acquire, maintain, and operate a system for lighting public streets and highways and to enter into a contract or contracts with electric utilities, either public or private, to provide that service. However, no contract entered into by the board for providing street lighting for a period exceeding ten years is binding upon the district unless ratified by a majority vote of the electors of the district at an election called, held, and canvassed for that purpose in the same manner as provided by law for district bond elections.

The authority granted by this section applies only to an irrigation district that has begun the construction, purchase, lease, or acquisition of a street lighting system by January 1, 1984, or has entered into a contract for that service by that date.

Sec. 5. Section 5, page 674, Laws of 1889-90 and RCW 87.03.085 are each amended to read as follows:

Fifteen days before any election held under this chapter, subsequent to the organization of any district, the secretary of the board of directors shall cause notices to be posted in three public places in each election precinct, of the time and place of holding the election, and shall also post a general notice of the same in the office of the board, which shall be established and kept at some fixed place to be determined by the board, specifying the polling places of each precinct. Prior to the time for posting the notices, the board must appoint for each precinct, from the electors thereof, one inspector and two judges, who shall
The directors shall each receive not to exceed forty dollars per day in attending meetings and while performing other services for the district, to be fixed by resolution and entered in the minutes of their proceedings, and in addition thereto their reasonable expenses in accordance with chapter 42.24 RCW. Any person to whom a contract may have been awarded for the construction of a canal or any of the works of the district, or any portion thereof, or for the furnishing of labor or material, shall enter into a bond with good and sufficient sureties, to be approved by the board of directors, payable to the district for its use, for at least twenty-five percent of the amount of the contract price, conditioned for the faithful performance of said contract, and with such further conditions as may be required by law in the case of contracts for public work, and as may be required by resolution of the board. All works shall be done under the direction and to the satisfaction of the engineer of the district, and be approved by the board. Whenever in the construction of the district canal or canals, or other works, or the furnishing of materials thereof, the board of directors shall determine to let a contract or contracts for the doing of the work or the furnishing of the materials, a notice calling for sealed proposals shall be published in a newspaper in the county in which the office of the board is situated, and in any other newspaper which may be designated by the board, and for such length of time, not less than once each week for two weeks, as may be fixed by the board. At the time and place appointed in the notice for the opening of bids, the sealed proposals shall be opened in public, and as soon as convenient thereafter, the board shall let the work or the contract for the purchase of materials, either in portions or as a whole, to the lowest responsible bidder, or the board may reject any or all bids and readvertise, or may proceed to construct the work under its own superintendence. PROVIDED, That the provisions of this section in regard to public bidding shall not apply in cases where the board is authorized to exchange bonds of the district in payment for labor and material: PROVIDED FURTHER, That the provisions of this section shall not apply in the case of any contract between the district and the United States.

Sec. 6. Section 35. page 689. Laws of 1889-90 as last amended by section 17, chapter 179, Laws of 1915 and RCW 87.03.435 are each amended to read as follows:

Any person to whom a contract may have been awarded for the construction of a canal or any of the works of the district, or any portion thereof, or for the furnishing of labor or material, shall enter into a bond with good and sufficient sureties, to be approved by the board of directors, payable to the district for its use, for at least twenty-five percent of the amount of the contract price, conditioned for the faithful performance of said contract, and with such further conditions as may be required by law in the case of contracts for public work, and as may be required by resolution of the board. All works shall be done under the direction and to the satisfaction of the engineer of the district, and be approved by the board. Whenever in the construction of the district canal or canals, or other works, or the furnishing of materials thereof, the board of directors shall determine to let a contract or contracts for the doing of the work or the furnishing of the materials, a notice calling for sealed proposals shall be published in a newspaper in the county in which the office of the board is situated, and in any other newspaper which may be designated by the board, and for such length of time, not less than once each week for two weeks, as may be fixed by the board. At the time and place appointed in the notice for the opening of bids, the sealed proposals shall be opened in public, and as soon as convenient thereafter, the board shall let the work or the contract for the purchase of materials, either in portions or as a whole, to the lowest responsible bidder, or the board may reject any or all bids and readvertise, or may proceed to construct the work under its own superintendence. PROVIDED, That the provisions of this section in regard to public bidding shall not apply in cases where the board is authorized to exchange bonds of the district in payment for labor and material: PROVIDED FURTHER, That the provisions of this section shall not apply in the case of any contract between the district and the United States.

Sec. 7. Section 39. page 692. Laws of 1889-90 as last amended by section 1, chapter 23, Laws of 1980 and RCW 87.03.460 are each amended to read as follows:

The directors shall each receive not to exceed forty dollars per day in attending meetings and while performing other services for the district, to be fixed by resolution and entered in the minutes of their proceedings, and in addition thereto their reasonable expenses in accordance with chapter 42.24 RCW. The board shall fix the compensation of the secretary and all other employees. The board shall, upon the petition of at least fifty or a majority of the electors, submit to the electors at any general district election, a schedule of salaries and fees to be paid hereunder. The petition shall be presented to the board twenty days before a general election; and the result thereof shall be determined and declared as other elections.

Renumber the sections consecutively.

POINT OF ORDER

Senator Benitz: "Mr. President, I raise the question of scope and object on the amendment proposed by Senators Hansen and McCaslin."

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Benitz, the President finds that Engrossed House Bill No. 1094 is a measure which grants certain public officials and employees immunity from civil liability for any decisions made in the good faith performance of their official duties which relate to their responsibilities for electrical utilities.

"The amendment proposed by Senators Hansen and McCaslin amends the law relating to irrigation district election procedures and powers.

"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 to the Committee on Energy and Utilities amendment was ruled out of order.
The President declared the question before the Senate to be the motion by Senator Williams to adopt the Committee on Energy and Utilities amendment.

The motion by Senator Williams carried and the committee amendment was adopted.

MOTIONS

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

On page l, line 1 of the title, after "local government," strike the remainder of the title and insert "adding a new section to chapter 35.21 RCW; adding a new section to chapter 54.12 RCW; adding a new section to chapter 87.03 RCW; and declaring an emergency."

On motion of Senator Williams, the rules were suspended. Engrossed House Bill No. 1094, 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 Talmadge: "Senator Williams, is it the intent of this bill to give relief for personal liability for actions taken before its effective date?"

Senator Williams: "Senator Talmadge, no. We discussed this issue in committee and it was clearly understood that the legislation is not retrospective. It is prospective and only covers actions taken subsequent to its effective date."

Senator Talmadge: "Senator, the second question—the courts will frequently interpret enactments or other legislative expressions of public policy to guide situations that occurred before the effective date of the act. Although this enactment is to be prospective only, is this statute to be used at all in the assessment of situations that occurred before the effective date of the act?"

Senator Williams: "No."

Senator Talmadge: "One last one—is it the intent of this bill to confer any kind of immunity on public utility district commissioners from a potential recall?"

Senator Williams: "No, not at all."

Further debate ensued.

POINT OF INQUIRY

Senator Shinpoch: "Senator Hemstad, your speech—I am not sure that I understood you correctly and I want to clarify it. I think that I understood you to say that this bill would apply to things retroactively—to things that have occurred in the past and we would—if I misunderstood you, would you make the statement again and let me understand it?"

Senator Hemstad: "Senator Shinpoch, my concern is that legislation, in the typical situation, is prospective only in application and I expect that's what would be the intent of this legislature with this bill—that it would be prospective in application.

"The burden of Senator Talmadge's question was really an attempt, I think, to bind the court, that it was incapable of using its common-law powers to modify the common-law as fact situations arose and come before the court for historical events that have already occurred. That seemed to be going beyond what this legislature should do and the court should treat those events as they arise, as it does commonly with any other issue that comes in front of it and is beyond our responsibility to attempt to dictate to the courts how it will address retrospectively, which courts do, how it will address those fact situations as they arise. We should be saying nothing on that issue."

Senator Shinpoch: "Thank you, Senator Hemstad. I am not sure that I am in agreement with your statement. At least, I understand what you were saying. I understood the questions or the one question, particularly, that you are concerned with—is simply being designed to assure members of the body that we were not going back—if something has occurred—that we are not going back and blessing something that has gone on—that has occurred before. I appreciate your answer. Thank you."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1094, as amended by the Senate.
ROLL CALL

The Secretary call the roll on final passage Engrossed House Bill No. 1094, as amended by the Senate, and the bill passed the Senate by the following vote:

Yeas, 32; nays, 16; excused, 1.

Voting yea: Senators Barr, Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Hatley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McManus, Newhouse, Owen, Patterson, Peterson, Quigg, Sellar, Thompson, Williams, Woody, Zimmerman - 32.


Excused: Senator Pullen - 1.

ENGROSSED HOUSE BILL NO. 1094, 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 Shinpoch, the Senate advanced to the eighth order of business.

MOTION

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

SENATE RESOLUTION 1983-19

By Senators McManus, Fleming, Deccio, Talmadge and Granlund

WHEREAS, The Child Protective Services section of the Department of Social and Health Services provides a twenty-hour a day emergency service, investigation and assessment of reported cases of child abuse, neglect or exploitation, with counseling and referral to other services as needed; and

WHEREAS, Child Protective Services provides primary coordination and authority for intervention for community child abuse/neglect services; and

WHEREAS, The major elements of service are the provision of intake and assessment of risk; investigation of all allegations of child abuse and neglect; and the provision of ongoing counseling, monitoring, and resource coordination for abuse and neglecting families; and

WHEREAS, The Child Protective Services section of the Department of Social and Health Services must coordinate its activities with law enforcement, health care providers, schools, foster care and day care, and mental health providers; and

WHEREAS, In 1982, 1,700 cases were opened per month and in 1985 it is projected that 2,200 cases will be opened per month; and

WHEREAS, In a number of cases, parents have endured much trauma due to inadequate following of practices and procedures as set forward in the Revised Code of Washington and the policy statement of the Child Protective Services, and inappropriate prosecution or absence of prosecution by the State Attorney General's office and/or the appropriate municipal or county prosecutor's office of those individuals alleged to have committed the abuse or neglect;

NOW, THEREFORE, BE IT RESOLVED, That the Senate Committee on Social and Health Services, the Senate Committee on Institutions, and the Senate Committee on Judiciary conduct a joint study and thorough review of all services, activities and procedures of the Child Protective Services section of the Department of Social and Health Services, including but not limited to:

1) Investigate a random and comprehensive sampling of cases on file with Child Protective Services. The cases to be chosen by an authorized member or staff person of the committee. Child Protective Services shall make all cases available to the committee;

2) Child Protective Services training programs;

3) Facilitation of community-based services for Child Protective Services clients;

4) Inter/intra program linkages; and

5) The effect of various actions by Child Protective Services on child custody proceedings and determinations; and
BE IT FURTHER RESOLVED, That the Senate committees shall report their joint findings and recommendations to the next session of the Legislature by January 1, 1984.

MOTION

At 8:50 p.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Wednesday, May 10, 1983.

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

MORNING SESSION

Senate Chamber, Olympia, Tuesday, May 10, 1983

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 Bauer, McDermott, Pullen and Sellar. On motion of Senator Bluechel, Senators Pullen and Sellar were excused.

The Sergeant at Arms Color Guard, consisting of Pages Ted Peterson and Paula McWilliams, presented the Colors. Reverend Theodore Marmo, pastor of St. Michael’s Catholic Church of Olympia, offered the prayer.

MOTION

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

INTRODUCTION AND FIRST READING

by Senators McManus, Quigg and Vognild

Establishing the joint oversight committee on the joint Training Partnership Act.

MOTIONS

On motion of Senator Shinpoch, the rules were suspended. Senate Concurrent Resolution No. 135 was advanced to second reading and read the second time.

On motion of Senator Shinpoch, the rules were suspended. Senate Concurrent Resolution No. 135 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

MOTION

On motion of Senator Quigg, and there being no objection, his name was removed as a prime sponsor of Senate Concurrent Resolution No. 135.

The President declared the question before the Senate to be the roll call on final passage of Senate Concurrent Resolution No. 135.

ROLL CALL

The Secretary called the roll on final passage of Senate Concurrent Resolution No. 135, and the resolution failed to pass the Senate by the following vote: Yeas, 23; nays, 22; absent, 2; excused, 2.


Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Quigg, Vognild, von Reichbauer, Zimmerman - 22.

Absent: Senators Bauer, McDermott - 2.

Excused: Senators Pullen, Sellar - 2.

SENATE CONCURRENT RESOLUTION NO. 135, having failed to receive the constitutional majority, was declared lost.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Vognild served notice that he would move to reconsider the vote by which Senate Concurrent Resolution No. 135 failed to pass the Senate.

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

MESSAGE FROM THE HOUSE

May 7, 1983
The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 240 and asks the Senate for a conference thereon, and the Speaker has appointed the following members as conferees: Representatives Pruitt, Tanner and Barnes.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate granted the request of the House for a conference on Engrossed Substitute House Bill No. 240.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 240 and the Senate amendments thereto: Senators Talmadge, Pullen and Rinehart.

MOTION

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

MOTIONS

On motion of Senator Shinpoch, the rules were suspended and the Committee on Rules was relieved of further consideration of Senate Concurrent Resolution No. 120.

On motion of Senator Shinpoch, Senate Concurrent Resolution No. 120 was advanced to second reading and placed on the second reading calendar. At 10:23 a.m., on motion of Senator Shinpoch, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Cherberg.

MESSAGE FROM THE HOUSE

May 10, 1983

Mr. President:
The Speaker has signed:
SUBSTITUTE SENATE BILL NO. 3067,
SUBSTITUTE SENATE BILL NO. 4137, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MESSAGE FROM THE HOUSE

May 9, 1983

Mr. President:
The House has adopted the Report of the Free Conference Committee on ENGROSSED HOUSE BILL NO. 74, and the report together with the bill are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

May 8, 1983

Mr. President:
Mr. Speaker:
We, of your Free Conference Committee, to whom was referred, ENGROSSED HOUSE BILL NO. 74, raising limits on local government contracts that may benefit local officers, have had the same under consideration, and we recommend that Engrossed House Bill No. 74 be amended as follows and that the amended bill do pass:

(See Report of Conference Committee on Engrossed House Bill No. 74 read in on May 6, 1983)

Signed by: Senators Thompson, Zimmerman and Bauer; Representatives Moon, Ebersole and Brough.
MOTION

On motion of Senator Thompson, the Report of the Free Conference Committee on Engrossed House Bill No. 74 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 74, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 74, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 41; nays, 4; absent, 4.

Voting yea: Senators Barr, Bauer, Bender, Benitz, BluecheL Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCasin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 41.


ENGROSSED HOUSE BILL NO. 74, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

May 9, 1983

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3079, with the following amendments:

strike everything after the enacting clause and insert the following:

"Sec: 1. Section 2, chapter 75, Laws of 1963 as amended by section 2, chapter 57, Laws of 1965 and RCW 41.04.190 are each amended to read as follows:

The cost of any such group policy or plan to any such public agency or body shall not be deemed additional compensation to the employees or elected county officials covered thereby (for services rendered), and any officer authorized to disburse such funds may pay in whole or in part to any such insurance carrier or health care service contractor the amount of the premiums due pursuant to any such contract.

NEW SECTION. Sec. 2. The local government committees of the senate and house of representatives shall study compensation and other benefits provided to officials of special purpose districts and report their findings and any recommendations to the senate and house of representatives on or before January 1, 1984."

On page 1, line 1 of the title, after "insurance," strike the remainder of the title and insert "amending section 2, chapter 75, Laws of 1963 as amended by section 2, chapter 57, Laws of 1965 and RCW 41.04.190; and creating a new section."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTIONS

On motion of Senator Thompson, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 3079.

On motion of Senator Vognild, Senator McDermott was excused.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3079, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage on Engrossed Substitute Senate Bill No. 3079, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent, 1; excused, 1.


Voting nay: Senator Pullen - 1.

Absent: Senator Guess - 1.
Excused: Senator McDermott - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3079, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

May 9, 1983

Mr. President:
The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3079 with the following amendments:

On page 3, beginning on line 28, after "by" strike "the department of social and health services in consultation with"

On page 4, beginning on line 17, after "by" strike "the state department of social and health services or"

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Thompson, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 3490.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3490, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage on Engrossed Substitute Senate Bill No. 3490, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; absent, 1; excused, 1.

Voting yea: Senators Barr, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hernstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McManus, Melcall, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rinehart, Seilar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Voting nay: Senators Pullen, Rasmussen - 2.

Absent: Senator Bauer - 1.

Excused: Senator McDermott - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3490, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

May 7, 1983

Mr. President:
The House has adopted the Report of the Conference Committee on ENGROSSED SENATE BILL NO. 3858 and has passed the bill as amended by the Free Conference Committee, and said report together with the bill are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

May 8, 1983

Mr. President:
Mr. Speaker:

We, of your Free Conference Committee, to whom was referred, ENGROSSED SENATE BILL NO. 3858, authorizing the annexation of areas outside cities and towns upon consent of property owners, have had the same under consideration, and we recommend that Engrossed Senate Bill No. 3858 be amended as follows and that the amended bill do pass.

(See Report of Conference Committee on Engrossed Senate Bill No. 3858 read in on May 6, 1983)

Signed by: Senators Thompson, Granlund and Benitz; Representatives Moon, Chamley and Van Dyken.
MOTION

Senator Thompson moved that the Report of the Free Conference Committee on Engrossed Senate Bill No. 3858 not be adopted.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Concurring with the remarks of Senator Benitz and Senator Thompson, I would like to ask Senator Thompson a question. Is it your intention to raise Senator Barr's portion of the bill, which is all right?"

Senator Thompson: "Senator Rasmussen, we believe we can. I think we have established that kind of an understanding with the House conferees and the people involved over there."

PARLIAMENTARY INQUIRY

Senator Rasmussen: "Mr. President, on a move to reject the Free Conference Report, where does the bill end up then?"

REPLY BY THE PRESIDENT

President Cherberg: "It would be possible for the conferees to meet again, if they so chose."

The President declared the question before the Senate to be the motion by Senator Thompson to not adopt the Report of the Free Conference Committee on Engrossed Senate Bill No. 3858.

The motion by Senator Thompson carried and the Senate did not adopt the Report of the Free Conference Committee on Engrossed Senate Bill No. 3858.

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 712 by Committee on Ways and Means (originally sponsored by Representatives Wang, Grimm, Kaiser, Ellis, J. King, Garrett, Lux, Rust, B. Williams, Fisher, Isaacson and Chamley)

Providing for the funding of a hazardous waste program.

Referred to Committee on Parks and Ecology.

SHB 717 by Committee on Ways and Means (originally sponsored by Representatives Grimm, Wang, Ellis, Rust, Fisher, Isaacson, B. Williams and Chamley)

Authorizing bonds for hazardous waste investigation, clean up, etc.

Referred to Committee on Parks and Ecology.

MOTION

At 2:02 p.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President called the Senate to order at 2:34 p.m.

MESSAGE FROM THE HOUSE

May 10, 1983

Mr. President:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 278, as amended by the Senate on page 14, line 21; page 52, line 21; page 55, line 15; page 72, line 6; page 93, line 18, line 20 and line 28; and without those certain amendments from which the Senate receded.

DEAN R. FOSTER, Chief Clerk

MESSAGE FROM THE HOUSE

May 10, 1983

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 139.
SIXTEENTH DAY, MAY 10, 1983

HOUSE BILL NO. 570, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGN BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 139,

HOUSE BILL NO. 570.

There being no objection, the Senate resumed consideration of Reengrossed Substitute Senate Bill No. 3660 and the pending motion by Senator McManus to concur in the House amendments, deferred May 9, 1983.

Debate ensued.

POINT OF ORDER

Senator Craswell: “Mr. President, I would challenge this on scope and object. There are four pages of title amendments and I think this is quite unusual and I do suggest that the whole amendment is out of the scope and object.”

Debate ensued.

At 2:40 p.m., there being no objection, the Senate was declared to be at ease.

The President called the Senate to order at 2:46 p.m.

RULING BY THE PRESIDENT

President Cherberg: “In ruling upon the point of order raised by Senator Craswell, the President finds that Reengrossed Substitute Senate Bill No. 3660 is an omnibus measure modifying the laws governing the powers and duties of the Department of Social and Health Services.

“The amendment proposed by the House of Representatives in its entirety also modifies the laws governing the powers and duties of the Department of Social and Health Services.

“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 amendments by the House of Representatives were ruled in order.

The motion by Senator McManus carried and the House amendments to Reengrossed Substitute Senate Bill No. 3660 were adopted.

The President declared the question before the Senate to be the roll call on final passage of Reengrossed Substitute Senate Bill No. 3660, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage on Reengrossed Substitute Senate Bill No. 3660, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 33; nays, 10; absent, 5; excused, 1.


Voting nay: Senators Barr, Benitz, Craswell, Hayner, Jones, McCaslin, Metcalf, Newhouse, Quigg, Zimmerman - 10.

Absent: Senators Granlund, Guess, Owen, Pullen, Rinehart - 5.

Excused: Senator McDermott - 1.

REENGROSSED SUBSTITUTE SENATE BILL NO. 3660, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President advanced the Senate to the sixth order of business.
SUBSTITUTE HOUSE BILL NO. 251, by Committee on Commerce and Economic Development (originally sponsored by Representatives Sayan, Vekich, J. King, Fisch, Allen, McClure, Wang, Tanner, Haugen, Appelwick, Ellis, Fisher, Hine, Lux, Charnley, Gallagher, B. Williams, Powers, Stratton, Ristuben and Garrett)

Establishing the state employment and conservation corps.

The bill was read the second time.

MOTIONS

On motion of Senator Vognild, Senator Owen was excused.

Senator Hughes moved the following Committee on Parks and Ecology amendment be adopted:

On page 1, beginning on line 6, strike the remainder of the amendment and insert the following:

NEW SECTION. Sec. 1. The legislature finds that:

(1) The unemployment rate in the state of Washington is the highest since the great depression, with a significantly higher rate among Washington youth.
(2) The policy of the state is to conserve and protect its natural and urban resources, scenic beauty, and historical and cultural sites.
(3) It is in the public interest to target employment projects to those activities which have the greatest benefit to the local economy.
(4) There are many unemployed young adults without hope or opportunities for entrance into the labor force who are unable to afford higher education and who create a serious strain on tax revenues in community services.
(5) The severe cutbacks in community and human services funding leave many local community service agencies without the resources to provide necessary services to those in need.
(6) The talent and energy of Washington's unemployed young adults are an untapped resource which should be challenged to meet the serious shortage in community services and promote and conserve the valuable resources of the state.

Therefore, the legislature finds it necessary and in the public interest to enact the Washington youth employment and conservation act. As part of this act, the Washington youth employment exchange is established as an operating program of the employment security department. The legislature desires to facilitate the potential of youth to obtain available job opportunities in both public and private agencies.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Commissioner" means the commissioner of the employment security department.
(2) "Department" means the employment security department.
(3) "Enrollees" means those persons who have completed enrollment forms, completed a work agreement, and who have entered into service following the approval of the director of the supervising agency.
(4) "Exchange" means the Washington youth employment exchange.
(5) "Work agreement" means the written agreement between the department, the enrollee and the supervising agency under this chapter for a period of up to eighteen months.
(6) "Supervising agencies" means those private or public agencies which develop and implement full-time service projects in which enrollees agree to participate.
(7) "Matching funds" means funding that is provided to the employment security department by agencies or individuals as financial support for a portion of the stipend or wage and benefits paid to the enrollee.
(8) "Financial support" means any thing of value contributed by agencies or individuals to the department for a youth employment project which is reasonably calculated to support directly the development and expansion of a particular program under this chapter and which represents an addition to any financial support previously or customarily provided by the individual or agency. "Financial support" includes, but is not limited to funds, equipment, facilities, and training.
(9) "Director" means the individual who shall serve as the director of the exchange.

NEW SECTION. Sec. 3. The Washington youth employment exchange is established within the employment security department. The commissioner shall:

(1) Appoint a director for the exchange and other personnel as necessary to carry out the purposes of this act;
(2) Coordinate youth employment and training efforts under the department's jurisdiction and cooperate with other agencies or departments providing youth services to ensure that funds appropriated for the purposes of this chapter will not be expended to duplicate existing services, but will increase the services of youth to the state;
NEW SECTION. Sec. 4. The commissioner may select and enroll in the Washington youth employment exchange program any person who is at least eighteen years of age but not more than twenty-five years of age, is a resident of the state, and who is not for medical, legal, or psychological reasons incapable of service. In the selection of enrollees of the exchange, preference shall be given to youths residing in areas, both urban and rural, in which there exists substantial unemployment above the state average. Efforts shall be made to enroll youths who are economically, socially, physically, or educationally disadvantaged. The commissioner may prescribe such additional standards and procedures in consultation with supervising agencies as may be necessary in conformance with this chapter.

NEW SECTION. Sec. 5. The commissioner shall use existing local offices of the employment security department or contract with independent, private nonprofit agencies in a local community to establish the local youth employment exchange program and to insure coverage of the program state-wide. Each local youth employment exchange program shall maintain a list of available youth employment opportunities in the jurisdiction covered by the local office and the appropriate forms or work agreements to enable the youths to apply for employment in private or public supervising agencies.

NEW SECTION. Sec. 6. Placements in the Washington youth employment exchange shall be made in supervising agencies under work agreements as provided under this chapter and shall include those assignments which provide for addressing community needs and conservation problems and will assist the community in economic development efforts. Each work agreement shall:

1. Demonstrate that the service project is appropriate for the enrollee’s interests, skills, and abilities and that the project is designed to meet unmet community needs;

2. Include a requirement of regular performance evaluation. This shall include clear work performance standards set by the supervising agency and procedures for identifying strengths, recommended improvement areas and conditions for probation or dismissal of the enrollee; and

3. Include a commitment for partial financial support for the enrollee for a private industry, public agency, community group, or foundation. The commissioner may establish additional standards for the development of placements for enrollees with supervising agencies and assure that the work agreements comply with those standards. This section shall not apply to conservation corps programs established by chapter 43. RCW (chapter ... (2SSB 3624), Laws of 1983).

Agencies of the state may use the youth employment exchange for the purpose of employing youth qualifying under this chapter.

NEW SECTION. Sec. 7. The assignment of enrollees shall not result in the displacement of currently employed workers, including partial displacement such as reduction in hours of nonovertime work, wages, or other employment benefits. Supervising agencies that participate in the program may not terminate, lay-off, or reduce the working hours of any employee for the purpose of utilizing an enrollee with funds available. In circumstances where substantial efficiencies or a public purpose may result, supervising agencies may utilize enrollees to carry out essential agency work or contractual functions without displacing current employees.

NEW SECTION. Sec. 8. The commissioner shall seek and may accept, on behalf of the youth employment exchange, charitable donations of cash and other assistance including, but not
limited to, equipment and materials if the donations are available for appropriate use for the purposes set forth in this chapter.

NEW SECTION. Sec. 9. The commissioner may enter into income-generating projects with public or private organizations to further the purposes of this chapter. Moneys received from contractual projects qualifying under this chapter shall be deposited in the state general fund. This section does not apply to conservation corps programs established by chapter 43... RCW (chapter ... (2SSB 3624). Laws of 1983).

NEW SECTION. Sec. 10. All parties entering into work agreements under this chapter shall agree that they will not discriminate in the providing of any service on the basis of race, creed, ethnic origin, sex, age, or political affiliation.

NEW SECTION. Sec. 11. Not more than the federal minimum wage or subsistence living allowance, comprehensive medical insurance, and medical aid shall be paid for the enrollees in the youth employment exchange by the commissioner in accordance with the standards and limitations of the appropriation provided for this chapter. The department shall give notice of coverage to the director of labor and industries after enrollment. The department shall not be deemed an employer of an enrollee for any other purpose.

NEW SECTION. Sec. 12. The services of enrollees placed with supervising agencies described in chapter 50.44 RCW are exempt from unemployment compensation coverage under RCW 50.44.040(5) and the enrollees shall be so advised by the department.

NEW SECTION. Sec. 13. In addition to any other power, duty, or function described by law or rule, the employment security department, through the program established under this chapter, may accept federal or private sector funds and grants and implement such programs relating to community services or employment programs and may enter into contracts respecting such funds or grants. The department may also use funds appropriated for the purposes of this chapter as matching funds for federal or private source funds to accomplish the purposes of this chapter.

NEW SECTION. Sec. 14. This chapter shall expire on July 1, 1987, unless extended by law for an additional fixed period of time.

NEW SECTION. Sec. 15. The commissioner shall submit a report to the legislature by January 15, 1985, indicating the number of work agreements entered into and the number of young adults enrolled under this act.

NEW SECTION. Sec. 16. If any part of this act is found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, such conflicting part of this act is 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 act. The rules under this act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state.

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.

NEW SECTION. Sec. 18. Sections 1 through 14 of this act shall constitute a new chapter in Title 50 RCW.

NEW SECTION. Sec. 19. There is hereby appropriated from the general fund to the employment security department for the biennium ending June 30, 1985, the sum of two million dollars, or so much thereof as may be necessary, to carry out the purposes of this act."

POINT OF INQUIRY

Senator Haley: "Senator Hughes, this bill has what relation to the Washington Conservation Corps?"

Senator Hughes: "Very little at this point, Senator Haley, because we have removed the civilian conservation corps concept from this bill and included that in Senate Bill No. 3624. This, I guess, could be best described as more the CETA type approach. It deals with the youth employment exchange and I plan to address that on third reading, creating job placements with both the private and public sector for youth between the ages of 18 and 25 and non-civilian conservation corps type projects."

The President declared the question before the Senate to be adoption of the Committee on Parks and Ecology amendment.

The motion by Senator Hughes carried and the committee amendment was adopted.

MOTION

On motion of Senator Hughes, the following title amendment was adopted:
On page 1, line 1 of the title, after "conservation," strike the remainder of the title and insert "adding a new chapter to Title 50 RCW; creating new sections; providing an expiration date; and making an appropriation."

MOTION

On motion of Senator Hughes, the rules were suspended. Substitute House Bill No. 251, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Zimmerman: "Senator Hughes, I might be confused here, but page 12 of this amendment that is on our desks—when the title amendment was read ‘providing an expiration date’ and did not say ‘and making an appropriation’ and yet section 19 above does make an appropriation, so the question is not anything big, but first of all does it make an appropriation of two million?"

Senator Hughes: "Yes."

Senator Zimmerman: "Secondly, probably the title does include making an appropriation?"

Senator Hughes: "That is true. The appropriation is two million."

Senator Zimmerman: "The title should include that?"

Senator Hughes: "Yes."

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 251, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 251, as amended by the Senate, and the bill passed the Senate by the following vote:

Yeas, 34; nays, 10; absent, 3; excused, 2.


Voting nay: Senators Barr, Benitz, Clarke, Craswell, Haley, Hayner, Jones, McCaslin, Newhouse, Quigg - 10.

Absent: Senators Deccio, Pullen, Sellar - 3.


SUBSTITUTE HOUSE BILL NO. 251, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNER BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 3079,

SENATE BILL NO. 3413,

SUBSTITUTE SENATE BILL NO. 3490.

MOTION

At 3:05 p.m., on motion of Senator Shinpoch, the Senate adjourned until 1:30 p.m., Wednesday, May 11, 1983.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.
The Senate was called to order at 1:30 p.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Kiskaddon, Quigg and Talmadge.

On motion of Senator Vognild, Senator Talmadge was excused. On motion of Senator Bluechel, Senators Kiskaddon and Quigg were excused.

The Sergeant at Arms Color Guard, consisting of Pages Kristy Hand and Paul Grant, presented the Colors. Reverend John Koehler, assistant pastor of St. Michael's Catholic Church of Olympia, offered the prayer.

MOTION

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

MESSAGE FROM THE HOUSE

May 11, 1983

Mr. President:
The House has adopted the Report of the Free Conference Committee on ENGROSSED HOUSE BILL NO. 74 and passed the bill as amended by the Free Conference Committee.

DEAN R. FOSTER, Chief Clerk

MESSAGE FROM THE HOUSE

May 11, 1983

Mr. President:
The House has adopted the Report of the Free Conference Committee on ENGROSSED HOUSE BILL NO. 428 and passed the bill as amended by the Free Conference Committee.

DEAN R. FOSTER, Chief Clerk

MESSAGE FROM THE HOUSE

May 11, 1983

Mr. President:
The House has adopted the Report of the Conference Committee on SENATE BILL NO. 3090 and has granted said committee the powers of Free Conference, and the Report of the Conference Committee is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

May 5, 1983

Mr. President:
Mr. Speaker:

We, of your Conference Committee, to whom was referred, SENATE BILL NO. 3090, modifying the budget and accounting act, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

NEW SECTION. Sec. 2. There is added to chapter 43.88 RCW a new section to read as follows:

Prior to January 15 of each year, each state agency shall separately itemize and submit to the secretary of the senate and chief clerk of the house any expenditures required to be made by the agency under any federal court order. The secretary and chief clerk shall transmit this information to the appropriate standing committees. In each instance, the legislature shall review the expenditures mandated by the federal court order with a view to determining whether the program affected by the court order should be continued or eliminated with funds for the program either appropriated or not appropriated accordingly.
NEW SECTION. Sec. 3. There is added to chapter 43.88 RCW a new section to read as follows:

The optional budget appendix containing a proposal for expenditures in the ensuing fiscal period from revenue sources derived from proposed changes in existing statutes shall be no more detailed than the required budget document setting forth a proposal of expenditures in the ensuing fiscal period based upon anticipated revenues for such fiscal period from the source and at the rates existing by law at the time of submission of the budget document.

On page 3, line 29, after "immediately" insert "This section shall not apply to section 2 of this act." On page 3, line 29, alter "immediately." insert "this act which shall take effect July 1, 1983".

On page 1, line 3, alter "43.88.110;" insert "adding new sections to chapter 43.88 RCW;" On page 1, line 4 of the title, alter "RCW 43.88.113;" insert "providing an effective date;"

Signed by: Senators Gaspard, Talmadge and Lee; Representatives Grimm, McMullen and Fiske.

MOTION

On motion of Senator Gaspard, the Report of the Conference Committee on Senate Bill No. 3090 was adopted and the powers of Free Conference were granted.

MESSAGE FROM THE HOUSE

May 10, 1983

Mr. President:
The Speaker has signed:
HOUSE BILL NO. 239,
HOUSE BILL NO. 1082, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 239,
HOUSE BILL NO. 1082.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 3660.

MOTION

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

SECOND READING

SENATE CONCURRENT RESOLUTION 120, by Senator Williams

Establishing a joint select committee on telecommunications regulation.

MOTIONS

On motion of Senator Williams, Substitute Senate Concurrent Resolution No. 120 was substituted for Senate Concurrent Resolution No. 120 and the substitute resolution was placed on second reading and read the second time.

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

On page 1, line 25, after "RESOLVED," strike all material through "House;" on line 26 and insert: "That the Committee shall consist of eight members, four from the House of Representatives to be appointed by the Speaker of the House of Representatives and four from the Senate to be appointed by the President of the Senate, with not more than two members from each chamber being of the same political party. The chairman and vice chairman of the committee shall be jointly selected by the President of the Senate and the Speaker of the House."

On motion of Senator Williams, the following amendment was adopted. On page 1, line 23, strike the word "select" after joint and before committee.
MOTION

On motion of Senator Williams, the rules were suspended. Engrossed Substitute Senate Concurrent Resolution No. 120 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Concurrent Resolution No. 120.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Concurrent Resolution No. 120, and the resolution passed the Senate by the following vote: Yeas, 37: nays, 8: absent, 1: excused, 3.


Voting nay: Senators Benitz, Clarke, Croswell, Guess, Haley, McCaslin, Metcalf, Pullen - 8.

Absent: Senator Sellar - 1.

Excused: Senators Kiskaddon, Quigg, Talmadge - 3.

ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 120, having received the constitutional majority, was declared passed.

MOTION

At 1:52 p.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President called the Senate to order at 3:16 p.m.

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

MESSAGE FROM THE HOUSE

May 11, 1983

Mr. President:

The House has adopted the Report of the Free Conference Committee on REENGROSSED SUBSTITUTE SENATE BILL NO. 3817 and has passed the bill as amended by the Free Conference Committee, and said report together with the bill are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

May 6, 1983

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred, REENGROSSED SUBSTITUTE SENATE BILL NO. 3817, restricting body searches by the enforcement agencies, have had the same under consideration and we recommend that the bill pass as amended as follows by the Free Conference Committee:

(See Report of Conference Committee on Reengrossed Substitute Senate Bill No 3817 read in on May 9, 1983)

Signed by: Senators Talmadge, Hemstad and Fleming; Representatives Locke, Belcher and Tilly.

MOTION

On motion of Senator Talmadge, the Senate adopted the Report of the Free Conference Committee on Reengrossed Substitute Senate Bill No. 3817.

The President declared the question before the Senate to be the roll call on final passage of Reengrossed Substitute Senate Bill No. 3817, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Reengrossed Substitute Senate Bill No. 3817, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 40; nays, 6; absent, 1; excused, 2.
SEVENTEENTH DAY, MAY 11, 1983


Voting nay: Senators Barr, Benitz, Fuller, Guess, Haley, McCaslin - 6.

Absent: Senator Conner - 1.

Excused: Senators Kissadd, Quigg - 2.

REENGROSSED SUBSTITUTE SENATE BILL NO. 3817, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

May 10, 1983

Mr. President:

The House has passed EN Greggosed Second Substitute Senate Bill No. 3624 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The Washington conservation corps is hereby created, to be implemented by the following state departments: The employment security department, the department of ecology, the department of game, the department of natural resources, the department of fisheries, the department of agriculture, and the state parks and recreation commission.

NEW SECTION. Sec. 2. The legislature declares that:

(1) A central element in the development of the state's young is the provision of meaningful work experience to teach the value of labor and membership in a productive society;

(2) It is important to provide an opportunity for group-oriented public service experiences for the state's young persons;

(3) The state is still benefiting from the wide range of public works accomplished by the conservation corps many years ago and that a similar program will likewise benefit future generations; and

(4) Values of hard work, public spiritedness, group achievement and cooperation, resource conservation, and environmental appreciation can and should be transmitted to society's youth through a conservation corps program.

NEW SECTION. Sec. 3. Program goals of the Washington conservation corps include:

(1) Conservation, rehabilitation, and enhancement of the state's natural, historic, environmental, and recreational resources;

(2) Development of the state's youth resources through meaningful work experiences:

(3) Making outdoor and historic resources of the state available for public enjoyment;

(4) Teaching of the workings of natural, environmental, and biological systems, as well as basic employment skills;

(5) Assisting agencies in carrying out statutory assignments with limited funding resources; and

(6) Providing needed public services in both urban and rural settings.

NEW SECTION. Sec. 4. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Public lands" means any lands or waters, or interests therein, owned or administered by any agency or instrumentality of the state, federal, or local government.

(2) "Corps" means the Washington conservation corps.

(3) "Corps member" means an individual enrolled in the Washington conservation corps.

(4) "Corps member leaders" or "specialists" means members of the corps who serve in leadership or training capacities or who provide specialized services other than or in addition to the types of work and services that are performed by the corps members in general.

NEW SECTION. Sec. 5. (1) The youth employment exchange as established in section 3, chapter ... (2SHB 251). Laws of 1983 shall be the overall coordinator of the Washington conservation corps and have such powers as are provided by this chapter for the purposes of recruitment. The youth employment exchange shall develop guidelines for work performance standards for the conservation corps programs of the agencies listed in section 1 of this act.

(2) The youth employment exchange shall be the sole recipient of federal funds for youth employment and conservation corps programs.

NEW SECTION. Sec. 6. (1) Each state department identified in section 1 of this act shall have the following powers and duties to carry out its functions relative to the Washington conservation corps:

(a) Recruiting and employing staff and corps member leaders and specialists;

(b) Adopting criteria for the selection of applicants to the program from among the enrollees of the youth employment exchange program:
(c) Executing agreements for furnishing the services of the employment conservation program to carry out conservation corps programs to any federal, state, or local public agency, any local organization as specified in this chapter in concern with the overall objectives of the conservation corps;

(d) Applying for and accepting grants or contributions of funds from any private source;

(e) Determining a preference for those projects which will provide long-term benefits to the public, will provide productive training and work experiences to the members involved, will be labor-intensive, may result in payments to the state for services performed, and can be promptly completed;

(f) Entering into agreements with community colleges within the state’s community college system and other educational institutions or independent nonprofit agencies to provide special education in basic skills, including reading, writing, and mathematics for those conservation corps members who may benefit by participation in such classes. Classes shall be scheduled after corps working hours. Participation by members is not mandatory but shall be strongly encouraged. The participation shall be a primary factor in determining whether the opportunity for corps membership beyond one year shall be offered. Instruction related to the specific role of the department in resource conservation shall also be offered, either in a classroom setting or as is otherwise appropriate; and

(g) Reporting annually to the governor and the legislature on the activities undertaken by the employment and conservation program in the preceding fiscal year, including a cost-effectiveness analysis of all completed, ongoing, and proposed projects.

(2) The assignment of corps members shall not result in the displacement of currently employed workers, including partial displacement such as reduction in hours of non-overtime work, wages, or other employment benefits. Supervising agencies that participate in the program may not terminate, lay-off, or reduce the working hours of any employee for the purpose of using a corps member with available funds. In circumstances where substantial efficiencies or a public purpose may result, supervising agencies may use corps members to carry out essential agency work or contractual functions without displacing current employees.

(3) Facilities, supplies, instruments, and tools of the supervising agency shall be made available for use by the conservation corps to the extent that such use does not conflict with the normal duties of the agency. The agency may purchase, rent, or otherwise acquire other necessary tools, facilities, supplies, and instruments.

NEW SECTION. Sec. 7. (1) Conservation corps members shall be unemployed residents of the state between eighteen and twenty-five years of age at the time of enrollment who are citizens or lawful permanent residents of the United States. The age requirements may be waived for corps leaders and specialists with special leadership or occupational skills; such members shall be given special responsibility for providing leadership, character development, and sense of community responsibility to the corps members, groups, and work crews to which they are assigned. Special effort shall be made to recruit minority and disadvantaged youth who meet selection criteria of the conservation corps. Preference shall be given to youths residing in areas, both urban and rural, in which there exists substantial unemployment exceeding the state average unemployment rate.

(2) Corps members shall not be considered state employees. Other provisions of law relating to civil service, hours of work, rate of compensation, sick leave, unemployment compensation, state retirement plans, and vacation leave do not apply to the Washington conservation corps except for the crew leaders, who shall be project employees, and the administrative and supervisory personnel.

(3) Enrollment shall be for a period of six months which may be extended by mutual agreement of the corps and the corps member. Corps members shall be reimbursed at the minimum wage rate established by federal law: PROVIDED, That the conservation corps shall be operated, to the maximum extent possible, as a residential program and corps members being provided housing shall receive a stipend.

(4) Corps members are to be available at all times for emergency response services coordinated through the department of emergency services or other public agency. Duties may include sandbagging and flood cleanup, search and rescue, and other functions in response to emergencies.

NEW SECTION. Sec. 8. Conservation corps members shall be selected based on their orientation towards public service, development of job skills and productive work habits, and character development. Special effort shall be made at the time of initial screening to explain rigorous productivity standards and special expectations and obligations of corps membership. An employment agreement shall be entered into by the corps member, indicating the member’s understanding of, and willingness to abide by, such standards.

In the development of the corps program, consideration shall be given to providing corps members with a beneficial and meaningful work experience. Standards of productivity, behavior, and punctuality shall be developed and observed. Consideration shall be given to the development of a program that deserves the respect of the public, both in terms of service provided and personal development of corps members.
NEW SECTION. Sec. 9. (1) There is established a conservation corps within the department of ecology.

(2) Specific work project areas of the ecology conservation corps may include the following:

(a) Litter pickup as a supplement to the role of the litter patrol established by the model litter control and recycling act, chapter 70.93 RCW;

(b) Stream rehabilitation, including trash removal, in-stream debris removal, and clearance of log jams and silt accumulation, to the extent that such projects do not conflict with similar tasks undertaken by the department of fisheries;

(c) Minimum flow field work and stream gauging;

(d) Identification of indiscriminate solid waste dump sites;

(e) Laboratory and office assistance;

(f) General maintenance and custodial work at sewage treatment plants;

(g) Irrigation district assistance, including ditch cleaning and supervised work in surveying and engineering;

(h) Streambank erosion control; and

(i) Other projects as the director may determine. If a project requires certain levels of academic training, the director may assign corps members to categories of work projects according to educational background. If appropriate facilities are available, the director may authorize carrying out projects which involve overnight stays.

NEW SECTION. Sec. 10. The director of ecology shall undertake a study to identify facilities which may lend themselves to providing residential accommodations for civilian conservation corps members in appropriate locations throughout the state. The study shall include an assessment of any needed costs for rehabilitation or renovation of such facilities, facility ownership, and potential for utilization agreements; any required lease or rental costs; and other appropriate matters. As a function of this study, the director shall seek an agreement with the Cispus educational center to establish a pilot residential conservation corps program. Such program shall utilize the dormitory facilities at the educational center and shall provide for meals and supervision at the center. The director may deduct appropriate amounts from wages of participating corps members to reflect costs of providing residential camp services. Results of this study shall be reported to the legislature by January 1, 1984.

NEW SECTION. Sec. 11. The director of ecology shall develop a community recycling pilot project. This recycling project shall utilize ecology conservation corps members to establish recycling collection routes. As a function of this program, the department shall develop and produce, or contract to have developed and produced, a compartmentalized source separation container which may be used within the homes of a community for source separation of recyclable materials such as bottles, cans, paper, and other such materials. A public information process shall be undertaken to inform the residents of a selected community, town, or city, as identified by the director, of the nature of the project. Conservation corps members shall then contact community residents on a home-by-home basis, requesting participation in a recycling collection route and distributing the compartmentalized source separation containers to those homes participating. Thereafter, on a regular basis, the corps members shall collect recyclable materials from the participating homes for recycling. Materials may then be delivered for reimbursement to the appropriate entity as determined by the director. All funds shall be returned, with receipt, to the recycling program supervisor. The director shall establish an advisory committee made up of representatives of the recycling community, a major statewide industry group interested in recycling, the department of ecology, public interest groups, and such other persons as the director determines. This advisory committee shall monitor the development of the project and advise on various policy matters. These may include the appropriate use of collected funds and the feasibility of involvement of the conservation corps in other elements of the recycling system, such as providing labor to recycling centers for the various tasks associated with recycling, the appropriate disbursement of recycled materials generated through the recycling collection routes, and other matters as they develop. Consistent with its monitoring function, the committee shall assist the director in the development of a report to the legislature discussing the feasibility of the program and any problems encountered, the appropriateness of utilization of conservation corps members in such a community recycling project, generation of funds and costs, and the possibility of expansion of the program on a broader scale. The director shall present such a report to the legislature within two years after the effective date of this act.

NEW SECTION. Sec. 12. (1) There is established a conservation corps within the department of game.

(2) Specific work project areas of the game conservation corps may include the following:

(a) Habitat development;

(b) Land clearing;

(c) Construction projects;

(d) Noxious weed control;

(e) Brush cutting;

(f) Reader board construction;
(g) Painting;
(h) Cleaning and repair of rearing ponds;
(i) Fishtrap construction;
(j) Brush clearance;
(k) Spawning channel restoration;
(l) Log removal;
(m) Nest box maintenance and cleaning;
(n) Fence building;
(o) Winter game feeding and herding; and
(p) Such other projects as the director of game may determine. If appropriate facilities are available, the director of game may authorize carrying out projects which involve overnight stays.

NEW SECTION. Sec. 13. (1) There is established a conservation corps within the department of natural resources.

(2) Specific work project areas of the natural resources conservation corps may include the following:

(a) Research assistance;
(b) Recreation projects;
(c) Slash disposal;
(d) Pit site reclamation;
(e) Road deactivation;
(f) Animal damage control;
(g) Reforestation;
(h) Wood cutting;
(i) Firewood systems development;
(j) Noxious weed control;
(k) Fence construction and maintenance;
(l) Wood products manufacturing;
(m) Riparian area cleaning;
(n) Spring development for grazing;
(o) Erosion control;
(p) Control of fires; and
(q) Such other projects as the commissioner of public lands may determine. If appropriate facilities are available, the commissioner of public lands may authorize carrying out projects which involve overnight stays.

NEW SECTION. Sec. 14. (1) There is established a conservation corps within the department of fisheries.

(2) Specific work project areas of the fisheries conservation corps may include the following:

(a) Stream rehabilitation;
(b) Fish hatchery operation and maintenance;
(c) Fish tagging; and
(d) Such other projects as the director of fisheries may determine. If appropriate facilities are available, the director of fisheries may authorize carrying out projects which involve overnight stays.

NEW SECTION. Sec. 15. (1) There is established a conservation corps within the department of agriculture.

(2) Specific work project areas of the agriculture conservation corps may include the following:

(a) Insect detection and control;
(b) Noxious weed removal;
(c) Irrigation district canal maintenance; and
(d) Such other projects as the director of agriculture may determine. If appropriate facilities are available, the director of agriculture may authorize carrying out projects which involve overnight stays.

NEW SECTION. Sec. 16. (1) There is established a conservation corps within the state parks and recreation commission.

(2) Specific work project areas of the state parks and recreation conservation corps may include the following:

(a) Restoration or development of park facilities;
(b) Trail construction and maintenance;
(c) Litter control;
(d) Park and land rehabilitation;
(e) Fire suppression;
(f) Road repair; and
(g) Other projects as the state parks and recreation commission may determine. If appropriation facilities are available, the state parks and recreation commission may authorize carrying out projects which involve overnight stays.
NEW SECTION. Sec. 17. The services of corps members placed with agencies listed in section 1 of this act are exempt from unemployment compensation coverage under RCW 50.44.040(5) and the enrollees shall be so advised by the department.

NEW SECTION. Sec. 18. The state historic preservation officer shall review the state and national registers of historic places to identify publicly owned historic properties and sites within the state which are in need of rehabilitation or renovation and which could utilize parks and recreation conservation corps members in such rehabilitation or renovation. Any such tasks shall be performed in such a way as not to conflict with the historic character of the structure as determined by the state historic preservation officer.

Conservation corps members shall be made available for tasks identified by the state historic preservation officer in the rehabilitation and renovation of historic sites within the state.

NEW SECTION. Sec. 19. (1) The employment security department shall be the overall coordinator of the Washington conservation corps and have such powers as are provided by this chapter for the purposes of recruitment. The employment security department shall develop guidelines for work performance standards for the conservation corps programs of the agencies listed in section 1 of this act. The agencies may, at their option, utilize such standards in the development of their respective conservation corps programs.

(2) The employment security department shall be the sole recipient of federal funds for youth employment and conservation corps programs.

NEW SECTION. Sec. 20. The agencies listed in section 1 of this act shall convene a conservation corps coordinating council to meet as needed on the call of the employment security department to establish consistent work standards and placement and evaluation procedures of corps programs. The coordinating council shall be composed of administrative personnel of the implementing agencies. The coordinating council shall serve to reconcile problems that arise in the implementation of the corps programs and develop coordination procedures for emergency responses of corps members.

NEW SECTION. Sec. 21. The governor shall appoint an eight-member legislative oversight committee to recommend to the governor a plan for the distribution and use of new federal funds for youth employment and conservation corps programs. The senate majority leader and the speaker of the house of representatives shall each submit to the governor a list of eight legislators from which the governor shall appoint the members of the legislative oversight committee. The membership of the committee shall include equal representation of the two houses of the legislature and the two largest caucuses in each house.

NEW SECTION. Sec. 22. The Washington conservation corps shall cease to exist and sections 1 through 21 of this act shall expire on July 1, 1987, unless extended by law for an additional fixed period of time.

NEW SECTION. Sec. 23. (1) If Second Substitute House Bill No. 251 is enacted into law in the 1983 first extraordinary session of the legislature, section 5 of this act shall take effect and section 19 of this act shall be null and void.

(2) If Second Substitute House Bill No. 251 is not enacted into law, section 19 of this act shall take effect and section 5 of this act shall be null and void.

NEW SECTION. Sec. 24. 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. 25. Sections 1 through 21 of this act shall constitute a new chapter in Title 43 RCW.

On page 1, line 1 of the title, after "conservation;" strike the remainder of the title and insert "adding a new chapter to Title 43 RCW; creating a new section; and providing an expiration date;" and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Hughes, the Senate concurred in the House amendments to Engrossed Second Substitute Senate Bill No. 3624.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute Senate Bill No. 3624, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute Senate Bill No. 3624, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 35; nays, 11; absent, 1; excused, 2.

Voting yea: Senators Bauer, Bender, Bottiger, Clarke, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Lee, McDermott, McManus,

Voting nay: Senators Barr, Benitz, Bluechel, Craswell, Deccio, Haley, Jones, McCasin, Metcalf, Newhouse, Pullen - 11.

Absent: Senator Conner - 1.

Excused: Senators Kiskaddon, Quigg - 2.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3624, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Bolliger, the Committee on Rules was relieved of further consideration of the listed Gubernatorial Appointments:

GA 5, David J. DeLaIttre - Commission for the Blind.
GA 8, Phyllis M. Kenney - Corrections Standards Board.
GA 21, Joseph J. Thompson - State Board of Pharmacy.
GA 24, Thomas J. Manning - Board of Prison Terms and Paroles.
GA 25, Karen B. Conoley - Board of Prison Terms and Paroles.
GA 26, George W. Johnson - Board of Prison Terms and Paroles.
GA 27, Mary Ellen Krug - Public Employment Relations Commission.
GA 36, Vaughn Hubbard - State Transportation Commission.
GA 39, Irwin J. LeCocq - Board of Trustees, Western Washington University.
GA 40, James C. Waldo - Board of Trustees, Western Washington University.
GA 99, Norman F. Richardson - State Game Commission.
GA 101, Dennis C. LeMaster - Forest Practices Appeals Board.
GA 102, Jack L. Dierdorf - State Game Commission.
GA 103, Cameron Sherwood - Personnel Appeals Board.
GA 104, Richard A. Stablein - Executive Director, Data Processing Authority.
GA 110, Philip R. Wittman - Board of Prison Terms and Paroles.

On motion of Senator Bottiger, the above listed Gubernatorial Appointments were advanced to second reading and placed on the second reading calendar.

MESSAGE FROM THE HOUSE

May 10, 1983

Mr. President:
The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3864 with the following amendments:

On page 2, after line 11, add a new section as follows:

"Sec. 2. Section 3, chapter 33, Laws of 1971 ex. sess. and RCW 15.13.270 are each amended to read as follows:

The provisions of this chapter relating to licensing shall not apply to persons making casual or isolated sales or for each place of business where gross sales do not exceed five hundred dollars per year, nor to any garden club or charitable nonprofit association conducting not more than three sales per year for not more than four consecutive days each of horticultural plants as defined in RCW 15.13.250 and which are grown by or donated to its members: PROVIDED, That such club or association shall apply to the director for a permit to conduct such sale. A two dollar fee shall be assessed for such permit.

All horticultural plants sold under such a permit issued by the director shall be subject to all the other provisions of this chapter except licensing as set forth herein."

Renumber the remaining sections consecutively.

On page 2, line 19, after "dollars" insert ". except there shall be no license fee for each place of business where gross sales do not exceed five hundred dollars per year."

On page 1, line 5 of the title, after "15.13.280:" insert "amending section 3, chapter 33, Laws of 1971 ex. sess. and RCW 15.13.270." 

On page 5, beginning on line 2, strike all material through "thereunder," on line 27.
On page 1, line 8 of the title, after "RCW;" insert "and" and beginning on line 9 of the title after "15.13.330" strike all material through "69.04.398; on line 10, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTIONS

On motion of Senator Hansen, the Senate concurred in the House amendments to page 2, line 11; to page 2, line 19; and to page 1, line 5 to Engrossed Substitute Senate Bill No. 3864.

On motion of Senator Hansen, the Senate did not concur in the House amendments to page 5, line 2 and to page 1, line 8 of Engrossed Substitute Senate Bill No. 3864 and asks the House to recede therefrom.

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

There being no objection, the Senate resumed consideration of Substitute House Bill No. 235, as amended by the Senate, and placed on third reading after reconsideration and deferred April 28, 1983.

THIRD READING

SUBSTITUTE HOUSE BILL NO. 235. by Committee on Transportation (originally sponsored by Representative Martinis) (by Governor Spellman request)

Modifying gas tax provisions ('83-'85 Biennium).

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

Debate ensued.

MOTIONS

At 3:36 p.m., on motion of Senator Bottiger, the Senate was declared to be at ease.

The President called the Senate to order at 4:02 p.m.

On motion of Senator Bottiger, and there being no objection, further consideration of Substitute House Bill No. 235 was deferred.

On motion of Senator Bottiger, the Senate returned to the sixth order of business.

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Warnke, the appointment of Warren L. Chinn as a member of the Washington Horse Racing Commission was confirmed.

APPOINTMENT OF WARREN L. CHINN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; nays, 1; absent, 1; excused, 1.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Lee, McCaslin, McDermott, McManus, Melcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shimpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Woody, Zimmerman – 46.

Voting nay: Senator Haley – 1.

Absent: Senator Wojahn – 1.

Excused: Senator Kiskaddon – 1.

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

There being no objection, the Senate resumed consideration of Substitute House Bill No. 235, as amended by the Senate, deferred earlier today.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 235, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 235, as amended by the Senate, and the bill passed the Senate by the following vote:
Yeas, 25; nays, 23; excused, 1.

Voting yea: Senators Barr, Bauer, Benitz, Bluechel, Conner, Goltz, Granlund, Guess, Hansen, Hemstad, Jones, McDermott, McNamn, Moore, Newhouse, Patterson, Peterson, Guigg, Sellar, Shinpoch, Thompson, Vognild, Warnke, Wojahn, Woody - 25.


Excused: Senator Kiskaddon - 1.

SUBSTITUTE HOUSE BILL NO. 235, 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 President returned the Senate to the sixth order of business.

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Warnke, the appointment of David J. DeLaittre as a member of the Commission for the Blind was confirmed.

APPOINTMENT OF DAVID J. DeLAITTRE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.


Excused: Senator Kiskaddon - 1.

MOTION

On motion of Senator Granlund, the appointment of Phyllis M. Kenney as a member of the Corrections Standards Board was confirmed.

APPOINTMENT OF PHYLLIS M. KENNEY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.


Excused: Senator Kiskaddon - 1.

MOTION

On motion of Senator Rasmussen, the appointment of Joseph J. Thompson as a member of the State Board of Pharmacy was confirmed.

APPOINTMENT OF JOSEPH J. THOMPSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.


Excused: Senator Kiskaddon - 1.

MOTION

On motion of Senator Granlund, the appointment of Thomas J. Manning as a member of the Board of Prison Terms and Paroles was confirmed.
SEVENTEENTH DAY, MAY 11, 1983

APPOINTMENT OF THOMAS J. MANNING

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas. 48; excused, 1.


Excused: Senator Kiskaddon - 1.

MOTION

On motion of Senator Granlund, the appointment of Karen B. Conoley as a member of the Board of Prison Terms and Paroles was confirmed.

APPOINTMENT OF KAREN B. CONOLEY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas. 43; absent, 5; excused, 1.


Absent: Senators Bottiger, Hayner, McDermott, Patterson, Pullen - 5.

Excused: Senator Kiskaddon - 1.

MOTION

On motion of Senator Vognild, Senators Bottiger and McDermott were excused.

MOTION

On motion of Senator Granlund, the appointment of George W. Johnson as a member of the Board of Prison Terms and Paroles was confirmed.

APPOINTMENT OF GEORGE W. JOHNSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas. 45; absent, 1; excused, 3.


Absent: Senator Hayner - 1.

Excused: Senators Bottiger, Kiskaddon, McDermott - 3.

MOTION

At 4:49 p.m., on motion of Senator Shinpoch, the Senate adjourned until 9:00 a.m., Thursday, May 12, 1983.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.
EIGHTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, May 12, 1983

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 Clarke, Conner, Deccio, Guess, Haley, McDermott, Talmadge and Woody. On motion of Senator Bluechel, Senators Clarke and Haley were excused. On motion of Senator Vognild, Senator Talmadge was excused.

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

MOTION

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

MESSAGE FROM THE GOVERNOR

May 11, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on May 11, 1983, Governor Spellman approved the following Senate Bills entitled:

Second Substitute Senate Bill No. 3245
Relating to housing financing.
Senate Bill No. 3314
Relating to old age survivors' insurance.
Senate Bill No. 3416
Relating to crimes and punishments.
Substitute Senate Bill No. 3372
Relating to wildlife.
Senate Bill No. 3784
Relating to the Federal unemployment trust fund.

Sincerely,

Marilyn Showalter, Counsel to the Governor

MESSAGE FROM THE HOUSE

May 11, 1983

Mr. President:

The House has passed the request of the Senate for a conference on SUBSTITUTE SENATE BILL NO. 4245, and the Speaker has appointed the following members as conferees: Representatives Rust, Brekke and Hankins.

Signed by the President

Second Substitute Senate Bill No. 3624,
Substitute Senate Bill No. 3817.

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

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Vognild, the appointment of Mary Ellen Krug as a member of the Public Employment Relations Commission was confirmed.
APPOINTMENT OF MARY ELLEN KRUG

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 39; absent, 7; excused, 3.


Absent: Senators Conner, Deccio, Fuller, Guess, Hemstad, McDermott, Woody - 7.

Excused: Senators Clarke, Haley, Talmadge - 3.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of Mrs. Barbara Nielson and her three children, Lisa, Andy and Tyson, the guests of Senator Dick Hemstad and Senator Bill Fuller, and appointed Senators Hansen, Williams, Hayner, Shinpoch and Fleming as a committee of honor to escort the honored guests, the family of Mt. Everest climber, Larry Nielson, to the rostrum.

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

MOTION

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

SENATE RESOLUTION 1983-95

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

WHEREAS, Larry Nielson, who teaches at Washington Middle School in Olympia, Washington, scaled the summit of Mt. Everest on May 7, 1983; and

WHEREAS, He became the first American to reach the world's highest peak without using extra oxygen, and only three other people have previously accomplished this feat; and

WHEREAS, Larry Nielson's courage and endurance will serve as a lasting inspiration to his students, the residents of this state, and the nation; and

WHEREAS, His momentous achievement has focused national and international attention on the State of Washington and has filled the state with great pride;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That the Senate extends its warmest congratulations and sincere appreciation to Larry Nielson for his historic climb; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately forwarded to Larry Nielson upon his return to Olympia.

MOTION

On motion of Senator Fuller, all members and the Lieutenant Governor will be added as additional sponsors of Senate Resolution 1983-95.

With permission of the Senate, business was suspended to permit Mrs. Nielson to address the Senate.

The committee of honor escorted the honored guests from the Senate Chamber and the committee was discharged.

MOTION

At 9:23 a.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President called the Senate to order at 11:27 a.m.

There being no objection, the President returned the Senate to the sixth order of business.
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Peterson, the appointment of Vaughn Hubbard as a member of the State Transportation Commission was confirmed.

APPOINTMENT OF VAUGHN HUBBARD

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; absent, 3.


Absent: Senators Deccio, McDermott, Quigg - 3.

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

MESSAGE FROM THE HOUSE

May 10, 1983

Mr. President:
The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3434 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 139, Laws of 1981 and RCW 9.46.020 are each amended to read as follows:

(1) "Amusement game" means a game played for entertainment in which:
(a) The contestant actively participates;
(b) The outcome depends in a material degree upon the skill of the contestant;
(c) Only merchandise prizes are awarded;
(d) The outcome is not in the control of the operator;
(e) The wagers are placed, the winners are determined, and a distribution of prizes or property is made in the presence of all persons placing wagers at such game; and
(f) Said game is conducted or operated by any agricultural fair, person, association, or organization in such manner and at such locations as may be authorized by rules and regulations adopted by the commission pursuant to this chapter as now or hereafter amended.

Cake walks as commonly known and fish ponds as commonly known shall be treated as amusement games for all purposes under this chapter.

The legislature hereby authorizes the wagering on the outcome of the roll of dice or the flipping of or matching of coins on the premises of an establishment engaged in the business of selling food or beverages for consumption on the premises to determine which of the participants will pay for certain items of food or beverages served or sold by such establishment and therein consumed. Such establishments are hereby authorized to possess dice and dice cups on their premises, but only for use in such limited wagering. Persons engaged in such limited form of wagering shall not be subject to the criminal or civil penalties otherwise provided for in this chapter: PROVIDED. That minors shall be barred from engaging in the wagering activities allowed by this chapter.

(2) "Bingo" means a game conducted only in the county within which the organization is principally located in which prizes are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols selected at random and in which no cards are sold except at the time and place of said game, when said game is conducted by a bona fide charitable or nonprofit organization which does not conduct or allow its premises to be used for conducting bingo on more than three occasions per week and which does not conduct bingo in any location which is used for conducting bingo on more than three occasions per week, or if an agricultural fair authorized under chapters 15.76 and 36.37 RCW, which does not conduct bingo on more than twelve consecutive days in any calendar year, and except in the case of any agricultural fair as authorized under chapters 15.76 and 36.37 RCW, no person other than a bonafide member or an employee of said organization takes any part in the management or operation of said game, and no person who takes any part in the management or operation of said game takes any part in the management or operation of any game conducted by any other organization or any other branch of the same organization, unless approved by the commission, and no part of the proceeds thereof inure to the benefit of any person other than the organization conducting said game. For the purposes of this subsection the organization shall be deemed to be principally located in the county within which it has its primary business office. If the organization has no business office, the organization shall be deemed to be located in the county of principal residence of its chief executive officer: PROVIDED. That any organization which is conducting any licensed and established bingo game in
any locale as of January 1, 1981 shall be exempt from the requirement that such game be conducted in the county in which the organization is principally located.

(3) "Bona fide charitable or nonprofit organization" means: (a) any organization duly existing under the provisions of chapters 24.12, 24.20, or 24.28 RCW, any agricultural fair authorized under the provisions of chapters 15.76 or 36.37 RCW, or any nonprofit corporation duly existing under the provisions of chapter 24.03 RCW for charitable, benevolent, eleemosynary, educational, civic, patriotic, political, social, fraternal, athletic or agricultural purposes only, or any nonprofit organization, whether incorporated or otherwise, when found by the commission to be organized and operating for one or more of the aforesaid purposes only: all of which in the opinion of the commission have been organized and are operated primarily for purposes other than the operation of gambling activities authorized under this chapter: or (b) any corporation which has been incorporated under Title 36 U.S.C. and whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same. Such an organization must have been organized and continuously operating for at least twelve calendar months immediately preceding making application for any license to operate a gambling activity, or the operation of any gambling activity authorized by this chapter for which no license is required. It must have not less than fifteen bona fide active members each with the right to an equal vote in the election of the officers, and board members, if any, who determine the policies of the organization in order to receive a gambling license. An organization must demonstrate to the commission that it has made significant progress toward the accomplishment of the purposes of the organization during the twelve consecutive month period preceding the date of application for a license or license renewal. The fact that contributions to an organization do not qualify for charitable contribution deduction purposes or that the organization is not otherwise exempt from payment of federal income taxes pursuant to the Internal Revenue Code of 1954, as amended, shall constitute prima facie evidence that the organization is not a bona fide charitable or nonprofit organization for the purposes of this section.

Any person, association or organization which pays its employees, including members, compensation other than is reasonable therefor under the local prevailing wage scale shall be deemed paying compensation based in part or whole upon receipts relating to gambling activities authorized under this chapter and shall not be a bona fide charitable or nonprofit organization for the purposes of this chapter.

(4) "Bookmaking" means accepting bets as a business, rather than in a casual or personal fashion, upon the outcome of future contingent events.

(5) "Commercial stimulant". An activity is operated as a commercial stimulant, for the purposes of this chapter, only when it is an incidental activity operated in connection with, and incidental to, an established business, with the primary purpose of increasing the volume of sales of food or drink for consumption on that business premises. The commission may by rule establish guidelines and criteria for applying this definition to its applicants and licensees for gambling activities authorized by this chapter as commercial stimulants.

(6) "Commission" means the Washington state gambling commission created in RCW 9.46.040.

(7) "Contest of chance" means any contest, game, gaming scheme, or gaming device in which the outcome depends in a material degree upon an element of chance, notwithstanding that skill of the contestants may also be a factor therein.

(8) "Fishing derby" means a fishing contest, with or without the payment or giving of an entry fee or other consideration by some or all of the contestants wherein prizes are awarded for the species, size, weight, or quality of fish caught in a bona fide fishing or recreational event.

(9) "Gambling". A person engages in gambling if he stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under his control or influence, upon an agreement or understanding that he or someone else will receive something of value in the event of a certain outcome. Gambling does not include fishing derbies as defined by this chapter, parimutuel betting as authorized by chapter 67.16 RCW, bona fide business transactions valid under the law of contracts, including, but not limited to, contracts for the purchase or sale at a future date of securities or commodities, and agreements to compensate for loss caused by the happening of chance, including, but not limited to, contracts of indemnity or guarantee and life, health or accident insurance. In addition, a contest of chance which is specifically excluded from the definition of lottery under subsection (14) of this section shall not constitute gambling.

(10) "Gambling device" means: (a) Any device or mechanism the operation of which is a right to money, credits, deposits or other things of value may be created, in return for a consideration, as the result of the operation of an element of chance: (b) any device or mechanism which, when operated for a consideration, does not return the same value or thing of value for the same consideration upon each operation thereof; (c) any device, mechanism, furniture, fixture, construction or installation designed primarily for use in connection with professional
gambling; and (d) any subassembly or essential part designed or intended for use in connection with any such device, mechanism, furniture, fixture, construction or installation. But in the application of this definition, a pinball machine or similar mechanical amusement device which confers only an immediate and unrecorded right of replay on players thereof, which does not contain any mechanism which varies the chance of winning free games or the number of free games which may be won or a mechanism or a chute for dispensing coins or a facsimile thereof, and which prohibits multiple winnings depending upon the number of coins inserted and requires the playing of five balls individually upon the insertion of a nickel or dime, as the case may be, to complete any one operation thereof, shall not be deemed a gambling device: PROVIDED FURTHER. That owning, possessing, buying, selling, renting, leasing, financing, holding a security interest in, storing, repairing and transporting such pinball machines or similar mechanical amusement devices shall not be deemed engaging in professional gambling for the purposes of this chapter and shall not be a violation of this chapter: PROVIDED FURTHER. That any fee for the purchase or rental of any such pinball machines or similar amusement devices shall have no relation to the use to which such machines are put but be based only upon the market value of any such machine, regardless of the location of or type of premises where used, and any fee for the storing, repairing and transporting thereof shall have no relation to the use to which such machines are put, but be commensurate with the cost of labor and other expenses incurred in any such storing, repairing and transporting.

(11) "Gambling information" means any wager made in the course of and any information intended to be used for professional gambling. In the application of this definition, as to wagers, betting odds and changes in betting odds shall be presumed to be intended for use in professional gambling: PROVIDED. HOWEVER. That this subsection shall not apply to newspapers of general circulation or commercial radio and television stations licensed by the federal communications commission.

(12) "Gambling premises" means any building, room, enclosure, vehicle, vessel or other place used or intended to be used for professional gambling. In the application of this definition, any place where a gambling device is found, shall be presumed to be intended to be used for professional gambling.

(13) "Gambling record" means any record, receipt, ticket, certificate, token, slip or notation given, made, used or intended to be used in connection with professional gambling.

(14) "Lottery" means a scheme for the distribution of money or property by chance, among persons who have paid or agreed to pay a valuable consideration for the chance.

For the purpose of this chapter, the following activities do not constitute "valuable consideration" as an element of a lottery:

(a) Listening to or watching a television or radio program or subscribing to a cable television service;

(b) Filling out and returning a coupon or entry blank or facsimile which is received through the mail or published in a bonafide newspaper or magazine, or in a program sold in conjunction with and at a regularly scheduled sporting event, or the purchase of such a newspaper, magazine or program;

(c) Sending a coupon or entry blank by United States mail to a designated address in connection with a promotion conducted in this state;

(d) Visitation to any business establishment to obtain a coupon, or entry blank;

(e) Mere registration without purchase of goods or services:

(f) Expenditure of time, thought, attention and energy in perusing promotional material;

(g) Placing or answering a telephone call in a prescribed manner or otherwise making a prescribed response or answer;

(h) Furnishing the container of any product as packaged by the manufacturer, or a particular portion thereof but only if furnishing a plain piece of paper or card with the name of the manufacturer or product handwritten on it is acceptable in lieu thereof: PROVIDED. That where any drawing is held by or on behalf of in-state retail outlets in connection with business promotions authorized under subsections (d) and (e) hereof, no such in-state retail outlet may conduct more than one such drawing during each calendar year and the period of the drawing and its promotion shall not extend for more than seven consecutive days: PROVIDED FURTHER. That if the sponsoring organization has more than one outlet in the state such drawings must be held in all such outlets at the same time except that a sponsoring organization with more than one outlet may conduct a separate drawing in connection with the initial opening of any such outlet); or

(i) The payment of an admission fee to gain admission to any agricultural fair authorized under chapters 15.76 or 36.37 RCW where (i) the scheme is conducted for promotional or advertising purposes, not including the promotion or advertisement of the scheme itself; and (ii) the person or organization conducting the scheme receives no portion of the admission fee either directly or indirectly and receives no other money for conducting the scheme either directly or indirectly, other than what might be received indirectly as a result of the success of the promotional or advertising aspect of the scheme.

Notwithstanding any other provision of this subsection (14), where any contest of chance is conducted by a radio or television station in connection with the business promotions of the
station or other businesses under subsections (d) and (e) hereof, such contests of chance may be conducted on an ongoing basis if the prizes awarded or accumulated to award do not exceed thirty dollars a day or five thousand dollars a year in the aggregate for all outlets of the sponsoring organizations.

Notwithstanding any other provision of this subsection (14), where any contest of chance is held by or on behalf of in-state retail grocery outlets in connection with business promotions authorized under subsections (d) and (e) hereof, no such in-state retail grocery outlet may conduct more than one such contest of chance during each calendar year and the period of the contest of chance and its promotion shall not extend for more than seven consecutive days. PROVIDED, That if the sponsoring organization has more than one outlet in the state such contests of chance must be held in all such outlets at the same time except that a sponsoring organization with more than one outlet may conduct a separate contest of chance in connection with the initial opening of any such outlet.

For purposes of this chapter, radio and television broadcasting is hereby declared to be preempted by applicable federal statutes and the rules applicable thereto by the federal communications commission. Broadcast programming, including advertising and promotion, that complies with said federal statutes and regulations is hereby authorized.

(15) "Member" and "bona fide member". As used in this chapter, member and bona fide member each mean a person accepted for membership in an organization eligible to be licensed by the commission under this chapter upon application, with such action being recorded in the official minutes of a regular meeting or who has held full and regular membership status in the organization for a period of not less than twelve consecutive months prior to participating in the management or operation of any gambling activity. Such membership must in no way be dependent upon, or in any way related to, the payment of consideration to participate in any gambling activity.

Member or bona fide member shall include only members of an organization's specific chapter or unit licensed by the commission or otherwise actively conducting the gambling activity: PROVIDED, That

(a) Members of chapters or local units of a state, regional or national organization may be considered members of the parent organization for the purpose of a gambling activity conducted by the parent organization, if the rules of the parent organization so permit; and

(b) Members of a bona fide auxiliary to a principal organization may be considered members of the principal organization for the purpose of a gambling activity conducted by the principal organization. Members of the principal organization may also be considered members of its auxiliary for the purpose of a gambling activity conducted by the auxiliary.

No person shall be a member of any organization if that person's primary purpose for membership is to become, or continue to be, a participant in, or an operator or manager of, any gambling activity or activities.

(16) "Player" means a natural person who engages, on equal terms with the other participants, and solely as a contestant or bettor, in any form of gambling in which no person may receive or become entitled to receive any profit therefrom other than personal gambling winnings, and without otherwise rendering any material assistance to the establishment, conduct or operation of a particular gambling activity. A natural person who gambles at a social game of chance on equal terms with the other participants therein does not otherwise render material assistance to the establishment, conduct or operation thereof by performing, without fee or remuneration, acts directed toward the arrangement or facilitation of the game, such as inviting persons to play, permitting the use of premises therefor, and supplying cards or other equipment used therein. A person who engages in "bookmaking" as defined in this section is not a "player".

(17) A person is engaged in "professional gambling" when:

(a) Acting other than as a player or in the manner set forth in RCW 9.46.030 as now or hereafter amended, he knowingly engages in conduct which materially aids any other form of gambling activity, or

(b) Acting other than as a player, or in the manner set forth in RCW 9.46.030 as now or hereafter amended, he knowingly accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he participates or is to participate in the proceeds of gambling activity:

(c) He engages in bookmaking; or

(d) He conducts a lottery as defined in subsection (14) of this section.

Conduct under subparagraph (a), except as exempted under RCW 9.46.030 as now or hereafter amended, includes but is not limited to conduct directed toward the creation or establishment of the particular game, contest, scheme, device or activity involved, toward the acquisition or maintenance of premises, paraphernalia, equipment or apparatus therefor, toward the solicitation or inducement of persons to participate therein, toward the actual conduct of the playing phases thereof, toward the arrangement of any of its financial or recording phases, or toward any other phase of its operation. If a person having substantial proprietary or other authoritative control over any premises shall permit said premises to be used with the person's knowledge for the purpose of conducting gambling activity other than gambling
activities as set forth in RCW 9.46.030 as now or hereafter amended, and acting other than as a player, and said person permits such to occur or continue or makes no effort to prevent its occurrence or continuation, he shall be considered as being engaged in professional gambling: PROVIDED, That the proprietor of a bowling establishment who awards prizes obtained from player contributions, to players successfully knocking down pins upon the contingency of identifiable pins being placed in a specified position or combination of positions, as designated by the posted rules of the bowling establishment, where the proprietor does not participate in the proceeds of the "prize fund" shall not be construed to be engaging in "professional gambling" within the meaning of this chapter: PROVIDED, FURTHER, That the books and records of the games shall be open to public inspection.

(18) "Punch boards" and "pull-tabs" shall be given their usual and ordinary meaning as of July 16, 1973, except that such definition may be revised by the commission pursuant to rules and regulations promulgated pursuant to this chapter.

(19) "Raffle" means a game in which tickets bearing an individual number are sold for not more than one dollar each and in which a prize or prizes are awarded on the basis of a drawing from said tickets by the person or persons conducting the game, when said game is conducted by a bona fide charitable or nonprofit organization, no person other than a bona fide member of said organization takes any part in the management or operation of said game, and no part of the proceeds thereof inure to the benefit of any person other than the organization conducting said game.

(20) "Social card game" means a card game, including but not limited to the game commonly known as "Mah Jongg", which constitutes gambling and contains each of the following characteristics:

(a) There are two or more participants and each of them are players; and
(b) A player's success at winning money or other thing of value by overcoming chance is in the long run largely determined by the skill of the player; and
(c) No organization, corporation or person collects or obtains or charges any percentage of or collects or obtains any portion of the money or thing of value wagered or won by any of the players: PROVIDED, That this item (c) shall not preclude a player from collecting or obtaining his winnings; and
(d) No organization or corporation, or person collects or obtains any money or thing of value from, or charges or imposes any fee upon, any person which either enables him to play or results in or from his playing in excess of one dollar per half hour of playing time by that person collected in advance: PROVIDED, That a fee may also be charged for entry into a tournament for prizes, which fee shall not exceed twenty-five dollars, including all separate fees which might be paid by a player for various phases or events of the tournament: PROVIDED FURTHER, That this item (d) shall not apply to the membership fee in any bona fide charitable or nonprofit organization; and
(e) The type of card game is one specifically approved by the commission pursuant to RCW 9.46.070; and
(f) The extent of wagers, money or other thing of value which may be wagered or contributed by any player does not exceed the amount or value specified by the commission pursuant to RCW 9.46.070.

(21) "Thing of value" means any money or property, any token, object or article exchangeable for money or property, or any form of credit or promise, directly or indirectly, contemplating transfer of money or property or of any interest therein, or involving extension of a service, entertainment or a privilege of playing at a game or scheme without charge.

(22) "Whoever" and "person" include natural persons, corporations and partnerships and associations of persons; and when any corporate officer, director or stockholder or any partner authorizes, participates in, or knowingly accepts benefits from any violation of this chapter committed by his corporation or partnership, he shall be punishable for such violation as if it had been directly committed by him.

(23) "Fund raising event" means a fund raising event conducted during any seventy-two consecutive hours but exceeding twenty-four consecutive hours and not more than once in any calendar year or a fund raising event conducted not more than twice each calendar year for not more than twenty-four consecutive hours each time by a bona fide charitable or nonprofit organization as defined in subsection (3) of this section other than any agricultural fair referred to thereunder, upon authorization theretofor by the commission, which the legislature hereby authorizes to issue a license therefor, with or without fee, permitting the following activities, or any of them, during such event: Bingo, amusement games, contests of chance, lotteries and raffles: PROVIDED, That (a) gross wagers and bets received by the organization less the amount of money paid by the organization as winnings, taxes, license fees, and for the purchase cost of prizes given as winnings do not exceed ten thousand dollars during the total calendar days of such fund raising event in the calendar year; (b) such activities shall not include any mechanical gambling or lottery device activated by the insertion of a coin or by the insertion of any object purchased by any person taking a chance by gambling in respect
to the device; (c) only bona fide members of the organization who are not paid for such service shall participate in the management or operation of the activities, and all income therefrom, after deducting the cost of prizes and other expenses, shall be devoted solely to the lawful purposes of the organization; [(amd)] (d) such event shall not be held on the premises of a licensee, as defined in RCW 66.20.160, more than four calendar days per calendar month; and (e) such organization shall notify the appropriate local law enforcement agency of the time and place where such activities shall be conducted. The commission shall require an annual information report setting forth in detail the expenses incurred and the revenue received relative to the activities permitted.

Sec. 2. Section 2, chapter 139, Laws of 1981 and RCW 9.46.030 are each amended to read as follows:

(1) The legislature hereby authorizes bona fide charitable or nonprofit organizations to conduct bingo games, raffles, amusement games, and fund raising events, and to utilize punch boards and pull-tabs and to allow their premises and facilities to be used by only members [(amd)], their guests, and members of a chapter or unit organized under the same state, regional, or national charter or constitution, to play social card games authorized by the commission, when licensed, conducted or operated pursuant to the provisions of this chapter and rules and regulations adopted pursuant thereto.

(2) Bona fide charitable or bona fide nonprofit organizations organized primarily for purposes other than the conduct of raffles, are hereby authorized to conduct raffles without obtaining a license to do so from the commission when such raffles are held in accordance with all other requirements of chapter 9.46 RCW, other applicable laws, and rules of the commission; when gross revenues from all such raffles held by the organization during the calendar year do not exceed ((five)) ten thousand dollars, and when tickets to such raffles are sold only to, and winners are determined only from among, the regular members of the organization conducting the raffle: PROVIDED, That the term members for this purpose shall mean only those persons who have become members prior to the commencement of the raffle and whose qualification for membership was not dependent upon, or in any way related to, the purchase of a ticket, or tickets, for such raffles.

(3) Bona fide charitable or bona fide nonprofit organizations organized primarily for purposes other than the conduct of such activities are hereby authorized to conduct bingo, raffles, and amusement games, without obtaining a license to do so from the commission but only when:

(a) Such activities are held in accordance with all other requirements of chapter 9.46 RCW as now or hereafter amended, other applicable laws, and rules of the commission; and

(b) Said activities are, alone or in any combination, conducted no more than twice each calendar year and over a period of no more than twelve consecutive days each time, notwithstanding the limitations of RCW 9.46.020(2) as now or hereafter amended; PROVIDED, That a raffle conducted under this subsection may be conducted for a period longer than twelve days; and

(c) Only bona fide members of that organization, who are not paid for such services, participate in the management or operation of the activities; and

(d) Gross revenues to the organization from all the activities together [(does)] do not exceed ((five)) ten thousand dollars during any calendar year; and

(e) All revenue therefrom, after deducting the cost of prizes and other expenses of the activity, is devoted solely to the purposes for which the organization qualifies as a bona fide charitable or nonprofit organization; and

(f) The organization gives notice at least five days in advance of the conduct of any of the activities to the local police agency of the jurisdiction within which the activities are to be conducted of the organization’s intent to conduct the activities, the location of the activities, and the date or dates they will be conducted; and

(g) The organization conducting the activities maintains records for a period of one year from the date of the event which accurately show at a minimum the gross revenue from each activity, details of the expenses of conducting the activities, and details of the uses to which the gross revenue therefrom is put.

(4) The legislature hereby authorizes any person, association or organization operating an established business primarily engaged in the selling of food or drink for consumption on the premises to conduct social card games and to utilize punch boards and pull-tabs as a commercial stimulant to such business when licensed and utilized or operated pursuant to the provisions of this chapter and rules and regulations adopted pursuant thereto.

(5) The legislature hereby authorizes any person to conduct or operate amusement games when licensed and operated pursuant to the provisions of this chapter and rules and regulations adopted by the commission at such locations as the commission may authorize.

(6) The legislature hereby authorizes any person, association, or organization to conduct sports pools without a license to do so from the commission but only when the outcome of which is dependent upon the score, or scores, of a certain athletic contest and which is conducted only in the following manner:
(a) A board or piece of paper is divided into one hundred equal squares, each of which constitutes a chance to win in the sports pool and each of which is offered directly to prospective contestants at one dollar or less; and

(b) The purchaser of each chance or square signs his or her name on the face of each square or chance he or she purchases; and

(c) At some time not later than prior to the start of the subject athletic contest the pool is closed and no further chances in the pool are sold; and

(d) After the pool is closed a prospective score is assigned by random drawing to each square; and

(e) All money paid by entrants to enter the pool less taxes is paid out as the prize or prizes to those persons holding squares assigned the winning score or scores from the subject athletic contest; and

(f) The sports pool board is available for inspection by any person purchasing a chance thereon, the commission, or by any law enforcement agency upon demand at all times prior to the payment of the prize; and

(g) The person or organization conducting the pool is conducting no other sports pool on the same athletic event; and

(h) The sports pool conforms to any rules and regulations of the commission applicable thereto.

(7) The legislature hereby authorizes bona fide charitable or nonprofit organizations to conduct, without the necessity of obtaining a permit or license to do so from the commission, golfing sweepstakes permitting wagers of money, and the same shall not constitute such gambling or lottery as otherwise in this chapter prohibited, or be subject to civil or criminal penalties thereunder, but this only when the outcome of such golfing sweepstakes is dependent upon the score, or scores, or the playing ability, or abilities, of a golfing contest between individual players or teams of such players, conducted in the following manner:

(a) Wagers are placed by buying tickets on any players in a golfing contest to "win", "place" or "show" and those holding tickets on the three winners may receive a payoff similar to the system of betting identified as parimutuel, such moneys placed as wagers to be used primarily as winners proceeds, except moneys used to defray the expenses of such golfing sweepstakes or otherwise used to carry out the purposes of such organization; or

(b) Participants in any golfing contest(s) pay a like sum of money into a common fund on the basis of obtaining a stated number of points ascertainable from the score of such participants, and those participants obtaining such stated number of points share equally in the moneys in the common fund, without any percentage of such moneys going to the sponsoring organization; and

(c) Participation is limited to members of the sponsoring organization and their bona fide guests.

(8) The legislature hereby authorizes bowling establishments to conduct, without the necessity of obtaining a permit or license to do so, as a commercial stimulant, a bowling activity which permits bowlers to purchase tickets from the establishment for a predetermined and posted amount of money which tickets are then selected by the luck of the draw and the holder of the matching ticket so drawn has an opportunity to bowl a strike and if successful receives a predetermined and posted monetary prize: PROVIDED. That all sums collected by the establishment from the sale of tickets shall be returned to purchasers of tickets and no part of the proceeds shall inure to any person other than the participants winning in the game or a recognized charity. The tickets shall be sold, and accounted for, separately from all other sales of the establishment. The price of any single ticket shall not exceed one dollar. Accounting records shall be available for inspection during business hours by any person purchasing a chance thereon, by the commission or its representatives, or by any law enforcement agency.

(9) (a) The legislature hereby authorizes any bona fide charitable or nonprofit organization which is licensed pursuant to RCW 66.24.400, and its officers and employees, to allow the use of the premises, furnishings, and other facilities not gambling devices of such organization by members of the organization, and members of a chapter or unit organized under the same state, regional, or national charter or constitution, who engage as players in the following types of gambling activities only:

(i) Social card games as defined in RCW 9.46.020(20)(a), (b), (c), and (d): and

(ii) Social dice games, which shall be limited to contests of chance, the outcome of which are determined by one or more rolls of dice.

(b) Bona fide charitable or nonprofit organizations shall not be required to be licensed by the commission in order to allow use of their premises in accordance with this subsection; however, the following conditions must be met:

(i) No organization, corporation, or person shall collect or obtain or charge any percentage of or shall collect or obtain any portion of the money or thing of value wagered or won by any of the players: PROVIDED. That a player may collect his or her winnings; and

(ii) No organization, corporation, or person shall collect or obtain any money or thing of value from, or charge or impose any fee upon, any person which either enables him or her to play or results in or from his or her playing: PROVIDED. That this subparagraph (ii) shall not
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preclude collection of a membership fee which is unrelated to participation in gambling activities authorized under this subsection.

The penalties provided for professional gambling in this chapter shall not apply to the activities authorized by this section when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations of the commission.

Sec. 3. Section II. chapter 218. Laws of 1973 Ist ex. sess. as last amended by section 8. chapter 139. Laws of 1981 and RCW 9.46.110 are each amended to read as follows:

The legislative authority of any county, city-county, city, or town, by local law and ordinance, and in accordance with the provisions of this chapter and rules and regulations promulgated hereunder, may provide for the taxing of any gambling activity authorized in RCW 9.46.030 as now or hereafter amended within its jurisdiction, the tax receipts to go to the county, city-county, city, or town so taxing the same: PROVIDED. That any such tax imposed by a county alone shall not apply to any gambling activity within a city or town located therein but the tax rate established by a county, if any, shall constitute the tax rate throughout such county including both incorporated and unincorporated areas, except for any city located therein with a population of twenty thousand or more persons as of the most recent decennial census taken by the federal government: PROVIDED FURTHER. That (1) punch boards and pull-tabs, chances on which shall only be sold to adults, which shall have a twenty-five cent limit on a single chance thereon, shall be taxed on a basis which shall reflect only the gross receipts from such punch boards and pull-tabs; and (2) no punch board or pull-tab may award as a prize upon a winning number or symbol being drawn the opportunity of taking a chance upon any other punch board or pull-tab; and (3) all prizes for punch boards and pull-tabs must be on display within the immediate area of the premises wherein any such punch board or pull-tab is located and upon a winning number or symbol being drawn, such prize must be immediately removed therefrom, or such omission shall be deemed a fraud for the purposes of this chapter; and (4) when any person shall win over twenty dollars in money or merchandise from any punch board or pull-tab, every licensee thereunder shall keep a public record thereof for at least ninety days thereafter containing such information as the commission shall deem necessary: AND PROVIDED FURTHER. That taxation of bingo and raffles shall never be in an amount greater than ten percent of the gross revenue received therefrom less the amount paid for or as prizes. Taxation of amusement games shall only be in an amount sufficient to pay the actual costs of enforcement of the provisions of this chapter by the county, city or town law enforcement agency and in no event shall such taxation exceed two percent of the gross revenue therefrom less the amount paid for as prizes: PROVIDED FURTHER. That no tax shall be imposed under the authority of this chapter on bingo, raffles or amusement games when such activities or any combination thereof are conducted by any bona fide charitable or nonprofit organization as defined in RCW 9.46.020(3), which does not discriminate in full membership on the basis of sex and race, and which organization has no paid operating or management personnel and has gross income from bingo, raffles or amusement games, or any combination thereof, not exceeding ((five)) ten thousand dollars per year less the amount paid for as prizes. Taxation of punch boards and pull-tabs shall not exceed five percent of gross receipts, nor taxation of social card games exceed twenty percent of the gross revenue from such games."

On page 1. line 1. after "gambling:" insert:

"modifying the definition of membership, the eligibility for exemption from the gambling tax and the maximum allowable gross receipts for nonprofit organizations engaged in gambling activities."

and the same are herewith transmitted.  

MOTION

Senator Vognild moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 3434.

POINT OF ORDER

Senator Rasmussen: "Mr. President, I raise scope and object on the House amendments, and I would like to say that it's getting into the grocery business on a gambling bill, and I don't think that amendment belongs on this.

Debate ensued.

MOTION

On motion of Senator Vognild, and there being no objection, his motion to concur in the House amendments to Engrossed Substitute Senate Bill No. 3434 was withdrawn.
MOTION
Senator Vognild moved that the Senate insist on its position on Engrossed Substitute Senate Bill No. 3434 and asks the House for a conference thereon.

POINT OF ORDER
Senator Rasmussen: "Mr. President, the scope and object still stands then if it comes back in the same position—even on a conference?"

REPLY BY THE PRESIDENT
President Cherberg: "A Report of Conference Committee—it would still be open. In the event of a Free Conference Committee Report, the point of scope and object would only be available to any member of the Senate if an amendment or change in the title is necessary."

PARLIAMENTARY INQUIRY
Senator Pullen: "In the event that the measure comes out of the conference committee with the conference committee recommending that the House amendment be adopted, would Senator Rasmussen's point of order automatically be before the body once again when it returns to us or must he once again raise the question of scope and object at that point?"

REPLY BY THE PRESIDENT
President Cherberg: "The President believes it will be necessary for the point to be raised again due possibly to intervening business or action on the measure."

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Vognild that the Senate insist on its position regarding Engrossed Substitute Senate Bill No. 3434 and to request of the House a conference thereon.

The motion by Senator Vognild carried on a rising vote.

APPOINTMENT OF CONFERENCE COMMITTEE
The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 3434, and the House amendments thereto: Senators Vognild, Williams and Sellar.

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

REPORT OF CONFERENCE COMMITTEE
MAJORITY REPORT

May 11, 1983

Mr. President:
Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 240, revising procedures for mail voting, have had the same under consideration, and we recommend that the following Senate amendments be adopted:

Page 1, line 6 of the title;
Page 6, beginning on line 23;
Page 2, line 1;
Page 2, line 20;
Page 2, line 24;
Page 3, line 2;
Page 3, line 30;
Page 5, line 10;
Page 5, following line 26 of the engrossed bill (originally by Senate Judiciary Committee—See Senate Journal Volume I, pages 1413-1415);

And that the following Senate amendments to ESHB 240 not be adopted:
Page 2, line 5;
Page 2, line 19;
Page 3, line 12:
MINORITY REPORT NO. 1

Minority Report: All Senate amendments should be adopted.
Signed by: Senator Pullen.

MINORITY REPORT NO. 2

Minority Report: Differ from the majority report in that amendment on page 3, line 30 should not be adopted and in that amendments on page 2, line 5; page 3, line 12; page 3, line 35; page 4, line 23; should be adopted:
Signed by: Representative Barnes.

MOTION

Senator Talmadge moved that the Report of the Conference Committee on Engrossed Substitute House Bill No. 240 be adopted.

POINT OF ORDER

Senator Newhouse: "Is this report properly a Report of the Conference Committee or should it be a Free Conference Report with the diverse language from both bodies?"

REPLY BY THE PRESIDENT

President Cherberg: "The President believes that the report is properly before the Senate inasmuch as the conference committee has adopted certain amendments and declined to adopt certain others."

Further debate ensued.

PARLIAMENTARY INQUIRY

Senator Rasmussen: "My question, Mr. President--looking at this as a House Bill, is it possible to rerefer this to a Senate committee?"

REPLY BY THE PRESIDENT

President Cherberg: "Senator Rasmussen, the motion by Senator Talmadge is a positive motion in an attempt to bring the two houses together, and the President believes that your motion to refer the measure to a committee would be not properly before the Senate. If Senator Talmadge's motion fails, the bill would be returned to the conferees."

MOTION

On motion of Senator Vognild, Senator McDermott was excused.

Senator Granlund 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 Talmadge to adopt the Report of the Conference Committee on Engrossed Substitute House Bill No. 240.

Further debate ensued.

ROLL CALL

The Secretary called the roll and the motion by Senator Talmadge failed and the Report of the Conference Committee on Engrossed Substitute House Bill No. 240 was not adopted by the following vote: Yeas, 20; nays, 28; excused, 1.


Excused: Senator McDermott - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 240 was returned to the Conference Committee.
MOTION

Senator Rasmussen moved that Engrossed Substitute House Bill No. 240 be referred to the Committee on Judiciary.

MOTION

At 12:00 noon, on motion of Senator Shinpoch, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m. There being no objection, the President advanced the Senate to the sixth order of business.

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

On motion of Senator Talmadge, the appointment of Manuel E. Costa as a member of the Sentencing Guidelines Commission was confirmed.

APPOINTMENT OF MANUEL E. COSTA

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 39; absent, 9; excused, 1.

Voting yeas: Senators Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Zimmerman - 39.


Excused: Senator McDermott - 1.

MOTION

On motion of Senator Talmadge, the appointment of Chief Arthur F. Clifford as a member of the Sentencing Guidelines Commission was confirmed.

APPOINTMENT OF CHIEF ARTHUR F. CLIFFORD

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

Voting yeas: Senators Barr, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Zimmerman - 43.


MOTION

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

MOTION

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

SENATE RESOLUTION 1983-15

By Senators Shinpoch, Williams and Rasmussen

WHEREAS, The art of painting on porcelain requires great skill, intensive training, and great artistic ability to produce the beautiful porcelain art people the world over enjoy so much; and

WHEREAS, Throughout history, the art of porcelain painting has provided a medium for the preservation of history and culture and has been recognized as a fine art by all of the world's great civilizations; and

WHEREAS, Growing numbers of American artists have studied, explored, and enhanced the historic skills of porcelain painting, adding immeasurably to the cultural enhancement of our nation; and
WHEREAS, The efforts of these artists bring rich beauty and expanded dimensions to our national culture for the benefit and enrichment of the lives of all citizens;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That August, 1983 be commemorated as Porcelain Art Month in recognition of the beautiful artistic expression and contributions porcelain art has made to our culture and to the cultures of other civilizations; and

BE IT FURTHER RESOLVED, That a copy of this Resolution be forwarded to Lorraine Ditsworth, President of Porcelain Artists of the Great Northwest, as a reflection of our high regard for porcelain art.

MOTION

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

SENATE RESOLUTION 1983-23

By Senators Bottiger, Gaspard and Warnke

WHEREAS, The Orting High School Cardinals are a high quality basketball team; and

WHEREAS, Mike Porco, Tom White, Paul Hill, George Shrum, Don deVries, Dale deVries, Brian Carter, Jim Silvermail, Dave Vernon, Wade Lohman, Stu Louderback and Chuck Cope are members of the Orting Cardinals who played exciting basketball during the 1982-83 basketball season; and

WHEREAS, The Orting Cardinals are superbly coached by Head Coach Jerry Clyde and Assistant Coach Steve Weller, and assisted by Team Manager Kory Floyd; and

WHEREAS, These players and coaches worked together to compile an impressive 1982-83 Orting High School basketball team season record of 23 wins and 3 losses; and

WHEREAS, The Orting Cardinals won the 1982-83 Nisqually League Championship, recording 14 wins and only 1 defeat; and

WHEREAS, The Orting Cardinals advanced to the 1983 Class A State Basketball Tournament; and

The Orting Cardinals won all 4 rounds of the 1983 Class A Basketball Tournament; and

WHEREAS, The Orting Cardinals defeated the Lynden Lions, another quality basketball team, by a score of 47 to 45 to win the 1983 State Class A Basketball Championship on March 5, 1983;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That congratulations for this accomplishment be extended to the members of the Orting Cardinals basketball team and their coaches; and

BE IT FURTHER RESOLVED, That the Orting Cardinals basketball team and its coaching staff be highly commended for this accomplishment which has made the students of Orting High School, the citizens of Orting, and the State of Washington very proud; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted to each member of the Orting Cardinals basketball team, its manager and its coaching staff.

MOTION

On motion of Senator Bottiger, Senator Warnke's name will be added as an additional sponsor of Senate Resolution 1983-23.

MOTION

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

SENATE RESOLUTION 1983-25

By Senators Patterson, McManus, Warnke, Bottiger, Jones, Sellar, Owen, Quigg, Newhouse, Pullen, Vognild, Zimmerman, Barr, Lee, Benitz, Rinehart, Gaspard, Fleming, von Reichbauer, McDermott and Guess

WHEREAS, The Washington State University Varsity basketball team, Head Coach George Raveling and the remainder of the coaching staff have brought excellent national attention to this great state by qualifying for and participating in
two exciting games of the National Collegiate Athletic Association's 1983 Basketball Tournament; and

WHEREAS, The Cougar basketball squad and coaches displayed the highest standards of sportsmanship and good conduct in the team's great victory over Weber State of Utah and their courageously fought battle against Virginia; and

WHEREAS, It is altogether fitting that these young men and their coaches be accorded proper recognition and heartfelt congratulations by the Washington State Senate on behalf of all this state's citizens for their praiseworthy and inspiring efforts;

NOW, THEREFORE, BE IT RESOLVED, That the Senate extend its sincere best wishes to the Washington State University Cougars' Varsity basketball team, Head Coach George Raveling and the remainder of the coaching staff for these significant athletic achievements for which all Washingtonians can be justly proud; and

BE IT FURTHER RESOLVED, That the Senate also extend its recognition to the Washington State University student body and faculty and the Pullman community for the untiring support they have given this outstanding basketball team and coaches.

MOTION

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

SENATE RESOLUTION 1983-28

By Senators Wojahn and Hayner

WHEREAS, Representing the United States in the Olympic Games is the goal and ambition of thousands of amateur athletes; and

WHEREAS, Their participation in the Olympic Games is the focus of world-wide attention and admiration; and

WHEREAS, Our state capital, the city of Olympia, appropriately has the honor of hosting the first United States Women's Marathon Trials for the 1984 Olympic Games; and

WHEREAS, More than 200 women athletes are expected to participate in the trials which will attract some 60,000 spectators to the Puget Sound area; and

WHEREAS, National attention will center on Olympia during Marathon Race Week, May 6 through May 13, 1984; and

WHEREAS, The Women's Marathon Trials Association is opening offices in Olympia and Seattle to ensure the Marathon Race Week will have the greatest success for both participants and the public;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate salutes the fine efforts of the Women's Marathon Trials Association and that our commendations be immediately transmitted to the leaders of the association; and

BE IT FURTHER RESOLVED, That the Washington State Senate urges the public, local governments and community organizations to support the activities of the Women's Marathon Trials Association and the 1984 Women's Marathon Trials in Olympia.

MOTION

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

SENATE RESOLUTION 1983-34

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

WHEREAS, Women throughout this state and nation who served in the Women's Army Corps rendered many years of steadfast and honorable service to our country in war and in peace at home and abroad; and
WHEREAS. The unheralded accomplishments and vital contributions of the thousands of Women’s Army Corps veterans who dedicated their effort to our nation’s defense deserve recognition; and

WHEREAS. Veterans of the Women’s Army Corps have continued their invaluable tradition of service as members of the Women’s Army Corps Veterans Association; and

WHEREAS. Members of the Evergreen chapter in this state support a variety of public service projects including providing volunteer services at the American Lake Veterans Medical Center in Tacoma; and

WHEREAS. Members of the Women’s Army Corps Veterans Association, Evergreen chapter, are now planning a celebration of the forty-first anniversary of the establishment of the Women’s Army Corps in 1942;

NOW, THEREFORE. BE IT RESOLVED. By the Senate of the State of Washington, That the governor is requested to proclaim May 14, 1983, as “Women’s Army Corps Veterans Day”; and

BE IT FURTHER RESOLVED. That copies of this resolution be transmitted to the Honorable Governor John D. Spellman and to Evelyn P. Smathers, president of the Evergreen chapter of the Women’s Army Corps Veterans Association.

MOTION

On motion of Senator Conner, all members and the Lieutenant Governor will be added as additional sponsors of Senate Resolution 1983-34.

MOTION

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

SENATE RESOLUTION 1983-40

By Senators Vognild, Bottiger, Rasmussen, Wojahn, Goltz, Bender, Woody and Hughes

WHEREAS. Many residents of the State of Washington are currently engaged in railroad employment or have engaged in such employment in the past and look to the railroad retirement system to provide benefits when they retire; and

WHEREAS. Many residents of the State of Washington are currently receiving benefits under the railroad retirement system and rely on such benefits to a large extent to meet the normal costs of living; and

WHEREAS. Any reduction in the amount of benefits received by beneficiaries under the railroad retirement system would have a drastic effect on the ability of these beneficiaries to meet normal living expenses; and

WHEREAS. Projections of the financial condition of the railroad retirement system show that unless corrective action is taken, monthly annuities will have to be reduced significantly beginning with the annuity checks to be sent out October 1, 1983, with additional reductions required in the future; and

WHEREAS. A bill, H.R. 1646, the Railroad Retirement Solvency Act of 1983, was introduced in the United States House of Representatives on February 24, 1983, by Mr. Florio; and

WHEREAS. H.R. 1646 would resolve the short-term and long-term financial problems of the railroad retirement system through an even-handed approach of tax increases on railroad employers and employees and adjustments of benefits to current and future beneficiaries, thereby preserving and protecting the rights and expectations of those currently receiving benefits and those who would receive such benefits in the future;

NOW, THEREFORE. BE IT RESOLVED. By the Senate of the State of Washington, That it is the sense of the Legislature of the State of Washington that the members of Congress representing the State of Washington should actively support and vote favorably on H.R. 1646, the Railroad Retirement Solvency Act of 1983.

MOTION

On motion of Senator Pullen, the following resolution was adopted:
SENATE RESOLUTION 1983-42

By Senators McDermott, Pullen, Fleming and Talmadge

WHEREAS. Chess, a game that has challenged human minds since the sixth century, has become a remarkably unique blend of game, sport, art, science, and culture; and

WHEREAS. The people of the state of Washington are proud of a citizen of this state and nation, Yasser Seirawan, the twenty-three year old who is the United States chess co-champion, and his continuing brilliant achievements as a chess player; and

WHEREAS. Yasser Seirawan, who learned to play chess in Seattle frequenting the Last Exit in the University District, continues to spend his time in Seattle, when he is not traveling to places like Europe and South America, sharpening his chess skills through disciplined training to prepare for interzonal tournaments and ultimately the world championship; and

WHEREAS. While Yasser attended Garfield High School in Seattle and helped the Garfield chess team achieve two consecutive state championships; and

WHEREAS. Yasser Seirawan has made enormous contributions to the growing interest in the enriching and challenging game of chess in this state; and

WHEREAS. Observers predict that Yasser Seirawan, who has defeated world chess champion Anatoly Karpov twice and has a lifetime plus score against the champion, will eventually become world champion;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, That Yasser Seirawan be honored for his notable accomplishments as a chess player and be encouraged in the achievement of his goals; and

BE IT FURTHER RESOLVED. That copies of this resolution be transmitted to Yasser Seirawan, the Washington Chess Federation, and the United States Chess Federation.

MOTION

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

SENATE RESOLUTION 1983-47

By Senators McManus, McDermott and Hemstad

WHEREAS. Washington's accredited independent colleges and universities represent a valuable resource to the residents of this state; and

WHEREAS. These independent institutions of higher education often offer programs in localities not directly served by a resident public program or institution of higher learning; and

WHEREAS. Taking full advantage of programs currently offered would encourage, promote, and facilitate the coordination of educational services that are beneficial to the citizens of the state of Washington and would help prevent unnecessary duplication of educational programs among public institutions of higher education; and

WHEREAS. It is the judgment of the Senate that all appropriate steps should be taken which would motivate cooperative educational efforts among all of the institutions of higher education in the state;

NOW, THEREFORE BE IT RESOLVED, By the Senate, That the Council for Postsecondary Education shall explore the feasibility of contracting for educational services with accredited independent institutions of higher education located in this state and evaluate the cost effectiveness of the use of such contractual arrangements; and

BE IT FURTHER RESOLVED. That the Council shall identify the localities in the state and the instructional program areas in which contracting for instructional program services would be a cost effective way of meeting identified needs; and

BE IT FURTHER RESOLVED, That the Council, in cooperation with the Office of the Attorney General, shall determine approaches to contracting for educational services which would meet constitutional requirements; and

BE IT FURTHER RESOLVED, That the Council shall report its findings to the Senate along with its recommendations by November, 1983.
EIGHTEENTH DAY, MAY 12, 1983

MOTION

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

SENATE RESOLUTION 1983-57

By Senators Vognild and Quigg

WHEREAS, Arson has increased dramatically in recent years in Washington State, and in the United States as a whole, causing annual losses to the nation of more than one thousand lives, including fire fighters, and hundreds of millions of dollars in property damage; and

WHEREAS, Arson is a complex problem, difficult to detect, having a variety of motives, and interconnections with other criminal activities as complicating factors; and

WHEREAS, The people of Washington State and the local jurisdictions confronted by arson could benefit from increased efforts by the state to coordinate and provide expertise in the fight against arson; and

WHEREAS, It has become apparent from past history that marine fires, and in particular ship fires, pose a grave hazard to life and property in the state of Washington; and

WHEREAS, At the present time there are only two municipalities on Puget Sound that have any type of marine fire fighting service; and

WHEREAS, The legislature finds that fire protection services in general have lacked a comprehensive state level focus; and

WHEREAS, This has resulted in a lack of cooperation and coordination between local and state agencies;

NOW, THEREFORE, BE IT RESOLVED. By the Senate. That there is hereby created a special committee of the Senate, to be known as the senate oversight committee on fire protection, to investigate the causes of arson and propose measures to reduce the incidence and impact of arson in the state and to study marine fire protection and statewide fire focus and coordination. The committee shall consist of five senators, not more than three of whom may be members of the majority party. The members shall be appointed by the president, subject to the confirmation of the Senate; and

BE IT FURTHER RESOLVED, Before the close of the 1983 session, the president shall appoint all of the committee members to a single term beginning June 1, 1983, and ending January 9, 1984. and shall designate one member to serve as chairman. The committee shall complete its study and submit a report of its findings and recommendations to the Senate at the next regular session of the legislature; and

BE IT FURTHER RESOLVED, The committee shall establish an advisory board of not less than five members to assist the committee in its investigation and evaluation. Advisory board members shall be chosen on the basis of expertise and experience in the areas to be investigated, and shall be available to provide consultation and advice, and to recommend additional resource persons to be selected, as needed, from a list of fire prevention organizations. The advisory board shall be reimbursed for any authorized expenses it may incur.

MOTION

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

SENATE RESOLUTION 1983-69

By Senators Haley and Bolliger

WHEREAS, Deep water wells in a community near Tacoma known as American Lake Gardens have been found to be contaminated by toxic liquid hydrocarbons; and

WHEREAS, These hydrocarbons may be cancer causing to animals and humans; and

WHEREAS, American Lake Gardens is bordered on three sides by McChord Air Force Base; and

WHEREAS, McChord Air Force Base disposed of many kinds of hydrocarbons over many years in a site adjoining American Lake Gardens; and
WHEREAS, It is very likely the toxic hydrocarbons contaminating the American Lake Gardens wells came from this McChord Air Force Base site; and
WHEREAS, This McChord Air Force Base site should be cleaned up as soon as possible; and
WHEREAS, The Environmental Protection Agency superfund requires fifty percent of the dollars spent cleaning up public sites to come from the state;
NOW, THEREFORE, BE IT RESOLVED, That the federal government should take immediate and extensive steps to determine the full extent and the true source of this contamination; and
BE IT FURTHER RESOLVED, That if the true source of this contamination be found to arise from McChord Air Force Base, the federal government shall bear the full cost of cleaning up this site and assume full responsibility for all damages and expenses to American Lake Gardens residents and private property; and
BE IT FURTHER RESOLVED, That a copy of this resolution be delivered to the Honorable Ronald Reagan, President of the United States; the Washington State congressional delegation; the State Department of Ecology and the Environmental Protection Agency.

MOTION

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

SENATE RESOLUTION 1983-71
By Senators Quigg, Owen and Conner
WHEREAS, The Port of Grays Harbor is the only deep water port on the coast of the State of Washington; and
WHEREAS, Many counties rely on the Port of Grays Harbor for the transportation of the tremendous renewable timber resources in the area; and
WHEREAS, Increased shipments of forest products are being made to Pacific rim nations, including Japan, Korea, and the People's Republic of China; and
WHEREAS, Shipments of these commodities will contribute significantly to this nation's balance of trade; and
WHEREAS, The United States Army Corps of Engineers has just completed a feasibility study on the improvement of navigation facilities in Grays Harbor including the deepening of navigation channels from 30 to 38 feet; and
WHEREAS, Present harbor conditions prevent larger and more cost-effective vessels in the trade from departing fully laden from Grays Harbor; and
WHEREAS, On December 14, 1982, the Board of Engineers for rivers and harbors of the United States Army Corps of Engineers recommended the modification of existing federal navigation projects at Grays Harbor, including the deepening and widening of channels, replacement of bridges, and the construction of new turning basins;
NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That the federal government be urged to approve the proposed modification of existing federal navigation projects at Grays Harbor; and
BE IT FURTHER, RESOLVED, That the Congress of the United States also be urged to appropriate adequate funding in fiscal years 1984 and 1985 to continue the planning and engineering of channel improvements in Grays Harbor while formal authorization of the project is being sought; and
BE IT FURTHER RESOLVED, That copies of this resolution be immediately forwarded to the Honorable Ronald Reagan, President of the United States; 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.

MOTION

At 2:02 p.m., on motion of Senator Bottiger, the Senate adjourned until 10:00 a.m., Friday, May 13, 1983.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.
NINETEENTH DAY, MAY 13, 1983

NINETEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, May 13, 1983

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 Barr, Bauer, Bender, Bottiger, Clarke, Deccio, Hughes, Hurley, Kiskaddon, Owen, Quigg, Rasmussen, Williams and Wojahn.

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

MOTION

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

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

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Talmadge, the appointment of George A. Finkle as a member of the Sentencing Guidelines Commission was confirmed.

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 35; absent, 14.


Absent: Senators Barr, Bauer, Bender, Bottiger, Clarke, Deccio, Hughes, Hurley, Kiskaddon, Owen, Quigg, Rasmussen, Williams, Wojahn - 14.

MOTIONS

On motion of Senator Bluechel, Senator Quigg was excused.

On motion of Senator Vognild, Senators Bender, Bottiger, Hurley, Owen, Williams and Wojahn were excused.

MOTION

On motion of Senator Talmadge, the appointment of Paul D. Hansen as a member of the Sentencing Guidelines Commission was confirmed.

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 39; absent, 3; excused, 7.


Absent: Senators Granlund, Metcalf, Rinehart - 3.

Excused: Senators Bender, Bottiger, Hurley, Owen, Quigg, Williams, Wojahn - 7.

MOTION

On motion of Senator Talmadge, the appointment of Warren Netherland as a member of the Sentencing Guidelines Commission was confirmed.
APPPOINTMENT OF WARREN NETHERLAND

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 39; nays, 1; absent, 4; excused, 5.


Voting nay: Senator Hughes – 1.


Excused: Senators Bender, Bottiger, Hurley, Quigg, Williams – 5.

MOTION

On motion of Senator Goltz, the appointment of James C. Waldo as a member of the Board of Trustees for Western Washington University was confirmed.

APPOINTMENT OF JAMES C. WALDO

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; excused, 3.


Excused: Senators Bender, Bottiger, Williams – 3.

MOTION

On motion of Senator Talmadge, the appointment of Otto Amen as a member of the Public Disclosure Commission was confirmed.

APPOINTMENT OF OTTO AMEN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

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

MOTION

On motion of Senator Talmadge, the appointment of I. A. Tony Weza as a member of the Public Disclosure Commission was confirmed.

APPOINTMENT OF I. A. TONY WEZA

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; absent, 2.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermtott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman – 47.

Absent: Senators Barr, Rinehart – 2.

MOTION

On motion of Senator Vognild, the appointment of John H. Stender as a member of the Apprenticeship Council was confirmed.

APPOINTMENT OF JOHN H. STENDER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; nays, 2; absent, 2.

Voting yea: Senators Barr, Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermtott, McManus, Metcalf, Newhouse, Owen, Patterson,
NINETEENTH DAY, MAY 13, 1983

Absent: Senators Bender, Hemstad – 2.

MOTION
At 10:46 a.m., on motion of Senator Shinpoch, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION
The Senate was called to order at 2:00 p.m. by President Pro Tempore Goltz. There being no objection, the President Pro Tempore reverted the Senate to the fourth order of business.

MESSAGES FROM THE HOUSE

May 11, 1983
Mr. President:
The Speaker has signed:
SUBSTITUTE HOUSE BILL NO. 43,
SUBSTITUTE HOUSE BILL NO. 278, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

May 11, 1983
Mr. President:
The Speaker has signed:
SUBSTITUTE SENATE BILL NO. 3660, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

May 10, 1983
Mr. President:
The Speaker has signed:
SUBSTITUTE SENATE BILL NO. 3079,
SENATE BILL NO. 3413,
SUBSTITUTE SENATE BILL NO. 3490, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

May 12, 1983
Mr. President:
The Speaker has signed:
HOUSE BILL NO. 74,
HOUSE BILL NO. 428, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

May 12, 1983
Mr. President:
The Speaker has signed:
SECOND SUBSTITUTE SENATE BILL NO. 3624,
SUBSTITUTE SENATE BILL NO. 3817, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

May 13, 1983
Mr. President:
The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 251 and passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

May 13, 1983
Mr. President:
The House concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 1094 and passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk
The President signed:
SUBSTITUTE HOUSE BILL NO. 43,
HOUSE BILL NO. 74,
SUBSTITUTE HOUSE BILL NO. 278,
HOUSE BILL NO. 428.

MESSAGE FROM THE HOUSE
May 13, 1983

Mr. President:
The House refuses to recede from its amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 3864 and asks the Senate for a conference thereon, and the Speaker has appointed the following members as conferees: Representatives Kaiser, Ellis and Smith.

DEAN R. FOSTER, Chief Clerk

MOTION
On motion of Senator Shinpoch, the Senate granted the request of the House for a conference on Engrossed Substitute Senate Bill No. 3864 and the House amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE
The President Pro Tempore appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 3864 and the House amendments thereto: Senators Hansen, Zimmerman and Goltz.

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

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

CONFIRMATION OF GUBERNATORIAL APPOINTMENT
MOTION
On motion of Senator Newhouse, the appointment of Norman F. Richardson as a member of the State Game Commission was confirmed.

APPOINTMENT OF NORMAN F. RICHARDSON
The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 37; absent, 12.
Voting yea: Senators Barr, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fuller, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, McManus, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 37.
Absent: Senators Bauer, Deccio, Fleming, Granlund, Hughes, Hurley, McDermott, Metcalf, Owen, Quigg, Thompson, Vognild - 12.

MOTIONS
On motion of Senator Shinpoch, the Committee on Ways and Means was relieved of further consideration of Senate Bill No. 3910.
On motion of Senator Shinpoch, the rules were suspended, Senate Bill No. 3910 was advanced to second reading and placed on the second reading calendar.

REMARKS BY SENATOR SHINPOCH
Senator Shinpoch: "Mr. President, we passed House Bill No. 495 through here and it had an error in it and it is on the Governor's desk. What we plan to do, is to pull Senate Bill No. 3910 and amend that—it is title only—with a corrected 495 and send it over to the House and get it to the Governor's desk, so that he can veto House Bill No. 495 and have a corrected bill in front of him."
POINT OF INQUIRY

Senator Hayner: "Senator Shinpoch, what was the problem with the bill?"

Senator Shinpoch: "If you will recall, in the bill, it had that you were eligible for the post retirement increase after three years. If you will recall, I amended that in the Senate Ways and Means Committee to five years. We let that get out with the three years in it, but we changed the money for the five. The money is there, but it doesn't start until after five years. We didn't get all the dates changed."

SECOND READING

SENATE BILL NO. 3910, by Senator McDermott

Relating to retirement from public service.

The bill was read the second time.

MOTION

Senator McDermott moved that the following amendment be adopted:

"NEW SECTION. Sec. 1. There is added to chapter 2.12 RCW a new section to read as follows:

Notwithstanding any provision of law to the contrary, effective July 1, 1983, the monthly benefit of each person who either is receiving benefits pursuant to RCW 2.12.020 or 2.12.030 as of December 31, 1982, or commenced receiving a monthly benefit under this chapter as of a date no later than July 1, 1978, shall be permanently increased by a post-retirement adjustment of $0.74 per month for each year of creditable service the judge established with the retirement system. Any fraction of a year of service shall be counted in the computation of the post-retirement adjustment. This adjustment shall be in lieu of any adjustments provided under RCW 2.12.037 as of July 1, 1983, or July 1, 1984, for the affected persons.

NEW SECTION. Sec. 2. There is added to chapter 28B.10 RCW a new section to read as follows:

Notwithstanding any provision of law to the contrary, effective July 1, 1983, the monthly benefit of each person who either is receiving a benefit pursuant to a program established under RCW 28B.10.400 for their service as of July 1, 1978, or commenced receiving a monthly benefit as a surviving spouse or written designated beneficiary with an insurable interest in the retiree as of a date no later than December 31, 1982, shall be permanently increased by a post-retirement adjustment of $0.74 per month for each year of creditable service the faculty member or employee established with the annuity or retirement income plan. Any fraction of a year of service shall be counted in the computation of the post-retirement adjustment.

NEW SECTION. Sec. 3. There is added to chapter 41.32 RCW a new section to read as follows:

Notwithstanding any provision of law to the contrary, effective July 1, 1983, the monthly benefit of each person who either is receiving benefits for his or her service as a member as of July 1, 1978, or commenced receiving a monthly benefit as of a date no later than December 31, 1982, under RCW 41.32.550 or under RCW 41.32.520 or as a surviving spouse or designated beneficiary with an insurable interest in the retiree, shall be permanently increased by a post-retirement adjustment of $0.74 per month for each year of creditable service the member established with the retirement system. Any fraction of a year of service shall be counted in the computation of the post-retirement adjustment. This adjustment shall be in lieu of any adjustment provided under RCW 41.32.499 as of July 1, 1983, or July 1, 1984, for the affected persons.

This section is not applicable to those persons receiving benefits pursuant to RCW 41.32.540 or 41.32.760 through 41.32.825.

NEW SECTION. Sec. 4. There is added to chapter 41.40 RCW a new section to read as follows:

Notwithstanding any provision of law to the contrary, effective July 1, 1983, the monthly benefit of each person who commenced receiving benefits for his or her service no later than July 1, 1978, or commenced receiving benefits under RCW 41.40.220, 41.40.230, 41.40.250, or 41.44.170 as of December 31, 1982, or commenced receiving a monthly benefit under RCW 41.40.270 or as a surviving spouse or written designated beneficiary with an insurable interest in the retiree as of a date no later than December 31, 1982, shall be permanently increased by a post-retirement adjustment of $0.74 per month for each year of creditable service the member established with the retirement system. Any fraction of a year of service shall be counted in the computation of the post-retirement adjustment. This adjustment shall be in lieu of any adjustment provided under RCW 41.40.195 as of July 1, 1983, or July 1, 1984, for the affected persons.

This section is not applicable to those persons receiving benefits pursuant to RCW 41.40.610 through 41.40.740.

NEW SECTION. Sec. 5. There is added to chapter 43.43 RCW a new section to read as follows:

..."
Notwithstanding any provision of law to the contrary, effective July 1, 1983, all retirement allowances that commenced on a date no later than July 1, 1978, and all beneficiary allowances that commenced on a date no later than December 31, 1982, shall be permanently increased by a post-retirement adjustment of $0.74 per month for each year of creditable service the member established with the retirement system. This adjustment shall be in lieu of any adjustment provided under RCW 43.43.260(5) as of July 1, 1983, and July 1, 1984, for the affected persons, except that in no case shall such adjustment be less than the total of those which would be provided under RCW 43.43.260(5) as of July 1, 1983, and July 1, 1984.

NEW SECTION. Sec. 6. There is hereby appropriated $3,600,000 for the costs resulting from sections 1 through 5 of this act. These funds shall be disbursed according to the following schedule:

1. $3,212,000 to the department of retirement systems, as follows:
   a. $1,025,000 from the general fund to the public employees' retirement fund.
   b. $2,136,000 from the general fund to the teachers' retirement fund.
   c. $12,000 from the general fund to the judges' retirement fund.
   d. $39,000 from the motor vehicle fund to the Washington state patrol retirement fund.

2. $388,000 from the general fund as follows:
   a. University of Washington: $193,000
   b. Washington State University: $171,000
   c. Eastern Washington University: $4,000
   d. Western Washington University: $9,000
   e. Central Washington University: $11,000

NEW SECTION. Sec. 7. The following acts or parts of acts are each repealed:

1. Section 1, chapter ... (ESHB 495), Laws of 1983 1st ex. sess. and RCW 2.12.
2. Section 2, chapter ... (ESHB 495), Laws of 1983 1st ex. sess. and RCW 28B.10.
3. Section 3, chapter ... (ESHB 495), Laws of 1983 1st ex. sess. and RCW 41.32.
4. Section 4, chapter ... (ESHB 495), Laws of 1983 1st ex. sess. and RCW 41.40.
5. Section 5, chapter ... (ESHB 495), Laws of 1983 1st ex. sess. and RCW 43.43.
6. Section 6, chapter ... (ESHB 495), Laws of 1983 1st ex. sess. (uncodifed).

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 July 1, 1983.

POINT OF INQUIRY

Senator Pullen: "Senator McDermott, maybe you could elaborate a little more. I didn't understand exactly what the mistake was and how this corrected it."

Senator McDermott: "Senator Shinpoch explained it. Since we do have a corrected one before us, I am not sure which one of these dates was incorrect. We changed the money so that they had to wait five years after retirement to begin getting the adjustment, but we didn't change the dates appropriately in the bill."

POINT OF INQUIRY

Senator Pullen: "What is the difference in fiscal impact between this version, Senator Shinpoch?"

Senator Shinpoch: "The date that didn't get changed is the one—and it applies to all of them. If you look at line 10 on the first page, there is a July 1, 1978. In the committee, if you will recall, that was July 1, 1980, and I made an amendment to change it to 1978, and some of that didn't get changed. It changed from like 4.4 million to 3.2 million—is the difference in money."

Senator Pullen: "O.K. I accept what you are saying. Some of us just feel awfully nervous on the last day of the session seeing a big striking amendment dealing with pensions."

Senator Shinpoch: "Senator Pullen, I did explain this once before—about five minutes ago. You must not have been here."

POINT OF INQUIRY

Senator Newhouse: "Senator McDermott, might this have been an intentional mistake, so that we could get the proper sponsor on the bill?"

(No answer)

POINT OF INQUIRY

Senator Guess: "Senator McDermott, Senator Pullen has always been, actually, a very truthful, a very honorable and upright Senator on this floor and he just attributed something to you a minute ago that I would like to ask you about. He says this is the last day of the session. Did you say that?"
Senator McDermott: "Not that I remember. If I did. I didn’t know what I was talking about.”

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator McDermott.

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

**MOTION**

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

On page 1, line 1 of the title, after "service" and before the period, insert "adding a new section to chapter 2.12 RCW; adding a new section to chapter 28B.10 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 43.43 RCW; repealing section 1, chapter 2.12 RCW; repealing section 2, chapter 28B.10 RCW; repealing section 3, chapter 41.32 RCW; repealing section 4, chapter 41.32 RCW; repealing section 5, chapter 41.32 RCW; repealing section 6, chapter 41.32 RCW; making an appropriation; providing an effective date; and declaring an emergency"

**MOTIONS**

On motion of Senator Bluechel, Senator Quigg was excused.

On motion of Senator Vognild, Senator Hughes was excused.

On motion of Senator McDermott, the rules were suspended. Engrossed Senate Bill No. 3910 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3910.

**ROLL CALL**

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3910 and the bill passed the Senate by the following vote: Yeas, 42; nays, 5; excused, 2.


Voting nay: Senators Clarke, Craswell, Hayner, Jones, McCaslin – 5.

Excused: Senators Hughes, Quigg – 2.

ENGROSSED SENATE BILL NO. 3910, having received the 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 President Pro Tempore returned the Senate to the fourth order of business.

**MESSAGE FROM THE HOUSE**

May 13, 1983

Mr. President:

The House moved to appoint a Conference Committee on ENGROSSED SENATE BILL NO. 3858, asks the Senate for conference thereon, and the Speaker has appointed the following members as conferees: Representatives Moon, Charnley and Van Dyken.

DEAN R. FOSTER, Chief Clerk

**MOTION**

On motion of Senator Shinpoch, the Senate granted the request of the House for a conference on Engrossed Senate Bill No. 3858.

**APPOINTMENT OF CONFERENCE COMMITTEE**

The President Pro Tempore appointed as members of the Conference Committee on Engrossed Senate Bill No. 3858: Senators Thompson, Benitz and Woody.

**MOTION**

On motion of Senator Shinpoch, the Conference Committee appointments were confirmed.
There being no objection, the President Pro Tempore reverted the Senate to the third order of business.

MESSAGE FROM THE GOVERNOR

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

May 13, 1983

Ladies and Gentlemen:

I have the honor to advise you that on May 13, 1983, Governor Spellman approved the following Senate Bills entitled:

Senate Bill No. 3162
Relating to property taxation of nonprofit organizations.

Substitute Senate Bill No. 3163
Relating to reparations for certain state employees.

Second Substitute Senate Bill No. 3272
Relating to death investigations.

Senate Bill No. 3390
Relating to personalized license plates.

Substitute Senate Bill No. 3311
Relating to unemployment compensation.

Substitute Senate Bill No. 3273
Relating to radioactive waste.

Senate Bill No. 3188
Relating to timeshares.

Sincerely,

MARILYN SHOWALTER, Counsel to the Governor

MOTION

At 2:24 p.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The Senate was called to order at 2:36 p.m. by President Pro Tempore Goltz.

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

MESSAGE FROM THE HOUSE

May 4, 1983

Mr. President:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 3155 with the following amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. This act may be known as the Washington technology development act.*

NEW SECTION. Sec. 2. The legislature finds that:

(1) The investment of state resources is appropriate to help develop new technologies necessary to maintain a competitive and growing economy;

(2) Washington should be a leader in technological advances in such industries as electronics, computers, aviation, bio-engineering, forestry, fisheries, agriculture, and marine services;

(3) Investment in education is the most feasible method for state assistance to the technology development industries;

(4) Educational efforts should be directed toward the continuing education of employed individuals as well as the traditional student not yet in the workforce; and

(5) Investments by the state should be limited and monitored by the legislature and by the council of technology advisors.

NEW SECTION. Sec. 3. In order to provide guidance and leadership during the 1983-85 biennium, the council of technology advisors is hereby created.

(1) The council shall be limited to eleven persons. Six persons shall represent the technology development industries and shall be named by the governor. The speaker of the house of representatives and the majority leader of the senate may recommend appointees. The two presidents of the state's research universities, the executive director of the state board for community college education, and the superintendent of public instruction shall name one representative each to the council. The council for postsecondary education shall name one of its members to serve on the council of technology advisors.

(2) Representatives of the regional universities and state college, the council for postsecondary education representative for private universities, the council for postsecondary education
the commission for vocational education, the temporary committee for education policy, structure and management, the department of commerce and economic development or any successor agency, and the office of financial management shall cooperate in providing information upon request.

(3) The tasks of the council include:
(a) Monitoring and assistance in the development of a technology center at the University of Washington. A report on the progress shall be provided to the 1984 legislature;
(b) Reporting to the 1984 legislature on the progress of projects funded in this act, with particular reference to whether the original premise for the various projects continues to be reasonable or whether new approaches should be pursued;
(c) Making recommendations to the 1984 legislature regarding the optimum delivery of educational programs that would enhance technology development and provide for a technologically competent workforce. Among issues of interest to the legislature are similar efforts in other states, coordination between educational systems, and adequacy of instructional equipment. To this end, the council for postsecondary education and the superintendent of public instruction shall submit reports on this subject to the council by November 1, 1983; and
(d) Serve as a forum for selected technology development issues.
(4) The council shall be provided staff to be selected by state agency members of the council within thirty days of the effective date of this act. Staff shall serve at the pleasure of the council and shall be provided office space and administrative services by the University of Washington.
(5) The council shall cease to exist and this section shall expire on June 30, 1986.

NEW SECTION. Sec. 4. The following amounts, or so much thereof as may be necessary, are appropriated from the general fund for the biennium ending June 30, 1985:
(I) $1,589,000 is appropriated to the University of Washington for specialized technology educational programs at a center for technology development and for planning for a permanent center for technology to be located in the Seattle area. No more than $200,000 of this appropriation shall be expended for planning for a permanent center for technology. It is the intent of the legislature that all program requirements and a plan for ongoing maintenance, operations and provision of equipment using public and private sources be developed prior to consideration of physical space requirements. To this end, a plan detailing such program requirements shall be provided to the council prior to expenditure of moneys on physical plant planning.
(2) A Southwest joint center for technology is established in Vancouver. $1,000,000 is appropriated to Washington State University to provide specialized technology educational programs and to provide administrative support for the center. It is intended that Clark College will join with Washington State University in offering technology-related courses through the facilities of the center.
(3) $1,496,000 is appropriated to Washington State University to establish elements of a state-wide telecommunications network to deliver educational programs to the technology centers established in this act.
(4) $320,000 is appropriated to the University of Washington to provide telecommunications services in conjunction with the system established in subsection (3) of this section.
(5) $4,000,000 is appropriated to the state board for community college education to establish demonstration programs for training technicians needed by industries most affected by rapid technological change. To this end, the board shall select no more than five institutions for demonstration sites for an estimated 1500 FTE students per biennium. In its selection of demonstration sites, the state board shall consider cooperation and matching efforts with technology development industries as a primary criteria in making final awards. No more than $1,000,000 of this appropriation may be used for equipment related to these demonstration programs.
(6) $2,746,000 is appropriated to the superintendent of public instruction to establish the following programs:
(a) $1,600,000 for the establishment of regional computer demonstration centers in the educational service districts.
(b) $360,000 for establishment of local school district pilot projects in the application of technology to basic skills instruction.
(c) $236,000 to administer and coordinate these technology programs and coordinate regional computer centers. No more than three full time equivalent staff may be added to provide these services.
(d) $550,000 to contract with the Pacific science center for the purchase of computer, science, and mathematics education services.
(7) $166,750 is provided to the University of Washington to serve as financial agent for the council of technology advisors and its staff.

NEW SECTION. Sec. 5. The following amounts, or so much thereof as may be necessary, are hereby appropriated for the biennium ending June 30, 1985, from the specified accounts in the general fund:
(1) To the University of Washington, to replace instructional and support equipment and the purchase of high technology equipment.

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<tr>
<th>University of Washington Building Account</th>
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(2) To the University of Washington, to fund additional working drawings, renovation and construction for the ceramic engineering program at Roberts Hall.

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(3) To Washington State University, to design, construct, and equip a new facility for the department of electrical engineering and a portion of the department of mechanical engineering.

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(4) To Washington State University, to design a new facility for the department of chemistry, the energy Institute, and the biological chemistry Institute.

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NEW SECTION. Sec. 6. The state agencies appropriated moneys by this act shall provide whatever information and assistance is requested by the council of technology advisors in fulfilling its responsibilities to advise and report to the legislature on the progress and future needs in technology development.

On page 1, line 1 of the title, after "training," strike the remainder of the title and insert "creating new sections; making appropriations; and providing an expiration date."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

On motion of Senator Gaspard, the Senate refused to concur in the House amendments to Second Substitute Senate Bill No. 3155 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

May 10, 1983

Mr. President:
The House has passed SUBSTITUTE SENATE BILL NO. 3248 with the following amendments:

On page 4, line 26, strike "increased" and insert "adjusted"
On page 9, line 23, strike "increased" and insert "adjusted"
On page 10, line 27, strike "increases" and insert "Adjustments"

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk
MOTIONS

Senator McDermott moved that the Senate do not concur in the House amendments to Substitute Senate Bill No. 3248 and asks the House to recede therefrom.

Senator Pullen moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 3248.

Debate ensued.

Senator Bottiger 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 positive motion by Senator Pullen to concur in the House amendments to Substitute Senate Bill No. 3248.

ROLL CALL

The Secretary called the roll and the motion by Senator Pullen failed and the Senate did not concur in the House amendments to Substitute Senate Bill No. 3248 by the following vote: Yeas, 21; nays, 27; excused, 1.

Voting yea: Senators Barr, Benitz, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Hurley, Jones, McCaslin, McCall, Newhouse, Owen, Patterson, Pullen, Rasmussen, Sellar, Zimmerman - 21.


Excused: Senator Quigg - 1.

The Senate did not concur in the House amendments to Substitute Senate Bill No. 3248 and asks the House to recede therefrom.

MOTION

At 2:55 p.m., on motion of Senator Shinpoch, the Senate recessed until 5:00 p.m.

SECOND AFTERNOON SESSION

The Senate was called to order at 5:00 p.m. by President Pro Tempore Goltz.

MESSAGE FROM THE HOUSE

May 13, 1983

Mr. President:

The House has granted the request of the Senate for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 3434, and the Speaker has appointed the following members as conferees: Representatives Niemi, Appelwick and Barrett.

DEAN R. FOSTER, Chief Clerk

MESSAGE FROM THE HOUSE

May 13, 1983

Mr. President:

The House has passed:
ENGROSSED HOUSE BILL NO. 1079, and the same is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

EHB 1079 by Representative Grimm

Relating to the budget.

Referred to the Committee on Ways and Means.

MOTIONS

On motion of Senator Shinpoch, Senator Benitz was appointed to replace Senator Zimmerman on the conference committee for Engrossed Substitute Senate Bill No. 3864.

On motion of Senator Shinpoch, Senator Benitz's appointment was confirmed.

On motion of Senator Shinpoch, the Senate reverted to the fourth order of business.
MESSAGE FROM THE HOUSE

May 13, 1983

Mr. President:
The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 55 and asks the Senate for a conference thereon, and the Speaker has appointed the following members as conferees: Representatives Grimm, Braddock and Fiske.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Shinpoch, the Senate granted the request of the House for a conference on Engrossed Substitute House Bill No. 55 and the Senate amendments thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President Pro Tempore appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 55 and the Senate amendments thereto: Senators McDermott, Thompson and Lee.

MOTION

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

MESSAGE FROM THE HOUSE

May 13, 1983

Mr. President:
The House has adopted the Report of the Conference Committee on SENATE BILL NO. 3090 and has passed the bill as amended by the Free Conference Committee, and said report together with the bill are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

May 12, 1983

Mr. President:
Mr. Speaker:
We, of your Free Conference Committee, to whom was referred SENATE BILL NO. 3090, modifying the budget and accounting act, have had the same under consideration, and we recommend Senate Bill No. 3090 be amended as follows and that the amended bill do pass.

(See Report of Conference Committee on Senate Bill No. 3090, read in on May 11, 1983)
Signed by: Senators Gaspard, Talmadge and Lee; Representatives Grimm, McMullen and Fiske.

MOTION

On motion of Senator Talmadge, the Senate adopted the Report of the Free Conference Committee on Senate Bill No. 3090.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3090, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3090, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 25; nays, 19; absent, 5.
Voting nay: Senators Barr, Benitz, Buechelel, Craswell, Deccio, Fuller, Guess, Haley, Hemstad, Jones, Kiskaddon, Lee, McCauley, Newhouse, Patterson, Pullen, Quigg, Sellar, Zimmerman - 19.
Absent: Senators Clarke, Conner, Hayner, von Reichbauer, Woody - 5.
SENATE BILL NO. 3090, as amended by the Free Conference Committee, hav­ing received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION
At 5:20 p.m., on motion of Senator Shinpoch, the Senate recessed until 7:30 p.m.

EVENING SESSION
The Senate was called to order at 7:30 p.m. by President Pro Tempore Goltz.

MOTION
At 7:30 p.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The Senate was called to order at 8:00 p.m. by President Pro Tempore Goltz.

PARLIAMENTARY INQUIRY
Senator Bottiger: "Mr. President, I notice on my desk that there is a Report of a Conference Committee and a request for powers of Free Conference on Engrossed Substitute Senate Bill No. 3434. I make this parliamentary inquiry only to ask if that is the beginning of the twenty-four hours?"

REPLY BY THE PRESIDENT PRO TEMPORE
President Pro Tempore Goltz: "I am advised that this is the beginning of the twenty-four hours."

POINT OF ORDER
Senator Rasmussen: "I also had a scope and object that I wish to renew on that bill before it gets into Free Conference."

REPLY BY THE PRESIDENT PRO TEMPORE
President Pro Tempore Goltz: "The motion to grant a Free Conference has not been made yet, because the House has to make that request first. Your motion would be timely when it is before us on the Senate side."

MOTIONS
On motion of Senator Zimmerman, Senators Haley, von Reichbauer, Hayner and Clarke were excused.

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

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION
On motion of Senator Owen, the appointment of Jack L. Dierdorff as a member of the State Game Commission was confirmed.

APPOINTMENT OF JACK L. DIERDORFF

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 42; absent, 3; excused, 4.


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

MESSAGE FROM THE HOUSE

May 13, 1983
The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 234, and passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

MOTIONS

On motion of Senator Shinpoch, the rules were suspended and the Committee on Ways and Means was relieved of further consideration of Engrossed House Bill No. 1079.

On motion of Senator Shinpoch, the rules were suspended and Engrossed House Bill No. 1079 was advanced to second reading and placed on the second reading calendar.

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

SECOND READING

ENGROSSED HOUSE BILL NO. 1079, by Representative Grimm

Relating to the budget.

The bill was read the second time.

MOTION

Senator McDermott moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be disbursed for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1983, and ending June 30, 1985, except as otherwise provided, out of the several funds of the state hereinafter named.

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

General Fund Appropriation $ 22,425,000

The appropriation in this section is subject to the following conditions and limitations:
(1) $400,000 or the portion thereof that is determined necessary by the house of representatives shall be allocated for, but not limited to, providing furnishings and equipment for new hearing room and office renovations.
(2) $25,000 is provided solely for the joint committee on science and technology for the purposes of the production of an environmental study on the state-leased low-level radioactive waste site at Hanford, Washington.

NEW SECTION. Sec. 3. FOR THE SENATE

General Fund Appropriation $ 20,111,000

The appropriation in this section is subject to the following conditions and limitations:
(1) 185,000 or the portion thereof that is determined necessary by the senate shall be allocated for, but not limited to, providing furnishings and equipment for new hearing room and office renovations.
(2) $25,000 is provided solely for the joint committee on science and technology for the environmental study described in section 2(2) of this act.

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

General Fund Appropriation $ 1,387,000

The appropriation in this section is subject to the following conditions and limitations:
(1) $20,000 is provided solely for a peer review of the state auditor's office.
(2) The legislative budget committee shall conduct a performance audit of the common school preschool handicapped program with respect to staffing and severity ratios and shall submit a report to the legislature before January 1, 1984.

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

General Fund Appropriation $ 1,531,000

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

General Fund Appropriation $ 346,000

The appropriation in this section is subject to the following conditions and limitations:
(1) Any services related to the retirement systems established under RCW 28B.10.400 shall be billed to the requesting agency or higher education institution.
(2) Proposals shall be presented to the committees on ways and means of the senate and house of representatives not later than January 10, 1985, for (a) appropriate actuarial level funding methods which may be used for the retirement systems established under chapters 2.10 and 2.12 RCW and the supplemental payments under the retirement systems established under RCW 28B.10.400 et seq., and (b) any modifications or basic reforms in the aforementioned judicial retirement systems.
NINETEENTH DAY, MAY 13, 1983

(3) $35,000 of the appropriation in this section shall be used solely for the process of filling the vacancy of the state actuary.

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

<table>
<thead>
<tr>
<th>Appropriation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$5,120,000</td>
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</table>

**NEW SECTION, Sec. 8. FOR THE SUPREME COURT**

<table>
<thead>
<tr>
<th>Appropriation</th>
<th>Amount</th>
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<tbody>
<tr>
<td>General Fund</td>
<td>$7,126,000</td>
</tr>
<tr>
<td>General Fund—Judiciary Education Account</td>
<td>$1,378,000</td>
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<tr>
<td>Total Appropriation</td>
<td>$8,504,000</td>
</tr>
</tbody>
</table>

The appropriations in this section are subject to the following conditions and limitations: $1,853,000 of the general fund appropriation and $1,378,000 of the judiciary education account appropriation shall be used solely for indigent appeals.

**NEW SECTION, Sec. 9. FOR THE LAW LIBRARY**

<table>
<thead>
<tr>
<th>Appropriation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$2,036,000</td>
</tr>
</tbody>
</table>

The appropriation in this section is subject to the following conditions and limitations: All nonstate agency users of the Westlaw system shall be charged a service fee sufficient to cover the costs of their usage.

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

<table>
<thead>
<tr>
<th>Appropriation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$9,030,000</td>
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**NEW SECTION, Sec. 11. FOR THE ADMINISTRATOR FOR THE COURTS**

<table>
<thead>
<tr>
<th>Appropriation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$21,555,000</td>
</tr>
<tr>
<td>General Fund—Judiciary Education Account</td>
<td>$1,310,000</td>
</tr>
<tr>
<td>Total Appropriation</td>
<td>$22,865,000</td>
</tr>
</tbody>
</table>

The appropriations in this section are subject to the following conditions and limitations:
1. A maximum of $8,524,000 of the general fund appropriation may be spent for the superior court judges. Of this amount, $330,000 is provided solely for criminal cost bills; $300,000 is provided solely for mandatory arbitration costs; and $135,000 is provided solely for judges pro tempore for the superior courts. The administrator for the courts shall authorize and approve all such expenditures.
2. $610,000 of the judiciary education account appropriation is provided solely for judicial and support staff education programs.
3. $195,000 of the judiciary education account appropriation is provided solely for staff support for the judiciary education program.
4. $225,000 of the judiciary education account appropriation is provided solely for judicial conferences.
5. $280,000 of the judiciary education account appropriation is provided solely for education and training for the supreme court, the court of appeals, the law library, and the administrator for the courts’ office.

**NEW SECTION, Sec. 12. FOR THE JUDICIAL QUALIFICATIONS COMMISSION**

<table>
<thead>
<tr>
<th>Appropriation</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$426,000</td>
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**NEW SECTION, Sec. 13. FOR THE OFFICE OF THE GOVERNOR**

<table>
<thead>
<tr>
<th>Appropriation</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$3,441,000</td>
</tr>
</tbody>
</table>

The appropriation in this section is subject to the following conditions and limitations:
1. $209,000 shall be used solely 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.
2. $154,000 shall be used solely for mansion maintenance.
3. $3,078,000 shall be used solely for executive operations.

**NEW SECTION, Sec. 14. FOR THE LIEUTENANT GOVERNOR**

<table>
<thead>
<tr>
<th>Appropriation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$249,000</td>
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**NEW SECTION, Sec. 15. FOR THE SECRETARY OF STATE**

<table>
<thead>
<tr>
<th>Appropriation</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$4,942,000</td>
</tr>
<tr>
<td>General Fund—Archives and Records Management Account</td>
<td>$1,310,000</td>
</tr>
<tr>
<td>Total Appropriation</td>
<td>$6,252,000</td>
</tr>
</tbody>
</table>

The appropriations in this section are subject to the following conditions and limitations:
1. $920,000 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.
2. $1,558,000 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.

**NEW SECTION, Sec. 16. FOR THE COMMISSION ON MEXICAN–AMERICAN AFFAIRS**

<table>
<thead>
<tr>
<th>Appropriation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$124,000</td>
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</table>

**NEW SECTION, Sec. 17. FOR THE COMMISSION ON ASIAN–AMERICAN AFFAIRS**

<table>
<thead>
<tr>
<th>Appropriation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$124,000</td>
</tr>
</tbody>
</table>

**NEW SECTION, Sec. 18. FOR THE GOVERNOR’S OFFICE OF INDIAN AFFAIRS**

<table>
<thead>
<tr>
<th>Appropriation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$124,000</td>
</tr>
</tbody>
</table>

**NEW SECTION, Sec. 19. FOR THE STATE TREASURER**

<table>
<thead>
<tr>
<th>Appropriation</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Motor Vehicle Fund</td>
<td>$41,000</td>
</tr>
</tbody>
</table>
State Treasurer's Service Fund Appropriation ................................. $ 6,417,000

Total Appropriation ............................................................ $ 6,458,000

NEW SECTION. Sec. 20. FOR THE STATE AUDITOR

General Fund Appropriation—State ........................................... $ 512,000

General Fund Appropriation—Federal ....................................... $ 398,000

Motor Vehicle Fund Appropriation ........................................... $ 290,000

Municipal Revolving Fund Appropriation ................................. $ 13,293,000

Auditing Services Revolving Fund Appropriation ......................... $ 7,083,000

Total Appropriation ............................................................ $ 21,576,000

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

1. If legislation is not enacted before July 1, 1983, permitting payment from the municipal revolving fund of the expenses of maintaining and operating the state auditor's office in connection with local government audits, the general fund appropriation in this section shall be increased by $196,000 and the municipal revolving fund appropriation shall be reduced by $196,000.

2. The director of financial management shall approve sufficient payments to the state auditor in all cases of necessity under RCW 43.09.418, including but not limited to cases of suspected malfeasance, misfeasance, or fraud, notwithstanding the level of auditing activity supported by the appropriation in this section.

NEW SECTION. Sec. 21. FOR THE ATTORNEY GENERAL

General Fund Appropriation ................................................... $ 4,288,000

Legal Services Revolving Fund Appropriation ............................. $ 25,683,000

Total Appropriation ............................................................ $ 29,971,000

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

1. No moneys appropriated in this section may be expended for the support of the crime watch program.

2. No moneys appropriated in this section may be expended for the support of the law enforcement assistance program.

3. A maximum of $313,000 is provided solely for the criminal litigation unit.

4. $24,000 of the general fund appropriation is provided solely for a consumer protection hotline within the consumer protection division.

NEW SECTION. Sec. 22. FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund Appropriation—State ........................................... $ 11,436,000

General Fund Appropriation—Federal ....................................... $ 50,000

Medical Aid Fund Appropriation—State ..................................... $ 100,000

Data Processing Revolving Fund Appropriation .......................... $ 1,368,000

Total Appropriation ............................................................ $ 12,954,000

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

1. If House Bill No. 784 is not enacted before July 1, 1983, then the general fund—state appropriation shall be increased by $319,000.

2. Not more than $2,500,000, of which $1,312,500 is from the state general fund and $1,367,500 from the data processing revolving fund, is provided for expenses related to the agency financial reporting system (AFRS). The office of financial management shall allocate moneys to various state agencies on the basis of identified need. Whenever allocations are made to agencies financed in whole or in part by other than general fund moneys, the director of financial management shall direct the repayment of such allocated amount to the data processing revolving fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

3. The director of financial management shall make every effort to limit equipment purchases by agencies so that total state general fund expenditures for equipment purchases by state agencies at the end of the 1983-85 biennium is two million dollars less than the amount appropriated for equipment in the 1983-85 biennium.

4. $20,000 is provided solely for a feasibility study of an offender-based corrections information system to serve the combined information needs of the department of corrections, board of prison terms and parole, sentencing guidelines commission, corrections standard board, and the administrator for the courts, to be delivered to the legislature by December 1, 1984.

5. $5,000 of the general fund—state appropriation is provided solely for payment of claims against the state of $500 or less, pursuant to RCW 4.92.040.

6. The office of financial management shall present to the legislature by December 1, 1984, a plan to have the state self-fund any or all portions of the insurance programs offered by the state. For purposes of this study, the reserves required by the self-funded programs shall be assumed to be held by the state treasurer in the originating funds until an obligation occurs. The state investment board shall act as the investor for the funds, and all of the earnings from these investments shall accrue directly to the originating funds.

NEW SECTION. Sec. 23. FOR THE STATE INVESTMENT BOARD

General Fund—State Investment Board Expense Account Appropriation ....................................................... $ 1,275,000
NEW SECTION. Sec. 24. FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Fund Appropriation ................................ $ 8,625,000
State Employees' Insurance Fund Appropriation ........................................ $ 1,542,000
Total Appropriation ..................................................................................... $ 10,167,000

The appropriations in this section are subject to the following conditions and limitations: If House Bill No. 134 is enacted before July 1, 1983, the department of personnel service fund appropriation shall be reduced by $275,000.

NEW SECTION. Sec. 25. FOR THE PERSONNEL APPEALS BOARD

Department of Personnel Service Fund Appropriation ................................ $ 779,000

NEW SECTION. Sec. 26. FOR THE DATA PROCESSING AUTHORITY

Data Processing Revolving Fund Appropriation ............................................. $ 877,000

The appropriation in this section is subject to the following conditions and limitations: The data processing authority shall develop and implement with the office of financial management an equitable billing structure to insure that all state agencies, as defined in RCW 43.88-020, pay a proportionate share of the data processing authority's operational costs.

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

General Fund Appropriation .............................................................................. $ 43,090,000
General Fund—State Timber Tax Reserve Account Appropriation ....................... $ 2,851,000
Motor Vehicle Fund Appropriation .................................................................... $ 115,000
Total Appropriation .......................................................................................... $ 46,056,000

The appropriations in this section are subject to the following conditions and limitations: If House Bill No. 784 is not enacted before July 1, 1983, then the general fund—state appropriation shall be increased by $200,000.

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

General Fund Appropriation .............................................................................. $ 999,000

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

General Fund Appropriation—State ................................................................. $ 6,038,000
General Fund Appropriation—Private/Local .................................................... $ 58,000
General Fund—Motor Transport Account Appropriation ................................. $ 6,858,000
General Administration Facilities and Services Revolving Fund Appropriation .......... $ 16,180,000
Total Appropriation .......................................................................................... $ 29,134,000

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

1. The community college districts shall transfer to the motor transport account $51,390 from the general local fund and $157,389 from the local motor pool fund. These transfers shall be made in accordance with schedules provided by the office of financial management.

2. The appropriation from the motor transport account may be used for the replacement of existing vehicles but shall not be used to expand the fleet.

NEW SECTION. Sec. 30. FOR THE INSURANCE COMMISSIONER

General Fund Appropriation .............................................................................. $ 7,902,000

NEW SECTION. Sec. 31. FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund Appropriation .............................................................................. $ 976,000

NEW SECTION. Sec. 32. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS

Department of Retirement Systems Expense Fund Appropriation ....................... $ 10,458,000

The appropriation in this section is subject to the following conditions and limitations: The department of retirement systems is authorized to transfer from the applicable retirement system fund to the department of retirement systems expense fund amounts which represent each system's proportionate share of administrative expenses.

NEW SECTION. Sec. 33. FOR THE MUNICIPAL RESEARCH COUNCIL

General Fund Appropriation .............................................................................. $ 1,495,000

NEW SECTION. Sec. 34. FOR THE BOARD OF ACCOUNTANCY

General Fund Appropriation .............................................................................. $ 294,000
Certified Public Accountant Examination Account Appropriation ....................... $ 351,000
Total Appropriation .......................................................................................... $ 645,000

The appropriations in this section are subject to the following conditions and limitations: If Substitute House Bill No. 646 is not enacted by July 1, 1983, the general fund appropriation shall be increased by $317,000.

NEW SECTION. Sec. 35. FOR THE BOXING COMMISSION

General Fund Appropriation .............................................................................. $ 73,000

NEW SECTION. Sec. 36. FOR THE CEMETERY BOARD

General Fund—Cemetery Account Appropriation .............................................. $ 74,000

NEW SECTION. Sec. 37. FOR THE HORSE RACING COMMISSION

Horse Racing Commission Fund Appropriation .................................................. $ 2,836,000

The appropriation in this section is subject to the following conditions and limitations: If there are more than seven hundred two racing days during the fiscal biennium ending June 30, 1985, the governor is authorized to allocate such additional moneys from the horse racing commission fund as may be required.
NEW SECTION. Sec. 38. FOR THE LIQUOR CONTROL BOARD—THE ADMINISTRATION PROGRAM, AND THE LICENSING AND ENFORCEMENT PROGRAM
Liquor Revolving Fund Appropriation ................................................. $ 14,491,000

NEW SECTION. Sec. 39. FOR THE LIQUOR CONTROL BOARD—MERCHANDISING PROGRAM
Liquor Revolving Fund Appropriation ................................................. $ 70,397,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The liquor control board shall maintain a minimum productivity of 43.821 bottles sold adjusted to retail per FTE staff year. As used in this section, "bottles sold adjusted to retail" has the same meaning and shall be calculated in the same manner as in the board’s budget request for the fiscal biennium ending June 30, 1985. The board shall not permit a productivity less than that specified in this section for any reason, including but not limited to the sale of lottery tickets or decreases in the demand for liquor.

(2) The liquor control board is authorized to relocate stores during the fiscal biennium ending June 30, 1985, if necessary to conduct business in the most efficient and economical manner possible.

(3) The liquor control board is prohibited from opening any new retail sales outlets or to convert agencies to retail sales outlets during the fiscal biennium ending June 30, 1985.

(4) The liquor control board shall distribute and offer for sale lottery tickets for the Washington state lottery during the fiscal biennium ending June 30, 1985.

NEW SECTION. Sec. 40. FOR THE PHARMACY BOARD
General Fund Appropriation ......................................................... $ 1,072,000

NEW SECTION. Sec. 41. FOR THE UTILITIES AND TRANSPORTATION COMMISSION
Public Service Revolving Fund Appropriation—State ............................................. $ 17,351,000
Public Service Revolving Fund Appropriation—Federal ............................................. $ 452,000
Grade Crossing Protective Fund Appropriation ............................................. $ 516,000
Total Appropriation ......................................................... $ 18,319,000

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

(1) $320,000 of the grade crossing protective fund appropriation shall be expended for obligations incurred in previous biennia.

(2) Not more than $110,000 shall be expended for an additional assistant attorney general for increased workload in utility rate requests.

(3) Not more than $150,000 from the public service revolving fund appropriation shall be expended for the joint select committee on telecommunications regulation for the purposes of reviewing the consequences of changes in the telecommunications industry, including the AT&T divestiture.

(4) $700,000 is provided solely for costs of the attorney general associated with representation of the public before the commission, including but not limited to the costs of special attorneys general, expert witnesses, technical assistants, and consultants.

NEW SECTION. Sec. 42. FOR THE BOARD FOR VOLUNTEER FIREFMEN
Volunteer Firemen’s Relief and Pension Fund Appropriation ............................................. $ 163,000

NEW SECTION. Sec. 43. FOR THE DEPARTMENT OF EMERGENCY SERVICES
General Fund Appropriation—State ............................................. $ 766,000
General Fund Appropriation—Federal ............................................. $ 3,862,000
Total Appropriation ............................................. $ 4,628,000

NEW SECTION. Sec. 44. FOR THE MILITARY DEPARTMENT
General Fund Appropriation—State ............................................. $ 6,931,000
General Fund Appropriation—Federal ............................................. $ 1,723,000
Total Appropriation ............................................. $ 8,654,000

NEW SECTION. Sec. 45. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION
General Fund Appropriation ............................................. $ 1,422,000

NEW SECTION. Sec. 46. FOR THE PRESIDENTIAL ELECTORS
General Fund Appropriation ............................................. $ 1,000

NEW SECTION. Sec. 47. FOR THE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT
General Fund Appropriation—State ............................................. $ 4,708,000
General Fund Appropriation—Federal ............................................. $ 53,649,000
Total Appropriation ............................................. $ 58,357,000

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

(1) The appropriations in this section are for expenditure in fiscal year 1985.

(2) Not more than $437,000 of the general fund—state appropriation is provided for distribution to incorporated cities and towns for fire protection of state facilities.

(3) $292,000 of the general fund—state appropriation, or so much thereof as may be necessary, shall be used for Mount St. Helens volcano zone enforcement patrol.

(4) $125,000 of the general fund—state appropriation shall be provided solely for distribution to border areas within seven air miles of the Canadian border.

NEW SECTION. Sec. 48. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS
Administrative Hearings Revolving Fund Appropriation ............................................. $ 7,019,000
NEW SECTION, Sec. 49. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES
General Fund Appropriation .......................................................... $768,000
The appropriation in this section is subject to the following conditions and limitations: If Second Substitute Senate Bill No. 3230 is not enacted before July 1, 1983, the appropriation in this section shall lapse.

NEW SECTION, Sec. 50. FOR THE ECONOMIC AND REVENUE FORECASTING COUNCIL
General Fund Appropriation .......................................................... $804,000
The appropriation in this section is subject to the following conditions and limitations: If House Bill No. 784 is not enacted by July 1, 1983, then the appropriation in this section shall lapse.

NEW SECTION, Sec. 51. FOR THE DEPARTMENT OF CORRECTIONS
(1) COMMUNITY SERVICES
General Fund Appropriation .......................................................... $53,956,000
The appropriation in this subsection is subject to the following conditions and limitations:
(a) $2,153,000 is provided solely for the continuation and expansion of the alternatives to street crime programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties. $38,000 of the appropriation in this subsection (1)(a) is provided solely for the current Pierce county and Snohomish county treatment alternatives to street crime programs to implement the expansion program.
(b) $236,000 is provided solely for community diversion programs.
(c) $200,000 is provided solely for a program to notify victims and witnesses of any parole, work release placement, furlough, or unescorted leave of absence from a state correctional facility of any inmate convicted of a violent offense.
(d) $25,458,000 is provided for probation and parole, other than for drug and alcohol specialized officers in counties currently or proposed to be served by the treatment alternatives to street crime programs.
(e) $4,054,000 is provided for intensive parole.
(f) $16,952,000 is provided to operate and/or contract with nonprofit corporations for work training release for convicted felons.
(g) $4,026,000 is provided to operate the Geiger community work release facility for convicted felons.
(h) $877,000 is provided for support of the state director's office of community services.

(2) INSTITUTIONAL SERVICES
General Fund Appropriation—State ................................................. $206,860,000
General Fund Appropriation—Federal ............................................. $700,000
Total Appropriation ........................................................................ $207,560,000
The appropriations in this subsection are subject to the following conditions and limitations:
(a) $712,000 of the general fund—state appropriation is provided solely for drug and alcohol rehabilitation treatment programs at appropriate state correctional institutions, as defined in RCW 72.01.050 for persons who: (i) Are defined as inmates under RCW 72.09.020; (ii) in the opinion of a qualified health professional designated by the department, are in need of such treatment; and (iii) have less than one year remaining in their confinement to a state correctional facility. Such programs may include facilities for both residential and outpatient treatment.
(b) The superintendents of each correctional institution, as defined in RCW 72.65.010, shall establish community-based volunteer alcohol and drug rehabilitation programs in their respective correctional institution. The superintendents shall encourage groups conducting such programs outside the institutions to participate in such programs inside the institution. An employee at each correctional institution shall be designated to coordinate the programs mandated in this subsection.
(c) The department shall contract with appropriate counties for the use of up to 200 beds in county jails. Contracted jail space shall be used for inmates who have not fully entered the state prison system and for inmates who are nearing their release date who are not appropriate for parole, work release, or early release.

(3) ADMINISTRATION AND PROGRAM SUPPORT
General Fund Appropriation—State ................................................. $13,278,000
General Fund—Institutional Impact Account Appropriation ............... $866,000
Total Appropriation ........................................................................ $14,143,000
The appropriations in this subsection are subject to the following conditions and limitations: $1,480,000 is provided solely for the one-time cost impact to communities associated with locating additional state correctional facilities.

(4) INSTITUTIONAL INDUSTRIES
General Fund Appropriation .......................................................... $5,463,000
The appropriations in subsections (1), (2), (3), and (4) of this section are made solely for those purposes and no transfer shall be made among said subsections.

NEW SECTION, Sec. 52. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
(1) Appropriations made by this act to the department of social and health services shall be initially allotted as required by this act. The initial allotments of all appropriations made by this act to the department of social and health services shall not be modified before October 1, 1983. Except as otherwise provided in this act, these initial allotments may be modified on and after October 1, 1983, only with the approval of the office of financial management after consultation with the ways and means committees of the senate and house of representatives: PROVIDED, That the allotment modifications shall not include transfers of moneys between sections of this act, nor shall the allotment modifications permit moneys which are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services which will require expenditure of state general fund moneys except as expressly authorized in this act, unless the services were provided on July 1, 1983. The department of social and health services may seek, receive, and spend, under RCW 43.79.200 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of the amounts anticipated in this act.

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

(a) $11,763,000, of which $11,507,000 is from the general fund—state appropriation, and 390.0 FTE staff years for the Mission Creek Youth Camp to operate at full bed capacity.

(b) $9,836,000, of which $9,638,000 is from the general fund—state appropriation, and 320.0 FTE staff years for the Maple Lane School to operate at full bed capacity.

(c) $10,356,000, of which $10,212,000 is from the general fund—state appropriation, and 310.4 FTE staff years for the Green Hill School to operate at full bed capacity.

(d) $5,436,000, of which $5,318,000 is from the general fund—state appropriation, and 159.0 FTE staff years for the Naselle Youth Camp to operate at full bed capacity.

(e) $3,405,000, of which $3,333,000 is from the general fund—state appropriation, and 82.0 FTE staff years for the Mission Creek Youth Camp to operate at full bed capacity.

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

(a) The department is directed to develop at least 55 new community residential involuntary treatment act (ITA) beds and submit a report to the legislature by January 1, 1984, describing its progress in complying with this requirement.

(b) $436,000 of the general fund—state appropriation is provided solely for pilot school-based early intervention projects in at least three school districts. The department shall issue a request for proposals no later than September 1, 1983, and shall contract with school districts no later than January 1, 1984. School districts shall be required to provide in-kind matching equal in value to at least 43% of the funding provided in this subsection. At least 85% of children served in each participating district shall be in grades kindergarten through three. Parental consent shall be required before any child is involved in screening or accepted into a project. Each project staff shall include a children's mental health professional and a paraprofessional
coordinator. The department shall plan and administer the projects in consultation with the superintendent of public instruction, local school districts, licensed community mental health providers, and other community representatives. Of the amount provided in this subsection, up to $70,000 may be expended for administration, training, and consultation by the department.

(c) $465,000 is provided solely for a community psychiatric training program at the University of Washington to provide the following:
(i) Placement of psychiatry residents and other postgraduate trainees in both state mental institutions and community mental health programs;
(ii) Technical assistance to the department of social and health services; and
(iii) Continuing educational opportunities for mental health professionals state-wide.

(d) Vendor rate adjustments for fee-for-service providers shall average 2.5% on July 1, 1983, and 3.0% on July 1, 1984.

(2) INSTITUTIONAL SERVICES

(3) PROGRAM SUPPORT

(4) SPECIAL PROJECTS

(5) The appropriations in subsections (1), (2), (3), and (4) of this section are made solely for those purposes only and no transfer shall be made among said subsections.

NEW SECTION. Sec. 55. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

(2) INSTITUTIONAL SERVICES

The appropriations in this subsection are subject to the following conditions and limitations:
(a) $100,000 of the general fund—state appropriation is provided solely for the dental education in care of the disabled graduate training program with the University of Washington.

(b) The appropriations in this subsection shall be initially allotted as follows:
(i) $14,664,000 of the general fund—state appropriation for group homes to serve an average monthly caseload of 936 clients.
(ii) $24,759,000, of which $2,772,000 is from the general fund—state appropriation, for county services to serve an average monthly caseload of 3,837 clients.
(iii) $3,990,000, of which $6,922,000 is from the general fund—state appropriation, for field services to serve an average monthly caseload of 9,575 clients.
(iv) $2,652,000, of which $5,536,000 is from the general fund—state appropriation, for home aid to serve an average monthly caseload of 1,066 clients.
(v) $33,036,000, of which $16,842,000 is from the general fund—state appropriation, for title XIX residential services to serve an average monthly caseload of 965 clients.
(vi) $956,000 of the general fund—state appropriation for alternative living to serve an average monthly caseload of 322 clients.
(vii) $58,453,000 of the general fund—state appropriation for tenant support to serve an average monthly caseload of 541 clients.

(c) Vendor rate adjustments for fee-for-service providers shall average 2.5% on July 1, 1983, and 3.0% on July 1, 1984.

(d) $175,000 of the general fund—state appropriation is provided solely for the dental education in care of the disabled graduate training program with the University of Washington.

(2) INSTITUTIONAL SERVICES

The appropriations in this subsection are subject to the following conditions and limitations:
(a) $40,686,000 and 1,584.2 FTE staff years for the Fircrest School to operate at a biennial average daily population of 496.
(b) $18,178,000 and 745.4 FTE staff years for the Interlake School to operate at a biennial average daily population of 250.
(c) $43,959,000 and 1,670.4 FTE staff years for the Rainier School to operate at a biennial average daily population of 512.5.
(d) $29,668,000 and 1,219.0 FTE staff years for the Lakeland Village School to operate at a biennial average daily population of 350.
(e) $12,266,000 and 475.2 FTE staff years for the Yakima Valley School to operate at a biennial average daily population of 150.
(f) $4,773,000 and 191.6 FTE staff years for the Frances Haddon Morgan Children’s Center to operate at a biennial average daily population of 54.
(g) $4,562,000 and 151.8 FTE staff years for the School for the Blind to operate at a biennial average daily population of 63.
(h) $7,965,000 and 235.8 FTE staff years for the School for the Deaf to operate at a biennial average daily population of 205.

(3) PROGRAM SUPPORT

<table>
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<tr>
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(4) SPECIAL PROJECTS

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(5) The appropriations in subsections (1), (2), (3), and (4) of this section are made solely for those purposes only and no transfer shall be made among said subsections.

NEW SECTION. Sec. 56. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—LONG-TERM CARE SERVICES

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

(1) The department shall provide a coherent system of long-term care services which will allow for the most efficient, equitable, and appropriate use of available resources. These services shall be provided in the least restrictive and most cost-effective manner appropriate for individual clients.

(2) $323,831,000, of which $162,984,000 is from the general fund—state appropriation, is provided for nursing home services.

(a) Of the amounts provided in this subsection (2), $8,000,000, of which $4,000,000 is from the general fund—state appropriation, is provided solely for implementation of cost reimbursement rate reform pursuant to Substitute Senate Bill No. 3780 and chapter 74.46 RCW. If Substitute Senate Bill No. 3780 fails to become law by July 1, 1983, such portion of the appropriation shall lapse and a separate amount of $6,000,000, of which $3,000,000 is from the general fund—state appropriation, shall be provided solely for independent certified audits of nursing homes under RCW 74.46.120.

(b) Vendor rate adjustments for inflation under chapter 74.46 RCW shall be 2.5% on July 1, 1983, and 3.0% on July 1, 1984.

(3) $86,236,000, of which $44,159,000 is from the general fund—state appropriation, is provided solely for community-based long-term care services including congregate care, adult family home care, chore services, home health care, nutrition services, transportation services, and case management services.

(a) $452,000 of the general fund—state appropriation is provided solely for increased rates and respite care payments for adult family homes to promote participation in the program.

(b) Vendor rate adjustments shall average 2.5% on July 1, 1983, and 3.0% on July 1, 1984.

(c) $14,112,000 of the general fund—state appropriation is provided for implementation of the senior citizens services act. At least 7.0% of this amount shall be used for 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 and shall not be transferred or used for any other purpose.
(d) $41,095,000, of which $18,277,000 is from the general fund—state appropriation, is provided for chore services. The department shall report to the legislature by December 1, 1983, regarding the client impact of revisions to the chore services program resulting from the 1983 amendments to RCW 74.08.541.

(e) $30,210,000, of which $11,318,000 is from the general fund—state appropriation, is provided for the services outlined in subsections (4) (e) (i) through (v) of this section and shall be initially allotted as follows:

(i) $18,301,000 from federal funds is provided for the federal older Americans act.
(ii) $1,193,000, of which $602,000 is from the general fund—state appropriation, is provided for adult day health services.
(iii) $51,000 is provided for nursing home discharge payments.
(iv) $8,454,000 is provided for congregate care services.
(v) $2,211,000 is provided for adult family home services.

(5) $10,725,000, of which $5,941,000 is from the general fund—state appropriation, is provided for the administration of long-term care services and shall be initially allotted as follows:

(a) $2,618,000, of which $1,755,000 is from the general fund—state appropriation, is provided for the bureau of aging and adult services.
(b) $8,107,000, of which $4,186,000 is from the general fund—state appropriation, is provided for the bureau of nursing home affairs.

NEW SECTION. Sec. 57. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

INCOME ASSISTANCE PROGRAM

General Fund Appropriation—State $ 359,127,000
General Fund Appropriation—Federal $ 314,381,000
Total Appropriation $ 673,508,000

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

(1) The department shall adopt by rule medical criteria for general assistance eligibility to ensure that eligibility determinations are consistent with statutory requirements and are based on clear, objective medical information.

(2) The department shall develop and submit to the federal department of health and human services a work incentive demonstration project proposal to allow administration of the work incentive program to be solely borne by the department of social and health services. Before implementation of the proposal, but not later than December 1, 1983, the department shall report to the ways and means and social and health services committees of the senate and house of representatives. The report shall advise the legislature regarding effects of the proposal on (a) the administration of the work incentive program, (b) the receipt of federal funds for the program, and (c) expected client outcomes under the proposal.

(3) Public assistance grants shall not be prorated or otherwise reduced solely because of the presence in the household of an individual not legally responsible for the support of the assistance unit, and the department shall not assume any contribution from such individual for the support of the assistance unit.

(4) $25,536,800, of which $12,768,400 is from the general fund—state appropriation, is provided solely for aid to families with dependent children for two-parent families beginning on July 1, 1983, and continuing through June 30, 1984. Additional funds appropriated in this section may be expended for the program during such period. The department shall amend its state plan under title IVA of the federal social security act in order to secure federal matching funds for the program during such period.

(5) $2,982,000 of the general fund—state appropriation is provided solely for general assistance to pregnant women under the 1983 amendments to RCW 74.04.005.

(6) Grant payment standards will be increased 2.5% on July 1, 1983, and 3.0% on July 1, 1984, for aid to families with dependent children, general assistance, consolidated emergency assistance, and refugee assistance.

(7) It is the continuing intention of the legislature that payment levels in the aid to families with dependent children, general assistance, and refugee assistance programs contain an energy allowance to offset the high and rising costs of energy, and that such allowance be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to $65,000,000 is so designated for exemptions of the following amounts:

<table>
<thead>
<tr>
<th>Family size:</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
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<td>39</td>
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<td>59</td>
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</table>

(8) The appropriations in this section shall be initially allotted as follows:

(a) $18,133,000 from federal funds for refugee assistance.
(b) $509,490,000, of which $236,082,000 is from the general fund—state appropriation, for aid to families with dependent children—regular.
(c) $25,536,000, of which $12,768,000 is from the general fund—state appropriation, for aid to families with dependent children—employable.
(d) $32,361,000 of the general fund—state appropriation for supplemental security income payments.
(e) $66,332,000, of which $65,127,000 is from the general fund—state appropriation, for general assistance to unemployable persons.

(f) $2,982,000 of the general fund—state appropriation for general assistance to pregnant women.

(g) $10,954,000, of which $5,477,000 is from the general fund—state appropriation, for the consolidated emergency assistance program.

(h) $3,061,000 of the general fund—state appropriation for burial assistance.

(i) $1,871,000, of which $990,000 is from the general fund—state appropriation, for employment and training support.

(j) $2,788,000, of which $279,000 is from the general fund—state appropriation, for work incentive payments.

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

General Fund Appropriation—State $ 84,142,000
General Fund Appropriation—Federal $ 23,736,000
General Fund Appropriation—Local $ 91,000
Total Appropriation $ 107,969,000

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

(1) The department shall establish a vendor rate over and above the regular child day-care rate for therapeutic day care provided to abused or neglected children under the age of five years. A maximum of $360,000 of moneys appropriated and allotted for child care payment may be expended for therapeutic day care.

(2) Vendor rate adjustments shall average 2.5% on July 1, 1983, and 3.0% on July 1, 1984.

(3) $1,185,000 of the general fund—state appropriation is provided solely for home-based social services to families with children in foster care or at risk of foster care because of family problems rather than child behavior problems.

(4) The appropriations in this section shall be initially allotted as follows:

(a) $1,119,000 of the general fund—state appropriation for the victims of domestic violence program.

(b) $41,808,000, of which $35,840,000 is from the general fund—state appropriation, for foster care payments.

(c) $8,884,000, of which $7,201,000 is from the general fund—state appropriation, for child-care payments.

(d) $4,664,000, of which $3,507,000 is from the general fund—state appropriation, for adoption support.

(e) $3,198,000, of which $1,548,000 is from the general fund—state appropriation, for family reconciliation services.

(f) $7,910,000, of which $6,600,000 is from the general fund—state appropriation, for interim care.

(g) $15,220,000, of which $12,199,000 is from the general fund—state appropriation, for alcoholism grants.

(h) $4,768,000, of which $4,249,000 is from the general fund—state appropriation, for detoxification.

(i) $9,005,000, of which $4,025,000 is from the general fund—state appropriation, for substance abuse grants.

(j) $7,854,000 of the general fund—state appropriation for congregate care for alcohol and substance abuse clients.

(k) $3,739,000 of the general fund—state appropriation for refugee services.

NEW SECTION. Sec. 59. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MEDICAL ASSISTANCE PROGRAM

General Fund Appropriation—State $ 361,126,000
General Fund Appropriation—Federal $ 232,295,000
Total Appropriation $ 593,421,000

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

(1) $13,355,800, of which $6,677,900 is from the general fund—state appropriation, is provided solely for medical assistance and limited casualty program coverage for persons in two-parent families who are categorically related to the aid to families with dependent children program, between July 1, 1983, and June 30, 1984. Additional funds appropriated under this section may be expended for the coverage during such period. The department shall amend its state plan under title XIX of the federal social security act in order to secure federal matching funds for the coverage during such period.

(2) Vendor rate adjustments for fee-for-service providers shall average 2.5% on July 1, 1983, and 3.0% on July 1, 1984.

(3) The legislature finds and declares that rising hospital costs are a vital concern. Therefore, it is essential that an effective cost control program be pursued. The department shall pay for inpatient hospital services under the federal medicaid program through the use of rates that are reasonable and adequate to meet the costs that must be incurred by efficiently and
economically operated providers to provide services in conformity with applicable state and federal laws, regulations, and quality and safety standards.

(4) $7,000,000 of the general fund—state appropriation shall be placed in a reserve account. The department is directed to report to the legislature not later than January 1, 1984, on its methods for establishing inpatient hospital payment rates, the changes it anticipates in such rates during the fiscal year ending June 30, 1985, the reasons therefor, and any anticipated additional expenditures for inpatient hospital treatment during such fiscal year. No expenditure shall be made from the reserve account established in this subsection until specifically authorized by law.

(5) The department is directed to seek increased participation of 3,000 additional recipients over those currently enrolled in health maintenance organizations and individual practice associations. By December 31, 1984, the department shall report to the legislature on progress in these efforts.

(6) The department shall establish by rule a system to ensure that the appropriations in this section are not expended to cover persons who are already covered by private or other public programs.

(7) The department shall provide payment for chiropractic services under RCW 74.09.035 and 74.09.520.

(8) The department shall reimburse health care providers licensed under chapters 18.53, 18.71, 18.22, and 18.57 RCW for comparable services at equal rates.

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

General Fund Appropriation—State $38,988,000
General Fund Appropriation—Federal $53,161,000
General Fund Appropriation—Local $5,016,000
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 $20,000,000

Total Appropriation $138,991,000

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

1. If federal moneys are received for state health planning purposes for the fiscal year ending June 30, 1985, an equal amount of the general fund—state appropriation shall lapse.

2. $1,261,000 is provided solely for poison control centers.

3. Vendor rate adjustments shall average 2.5% on July 1, 1983, and 3.0% on July 1, 1984.

NEW SECTION. Sec. 61. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—VOCATIONAL REHABILITATION PROGRAM

General Fund Appropriation—State $14,051,000
General Fund Appropriation—Federal $25,602,000
Total Appropriation $39,653,000

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

1. $1,000,000 of the general fund—state appropriation is provided solely for rehabilitation services to general assistance clients. Such services shall be provided through the use of available, unmatched state funds. The division of vocational rehabilitation shall facilitate rapid referral and eligibility determination and provide services to appropriate income assistance clients who do not meet federal regulations for priority services.

2. Vendor rate adjustments shall average 2.5% on July 1, 1983, and 3.0% on July 1, 1984.

NEW SECTION. Sec. 62. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund Appropriation—State $55,494,000
General Fund Appropriation—Federal $41,060,000
General Fund—Institutional Impact Account Appropriation $75,000
Total Appropriation $96,629,000

The appropriations in this section are subject to the following conditions and limitations: $4,667,000, of which $1,780,000 is from the general fund—state appropriation, is provided solely for the information resource management plan. This plan shall include among its top priorities continuing 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. Under this plan, the department of social and health services shall:
(1) Maintain the capability to provide the legislature with reports that analyze client, ser­
vice delivery, and service cost data across all systems containing common client identifier
information and provide unduplicated recipient counts and service histories;
(2) Incorporate the medicaid management information system into the common client
identifier format;
(3) Develop rapid, flexible, and efficient data extraction and report generation; and
(4) Give priority to the following projects: (a) Community service management and opera­
tions system; (b) developmental disabilities management information system; (c) support
enforcement management system; (d) automated birth certification system; and (e) mental
health accounting system.

NEW SECTION. Sec. 63. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
COMMUNITY SERVICES ADMINISTRATION PROGRAM
General Fund Appropriation—State $135,516,000
General Fund Appropriation—Federal $140,640,000
General Fund Appropriation—Local $100,000
Total Appropriation $276,256,000
The appropriations in this section are subject to the following conditions and limitations:
(1) $360,000 of the general fund—state appropriation is provided solely for the victims of
sexual assault program.
(2) $608,000 of the general fund—state appropriation is provided solely for additional
child protective service workers. These moneys shall be used to provide an additional 12.5 full
time equivalent positions for a total of at least 237.2 for the fiscal year ending June 30, 1984,
and an additional 16.2 full time equivalent positions for a total of at least 240.9 for the fiscal
year ending June 30, 1985. Not later than December 1, 1983, the department shall submit a
report to the social and health services and ways and means committees of the senate and
house of representatives describing its compliance with the requirements of this subsection,
indicating the average caseload of child protective service workers by region and state-wide,
and indicating what level of funds would be required to achieve an average caseload of 30
cases per worker.
(3) $100,000 of the general fund—state appropriation is provided solely for grants to pay
operating expenses of community-based private nonprofit social agencies that provide ser­
vices to indigent families and senior citizens whose needs are not adequately met by govern­
ment programs.
(4) $427,000 of the general fund—state appropriation is provided solely for an increase
in current staffing for family reconciliation services.
(5) $1,283,000, of which $1,283,000 is from the general fund—state appropriation, is pro­
vided solely for contracted training.

NEW SECTION. Sec. 64. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
REVENUE COLLECTIONS PROGRAM
General Fund Appropriation—State $11,867,000
General Fund Appropriation—Federal $23,094,000
Total Appropriation $34,961,000

NEW SECTION. Sec. 65. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
REAPPROPRIATIONS
General Fund Appropriation—State $31,857,000
General Fund Appropriation—Federal $16,875,000
General Fund Appropriation—Local $66,000
Total Appropriation $48,798,000
The appropriations in this section are subject to the following conditions and limitations:
These general fund reappropriations shall be for services and supplies not in excess of the
unexpended balances of the 1981-1983 appropriations for such purposes.

NEW SECTION. Sec. 66. FOR THE DEPARTMENT OF VETERANS AFFAIRS
General Fund Appropriation—State $15,840,000
General Fund Appropriation—Federal $2,237,000
General Fund Appropriation—Local $3,336,000
Total Appropriation $21,413,000
The appropriations in this section are subject to the following conditions and limitations:
$200,000 of the general fund—state appropriation is provided solely for assistance to veter­
ans of the Viet Nam conflict, including counseling on delayed stress syndrome, employment
training and placement, discharge review, advocacy and representation, education, and
other services appropriate to assist such veterans in overcoming employment barriers and
readjusting to civilian life.

NEW SECTION. Sec. 67. FOR THE PLANNING AND COMMUNITY AFFAIRS AGENCY
General Fund Appropriation—State $2,735,000
General Fund Appropriation—Federal $53,568,000
Total Appropriation $56,303,000
The appropriations in this section are subject to the following conditions and limitations:
The appropriations in this section are for fiscal year 1984. Contingent on the provisions of chapter ... (ESHB 796). Laws of 1983 and chapter 43.88 RCW, any unexpended funds at the end of this period shall be transferred to the department of economic and community development.

Not more than $419,000 of the general fund—state appropriation is provided for distribution to incorporated cities and towns for fire protection of state facilities.

$65,000 of the general fund—state appropriation shall be used solely for carrying out the purposes of chapter ... (SSB 3035). Laws of 1983.

$292,000 of the general fund—state appropriation, or so much thereof as may be necessary, shall be used for Mount St. Helens volcano zone enforcement patrol.

$125,000 of the general fund—state appropriation shall be provided solely for distribution to border areas within seven air miles of the Canadian border.

**NEW SECTION. Sec. 68. FOR THE HUMAN RIGHTS COMMISSION**

<table>
<thead>
<tr>
<th>Appropriation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$2,968,000</td>
</tr>
<tr>
<td>Federal</td>
<td>$941,000</td>
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<td>$3,909,000</td>
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**NEW SECTION. Sec. 69. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS**

<table>
<thead>
<tr>
<th>Account</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund—Crime Victims Comp.</td>
<td>$2,968,000</td>
</tr>
<tr>
<td>Medical Aid Fund</td>
<td>$2,674,000</td>
</tr>
<tr>
<td>Total</td>
<td>$5,642,000</td>
</tr>
</tbody>
</table>

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

$12,000 of the accident fund appropriation is provided solely for an independent revalidation of the cost allocation study completed during the 1981-83 biennium. This revalidation cost study shall be transmitted to the legislature upon completion.

**NEW SECTION. Sec. 70. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

<table>
<thead>
<tr>
<th>Appropriation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund—Criminal Justice Training</td>
<td>$6,054,000</td>
</tr>
</tbody>
</table>

The appropriation in this section is subject to the following conditions and limitations:

(1) $161,000 is provided solely for the crime watch program.

(2) $170,000 is provided solely for support of the programs of the Washington association of sheriffs and police chiefs in assisting the commission to carry out RCW 43.101.180.

**NEW SECTION. Sec. 71. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

<table>
<thead>
<tr>
<th>Fund</th>
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</thead>
<tbody>
<tr>
<td>General Fund—State</td>
<td>$5,770,000</td>
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<tr>
<td>General Fund—Crime Victims Comp.</td>
<td>$7,346,000</td>
</tr>
<tr>
<td>Accident Fund—State</td>
<td>$50,539,000</td>
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<tr>
<td>Accident Fund—Federal</td>
<td>$51,000</td>
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<tr>
<td>Electrical License Fund</td>
<td>$5,347,000</td>
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<tr>
<td>Medical Aid Fund</td>
<td>$48,354,000</td>
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<tr>
<td>Plumbing Certificate Fund</td>
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<tr>
<td>Pressure Systems Safety Fund</td>
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<td>Total</td>
<td>$118,419,000</td>
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</table>

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) $50,000 of the accident fund appropriation and $50,000 of the medical aid fund appropriation are provided solely for a study of the feasibility of consolidating the department's Olympia-area offices in one building, including the options of leasing, acquiring, or constructing such building. No state general fund moneys may be expended for this study. The department shall report to the legislature on the findings of the study by January 15, 1984.

**NEW SECTION. Sec. 72. FOR THE BOARD OF PRISON TERMS AND PAROLES**

<table>
<thead>
<tr>
<th>Appropriation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$2,975,000</td>
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**NEW SECTION. Sec. 73. FOR THE HOSPITAL COMMISSION**

<table>
<thead>
<tr>
<th>Appropriation</th>
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<tbody>
<tr>
<td>General Fund—State</td>
<td>$357,000</td>
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<tr>
<td>General Fund—Hospital Commission</td>
<td>$1,086,000</td>
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<tr>
<td>Total</td>
<td>$1,443,000</td>
</tr>
</tbody>
</table>

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

(1) The commission is directed to perform aggressive rate review of individual hospital services to ensure control of rising hospital costs and efficient and economic delivery of hospital health care services.

(2) Not later than December 1, 1983, the commission shall report to the legislature on current and anticipated hospital cost inflation. The report shall include an analysis of the components of hospital operating costs and changes in those costs, together with reasons for each major change. Special attention shall be given to cost components which increase at a rate greater than inflation in the general economy of the state.

**NEW SECTION. Sec. 74. FOR THE EMPLOYMENT SECURITY DEPARTMENT**
General Fund Appropriation—State ........................................... $ 2,054,000
General Fund Appropriation—Federal ....................................... $ 133,049,000
General Fund Appropriation—Local .......................................... $ 17,159,000
Administrative Contingency Fund
Appropriation—Federal ....................................................... $ 6,638,000
Unemployment Compensation Administration Fund Appropriation .... $ 92,543,000
Total Appropriation ......................................................... $ 251,443,000

The appropriations in this section are subject to the following conditions and limitations:
(1) $786,000 is provided solely for the ex-offender work orientation program to serve a minimum of 1,094 ex-offenders in the community, and provide work orientation to a minimum of 500 offenders pending release. Services to offenders in addition to those provided under the appropriations in this section may be provided upon reimbursement by the department of corrections at the rate of $605 per participant.
(2) $313,000 is provided solely for the career awareness program to provide services to 371 ex-offenders. Services may be provided to additional ex-offenders upon reimbursement by the department of corrections at the rate of $844 per participant.
(3) The employment security department, through the youth employment exchange or other programs, shall provide for the recruitment of corps members and the receipt of federal funds for the conservation corps established under Engrossed Second Substitute Senate Bill No. 3624.

NEW SECTION. Sec. 75. FOR THE COMMISSION FOR THE BLIND
General Fund Appropriation—State ........................................... $ 1,682,000
General Fund Appropriation—Federal ....................................... $ 3,415,000
Total Appropriation ......................................................... $ 5,097,000

The appropriations in this section are subject to the following conditions and limitations:
The commission for the blind shall report in writing by December 1, 1984, to the committees on ways and means of the senate and the house of representatives on the economy and effectiveness of the orientation and training center. The report shall include, but not be limited to, analysis of the characteristics of the clients and the target population, curriculum content and practices, client tracking after leaving the center, number of persons served, costs per client, and program costs.

NEW SECTION. Sec. 76. FOR THE CORRECTIONS STANDARDS BOARD
General Fund Appropriation—State ........................................... $ 512,000
General Fund Appropriation—Local Jail Improvement and Construction Account Appropriation ........................................... $ 113,124,000
Total Appropriation ......................................................... $ 113,636,000

NEW SECTION. Sec. 77. FOR THE SENTENCING GUIDELINES COMMISSION
General Fund Appropriation .................................................. $ 551,000

NEW SECTION. Sec. 78. FOR THE STATE ENERGY OFFICE
General Fund Appropriation—State ........................................... $ 1,104,000
General Fund Appropriation—Federal ....................................... $ 13,032,000
General Fund Appropriation—Private/Local ................................ $ 60,000
Total Appropriation ......................................................... $ 14,196,000

NEW SECTION. Sec. 79. FOR THE COLUMBIA RIVER GORGE COMMISSION
General Fund Appropriation—State ........................................... $ 76,000
General Fund Appropriation—Private/Local ................................ $ 67,000
Total Appropriation ......................................................... $ 143,000

NEW SECTION. Sec. 80. FOR THE DEPARTMENT OF ECOLOGY
General Fund Appropriation—State ........................................... $ 20,937,000
General Fund Appropriation—Federal ....................................... $ 9,834,000
General Fund—Special Grass Seed Burning Research Account Appropriation ........................................... $ 68,000
General Fund—Reclamation Revolving Account Appropriation ........ $ 999,000
General Fund—Litter Control Account Appropriation .................... $ 4,310,000
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) ........................................... $ 14,511,000
General Fund—State and Local Improvements Revolving Account—Waste Disposal Facilities: Reappropriation (Referendum 26) ........................................... $ 60,923,000
General Fund—State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 128, Laws of 1972 ex. sess. (Referendum 27) ........................................... $ 1,051,000
General Fund—State and Local Improvements Revolving Account—Water Supply Facilities: Reappropriation (Referendum 27) ........................................... $ 8,788,000
General Fund—Emergency Water Project Revolving Account
Appropriation: Appropriated pursuant to chapter 1, Laws of 1977 ex. sess. ........................................ $ 1,926,000

General Fund—Emergency Water Project Revolving Account:
Reappropriation .......................................................... $ 9,343,000

General Fund—State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 234, Laws of 1979 ex. sess. (Referendum 38) .................. $ 16,711,000

General Fund—State and Local Improvements Revolving Account—Water Supply Facilities: Reappropriation (Referendum 38) ...................................................... $ 15,805,000


General Fund—State and Local Improvements Revolving Account—Waste Disposal Facilities 1980: Reappropriation (Referendum 39) ...................................................... $ 265,858,000

Total Reappropriation ..................................................... $ 360,717,000
Total New Appropriation .................................................... $ 138,136,000
Total Appropriation .......................................................... $ 498,853,000

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

1) On or before October 1, 1983, the department of ecology shall file with the committees on ways and means of the senate and house of representatives and the office of financial management a master compilation by project type of those projects proposed for funding during the 1983-85 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 and the office of financial management at six-month intervals during the 1983-85 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 and the office of financial management 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 and the office of financial management of significant changes from historic federal funding levels for waste disposal facilities and water supply facilities. In the event that the department does not comply fully and in a timely manner with the several compilations, updates, and modification reports required by this subsection, the director of the office of financial management is authorized to place in reserve the second year funds allotted to the department until such time as the documents are produced and distributed as directed herein.

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) No grant or loan or combination thereof shall be made for preconstruction activities for projects which cannot be constructed without an increase in the remaining voter authorized bond capacity.

6) $985,000 of the general fund—state appropriation is provided for grants to activated air pollution control authorities.

7) $68,000 of the general fund—special grass seed burning research account appropriation shall be expended for funding of a grass burning research project by the University of Washington.

8) $1,500,000 of the general fund—state appropriation shall be used solely for carrying out the purposes of chapter ____ (2SSB 3624), Laws of 1983.
(9) $85,000 of the general fund—state appropriation shall be used solely for carrying out the purposes of chapter ___ (SSB 3156), Laws of 1983.

(10) The department of ecology shall be the eligible recipient of federal moneys for the purposes of carrying out the provisions of Engrossed Substitute Senate Bill No. 3273. If House Bill No. 595 is enacted before July 1, 1983, the general fund—state and local improvements revolving account—water supply facilities appropriation shall be reduced by $14,500,000.

(11) The department may operate, and seek and accept grants or gifts for the purpose of operating and maintaining, the Padilla Bay estuarine sanctuary and interpretive center.

NEW SECTION, Sec. 81. FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund Appropriation

$ 712,000

NEW SECTION, Sec. 82. FOR THE ENERGY FACILITY SITE EVALUATION COUNCIL

General Fund Appropriation—Private/Local

$ 3,473,000

NEW SECTION, Sec. 83. FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund Appropriation—State

$ 27,952,000

General Fund Appropriation—Private/Local

$ 566,000

General Fund—Trust Land Purchase Account Appropriation

$ 7,694,000

General Fund—Winter Recreation Parking Account Appropriation

$ 156,000

General Fund—Snowmobile Account Appropriation

$ 681,000

General Fund—Outdoor Recreation Account Appropriation

$ 152,000

Motor Vehicle Fund Appropriation

$ 800,000

Total Appropriation

$ 38,001,000

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

(1) The commission shall operate the state park system on a modified schedule that will allow for management closures that will facilitate maximum park maintenance efforts.

NEW SECTION, Sec. 84. FOR THE OFFICE OF ARCHAEOLOGY AND HISTORIC PRESERVATION

General Fund Appropriation—State

$ 307,000

General Fund Appropriation—Federal

$ 908,000

Total Appropriation

$ 1,215,000

NEW SECTION, Sec. 85. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

General Fund—Outdoor Recreation Account Appropriation—State

$ 12,025,000

General Fund—Outdoor Recreation Account Appropriation—Federal

$ 3,997,000

Total Appropriation

$ 16,022,000

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

(1) A maximum of $86,000 of the state appropriation shall be used by the committee to contract with the department of natural resources, or others, for the preparation of a comprehensive guide to public parks and recreational sites within Washington as required by RCW 43.99.142. Such guide shall coordinate site data of all state and federal agencies providing public recreational facilities in the state, except that the guide shall be sold for an amount sufficient to cover the costs involved, and to reimburse the outdoor recreation account.

(2) A maximum of $1,520,000 may be expended for administration.

(3) No grant from the proceeds of general obligation bond sales may be made without matching federal moneys.

NEW SECTION, Sec. 86. FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

General Fund Appropriation

$ 3,086,000

The appropriation in this section is subject to the following conditions and limitations: The appropriations are for expenditure by the department of commerce and economic development in fiscal year 1984. Contingent on the provisions of chapter ___ (ESHB 796), Laws of 1983 and chapter 43.88 RCW, any unexpended funds at the end of this period shall be transferred to the department of economic and community development.

NEW SECTION, Sec. 87. FOR THE DEPARTMENT OF FISHERIES

General Fund Appropriation—State

$ 38,614,000

General Fund Appropriation—Federal

$ 6,580,000

General Fund Appropriation—Private/Local

$ 2,083,000

Total Appropriation

$ 47,277,000

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

(1) $285,000 of the general fund appropriation, of which $191,000 shall be from federal funds, or so much thereof as may be necessary, shall be expended for enhancement of the marine fish program.

(2) $109,000 of the general fund—state appropriation shall be expended for the enhancement of the shellfish program.
NINETEENTH DAY, MAY 13, 1983

(3) $495,000 of the general fund—state appropriation shall be expended for additional salmon production.

(4) $600,000 of the general fund—state appropriation shall be used solely for carrying out the purposes of chapter ___ (2SSB 3624), Laws of 1983.

NEW SECTION, Sec. 88. FOR THE DEPARTMENT OF GAME

<table>
<thead>
<tr>
<th>Appropriation</th>
<th>Amount (in $)</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund—State</td>
<td>600,000</td>
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<tr>
<td>General Fund—Federal</td>
<td>76,000</td>
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<tr>
<td>General Fund—ORV (Off-Road Vehicle) Account</td>
<td>159,000</td>
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<tr>
<td>Game Fund—State</td>
<td>35,492,000</td>
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<td>Game Fund—Federal</td>
<td>12,224,000</td>
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<tr>
<td>Game Fund—Private/Local</td>
<td>1,318,000</td>
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<tr>
<td>Game Fund—Special Wildlife Account</td>
<td>250,000</td>
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<tr>
<td><strong>Total Appropriation</strong></td>
<td><strong>50,119,000</strong></td>
</tr>
</tbody>
</table>

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

(1) The $600,000 general fund—state appropriation shall be used solely to carry out the purposes of chapter ___ (2SSB 3624), Laws of 1983.

(2) $152,000, of which $76,000 shall be from the game fund—state appropriation and $76,000 shall be from the general fund—federal appropriation, shall be expended for the maintenance and security of Padilla Bay estuarine sanctuary.

(3) If House Bill No. 105 is enacted before July 1, 1983, the game fund—state appropriation shall be reduced by $352,000.

NEW SECTION, Sec. 89. FOR THE DEPARTMENT OF NATURAL RESOURCES

<table>
<thead>
<tr>
<th>Appropriation</th>
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</thead>
<tbody>
<tr>
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<td>26,380,000</td>
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<tr>
<td>General Fund—Federal</td>
<td>451,000</td>
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<tr>
<td>General Fund—ORV (Off-Road Vehicle) Account</td>
<td>2,096,000</td>
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<tr>
<td>General Fund—Forest Development Account</td>
<td>10,321,000</td>
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<tr>
<td>General Fund—Landowner Contingency Forest Fire Suppression Account</td>
<td>1,539,000</td>
</tr>
<tr>
<td>General Fund—Survey and Maps Account</td>
<td>671,000</td>
</tr>
<tr>
<td>General Fund—Resource Management Cost Account</td>
<td>65,391,000</td>
</tr>
<tr>
<td><strong>Total Appropriation</strong></td>
<td><strong>106,849,000</strong></td>
</tr>
</tbody>
</table>

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

(1) $4,727,000 of the general fund—state appropriation shall be expended for the general administration program. Of this amount, $1,100,000 shall be used solely to carry out the purposes of chapter ___ (2SSB 3624), Laws of 1983; $50,000 shall be used to conduct a study of the continuous transfer of material and products across state lands; and $145,000 shall be used solely for the department of natural resources to vacate the first floor of the public lands building.

(2) Not more than $11,239,000 of the general fund—state appropriation shall be expended for the forest fire control program.

(3) Not more than $6,787,000 of the general fund—state appropriation shall be expended for the assistance and regulation program.

(4) Not more than $3,627,000 of the general fund—state appropriation shall be expended for the services program. Of this amount, not more than $843,000 shall be used to fund ten additional honor camp teams. Funds used within this program for surveying shall be limited to the establishment of boundaries of state property.

NEW SECTION, Sec. 90. FOR THE DEPARTMENT OF AGRICULTURE

<table>
<thead>
<tr>
<th>Appropriation</th>
<th>Amount (in $)</th>
</tr>
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<tbody>
<tr>
<td>General Fund—State</td>
<td>10,166,000</td>
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<td>General Fund—Federal</td>
<td>626,000</td>
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<tr>
<td>General Fund—Feed and Fertilizer Account</td>
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<td>Fertilizer, Agricultural, Mineral and Lime Fund Appropriation</td>
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<tr>
<td>Commercial Feed Fund—State</td>
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<td>Commercial Feed Fund—Federal</td>
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<tr>
<td>Seed Fund—Dry</td>
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<tr>
<td>Nursery Inspection Fund—Dry</td>
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<td><strong>Total Appropriation</strong></td>
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</tbody>
</table>

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

(1) $156,000 from the general fund—state appropriation shall be used to enhance the pesticide field investigations.

(2) $60,000 from the general fund—state appropriation shall be used to enhance consumer services within the agricultural development program.

(3) $300,000 from the general fund—state appropriation shall be used to establish a marketing program for the Washington wine industry and the department of agriculture shall present a proposal to the forty-ninth legislature which establishes a wine commodity commission.

(4) $600,000 from the general fund—state appropriation shall be used solely for carrying out the purposes of chapter ___ (2SSB 3624), Laws of 1983.
NEW SECTION. Sec. 91. FOR THE CONSERVATION COMMISSION

General Fund Appropriation ........................................ $ 300,000

NEW SECTION. Sec. 92. FOR THE WASHINGTON CENTENNIAL COMMISSION

General Fund Appropriation ........................................ $ 226,000

NEW SECTION. Sec. 93. FOR THE STATE PATROL

General Fund Appropriation ........................................ $ 11,487,000

The appropriation in this section is subject to the following conditions and limitations:

(1) $1,400,000 is provided solely for the narcotics section, as authorized by RCW 43.43.610 and 43.43.620 and shall be limited to providing information to law enforcement agencies in the state on narcotic and drug law violations and providing investigative assistance on matters of state-wide concern.

(2) $600,000 is provided solely for the organized crime intelligence unit, as authorized by RCW 43.43.854 and shall be limited to intelligence gathering activities which assist law enforcement agencies and prosecutors in cases of state-wide significance.

NEW SECTION. Sec. 94. FOR THE DEPARTMENT OF LICENSING

General Fund Appropriation ........................................ $ 12,077,000
General Fund—Architects' License Account Appropriation .............. $ 373,000
General Fund—Optometry Account Appropriation ........................ $ 119,000
General Fund—Professional Engineers' Account Appropriation ........ $ 602,000
General Fund—Real Estate Commission Account Appropriation .......... $ 4,591,000
General Fund—Board of Psychological Examiners Account Appropriation ........ $ 66,000
Game Fund Appropriation ........................................... $ 187,000
Highway Safety Fund Appropriation ................................... $ 36,582,000
Highway Safety Fund—Motorcycle Safety Education Account Appropriation ........................................ $ 187,000
Motor Vehicle Fund Appropriation .................................... $ 34,693,000
Total Appropriation ................................................ $ 34,693,000

The appropriations in this section are subject to the following conditions and limitations: $450,000 of the general fund appropriation is provided solely for the design and development of a Uniform Commercial Code automated lien filing and search system. If other legislation authorizing expenditures for a Uniform Commercial Code automated lien filing and search system is enacted before July 1, 1983, the general fund—state appropriation in this section shall be reduced by the amount actually expended under the other legislation.

NEW SECTION. Sec. 95. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION (INCLUDING THE STATE BOARD FOR EDUCATION)

General Fund Appropriation—State .................................. $ 13,381,000
General Fund Appropriation—Federal ................................ $ 6,540,000
General Fund—Traffic Safety Education Account Appropriation ........ $ 460,000
Total Appropriation ................................................ $ 20,381,000

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

(1) Not more than $460,000 may be expended for the state office administration of the traffic safety education program, including inservice training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

(2) Not more than $244,882 of the general fund—state appropriation shall be expended for a program to provide additional inservice training for math, science, and computer technology instructors.

NEW SECTION. Sec. 96. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION FORMULA FOR FISCAL YEARS 1984 AND 1985

General Fund Appropriation ........................................ $ 2,912,752,000

The appropriation in this section is subject to the following conditions and limitations:

(1) For purposes of this act and RCW 28A.58.095, the superintendent of public instruction shall ensure that no district provides salary and compensation increases in excess of the amount and/or percentages specified in this act for the 1984-85 school year. A school district may provide a salary increase for the 1983-84 school year up to the percent or amount specified in this section for the 1984-85 school year: PROVIDED, That for the 1983-84 and 1984-85 school years, if a school district is in violation of RCW 28A.58.095, the superintendent shall withhold the lesser of five percent or an amount equal to the level of violation when applied to the district's respective basic education allocation, until such time as the school district comes into compliance.

(2) 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: PROVIDED, That in skill centers, the ratio shall be one certificated staff unit for each average annual sixteen and sixty-seven one-hundredths full time equivalent students enrolled in an approved vocational education 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.

3. (a) For nonemployee related costs with each certificated staff unit determined under subsection (2) (a), (c), and (d) of this section, there shall be provided a maximum of $5,287 per staff unit in the 1983-84 school year and a maximum of $5,562 per staff unit in the 1984-85 school year.

(b) For nonemployee related costs with each certificated staff unit determined under subsection (2)(b) of this section, there shall be provided a maximum of $10,074 per staff unit in the 1983-84 school year and a maximum of $10,598 per staff unit in the 1984-85 school year.

4. (a) One classified staff unit per each three certificated staff units determined under subsection (2) (a), (c), and (d) of this section:

(b) One classified staff unit for each sixty full time equivalent vocational students enrolled:

(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.

5. The superintendent shall distribute a maximum of $15,286,000 outside the basic education formula as follows:

(a) A maximum of $620,000 may be distributed to school districts for fire protection at a rate of $1.056 in fiscal year 1984 and $1.119 in fiscal year 1985 for each student attending a school located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW.

(b) A maximum of $1,650,000 may be expended for operation of vocational programs at each of the skill centers during the summer months, beginning in 1983.

(c) A maximum of $272,000 may be distributed for school district emergencies.

(d) A maximum of $4,366,000 may be expended for districts which experience an enrollment decline of at least four percent or more than three hundred full time equivalent students, whichever is less, from the enrollment of the prior year. For a qualifying district, the superintendent of public instruction shall increase the enrollment as otherwise computed by twenty-five percent of the full time equivalent enrollment loss from the previous school year.

(e) A maximum of $3,720,000 in fiscal year 1984 and $4,658,000 in fiscal year 1985 may be expended for substitute teachers. Funds shall be distributed to school districts at a rate not to exceed $250 per year per full time equivalent classroom teacher in the basic education and handicapped programs.

(f) For the 1982-83 school year, if a school district is in violation of RCW 28A.58.095 the superintendent shall withhold the lesser of five percent or an amount equal to the level of violation, applied to the district's basic education allocation.
NEW SECTION. Sec. 97. SALARY AND COMPENSATION DEFINITIONS

For purposes of sections 98 through 110 of this act, the following definitions apply:

1. "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), skill centers (program 45), handicapped (program 21), vocational-technical institutes/adult education (programs 47 and 48), state institutions (program 46), educational service districts, and transportation (program 99).

2. "Incremental fringe benefits" means 7.0% for certificated staff and 14.0% 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, with respect to classified staff, retirement benefits under the public employees' retirement system (chapter 41.40 RCW).

3. "LEAP Document 5" means the computer tabulation of 1982-83 derived base salaries for basic education certificated staff and 1982-83 average salaries for basic education classified staff, as developed by the legislative evaluation and accountability program committee on April 5, 1983, at 15:57 hours.

NEW SECTION. Sec. 98. DETERMINATION OF STAFF MIX FACTOR AND CERTIFICATED BASE SALARY

For purposes of determining the 1983-84, and 1984-85 school year staff mix factor and certificated base salary by district, the following definitions apply:

1. Basic education certificated staff includes all full time equivalent certificated staff in the following programs:
   (a) Basic education (program 00);
   (b) Secondary vocational education (program 30);
   (c) Skill centers (program 45);
   (d) General instructional support (program 94);
   (e) General support (program 97).

2. The 1982-83 certificated base salary to be used for basic education allocation purposes shall be that specified in LEAP Document 5.

3. The staff mix factor table developed by the legislative evaluation and accountability program committee (LEAP) (reference LEAP Document 1) shall be employed to calculate each district's basic salary for basic education certificated staff.

4. The average staff mix factor for 1983-84, and 1984-85 for each district shall be calculated using the staff referenced in subsection (1) of this section for the respective school year and the table referenced in subsection (3) of this section.

NEW SECTION. Sec. 99. DETERMINATION OF CLASSIFIED SALARIES

The 1982-83 basic education average classified salary to be used for basic education allocation purposes shall be as specified for each district in LEAP Document 5 and shall be for the total number of such full time equivalent staff in the following programs:

1. Basic education (program 00);
2. Secondary vocational education (program 30);
3. Skill centers (program 45);
4. General instructional support (program 94);
5. General support (program 97).

NEW SECTION. Sec. 100. BASIC EDUCATION ALLOCATION—CALCULATION OF CERTIFICATED STAFF COMPENSATION

1. The certificated compensation allocation for school year 1983-84 shall be the sum of the following subsections:
   (a) Maintenance of compensation shall be calculated using each district's 1982-83 base salary established in LEAP Document 5 times the number of certificated staff units generated in section 96 (2) (a) through (d) of this act in each district times each district's particular 1982-83 average staff mix factor improved by 7.43%;
   (b) Health benefits shall be calculated at the rate of $137 per month per certificated full time equivalent staff units generated in section 96 (2) (a) through (d) of this act.

2. The certificated compensation allocation for school year 1984-85 shall be the sum of the following subsections:
   (a) Maintenance of compensation calculated by using each district's 1982-83 base salary established in LEAP Document 5 times the number of staff units generated in section 96 (2) (a) through (d) of this act times each district's particular 1983-84 average staff mix factor improved by 7.66%;
   (b) Health benefits shall be calculated at the rate of $137 per month per certificated full time equivalent staff units generated in section 96 (2) (a) through (d) of this act.

NEW SECTION. Sec. 101. BASIC EDUCATION ALLOCATION—CALCULATION OF CLASSIFIED STAFF COMPENSATION

1. The 1983-84 basic education classified compensation allocation for each district shall be the sum of the following subsections:
(a) Maintenance of classified compensation shall be calculated using the staff units generated in section 96 (4) (a) through (c) of this act, times each district's 1982-83 average classified salary, established in LEAP Document 5, improved by 16.55%.

(b) Health benefits shall be calculated at the rate of $137 per month per classified full time equivalent staff units generated in section 96 (4) (a) through (c) of this act.

(2) The 1984-85 basic education classified compensation allocation for each district shall be the sum of the following:

(a) Maintenance of classified compensation shall be calculated using the staff units generated in section 96 (4) (a) through (c) of this act times each district's 1982-83 average classified salary, established in LEAP Document 5, improved by 16.78%.

(b) Health benefits shall be calculated at the rate of $137 per month per classified full time equivalent staff units generated in section 96 (4) (a) through (c) of this act.

(4) (a) A maximum of $9,185,000 is provided, effective November 1, 1984, for incremental fringe benefits in section 97(2) of this act and 5.0% of the 1982-83 LEAP Document 5 state-wide average salary for state-supported basic education classified staff as defined in section 97(1) of this act. With respect to the remaining state-supported classified staff of a district as defined in section 97(1) of this act, the superintendent shall distribute a 5.0% salary increase using the pertinent program state-wide average salary for such staff.

(b) During the 1983-84 school year, the superintendent of public instruction, as part of the regular classified data reporting process, shall collect data regarding the length of service of each basic education classified employee in their particular job classification. The superintendent of public instruction shall submit a report to the legislature prior to March 1, 1984, regarding the proposed allocation methodology as required by subsection (4)(c) of this section. Such a report shall consider present practices by the state personnel board in granting increments.

(c) The superintendent of public instruction shall, during the 1984-85 school year, allocate $400,000 of the funds allocated by subsection (4)(a) of this section to each district in accordance with its particular 1983-84 complement of staff.

(d) Pursuant to RCW 84.52.0531(3), any school district having an average classified salary as shown on LEAP Document 5 of less than $16,513 for the 1982-83 school year may grant salary increases to classified staff in the 1983-84 school year to achieve a maximum average classified salary of $16,513. For purposes of allocating basic education funds in the 1984-85 school year, the superintendent shall modify LEAP Document 5 to reflect any increases given in accordance with this provision.

(5) A maximum of $34,738,000 is provided effective November 1, 1984, for incremental fringe benefits in section 97(2) of this act and 5.0% of the 1982-83 LEAP Document 5 average state-wide derived base salary times the district's 1983-84 staff mix factor (as defined in section 98(3) of this act) for state-supported basic education staff as defined in section 97(1) of this act. With respect to the remaining state-supported certificated staff of a district as defined in section 97(1) of this act, the superintendent shall distribute a 5.0% salary increase times the pertinent state-wide average derived base salary improved by the 1983-84 staff mix of each district for such staff.

(6) For purposes of RCW 28A.58.095, the following conditions and limitations apply:

(a) The sum of salary and insurance benefit increases granted by each school district for nonsate-supported staff shall not exceed those specified for state-supported staff of a district.

(b) Districts may grant increases in insurance benefits to achieve a rate of $159.00 per individual employee in the 1983-84 school year and $159.00 in the 1984-85 school year. For districts having rates greater than $159.00 per individual employee in 1982-83, any increase granted in 1983-84 shall constitute salary increase. For districts having rates greater than $159.00 per individual employee in the 1983-84 school year, any increase granted in 1984-85 shall constitute salary increase.

(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 pursuant to LEAP Document 1.
The salary increases authorized in subsections (4) and (5) of this section shall not apply to any employee whose annual salary is $40,000 or greater. Moneys saved pursuant to this subsection shall be placed in reserve.

NEW SECTION. Sec. 103. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION

General Fund Appropriation ........................................ $ 168,874,000

The appropriation in this section is subject to the following conditions and limitations:

1. A maximum of $73,364,000 may be expended in the 1983–84 fiscal year.

2. A maximum of $712,000 may be expended for regional transportation coordinators.

3. A maximum of $53,000 may be expended for driver training.

NEW SECTION. Sec. 104. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR VOCATIONAL-TECHNICAL INSTITUTES AND ADULT EDUCATION AT VOCATIONAL-TECHNICAL INSTITUTES

General Fund Appropriation ........................................ $ 53,586,000

The appropriation in this section is subject to the following conditions and limitations:

1. (a) The 1983–84 school year appropriation is based on an enrollment of 10,638 full time equivalent students at a state support level per student of $2,461, not including salary and insurance benefit increases.

   (b) The 1984–85 school year appropriation is based on an enrollment of 11,255 full time equivalent students at a state support level per student of $2,491, not including salary and insurance benefit increases.

2. Not more than $619,000 of this appropriation may be expended for adult education.

NEW SECTION. Sec. 105. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund Appropriation—State .................................... $ 6,000,000

General Fund Appropriation—Federal .................................. $ 60,611,000

Total Appropriation ................................................. $ 66,611,000

NEW SECTION. Sec. 106. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR HANDICAPPED COSTS

General Fund Appropriation—State .................................... $ 271,088,000

General Fund Appropriation—Federal .................................. $ 27,641,000

Total Appropriation ................................................. $ 298,729,000

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

1. A maximum of $125,586,000 of the general fund—state appropriation may be expended in fiscal year 1983–84.

2. The superintendent of public instruction shall allocate funds in accordance with LEAP Document 6 for school years 1983–84 and 1984–85.

3. The superintendent shall establish a new system for district reporting of preschool handicapped enrollment which results in uniform reporting consistent with attendance laws and rules.

NEW SECTION. Sec. 107. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE TRAFFIC SAFETY PROGRAM

General Fund—Traffic Safety Education Account Appropriation ......................... $ 17,141,000

The appropriation in this section is subject to the following condition or limitation: Not more than $446,000 may be expended for traffic safety education coordinators.

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

General Fund Appropriation—State .................................... $ 4,807,000

State Funding Sources .................................................. $ 3,664,000

Total Appropriation ................................................. $ 8,471,000

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:

   | E.S.D. No. 101 | E.S.D. No. 105 | E.S.D. No. 112 | E.S.D. No. 113 | E.S.D. No. 114 | E.S.D. No. 121 | E.S.D. No. 123 | E.S.D. No. 171 | E.S.D. No. 189 |
   | $609,000       | $584,000       | $491,000       | $524,000       | $451,000       | $429,000       | $569,000       | $696,000       | $454,000       |
   | State         | State         | State         | State         | State         | State         | State         | State         | State         |
   | $610,000       | $292,000       | $492,000       | $525,000       | $226,000       | $430,000       | $285,000       | $349,000       | $455,000       |

   (2) School districts in the respective educational service districts shall provide the amounts specified from state funding sources accruing under section 96 of this act on a per capita enrollment basis prior to June 30th of each school year.
(3) Educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.21.088 (3) and (4).

NEW SECTION. Sec. 109. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR BLOCK GRANTS

General Fund Appropriation—State ........................................... $ 45,957,000

The appropriation in this section is subject to the following conditions and limitations:

(1) A maximum of $27,328,000 may be expended in fiscal year 1983-84.

(2) A maximum of $4,148,000 may be allocated by the superintendent for the support of specific learning disabled programs for the 1983-84 school year as reassessment of the currently eligible students occurs as a result of changes in state regulations.

(3) Of the appropriation provided by this section, a minimum of $28,632,000 shall be distributed as follows:

(a) 30% on the basis of full time equivalent enrollment;
(b) 18% on the basis of aid to families with dependent children income enrollment in the prior school year;
(c) 12% on the basis of minority enrollment in the prior school year;
(d) 12% on the basis of gifted enrollment in the prior school year;
(e) 12% on the basis of racial isolation enrollment in the prior school year;
(f) 6% on the basis of limited English speaking enrollment in the prior school year; and
(g) 10% on the basis of Indochinese refugees as defined by federal regulation.

Except as otherwise provided, the categories of enrollment shall be defined in accordance with the allocation methodology developed by the governor's advisory committee for chapter II of the education consolidation and improvement act in effect for the 1982-83 school year.

(4) A maximum of $12,900,000 may be distributed for the remaining months of the 1982-83 school year.

(5) The funds allocated by subsection (3) of 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.

(6) The superintendent of public instruction shall contract $257,000 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.

NEW SECTION. Sec. 110. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION— FOR STATE INSTITUTIONAL EDUCATION PROGRAMS

General Fund Appropriation—State ........................................... $ 20,857,000

General Fund Appropriation—Federal ........................................... $ 5,450,000

Total Appropriation ............................................................... $ 26,307,000

The appropriations in this section are subject to the following condition or limitation: Not more than $3,355,783 shall be expended for support of basic education programs for juveniles confined in county detention centers.

NEW SECTION. Sec. 111. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION— FOR THE ENUMERATED PURPOSES

General Fund Appropriation—Federal ........................................... $ 93,956,000

(1) Education Consolidation and Improvement Act of 1981 ....... $ 90,483,000

(2) Education of Indian Children .............................................. $ 367,000

(3) Adult Basic Education ....................................................... $ 3,106,000

NEW SECTION. Sec. 112. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION IN 1982-83 SCHOOL YEAR SALARY INCREASES

General Fund Appropriation ..................................................... $ 500,000

The appropriation in this section is subject to the following conditions and limitations: $500,000 shall be distributed to eligible school districts on the same basis as $451,000 was distributed under section 74(10), chapter 50, Laws of 1982 1st ex. sess. (uncodified).

NEW SECTION. Sec. 113. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION— FOR THE ENCUMBRANCE OF FEDERAL GRANTS

General Fund Appropriation—Federal ........................................... $ 27,380,000

NEW SECTION. Sec. 114. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION— FOR EDUCATIONAL CLINICS

General Fund Appropriation ..................................................... $ 1,100,000

NEW SECTION. Sec. 115. HIGHER EDUCATION

The appropriations in sections 116 through 122 of this act are subject to the following conditions and limitations:

(1) The community colleges shall not expand ungraded offerings above the level estimated for 1981-82.
The community college system shall maximize enrollment opportunities for vocational students, including plant maintenance, institutional support, state board operations, and instruction. Moneys appropriated in this subsection may be transferred from this subsection, reducing entitlements for direct instructional purposes shall be not less than 3,669 per year.

Faculty full-time equivalent student enrollment level, except that no community college shall be funded in excess of 84.0% for faculty staffing which shall be increased at the rate of one percentage point above the 69.0% base level for each 100 full-time equivalent students below the 2,500 full-time equivalent students. Support instructional resources shall be calculated as moneys budgeted for libraries, student services, and primary support. Students shall be calculated on the average comparable cost student shall not exceed $1,346 per academic year averaged for the biennium. Support instructional resources per student proportionately, to augment basic direct instructional resources. Average basic direct instructional resource per comparable cost student shall not be less than $433 per year averaged for the biennium. Faculty full-time equivalent student enrollment level, except that no community college shall be funded in excess of 84.0% for faculty staffing which shall be increased at the rate of one percentage point above the 69.0% 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.

The state board shall review and modify its allocation methods for enrollments to recognize any recent change in student demand and needs. In determining demand and needs, the state board shall consider the needs of new industries, with special reference to the semiconductor industry, and any other state economic growth that community college education can enhance in rural as well as metropolitan areas. In addition, reallocation of student enrollments that would maximize the highest quality educational offerings shall be considered. The state board shall report on its allocation method to the ways and means committees of the respective houses by September 1, 1983.

(8) Eastern Washington University, Central Washington University. The Evergreen State College and the state board for community college education shall expend up to $250,000 each to conduct a program review in the manner of the recently completed review done by Western Washington University. The results of these reviews shall be reported to the ways and means committees of the respective houses by November 1, 1983.

NEW SECTION. Sec. 116. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

(1) General Fund Appropriation—Federal $ 9,000

(2) $12,065,438 is appropriated from the general fund for the replacement and repair of instructional equipment.

(3) Not more than $3,310,587 may be spent for the small school adjustment to Skagit Valley (fiscal year 1984 only). Whatcom, Olympia Technical, Big Bend, Peninsula, Grays Harbor, Wenatchee Valley, Centralia, Lower Columbia, and Walla Walla Community Colleges. The distribution of such funds in fiscal year 1984 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 69.0% 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 84.0% of formula. The distribution of such funds in fiscal year 1985 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.

(4) $227,492,904 is appropriated from the general fund for basic direct instructional resources. Average basic direct instructional resource per comparable cost student shall not be less than $1,346 per academic year averaged for the biennium. Faculty full-time equivalent entitlements for direct instructional purposes shall be not less than 3,669 per year.

(5) $73,171,100 is appropriated from the general fund for support instructional resources. Average support instructional resources per student shall be not less than $433 per year averaged for the biennium. Support instructional resources shall be calculated as moneys budgeted for libraries, student services, and primary support. Students shall be calculated on the basis of state-funded full-time equivalent regular academic year enrollments assumed in this act. Moneys appropriated in this subsection may be transferred from this subsection, reducing the support instructional resources per student proportionately, to augment basic direct instruction.

(6) $116,366,971 is appropriated from the general fund for general university purposes, including plant maintenance, institutional support, state board operations, and instruction.

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

NEW SECTION. Sec. 117. FOR THE UNIVERSITY OF WASHINGTON

(1) Accident Fund Appropriation $ 1,563,000

(2) Medical Aid Fund Appropriation $ 1,563,000
duct a program review of Spokane area higher education program needs. The office of financi­

Center for Higher Education located in Spokane as part of this recommendation. The office of Center Building.

Spokane. the director of financial management shall provide a recommendation on the con­

cial management shall conduct a financial analysis of the Eastern Washington University

disability and future needs of public higher education in the city of Spokane, specifically

otion and residency programs provided for by chapter 70.112 RCW.

(3) $1,773,000 is appropriated from the general fund for family practice medicine educa­tion and residency programs provided for by chapter 70.112 RCW.

(4) $166,908,073 is appropriated from the general fund for basic direct instructional resources. Average basic direct instructional resource per comparable cost student shall not be less than $3,140 per academic year averaged for the biennium. Faculty full time equivalent entitlements for direct instructional purposes shall be not less than 1,702 per year.

(5) $59,028,700 is appropriated from the general fund for support instructional resources. Average support instructional resources per student shall be not less than $984 per year aver­
aged for the biennium. Support instructional resources shall be calculated as moneys budg­
eted for libraries, student services, and primary support. Students shall be calculated on the basis of state-funded full time equivalent regular academic year enrollments assumed in this act. Moneys appropriated in this subsection may be transferred from this subsection, reducing the support instructional resources per student proportionately, to augment instruction.

(6) $172,081,227 is appropriated from the general fund for general university purposes, including research, public service, hospitals, plant maintenance, institutional support, and instruction.

(7) $6,368,000 is appropriated from the general fund for equipment replacement.

NEW SECTION. Sec. 120. FOR CENTRAL WASHINGTON STATE UNIVERSITY

(1) $81,454,522 is appropriated from the general fund for basic direct instructional resources. Average basic direct instructional resource per comparable cost student shall not be less than $2,707 per academic year averaged for the biennium. Faculty full time equivalent entitlements for direct instructional purposes shall be not less than 874 per year.

(2) $31,139,500 is appropriated from the general fund for support instructional resources. Average support instructional resources per student shall be not less than $967 per year aver­
aged for the biennium. Support instructional resources shall be calculated as moneys budg­
eted for libraries, student services, and primary support. Students shall be calculated on the basis of state-funded full time equivalent regular academic year enrollments assumed in this act. Moneys appropriated in this subsection may be transferred from this subsection, reducing the support instructional resources per student proportionately, to augment instruction.

(3) $116,677,978 is appropriated from the general fund for general university purposes including research, public service, plant maintenance, institutional support, and instruction.

(4) $120,000 is appropriated from the general fund for rodenticide research.

(5) $2,474,000 is appropriated from the general fund for equipment.

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

(a) Washington State University shall make available whatever resources are requested by the office of financial management and the council for postsecondary education pursuant to section 526(5)(b) of this act.

(b) Courses classified as “community service” in the public service program shall be pro­

vided on a self-supporting basis only.

NEW SECTION. Sec. 119. FOR EASTERN WASHINGTON UNIVERSITY

(1) $33,477,104 is appropriated from the general fund for basic direct instructional resources. Average basic direct instructional resource per comparable cost student shall not be less than $2,475 per academic year averaged for the biennium. Faculty full time equivalent entitlements for direct instructional purposes shall be not less than 360 per year.

(2) $12,515,800 is appropriated from the general fund for support instructional resources. Average support instructional resources per student shall be not less than $894 per year aver­
aged for the biennium. Support instructional resources shall be calculated as moneys budg­
eted for libraries, student services, and primary support. Students shall be calculated on the basis of state-funded full time equivalent regular academic year enrollments assumed in this act. Moneys appropriated in this subsection may be transferred from this subsection, reducing the support instructional resources per student proportionately, to augment basic direct instruction.

(3) $22,091,096 is appropriated from the general fund for general university purposes, including research, primary support, institutional support, and instruction.

(4) $706,000 is appropriated from the general fund for equipment.

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

(a) No operating funds may be used for the lease or maintenance of the new Spokane Center Building.

(b) In order to best utilize facilities housing public university programs within the city of Spokane, the director of financial management shall provide a recommendation on the con­tinuation and future needs of public higher education in the city of Spokane, specifically addressing opportunities for cooperative programs. The staff of the council for postsecondary education shall provide assistance as required by the office of financial management to con­
duct a program review of Spokane area higher education program needs. The office of financial management shall conduct a financial analysis of the Eastern Washington University Center for Higher Education located in Spokane as part of this recommendation. The office of financial management shall submit the recommendation to the legislature by October 1, 1983.

NEW SECTION. Sec. 120. FOR CENTRAL WASHINGTON UNIVERSITY
(2) $10,774,700 is appropriated from the general fund for support instructional resources. Average support instructional resources per student shall be not less than $913 per year averaged for the biennium. Support instructional resources shall be calculated as moneys identified as budgeted for libraries, student services, and primary support. Students shall be calculated on the basis of state-funded full time equivalent regular academic year enrollments assumed in this act. Moneys appropriated in this subsection may be transferred from this subsection, reducing the support instructional resources per student proportionately, to augment basic direct instruction.

(3) $18,061,035 is appropriated from the general fund for general university purposes, including research, plant maintenance, institutional support, and instruction.

(4) $646,000 is appropriated from the general fund for equipment.

NEW SECTION. Sec. 121. FOR THE EVERGREEN STATE COLLEGE

(1) $11,479,067 is appropriated from the general fund for basic direct instructional resources. Average basic direct instructional resource per comparable cost student shall not be less than $2,442 per academic year averaged for the biennium. Faculty full time equivalent entitlements for direct instructional purposes shall be not less than 132 per year.

(2) $7,235,800 is appropriated from the general fund for support instructional resources. Average support instructional resources per student shall be not less than $1,540 per year averaged for the biennium. Support instructional resources shall be calculated as moneys budgeted for libraries, primary support, and student services. Students shall be calculated on the basis of state-funded full time equivalent regular academic year enrollments assumed in this act. Moneys appropriated in this subsection may be transferred from this subsection, reducing the support instructional resources per student proportionately, to augment basic direct instruction.

(3) $10,284,133 is appropriated from the general fund for general college purposes, including research, plant maintenance, institutional support, and instruction.

(4) $579,000 is appropriated from the general fund for equipment.

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

(a) The board of trustees of The Evergreen State College is directed to limit the use of campus space to that amount sufficient to serve enrollments of up to two thousand five hundred students during each year of the biennium.

(b) The board of trustees shall cooperate with the director of the department of general administration, who is directed to use such space in excess of that provided in subsection (5)(a) of this section to reduce the amount of leased space in Thurston County for offices, warehouses, and similar purposes as are required by elected state officials, institutions, departments, commissions, or other state agencies: PROVIDED. That this subsection (5)(b) shall not restrict the ability of The Evergreen State College from regaining that space if the college achieves an enrollment in excess of two thousand five hundred students.

NEW SECTION. Sec. 122. FOR WESTERN WASHINGTON UNIVERSITY

(1) $36,087,022 is appropriated from the general fund for basic direct instructional resources. Average basic direct instructional resource per comparable cost student shall not be less than $2,199 per academic year averaged for the biennium. Faculty full time equivalent entitlements for direct instructional purposes shall be not less than 416 per year.

(2) $12,210,400 is appropriated from the general fund for support instructional resources. Average support instructional resources per student shall be not less than $742 per year averaged for the biennium. Support instructional resources shall be calculated as moneys budgeted for libraries, student services, and primary support. Students shall be calculated on the basis of state-funded full time equivalent regular academic year enrollments assumed in this act. Moneys appropriated in this subsection may be transferred from this subsection, reducing the support instructional resources per student proportionately, to augment basic direct instruction.

(3) $19,261,578 is appropriated from the general fund for general university purposes, including research, primary support, institutional support, and instruction.

(4) $646,000 is appropriated from the general fund for equipment.

NEW SECTION. Sec. 123. FOR THE COUNCIL FOR POSTSECONDARY EDUCATION

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

(1) To the greatest extent possible, the council shall emphasize work study and other self-help programs in its financial assistance programs.

(2) The council shall provide assistance as required by the office of financial management to study the question of undergraduate and graduate education in Spokane.
NEW SECTION. Sec. 124. FOR THE COMMISSION FOR VOCATIONAL EDUCATION

General Fund Appropriation—State $1,986,000
General Fund Appropriation—Federal $21,385,000
Total Appropriation $23,371,000

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

1. No state funds may be used by the advisory council for vocational education.
2. The commission for vocational education shall not require of the state board for community college education or the superintendent of public instruction any report or information which is not expressly required by state or federal law or rules. With any request for information, the commission for vocational education shall note on the request the specific citation of the state or federal requirement which requires the report. The commission shall keep its compliance auditing to the minimum required by federal law or rule.
3. Before the convening of the 1984 regular session of the legislature, the director of the commission for vocational education shall submit a report to the secretary of the senate and the chief clerk of the house of representatives regarding planned improvement in administration, program planning, and program delivery. The secretary of the senate and the chief clerk of the house of representatives shall furnish the report to the appropriate standing committees of the legislature, which shall review and comment on the report's recommendations.

NEW SECTION. Sec. 125. FOR THE HIGHER EDUCATION PERSONNEL BOARD

Higher Education Personnel Board Service Fund Appropriation $1,309,000

NEW SECTION. Sec. 126. FOR THE STATE LIBRARY

General Fund Appropriation—State $7,447,000
General Fund Appropriation—Federal $2,297,000
General Fund Appropriation—Private/Local $99,000
Washington Library Network Computer System Revolving Fund Appropriation—Private/Local $7,672,000
Total Appropriation $17,515,000

NEW SECTION. Sec. 127. FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund Appropriation—State $561,000

NEW SECTION. Sec. 128. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation—State $471,000
General Fund Appropriation—State Capitol Historical Association Museum Account Appropriation $90,000
Total Appropriation $540,000

NEW SECTION. Sec. 129. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation—State $471,000

NEW SECTION. Sec. 130. FOR THE STATE CAPITOL HISTORICAL ASSOCIATION

General Fund Appropriation—State $450,000
General Fund Appropriation—State Capitol Historical Association Museum Account Appropriation $90,000
Total Appropriation $540,000

NEW SECTION. Sec. 131. FOR THE TEMPORARY COMMITTEE ON EDUCATION POLICY, STRUCTURE AND MANAGEMENT

General Fund Appropriation—State $600,000
General Fund Appropriation—Private/Local $34,000
Total Appropriation $634,000

NEW SECTION. Sec. 132. FOR THE GOVERNOR——EMERGENCY FUND

General Fund Appropriation—State $2,055,000

The appropriation in this section is for the governor's emergency fund to be allocated for the carrying out of the critically necessary work of any agency.

NEW SECTION. Sec. 133. FOR THE GOVERNOR——SALARY AND INSURANCE CONTRIBUTION INCREASES

1. There is appropriated for the four-year institutions of higher education from the General Fund $18,320,000
2. There is appropriated for the community college system from the General Fund $10,304,000
3. There is appropriated for the department of corrections from the General Fund $4,756,000
4. There is appropriated for the department of social and health services from the:
   General Fund—State $9,961,000
   General Fund—Federal $6,048,000
5. There is appropriated for other state agencies from the:
   General Fund—State $6,882,000
   General Fund—Federal $1,499,000
6. There is appropriated for all state agencies from the Special Fund Salary and Insurance Contribution Increase Revolving Fund $18,710,000
The appropriations in this section shall be expended to implement:

(a) Salary increases effective November 1, 1984, averaging 5% 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 boards): PROVIDED, That for jurisdictions included in the 1982 salary survey conducted by the higher education and state personnel boards, the increases shall implement to the extent possible the catch-up portion of such survey;

(b) Merit/market increases effective November 1, 1984, averaging 1.6% for faculty of the four-year institutions of higher education: PROVIDED, That inclusive of merit pool funds, no research university, regional university, or state college may grant from any fund source whatsoever any salary increases greater than that provided in this section. The increases are to be granted solely on the basis of formal merit evaluation procedures which may take into account critical market disparities in teaching disciplines. The council for postsecondary education shall report to the governor and the legislature on the implementation of the increases no later than January 15, 1985;

(c) Increases in the state's maximum contribution for employee insurance benefits effective July 1, 1983, from $137.00 per month to $159.00 per month per eligible employee 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 state personnel board classified and exempt employees (excluding student employees not under the jurisdiction of the state or higher education personnel boards). The monthly premium paid for insurance benefits shall not be more than the equivalent of $159.00 per eligible employee effective July 1, 1983. Any return of funds resulting from favorable claims experience during the 1983-85 biennium shall be held in reserve within the state employees' insurance fund.

(8) The community colleges may grant merit/market increases for faculty averaging 1.6% effective November 1, 1984: PROVIDED, That inclusive of merit pool funds, no community college district may grant from any fund source whatsoever any salary increase greater than that provided in this section. The council for postsecondary education shall report to the governor and the legislature on the implementation of any increases granted pursuant to this subsection no later than January 15, 1985.

(9) The compensation increases authorized in subsections (a) and (b), and (8) of this section shall not apply to any state employee whose annual salary is $40,000 or greater. Money saved pursuant to this subsection shall be placed in reserve.

(10) 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.

### NEW SECTION. Sec. 134. FOR THE GOVERNOR——SALARY INCREASES

<table>
<thead>
<tr>
<th>Appropriation</th>
<th>Amount</th>
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<tbody>
<tr>
<td>General Fund Appropriation</td>
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<tr>
<td>Special Fund Salary Increase Revolving Fund Appropriation</td>
<td>$825,000</td>
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<tr>
<td>Department of Personnel Service Fund Appropriation</td>
<td>$14,000</td>
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<tr>
<td>Higher Education Personnel Board Service Fund Appropriation</td>
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<tr>
<td>Total Appropriation</td>
<td>$1,530,000</td>
</tr>
</tbody>
</table>

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

(1) The state personnel board and the higher education personnel board shall develop a plan for effecting a salary increase of $100 a year for all classes and employees indexed to salary survey benchmark classes or occupational groups averaging eight or more salary ranges below the comparable worth salary practice line as measured in the 1982 comparable worth study. Such plan shall be implemented on July 1, 1984.

(2) To facilitate payment of state employee salary 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.

(3) The state personnel board and the higher education personnel board shall conduct additional point evaluations as necessary.

### NEW SECTION. Sec. 135. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS——RETIREMENT CONTRIBUTIONS

<table>
<thead>
<tr>
<th>Appropriation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund Appropriation</td>
<td>$506,450,000</td>
</tr>
</tbody>
</table>

The appropriation in this section is subject to the following conditions and limitations:

(1) Not more than $800,000 may be expended from the general fund appropriation for contributions to the judicial retirement system.
(2) Not more than $550,000 may be expended from the general fund appropriation for contributions to the judges' retirement system.

(3) Not more than $192.600.000 may be expended from the general fund appropriation for contribution to the law enforcement officers' and firefighters' retirement system.

(4) Not more than $312.500.000 may be expended from the general fund appropriation for contribution to the teachers' retirement system.

NEW SECTION Sec. 136. FOR THE STATE TREASURER—TRANSFERS

<table>
<thead>
<tr>
<th>Transfer Type</th>
<th>Amount</th>
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<tbody>
<tr>
<td>General Fund—Criminal Justice Training Account</td>
<td>$2,870,000</td>
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<tr>
<td>Motor Vehicle Fund—Transport and the Washington state patrol</td>
<td>$6,427,322</td>
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<tr>
<td>General Fund Appropriation</td>
<td>$529,000</td>
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<tr>
<td>State Treasurer's Service Fund</td>
<td>$11,450,000</td>
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</table>

NEW SECTION Sec. 137. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—TRANSFERS

<table>
<thead>
<tr>
<th>Transfer Type</th>
<th>Amount</th>
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<tr>
<td>General Fund Appropriation</td>
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<tr>
<td>Motor Vehicle Fund—State Patrol Highway Account</td>
<td>$51,000</td>
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<tr>
<td>Teachers' Retirement Fund Appropriation</td>
<td>$2,998,000</td>
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</table>

NEW SECTION Sec. 138. FOR BELATED CLAIMS

<table>
<thead>
<tr>
<th>Transfer Type</th>
<th>Amount</th>
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<tbody>
<tr>
<td>General Fund—Criminal Justice Training Account</td>
<td>$49,590</td>
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<tr>
<td>General Fund—Off-Road Vehicle Account</td>
<td>$141</td>
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<td>General Fund—Snowmobile Account</td>
<td>$2,027</td>
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<td>General fund—Institutional Impact Account</td>
<td>$13,400</td>
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<td>General Fund—Hospital Commission Account</td>
<td>$134</td>
</tr>
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<td>General Fund—State Timber Tax Reserve Account</td>
<td>$168</td>
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<tr>
<td>General Fund—Professional Engineers' Account</td>
<td>$6,063</td>
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<td>General Fund—Real Estate Commission Account</td>
<td>$1,028</td>
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<td>General Fund—Capital Building Construction Account</td>
<td>$1,046</td>
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<td>General Fund—Motor Transport Account</td>
<td>$74,404</td>
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<td>General Fund—Resource Management Cost Account</td>
<td>$1,728</td>
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<td>General Fund—Litter Control Account</td>
<td>$379</td>
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<td>General Fund—Traffic Safety Education Account</td>
<td>$11,079</td>
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<td>General Fund—L.I.R. Waste Disposal Account</td>
<td>$2,860</td>
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<tr>
<td>General Fund—State Building Construction Account</td>
<td>$7,876</td>
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<td>General Fund—Outdoor Recreation Account</td>
<td>$1,715</td>
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<td>General Fund L.I.R. Water Supply Facilities Account</td>
<td>$3,173</td>
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<tr>
<td>Electrical License Fund</td>
<td>$4,489</td>
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<td>State Game Fund</td>
<td>$15,414</td>
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<tr>
<td>Highway Safety Fund</td>
<td>$20,897</td>
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<tr>
<td>Motor Vehicle Fund</td>
<td>$55,381</td>
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<tr>
<td>Public Service Revolving Fund</td>
<td>$5,488</td>
</tr>
<tr>
<td>State Treasurer's Service Fund</td>
<td>$25,108</td>
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</tbody>
</table>
Legal Services Revolving Fund ........................................ $ 822
General Administration Facilities and Services Revolving Fund .... $ 615
Liquor Revolving Fund .................................................. $ 15,589
Accident Fund ............................................................ $ 11,904
Medical Aid Fund ......................................................... $ 16,629
Plumbing Certificate Fund .............................................. $ 147
Washington Library Network Computer System Revolving Fund ... $ 23
Pressure System Safety Fund ........................................... $ 13

Total Appropriation ..................................................... $ 349,348

NEW SECTION. Sec. 139. FOR SUNDRY CLAIMS

The following sums, or so much thereof as are necessary, are appropriated from the general fund, unless otherwise indicated, for the payment of court judgments and 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) Michael Dittman, et al.; Payment of judgment in Dittman v. Western Washington University, United States District Court, Western District of Washington, Cause No. C-79-1189V ........................................ $ 46,000

(2) Spokane Arcades, Inc., et al.; Payment of judgment in Spokane Arcades v. Ray, United States District Court, Eastern District of Washington, Cause No. C-77-353 ........................................ $ 15,440


(4) Ray Beller, Compensation for damage to crops by game: PROVIDED, That payment shall be made from the Game Fund ........................................ $ 1,000

(5) Dean C. Farrens, Compensation for damage to crops by game: PROVIDED, That payment shall be made from the Game Fund ........................................ $ 13,971.49

(6) William H. Thompson, In settlement of all claims for expenses in State v. Thompson, pursuant to RCW 9.01.200 ........................................ $ 5,395.20

(7) Mrs. Tyler C. (Betty) Moffett, Payment in full of deceased husband’s retirement contributions ........................................ $ 21,154.99

(8) King county. In settlement of all claims for witness fees pursuant to RCW 10.46.230 as set forth in King County v. State, Superior Court for King County, Cause No. 83-2-02342-4 ........................................ $ 37,995.07

(9) Department of Social and Health Services, Payment for claims outstanding submitted to the department after the 120-day statutory limit: PROVIDED, That such claims shall be paid at 50.0% of their approved value ........................................ $ 566,849.00

(10) United Nursing Homes, Inc. et al.; Payment to be disbursed in accordance with settlement judgment in United Nursing Homes, Inc. v. Thompson, Superior Court for Thurston County, Cause No. 80-2-01170-4 ........................................ $ 1,663,355.00

(11) Jerry P. Huntley, In settlement of all claims for expenses in State v. Huntley, pursuant to RCW 9.01.200 ........................................ $ 31,100.00

NEW SECTION. Sec. 140. FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premiums tax distribution ........................................ $ 4,672,212
General Fund Appropriation for refund of deferred property tax ........................................ $ 313,000
General Fund Appropriation for public utility district excise tax distribution ........................................ $ 22,038,408
General Fund Appropriation for prosecuting attorneys’ salaries ........................................ $ 1,681,453
General Fund Appropriation for motor vehicle excise tax distribution ........................................ $ 37,458,038
General Fund Appropriation for local mass transit assistance ........................................ $ 124,194,643
General Fund Appropriation for camper and travel trailer excise tax distribution ........................................ $ 1,509,071
General Fund—Harbor Improvement Account Appropriation for harbor improvement revenue distribution ........................................ $ 653,749
Liquor Excise Tax Fund Appropriation for liquor excise tax distribution ........................................ $ 20,624,310
Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution ........................................ $ 204,721,141
Liquor Revolving Fund Appropriation for liquor profits distribution ........................................ $ 51,000,000
State Timber Tax Account ‘A’ Appropriation for distribution to “Timber” counties ........................................ $ 15,920,000
State Timber Tax Reserve Account Appropriation for distribution to “Timber” counties .......................... $ 14,750,000
General Fund—Municipal Sales and Use Tax Equalization Account Appropriation ........................ $ 20,169,962
General Fund—County Sales and Use Tax Equalization Account Appropriation ...................... $ 6,779,819
Total Appropriation ........................................ $ 526,484,806

NEW SECTION. Sec. 141. FOR THE STATE TREASURER—FEDERAL REVENUES FOR DISTRIBUTION
Forest Reserve Fund Appropriation for forest reserve fund distribution ........................................ $ 16,000,000
General Fund Appropriation for federal flood control funds distribution .................................. $ 21,000
General Fund Appropriation for federal grazing fees distribution ............................................. $ 59,000
General Fund—Geothermal Account Appropriation ...................................................................... $ 253,000
Total Appropriation .............................................. $ 16,333,000

NEW SECTION. Sec. 142. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST
Loan Principal and Interest Fund Appropriation ........................................................................... $ 40,500,000
Fisheries Bond Redemption Fund 1977 Appropriation ................................................................. $ 3,565,497
Salmon Enhancement Bond Redemption Fund 1977 Appropriation .............................................. $ 4,240,466
Higher Education Refunding Bond Redemption Fund 1977 Appropriation ............................... $ 8,778,253
Fire Service Training Center Bond Retirement Fund 1977 Appropriation ................................. $ 1,641,000
Highway Bond Retirement Fund Appropriation ............................................................................ $ 124,040,434
Indian Cultural Center Construction Bond Redemption Fund 1976 Appropriation ....................... $ 238,000
Higher Education Bond Redemption Fund 1977 Appropriation ................................................. $ 6,489,282
Ferry Bond Retirement Fund 1977 Appropriation ....................................................................... $ 27,329,487
Emergency Water Projects Bond Retirement Fund 1977 Appropriation ....................................... $ 2,582,560
General Administration Building Bond Redemption Fund Appropriation ...................................... $ 602,425
Juvenile Correctional Institutional Building Bond Redemption Fund 1963 Appropriation .............. $ 642,900
Public School Bond Redemption Fund 1965 Appropriation ....................................................... $ 2,468,360
State Building and Higher Education Construction Bond Redemption Fund 1965 Appropriation .... $ 3,196,170
Spokane River Toll Bridge Account Appropriation ....................................................................... $ 883,763
Public School Bond Redemption Fund 1963 Appropriation ....................................................... $ 8,817,239
Higher Education Bond Retirement Fund 1979 Appropriation .................................................... $ 23,378,935
State General Obligation Bond Retirement Fund 1979 Appropriation ......................................... $ 144,440,039
Fisheries Bond Redemption Fund 1976 Appropriation ............................................................... $ 764,596
State Building Bond Redemption Fund 1967 Appropriation ....................................................... $ 656,310
Community College Capital Construction Bond Redemption Fund 1975, 1976, 1977 Appropriation ................................................................. $ 16,102,085
Common School Building Bond Redemption Fund 1967 Appropriation ...................................... $ 6,863,935
Outdoor Recreation Bond Redemption Fund 1967 Appropriation .............................................. $ 6,239,010
Water Pollution Control Facilities Bond Redemption Fund 1967 Appropriation ......................... $ 3,949,873
State Building and Parking Bond Redemption Fund 1969 Appropriation ................................... $ 2,454,980
Waste Disposal Facilities Bond Redemption Fund Appropriation .............................................. $ 57,317,854
Water Supply Facilities Bond Redemption Fund Appropriation ............................................... $ 11,995,000
Social and Health Services Facilities 1972 Bond Redemption Fund Appropriation ....................... $ 3,720,331
Recreation Improvements Bond Redemption Fund Appropriation ............................................ $ 5,998,465
Community College Capital Improvement Bond Redemption Fund 1972 Appropriation ................ $ 7,497,928
State Building Authority Bond Redemption Fund Appropriation .............................................. $ 9,660,830
Office—Laboratory Facilities Bond Redemption Fund Appropriation ........................................... $ 270,870
University of Washington Hospital Bond Retirement Fund 1975 Appropriation ........................... $ 1,156,976
Washington State University Bond Redemption Fund 1977 Appropriation .................................... $ 561,675
Higher Education Bond Redemption Fund 1975 Appropriation ................................................. $ 2,165,125
State Building Bond Redemption Fund 1973 Appropriation ....................................................... $ 3,845,698
State Building Bond Retirement Fund 1975 Appropriation ....................................................... $ 1,363,500
State Higher Education Bond Redemption Fund 1973 Appropriation $ 4,279,878
Social and Health Services Bond Redemption Fund 1976 Appropriation $ 9,486,418
State Building (Expo 74) Bond Redemption Fund 1973A Appropriation $ 379,058
Community College Refunding Bond Retirement Fund 1974 Appropriation $ 9,499,105
State Higher Education Bond Redemption Fund 1974 Appropriation $ 1,208,500
Total Appropriation $ 581,381,788

NEW SECTION. Sec. 143. No appropriations in this act may be used for payment of contributions to the public employees' retirement system in excess of amounts necessary to offset the cost of benefits earned during the 1983-85 biennium. The director of the department of retirement systems shall establish contribution rates pursuant to chapter 41.40 RCW consistent with this section: PROVIDED. That the director may establish contribution rates for political subdivisions which include an allowance for the cost of any post-retirement adjustment granted in the 1983 regular session of the legislature under chapter 41.40 RCW.

NEW SECTION. Sec. 144. Notwithstanding the provisions of chapter 82, Laws of 1973 1st ex. sess., the house of representatives, the senate, and the permanent statutory committees shall pay expenses quarterly to the department of general administration facilities and services revolving fund for services rendered by the department for operations, maintenance, and supplies relating to buildings, structures, and facilities utilized by the legislature for the biennium beginning July 1, 1983.

NEW SECTION. Sec. 145. Whenever allocations are made from the governor's emergency fund appropriation to an agency which is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

NEW SECTION. Sec. 146. In addition to the amounts appropriated in this act for revenue for distribution, bond retirement and interest, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made in accordance with law.

NEW SECTION. Sec. 147. Amounts received by an agency as reimbursements pursuant to RCW 39.34.130 shall be considered as returned loans of materials supplied or services rendered. Such amounts may be expended as a part of the original appropriation of the fund to which it belongs, without further or additional appropriation, subject to conditions and procedures prescribed by the director of financial management, which shall provide for determination of full costs, disclosure of such reimbursements in the governor's budget, maximum interagency usage of data processing equipment and services, and such restrictions as will promote more economical operations of state government without incurring continuing costs beyond those reimbursed.

NEW SECTION. Sec. 148. Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(1) "Provided solely" means that the specified amount may be spent only for the specified purpose. Unless otherwise stated in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse.

(2) "Lapse" means the termination of authority to spend an appropriation or portion of an appropriation.

(3) "FTE" means full time equivalent.

NEW SECTION. Sec. 149. 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. 150. 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.

MOTION

On motion of Senator McDermott, the following amendments to the amendment were considered and adopted simultaneously:

On page 10, line 32, of the amendment, after "limitations" insert "(1)" and begin a new paragraph.

On page 11, after line 2, insert the following:

"(2) If the state timber tax reserve account is abolished and a timber excise tax account is established, the appropriation from the state timber tax reserve account shall be made from the timber excise tax account to the extent that moneys in the state timber tax reserve account are insufficient for the appropriation."

On page 29, line 10, strike "361,126,000" and insert "358,388,000"

On page 29, line 11, strike "232,295,000" and insert "231,464,000"

On page 29, line 12, strike "593,421,000" and insert "589,852,000"
On page 63, line 15, delete "Not more than $3,310,587 may be spent" and insert "$3,310,587 is appropriated from the general fund"

On page 65, on line 36, strike "526" and insert "119·

The President Pro Tempore declared the question before the Senate to be adoption of the amendment, as amended.

The motion of Senator McDermott carried and the amendment, as amended, was adopted.

MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed House Bill No. 1079, 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.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1079, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1079, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 25; nays, 19; absent, 1; excused, 4.


Voting nay: Senators Barr, Benitz, Bluechel, Creswell, Deccio, Fuller, Guess, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Quigg, Rasmussen, Sellar, Zimmerman - 19.

Absent: Senator Pullen - 1.


ENGROSSED HOUSE BILL NO. 1079, 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 Shinpoch, the rules were suspended and the Committee on Ways and Means was relieved of further consideration of Senate Bill No. 3909.

On motion of Senator Shinpoch, the rules were suspended, Senate Bill No. 3909 was advanced to second reading and placed on the second reading calendar.

At 8:57 p.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The Senate was called to order at 12:25 a.m. by President Pro Tempore Goltz.

MOTION

On motion of Senator Shinpoch, the Senate immediately considered Senate Bill No. 3909.

SECOND READING

SENATE BILL NO. 3909, by Senator McDermott

Relating to revenue and taxation.

The bill was read the second time.

MOTION

Senator McDermott moved adoption of the following amendment:

Sec. 1. Section 3, chapter 65, Laws of 1970 ex. sess. as amended by section 1, chapter 9, Laws of 1983 and RCW 82.04.255 are each amended to read as follows:

Upon every person engaging within the state as a real estate broker; as to such persons, the amount of the tax with respect to such business shall be equal to the gross income of the business, multiplied by the rate of (two) 1.55 percent (until including June 30, 1983, and one percent thereafter); PROVIDED, That this tax shall be imposed only if all of the amendments contained in sections 2 through 4 of this 1983 act become law.

The measure of the tax on real estate commissions earned by the real estate broker shall be the gross commission earned by the particular real estate brokerage office including that...
portion of the commission paid to salesmen or associate brokers in the same office on a particular transaction: PROVIDED, HOWEVER, That where a real estate commission is divided between an originating brokerage office and a cooperating brokerage office on a particular transaction, each brokerage office shall pay the tax only upon their respective shares of said commission: AND PROVIDED FURTHER, That where the brokerage office has paid the tax as provided herein, salesmen or associate brokers within the same brokerage office shall not be required to pay a similar tax upon the same transaction.

Sec. 2. Section 82.04.290, chapter 15, Laws of 1961 as last amended by section 2, chapter 9, Laws of 1983 and RCW 82.04.290 are each amended to read as follows:

Upon every person engaging within this state in any business activity other than or in addition to those enumerated in RCW 82.04.230, 82.04.240, 82.04.250, 82.04.255, 82.04.260, 82.04.270, and 82.04.280, as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of ((two)) 1.55 percent (until and including June 30, 1965, and one percent thereafter): PROVIDED, That this tax shall be imposed only if all of the amendments contained in sections 1, 3, and 4 of this 1983 act become law. This section includes, among others, and without limiting the scope hereof (whether or not title to materials used in the performance of such business passes to another by accession, confusion or other than by outright sale), persons engaged in the business of rendering any type of service which does not constitute a "sale at retail" or a "sale at wholesale." The value of advertising, demonstration, and promotional supplies and materials furnished to an agent by his principal or supplier to be used for informational, educational and promotional purposes shall not be considered a part of the agent's remuneration or commission and shall not be subject to taxation under this section.

Sec. 3. Section 3, chapter 9, Laws of 1983 and RCW 82.04.... are each amended to read as follows:

1. There is levied and shall be collected from every person for the act or privilege of engaging in business activities, as a part of the tax imposed under RCW 82.04.220 through 82.04.240, inclusive, and RCW 82.04.260 through 82.04.280, inclusive, an additional tax equal to ((thirty-two)) fifteen percent multiplied by the tax payable under RCW 82.04.220 through 82.04.240, inclusive, and RCW 82.04.260 through 82.04.280, inclusive; PROVIDED, That this additional tax shall be imposed only if all of the amendments contained in sections 1, 2, and 4 of this 1983 act become law.

2. There is also levied and shall be collected from every person for the act or privilege of engaging in the business activity of making sales at retail which are exempt from the tax imposed under chapter 82.08 RCW by reason of RCW 82.08.0261 (or), 82.08.0262, or 82.08.0263, as a part of the tax imposed under RCW 82.04.250, an additional tax equal to ((thirty-two)) fifteen percent multiplied by the tax payable on those activities under RCW 82.04.250; PROVIDED, That this additional tax shall be imposed only if all of the amendments contained in sections 1, 2, and 4 of this 1983 act become law.

3. To facilitate collection of these additional taxes, the department of revenue is authorized to adjust the basic rates of persons to which this section applies in such manner as to reflect the amount to the nearest one-thousandth of one percent of the additional tax hereby imposed, adjusting ten-thousandths equal to or greater than five ten-thousandths to the greater thousandth.


Sec. 4. Section 3, chapter 130, Laws of 1975-76 2nd ex. sess. as last amended by section 4, chapter 9, Laws of 1983 and RCW 82.04.2901 are each amended to read as follows:

((From and after the first day of April, 1982)) Until and including the thirtieth day of June, (1983) 1985, there is levied and shall be collected from every person, other than persons taxed under RCW 82.04.250, an additional tax equal to ((thirty-two)) fifteen percent multiplied by the tax payable on those activities under RCW 82.04.250; PROVIDED, That such additional tax shall be levied and collected from such persons making sales at retail in border counties in an amount equal to ((thirty-two)) fifteen percent multiplied by the tax payable under the provisions of RCW 82.04.250; PROVIDED FURTHER, That the additional tax under this section shall be imposed only if all of the amendments contained in sections 1 through 3 of this 1983 act become law.

To facilitate collection of this additional tax, the department of revenue is authorized to adjust the basic rates of persons to which this section applies in such manner as to reflect the amount to the nearest one-thousandth of one percent of the additional tax hereby imposed, adjusting ten-thousandths equal to or greater than five ten-thousandths to the greater thousandth.

Sec. 5. Section 16, chapter 10, Laws of 1982 as last amended by section 1, chapter 13, Laws of 1982 2nd ex. sess. and RCW 82.04.260 are each amended to read as follows:

1. Upon every person engaging within this state in the business of buying wheat, oats, dry peas, dry beans, lentils, triticale, corn, rye and barley, but not including any manufactured or processed products thereof, and selling the same at wholesale, the tax imposed shall be equal
to the gross proceeds derived from such sales multiplied by the rate of one one-hundredth of one percent.

(2) Upon every person engaging within this state in the business of manufacturing wheat into flour, soybeans into soybean oil, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour or oil manufactured, multiplied by the rate of one-eighth of one percent.

(3) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of one-quarter of one percent.

(4) Upon every person engaging within this state in the business of manufacturing seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person: as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of one-eighth of one percent.

(5) Upon every person engaging within this state in the business of manufacturing by canning, preserving, freezing or dehydrating fresh fruits and vegetables; as to such persons the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of forty-four one-hundredths of one percent.

(6) Upon every person engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of three-tenths of one percent.

(7) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of thirty-three one-hundredths of one percent.

(8) Upon every person engaging within this state in the business of making sales, at retail or wholesale, of nuclear fuel assemblies manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the assemblies multiplied by the rate of twenty-five one-hundredths of one percent.

(9) Upon every person engaging within this state in the business of manufacturing nuclear fuel assemblies, as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of twenty-five one-hundredths of one percent.

(10) Upon every person engaging within this state in the business of acting as a travel agent: as to such persons the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of twenty-five one-hundredths of one percent.

(11) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of tax with respect to only international activities shall be equal to the gross income derived from such activities multiplied by the rate of twenty-five one-hundredths of one percent.

(12) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds derived from such activities multiplied by the rate of thirty-three one-hundredths of one percent. Persons subject to taxation under this subsection shall be exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the associated activities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigeration service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(13) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to
such business shall be equal to the gross income of the business, excluding any fees imposed
under chapter 43.21F RCW, multiplied by the rate of thirty percent.

If the gross income of the taxpayer is attributable to activities both within and without this
state, the gross income attributable to this state shall be determined in accordance with the
methods of apportionment required under RCW 82.04.460.

(14) Upon every person engaging within this state as an insurance agent, insurance broker,
or insurance solicitor licensed under chapter 48.17 RCW, as to such persons, the amount of
the tax with respect to such licensed activities shall be equal to the gross income of such busi-
ness multiplied by the rate of one percent.

Sec. 6. Section 31, chapter 35, Laws of 1982 1st ex. sess. as last amended by section 8,
chapter 7. Laws of 1983 and RCW 82.02.030 are each amended to read as follows:

(1) The rate of the additional taxes under RCW 54.28.02(2), 54.28.025(2), 66.24.210(2),
66.24.290(2), 82.04.2901, 82.16.020(2), 82.20.010(2), 82.26.020(2), 82.27.020(5), 82.29A.030(2),
82.44.020(5), and 82.45.060(2) shall be seven percent (PROVIDED, THAT the additional tax
imposed by RCW 82.44.020(5) shall be continued at the rate of three percent for the period July
1 through September 30, 1983));

(2) The rate of the additional taxes under RCW 82.08.150(4) shall be fourteen percent;

(3) The rate of the additional taxes under RCW 82.24.020(2) shall be fifteen percent; and

(4) The rate of the additional taxes under RCW 48.14.020(3) shall be four percent.

Sec. 7. Section 14.02, chapter 79, Laws of 1947 as last amended by section 1, chapter 10.

Laws of 1982 2nd 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 officer 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

(2) In the case of insurers which require the payment by their policyholders at the incep-
tion of their policies of the entire premium thereon in the form of premiums or premium depos-
its which are the same in amount, based on the character of the risks, regardless of the length
or 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 poli-
cyholders or applied in part payment of any renewal premiums or premium deposits on one-
year policies expiring during such year.

(3) (From and after the first day of April, 1982, until and including the thirtieth day of June,
1983) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by
the taxes payable under subsections (1) (and), (2), and (4) of this section. All revenues from
this additional tax shall be deposited in the state general fund.

(4) Each authorized insurer shall with respect to all ocean marine and foreign trade insur-
ance 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 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 pre-
miums less all return premiums and premiums for reinsurance) during such calendar year under such contracts. In the case of insurers issuing participating contracts, such gross underwriting profit shall not include, for
compulation of the tax prescribed by this subsection, the amounts refunded, or paid as partici-
aption dividends, by such insurers to the holders of such contracts.

(5) 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.

(6) 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.

(7) This section shall be effective as to and shall govern the payment of all taxes due for
calendar year 1982 and thereafter.
Sec. 8. Section 2, chapter 278, Laws of 1957 as last amended by section 18, chapter 35, Laws of 1982 1st ex. sess. and RCW 54.28.020 are each amended to read as follows:

(1) There is hereby levied and there shall be collected from every district a tax for the act or privilege of engaging within this state in the business of operating works, plants or facilities for the generation, distribution and sale of electric energy. With respect to each such district, except with respect to thermal electric generating facilities taxed under RCW 54.28.025, such tax shall be the sum of the following amounts: (a) Two percent of the gross revenues derived by the district from the sale of all electric energy which it distributes to consumers who are served by a distribution system owned by the district; (b) five percent of the first four mills per kilowatt-hour of wholesale value of self-generated energy distributed to consumers by a district; (c) five percent of the first four mills per kilowatt-hour of revenue obtained by the district from the sale of self-generated energy for resale.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section ((for April, 1982, through June, 1983)).

Sec. 9. Section 6. chapter 366, Laws of 1977 ex. sess. as amended by section 19, chapter 35, Laws of 1982 1st ex. sess. and RCW 54.28.025 are each amended to read as follows:

(1) There is hereby levied and there shall be collected from every district operating a thermal electric generating facility, as defined in RCW 54.28.010 as now or hereafter amended, having a design capacity of two hundred fifty thousand kilowatts or more, located on a federal reservation, which is placed in operation after September 21, 1977, a tax for the act or privilege of engaging within the state in the business of generating electricity for use or sale, equal to one and one-half percent of wholesale value of energy produced for use or sale, except energy used in the operation of component parts of the power plant and associated transmission facilities under control of the person operating the power plant.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section ((for April, 1982, through June, 1983)).

Sec. 10. Section 24-A added to chapter 62, Laws of 1933 ex. sess. by section 3, chapter 158, Laws of 1935 as last amended by section 23, chapter 35, Laws of 1982 1st ex. sess. and RCW 66.24.210 are each amended to read as follows:

(1) There is hereby imposed upon all wines sold to wine wholesalers and the Washington state liquor control board, within the state a tax at the rate of twenty and one-fourth cents per liter. PROVIDED, HOWEVER. That wine sold or shipped in bulk from one winery to another winery shall not be subject to such tax. The tax provided for in this section may, if so prescribed by the board, be collected by means of stamps to be furnished by the board, or by direct payments based on wine purchased by wine wholesalers. Every person purchasing wine under the provisions of this section shall on or before the twentieth day of each month report to the board all purchases during the preceding calendar month in such manner and upon such forms as may be prescribed by the board, and with such report shall pay the tax due from the purchases covered by such report unless the same has previously been paid. Any such purchaser of wine whose applicable tax payment is not postmarked by the twentieth day following the month of purchase will be assessed a penalty at the rate of two percent a month or fraction thereof. If this tax be collected by means of stamps, every such person shall procure from the board revenue stamps representing the tax in such form as the board shall prescribe and shall affix the same to the package or container in such manner and in such denomination as required by the board and shall cancel the same prior to the delivery of the package or container containing the wine to the purchaser. If the tax is not collected by means of stamps, the board may require that every such person shall execute, and file with the board a bond to be approved by the board, in such amount as the board may fix, securing the payment of the tax. If any such person fails to pay the tax when due, the board may forthwith suspend or cancel the license until all taxes are paid.

(2) ((From and after the first day of May, 1982, until and including the thirtieth day of June, 1983;)) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section. All revenues collected during any month from this additional tax shall be transferred to the state general fund by the twenty-fifth day of the following month.

Sec. 11. Section 24, chapter 62, Laws of 1933 ex. sess. as last amended by section 24, chapter 35, Laws of 1982 1st ex. sess. and RCW 66.24.290 are each amended to read as follows:

(1) Any brewer or beer wholesaler licensed under this title may sell and deliver beer to holders of authorized licenses direct, but to no other person, other than the board; and every such brewer or beer wholesaler shall report all sales to the board monthly, pursuant to the regulations, and shall pay to the board as an added tax for the privilege of manufacturing and selling the beer within the state a tax of two dollars and sixty cents per barrel of thirty-one gallons on sales to licensees within the state and on sales to licensees within the state of bottled and canned beer shall pay a tax computed in gallons at the rate of two dollars and sixty cents per barrel of thirty-one gallons. Any brewer or beer wholesaler whose applicable tax payment is not postmarked by the twentieth day following the month of sale will be assessed a penalty at the rate of two percent per month or fraction thereof. Each such brewer or wholesaler shall procure from the board revenue stamps representing such tax in form prescribed by

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the board and shall affix the same to the barrel or package in such manner and in such
denominations as required by the board, and shall cancel the same prior to commencing
delivery from his place of business or warehouse of such barrels or packages. Beer shall be
sold by brewers and wholesalers in sealed barrels or packages. The revenue stamps hereby
provided for need not be affixed and canceled in the making of resales of barrels or packages
already taxed by the affixation and cancellation of stamps as provided in this section.

(2) ((From and after the first day of May, 1982; until and including the thirtieth day of June,
1983;)) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by
the tax payable under subsection (1) of this section. All revenues collected during any month
from this additional tax shall be transferred to the state general fund by the twenty-fifth day of
the following month.

(3) The tax imposed under this section shall not apply to "strong beer" as defined in this

Sec. 12. Section 82.08.150, chapter 15, Laws of 1961 as last amended by section 3, chapter
35, Laws of 1982 1st ex. sess. and RCW 82.08.150 are each amended to read as follows:
(1) There is levied and shall be collected a tax upon each retail sale of spirits, or strong beer
in the original package at the rate of fifteen percent of the selling price. The tax imposed
in this subsection shall apply to all such sales including sales by the Washington state liquor
stores and agencies, but excluding sales to class H licensees.

(2) There is levied and shall be collected a tax upon each sale of spirits, or strong beer
in the original package at the rate of ten percent of the selling price on sales by Washington state
liquor stores and agencies, and including sales to class H licensees.

(3) There is levied and shall be collected an additional tax upon each retail sale of spirits
in the original package at the rate of one dollar and seventy-two cents per liter. The additional
tax imposed in this subsection shall apply to all such sales including sales by Washington state
liquor stores and agencies, and including sales to class H licensees.

(4) ((From and after the first day of May, 1982; until and including the thirtieth day of June,
1983;)) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by
the taxes payable under subsections (1), (2) and (3) of this section.

(5) The tax imposed in RCW 82.08.020, as now or hereafter amended, shall not apply to
sales of spirits or strong beer in the original package.

(6) The taxes imposed in this section shall be paid by the buyer to the seller, and each
seller shall collect from the buyer the full amount of the tax payable in respect to each taxable
sale under this section. The taxes required by this section to be collected by the seller shall be
stated separately from the selling price and for purposes of determining the tax due from the
buyer to the seller, it shall be conclusively presumed that the selling price quoted in any price
list does not include the taxes imposed by this section.

(7) As used in this section, the terms, "spirits," "strong beer," and "package" shall have the
meaning ascribed to them in chapter 66.04 RCW.

Sec. 13. Section 82.16.020, chapter 15, Laws of 1961 as last amended by section 1, chapter
5, Laws of 1982 2nd ex. sess. and RCW 82.16.020 are each amended to read as follows:
(1) There is levied and there shall be collected from every person a tax for the act or privi-
lege of engaging within this state in any one or more of the businesses herein mentioned. The
tax shall be equal to the gross income of the business, multiplied by the rate set out after the
business, as follows:
(a) Railroad, express, railroad car, water distribution, light and power, ((telephone)) and
telegraph businesses: Three and six-tenths percent;
(b) Gas distribution business: Three and six-tenths percent;
(c) Urban transportation business: Six-tenths of one percent;
(d) Vessels under sixty-five feet in length, except tugboats, operating upon the waters
within the state: Six-tenths of one percent;
(e) Motor transportation and tugboat businesses, and all public service businesses other
than ones mentioned above: One and eight-tenths of one percent.

(2) ((From and after the first day of April, 1982; until and including the thirtieth day of June,
1983;)) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by
the tax payable under subsection (1) of this section.

Sec. 14. Section 82.20.010, chapter 15, Laws of 1961 as amended by section 7, chapter 35,
Laws of 1982 1st ex. sess. and RCW 82.20.010 are each amended to read as follows:
(1) There is levied and there shall be collected a tax upon conveyances as follows: On any
deed, instrument, or writing (unless deposited in escrow before May 1, 1935), whereby any
lands, tenements, or other realty sold shall be granted, assigned, transferred, or otherwise con-
veyed to, or vested in, the purchaser; or any other person by his direction, when the consider-
atation or value of the interest or property conveyed, exclusive of the value of any lien or
encumbrance remaining thereon at the time of sale, exceeds one hundred dollars and does
not exceed five hundred dollars or fractional part thereof, fifty cents; and for each additional
five hundred dollars or fractional part thereof, fifty cents.
That after the computation of the tax there shall be allowed credit for any tax collected pursuant to RCW 82.29A.040.

Section 15. Section 82.24.020, chapter 15, Laws of 1961 as last amended by section 8, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.24.020 are each amended to read as follows:

There is hereby levied and there shall be collected a leasehold excise tax on the act or privilege of occupying or using publicly owned real or personal property through a leasehold interest on and after January 1, 1976, at a rate of twelve percent of taxable rent: PROVIDED, that after the computation of the tax there shall be allowed credit for any tax collected pursuant to RCW 82.29A.040.

An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.

(3) This section shall not apply to any instrument or writing, given to secure a debt, nor to any conveyance to the state.

Section 16. Section 82.26.020, chapter 15, Laws of 1980 as last amended by section 6, chapter 35, Laws of 1983 and RCW 82.26.020 are each amended to read as follows:

There is hereby levied and there shall be collected a tax upon the commercial possession of food fish, shellfish, and anadromous game fish as follows:

(a) Chinook, coho, and chum salmon and anadromous game fish: Five percent.
(b) Pink and sockeye salmon: Three percent.
(c) Other food fish and shellfish, except oysters: Two percent.
(d) Oysters: Seven one-hundredths of one percent.

(2) ((From and after the first day of May, 1982, until and including the thirtieth day of June, 1983)) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.

An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.
An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.

Sec. 19. Section 82.44.020, chapter 15, Laws of 1961 as last amended by section 2, chapter 14, Laws of 1982 2nd ex. sess. and RCW 82.44.020 are each amended to read as follows:

(1) An excise tax is imposed for the privilege of using in the state any motor vehicle, except those operated under reciprocal agreements, the provisions of RCW 46.16.160 as now or hereafter amended, or dealer's licenses. The annual amount of such excise tax shall be two percent of the fair market value of such vehicle.

(2) From and after August 1, 1978, and until August 1, 2008, an additional excise tax is imposed, in addition to any other tax imposed by this section, for the privilege of using in the state any such motor vehicle, and the annual amount of such additional excise shall be two-tenths of one percent of the fair market value of such vehicle.

(3) The department of licensing and county auditors shall collect the additional tax imposed by subsection (2) of this section for any registration year for the months of that registration year in which such additional tax is effective, and in the same manner and at the same time as the tax imposed by subsection (1) of this section.

(4) In no case shall the total tax be less than two dollars except for proportionally registered vehicles.

(5) An additional tax is imposed equal to the rates specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) and (2) of this section multiplied by the rate (of tax applicable to the periods shown as follows:

<table>
<thead>
<tr>
<th>Period</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 1 - September 30, 1982</td>
<td>4%</td>
</tr>
<tr>
<td>October 1 - June 30, 1983</td>
<td>7%</td>
</tr>
<tr>
<td>July 1 - September 30, 1983</td>
<td>3%</td>
</tr>
</tbody>
</table>

Specified in RCW 82.02.030.

Sec. 20. Section 28A.45.060, chapter 223, Laws of 1969 ex. sess. as last amended by section 14, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.45.060 are each amended to read as follows:

(1) There is imposed an excise tax upon each sale of real property at the rate of one percent of the selling price.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.

Sec. 21. Section 82.48.010, chapter 15, Laws of 1961 as last amended by section 239, chapter 158, Laws of 1979 and RCW 82.48.010 are each amended to read as follows:

For the purposes of this chapter, unless otherwise required by the context:

(1) "Aircraft" means any weight-carrying device or structure for navigation of the air which is designed to be supported by the air but which is heavier than air;

(2) "Director" means the director of licensing; and

(3) "Person" includes a firm, partnership or corporation;

(4) "Small multi-engine fixed wing" means any piston-driven multi-engine fixed wing aircraft with a maximum gross weight as listed by the manufacturer of less than seventy-five hundred pounds; and

(5) "Large multi-engine fixed wing" means any piston-driven multi-engine fixed wing aircraft with a maximum gross weight as listed by the manufacturer of seventy-five hundred pounds or more.

Sec. 22. 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 are each amended to read as follows:

(1) The amount of the tax imposed by this chapter for each calendar year shall be fifteen dollars for each single engine aircraft, and twenty-five dollars for each multi-engine aircraft, irrespective of make, type, year of manufacture or any other type of classification; PROVIDED, That the calendar year) as follows:

<table>
<thead>
<tr>
<th>Type of aircraft</th>
<th>Registration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single engine fixed wing</td>
<td>$50</td>
</tr>
<tr>
<td>Small multi-engine fixed wing</td>
<td>65</td>
</tr>
<tr>
<td>Large multi-engine fixed wing</td>
<td>80</td>
</tr>
<tr>
<td>Turbo prop multi-engine fixed wing</td>
<td>100</td>
</tr>
<tr>
<td>Turbojet multi-engine fixed wing</td>
<td>125</td>
</tr>
<tr>
<td>Helicopter</td>
<td>75</td>
</tr>
<tr>
<td>Sailplane</td>
<td>20</td>
</tr>
<tr>
<td>Lighter than air</td>
<td>20</td>
</tr>
<tr>
<td>Home built</td>
<td>20</td>
</tr>
</tbody>
</table>

(2) The amount of tax imposed under subsection (1) of this section for each calendar year shall be divided into twelve parts corresponding to the months of the calendar year and the excise tax upon an aircraft registered for the first time in this state after the last day of any month shall only be levied for the remaining months of the calendar year including the month.
in which the aircraft is being registered: PROVIDED ((FURTHER)). That the minimum amount payable shall be three dollars.

An aircraft shall be deemed registered for the first time in this state when such aircraft was not previously registered by this state for the year immediately preceding the year in which application for registration is made.

Sec. 23. Section 1, chapter 347, Laws of 1977 ex. sess. as last amended by section 2, chapter 4, Laws of 1982 2nd ex. sess. and RCW 84.33.071 are each amended to read as follows:

(1) Upon every person engaging within this state in business as a harvester of timber; as to such persons the amount of tax imposed with respect to such business shall be equal to the stumpage value of timber harvested between July 1, 1983, and June 30, 1985, for sale or for commercial or industrial use multiplied by the ((appropriate)) rate ((as follows.))

For timber harvested between October 1, 1974 and June 30, 1983, inclusive:)) of six and one-half percent.

(2) For purposes of this section:
(a) "Harvester" means every person who from his own land or from the land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services sells, cuts or takes timber for sale or for commercial or industrial use. It does not include persons performing under contract the necessary labor or mechanical services for a harvester.
(b) "Timber" means forest trees, standing or down, on privately or publicly owned land, and except as provided in RCW 84.33.170 includes Christmas trees.
(c) "Stumpage value of timber" means the appropriate stumpage value shown on tables to be prepared by the department of revenue pursuant to subsection (3) of this section.
(d) Timber shall be considered harvested at the time when in the ordinary course of business the quantity thereof by species is first definitely determined. The amount harvested shall be determined by the Scribner Decimal C Scale or other prevalent measuring practice adjusted to arrive at substantially equivalent measurements, as approved by the department of revenue.

(3) The department of revenue shall designate areas containing timber having similar growing, harvesting and marketing conditions to be used as units for the preparation and application of stumpage values. Each year on or before December 31 for use the following January through June 30, and on or before June 30 for use the following July through December 31, the department shall prepare tables of stumpage values of each species or subclassification of timber within such units, which values shall be the amount that each such species or subclassification would sell for at a voluntary sale made in the ordinary course of business for purposes of immediate harvest. Such stumpage values, expressed in terms of a dollar amount per thousand board feet or other unit measure, shall be determined from (a) gross proceeds from sales on the stump of similar timber of like quality and character at similar locations, and in similar quantities, or from (b) gross proceeds from sales of logs adjusted to reflect only the portion of such proceeds attributable to value on the stump immediately prior to harvest, or from a combination of (a) and (b), and shall be determined in a manner which makes reasonable and adequate allowances for age, size, quality, costs of removal, accessibility to point of conversion, market conditions and all other relevant factors. Upon application from any person who plans to harvest damaged timber, the stumpage values for which have been materially reduced from the values shown in the applicable tables due to damage resulting from fire, blow down, ice storm, flood or other sudden unforeseen cause, the department shall revise such tables for any area in which such timber is located and shall specify any additional accounting or other requirements to be complied with in reporting and paying such tax. The preliminary area designations and stumpage value tables and any revisions thereof shall be subject to review by the ways and means committees of the house and senate prior to finalization. Tables of stumpage values shall be signed by the director or his designee and authenticated by the official seal of the department. A copy thereof shall be mailed to anyone who has submitted to the department a written request therefor.

(4) On or before the sixtieth day after the date of final adoption of any stumpage value tables, any harvester may appeal to the board of tax appeals for a revision of stumpage values for an area determined pursuant to subsection (3) of this section.

(5) There are hereby created in the state treasury a state timber tax account A and a state timber tax reserve account as follows:

<table>
<thead>
<tr>
<th>YEAR OF COLLECTION</th>
<th>ACCOUNT A</th>
<th>ACCOUNT RESERVE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1973 and thereafter</td>
<td>100%</td>
<td>0%</td>
</tr>
</tbody>
</table>

(The revenues from the tax imposed by subsection (1) of this section on timber harvested from publicly owned land shall be deposited in the state general fund:)) The revenues from such tax on timber harvested on or after October 1, 1983, from privately owned land and on or
after the effective date of this 1983 section from publicly owned land shall be deposited in a separate account within the state general fund known as the timber excise tax account. The legislature may appropriate from the account for the activities undertaken by the department of revenue relating to the collection and administration of the taxes imposed under this section and section 25 of this 1983 act.

The tax imposed under this section shall be computed with respect to timber harvested each calendar quarter and shall be due and payable in quarterly installments and remittance thereafter shall be made on or before the last day of the month next succeeding the end of the quarterly period in which the tax accrued. The taxpayer on or before such date shall make out a return, upon such forms and setting forth such information as the department of revenue may require, showing the amount of the tax for which he is liable for the preceding quarterly period, and shall sign and transmit the same to the department of revenue, together with a remittance for such amount.

The taxes imposed by this section shall be in addition to any taxes imposed upon the same persons pursuant to one or more of sections RCW 82.04.230 to 82.04.290, inclusive, and RCW 82.04.440, and none of such sections shall be construed to modify or interact with this section in any way, except RCW 82.04.450 and 82.32.045 shall not apply to the taxes imposed by this section.

Any harvester incurring less than ten dollars tax liability under this section in any calendar quarter shall be excused from the payment of such tax, but may be required by the department of revenue to file a return even though no tax may be due.

NEW SECTION. Sec. 24. There is added to chapter 84.33 RCW a new section to read as follows:

There shall be allowed a credit for taxes collected by or on behalf of a county under section 25 of this act against any tax payable under RCW 84.33.071.

NEW SECTION. Sec. 25. (1) The legislative body of any county may levy and collect a tax upon every person engaging within the county as a harvester of privately owned timber. The tax levied by a county shall not exceed sixty percent of the tax rate levied by the state on the stumpage value of the timber harvested and shall be based on the harvest values used by the state for the same period of time.

(2) The department of revenue shall collect these taxes on behalf of the county.

NEW SECTION. Sec. 26. Within thirty days after receipt, the state treasurer shall distribute from the timber excise tax account to each county the amount of tax collected on behalf of the county, less the pro rata share of administrative costs as appropriated under RCW 84.33.071(5), and shall transfer to the state general fund the amount collected on behalf of the state, less the state's pro rata share of administrative costs as appropriated under RCW 84.33.071(5).

NEW SECTION. Sec. 27. Any money received by a county after January 1, 1984, from the local timber excise tax authorized by section 25 of this act or from other timber tax accounts disbursed by the state treasurer shall be placed by the county treasurer in a county timber tax account. Distribution of such funds shall be made to the taxing districts of the county in the following manner:

(1) A timber assessed value roll shall be computed by the department of revenue for each county of the state having classified or designated forest lands before October 1 of 1983 and each year thereafter. The amount of such timber assessed value roll shall be the aggregate value of all harvested privately owned timber reported for taxation under this chapter from such classified or designated land and other land as shall be classified as of that date in the immediately preceding four quarters multiplied by the result of the rate of the county excise tax rate divided by the aggregate tax rate effective in the taxing districts of the county having classified or designated forest land within their boundaries for the current year. Each taxing district shall be apportioned a timber assessed value equal to that taxing district's proportion of the assessed value of classified and designated forest land as determined by the county assessor for the assessment year in which such money is distributed.

(2) There shall be paid to the several taxing districts of the county from the county timber tax account each calendar year, beginning with calendar year 1984, as moneys are placed in the county timber tax account, the following amounts in the following priority:

(a) From moneys available, there first shall be a distribution to each taxing district having debt service payments due during the calendar year, based upon bonds issued under authority of a vote of the people conducted pursuant to RCW 84.52.050 and based upon excess levies from the capital project fund authorized pursuant to RCW 84.52.053, of an amount equal to the timber assessed value of such district multiplied by the tax rate levied for payment of such debt service and capital projects: PROVIDED. That in respect to levies for a debt service or capital project fund authorized before the effective date of this section, the amount allocated shall not be less than an amount equal to the same percentage of such debt service or capital project fund represented by timber tax allocations to such payments in calendar year 1983 and capital projects.

Distribution under this subsection (2)(a) shall be used only for debt service payments.

(b) From the moneys remaining after the distributions under subsection (2)(a) of this section, the county treasurer shall distribute to each district an amount equal to one-half of the
timber assessed value of the district or eighty percent of the timber roll of such district in calender year 1983 as determined under chapter 84.33 RCW, whichever is greater, multiplied by the tax rate, if any, levied by the district under RCW 84.52.052 or 84.52.053 for purposes other than debt service payments and capital projects supported under subsection (2)(a) of this section.

(c) After the distributions directed under subsection (2)(a) and (b) of this section, if any, each taxing district shall receive an amount equal to the timber assessed value of the district multiplied by the tax rate, if any, levied as a regular levy of the district.

(d) After the distributions directed under subsections (2)(a) through (c) of this section, an amount equal to one-tenth of the total distributions made during the calendar year under subsections (2)(a) through (c) of this section shall be placed in reserve for the following calendar year distributions before any further distribution is made for the current year.

(e) Any money remaining in the county timber tax account in excess of the mandated distributions and reserve requirements of subsections (2)(a) through (d) of this section shall be distributed to the several taxing districts of the county in the same proportions as the distributions made under (c) of this subsection.

(3) No distribution of money may be made to the state from the county timber tax account.

NEW SECTION. Sec. 28. (1) For the purpose of determining, calculating and fixing pursuant to RCW 84.52.056 the dollar rates for all excess levies for each taxing district within which there was timber on January 1 of such year, the assessor of each county shall, for each district, add to the amount of the "assessed valuation of the property" of all property other than timber the value determined under section 27(2)(b) of this act.

(2) For the purpose of determining, calculating, and fixing pursuant to RCW 84.52.056 the dollar rates for all debt service levies for each taxing district within which there was timber on January 1 of such year, the assessor of such county shall, for each district, add to the amount of the "assessed valuation of the property" of all property other than timber the value determined under section 27(2)(b) of this act.

NEW SECTION. Sec. 29. The state timber tax account A and state timber tax reserve account established by RCW 84.33.071, as amended by section 1, chapter 148, Laws of 1981, and the timber tax distribution guarantee account provided for by sections 5 and 7, chapter 4, Laws of 1981, shall continue within the state treasury and state general fund, respectively, until all funds remaining therein after complying with section 33 of this act are distributed as follows:

(1) Any remaining timber tax moneys in the state treasury timber tax account A and reserve fund shall be distributed in the following manner:

(a) Thirty-seven percent to the state general fund for use in support of the common schools.

(b) Subject to appropriation by the legislature, sixty-three percent to the counties of the state in the proportion the receipts of harvester excise tax from each county are to the total receipts of harvester excise tax from all counties in the state in calendar years 1982 and 1983, one-fourth of such amount being payable to the counties on May 1, 1984, May 1, 1985, and May 1, 1986, and a final distribution of any balance of harvester excise taxes in these accounts on May 1, 1987.

(2) Any remaining timber tax moneys in the state treasury timber tax distribution guarantee account shall be distributed to the counties in the same proportions and percentages as provided for account A and the reserve account on May 1, 1984.

(3) Distributions to the counties under authority of this section shall be deposited in the timber tax account of said counties and disbursed to taxing districts of each county in the same priority and as part of the distributions authorized by section 27 of this act.

NEW SECTION. Sec. 30. All sections of chapter 82.32 RCW, except RCW 82.32.270, apply to taxes imposed under this chapter.

NEW SECTION. Sec. 31. There is added to chapter 84.33 RCW a new section to read as follows:

To determine the maximum bonding limit of any taxing district other than the state, the "value of the taxable property," as the term is defined in RCW 39.36.015, in the taxing district shall include an amount equal to the timber assessed value as computed under section 27 of this act.

NEW SECTION. Sec. 32. (1) The following acts or parts of acts are each repealed:


between such person and the person for whom the services are performed and such contract shall not exceed twenty-five percent of the tax due, or seven dollars, whichever is greater.

If payment of any tax is received within the first ten days of the month next succeeding the month in which the tax is payable, the amount of such payment shall be credited to, and shall not exceed twenty-five percent of the tax due, or seven dollars, whichever is greater.

If a warrant be issued by the department of revenue for the collection of taxes, increases, and penalties, there shall be added thereto a penalty of five percent of the amount of the tax, and if the tax is not received within sixty days after the due date, there shall be assessed a total penalty of twenty percent of the amount of the tax. No penalty so added shall be less than two dollars.

If payment of any tax is received within the first ten days of the month next succeeding the month in which the tax is payable, the amount of such payment shall be credited to, and shall not exceed twenty-five percent of the tax due, or seven dollars, whichever is greater.

If a warrant be issued by the department of revenue for the collection of taxes, increases, and penalties, there shall be added thereto a penalty of five percent of the amount of the tax, and if the tax is not received within sixty days after the due date, there shall be assessed a total penalty of twenty percent of the amount of the tax. No penalty so added shall be less than two dollars.

Notwithstanding the foregoing, the aggregate of penalties imposed under this chapter for failure to file a return, late payment of any tax, increase, or penalty, or issuance of a warrant shall not exceed twenty-five percent of the tax due, or seven dollars, whichever is greater.

For the purposes of this section:

(a) A person is engaged in wholesale business activities "within this state" only if that person:

(i) Owns or leases real property within this state;

(ii) Regularly maintains a stock of tangible personal property in this state for sale in the ordinary course of business;

(iii) Has employees or other representatives who are not independent contractors engaging in business activities within this state; or

(iv) Is a corporation which is incorporated under the laws of this state.

(b) The term "independent contractor" means:

(i) A commission agent, broker, or other independent contractor who is engaged in selling, or soliciting orders for the sale of, tangible personal property, who holds himself or herself out as such in the regular course of business activities, and who is an independent contractor for federal income tax purposes; or

(ii) Any person who is engaged:

(A) In the trade or business of selling, or soliciting the sale of, consumer products to any buyer on a buy-sell basis or a deposit-commission basis for resale, by the buyer or any other person, in the home or otherwise than in a permanent retail establishment, or in the trade or business of selling, or soliciting the sale of, consumer products in the home or otherwise than in a permanent retail establishment;

(B) Substantially all the remuneration, whether or not paid in cash, for the performance of services described in subparagraph (ii)(A) of this subsection is directly related to sales or other output, including the performance of services, rather than the number of hours worked; and

(C) The services performed by the person are performed pursuant to a written contract between such person and the person for whom the services are performed and such contract shall not exceed twenty-five percent of the tax due, or seven dollars, whichever is greater.

If payment of any tax is received within the first ten days of the month next succeeding the month in which the tax is payable, the amount of such payment shall be credited to, and shall not exceed twenty-five percent of the tax due, or seven dollars, whichever is greater.

If a warrant be issued by the department of revenue for the collection of taxes, increases, and penalties, there shall be added thereto a penalty of five percent of the amount of the tax, and if the tax is not received within sixty days after the due date, there shall be assessed a total penalty of twenty percent of the amount of the tax. No penalty so added shall be less than two dollars.

If payment of any tax is received within the first ten days of the month next succeeding the month in which the tax is payable, the amount of such payment shall be credited to, and shall not exceed twenty-five percent of the tax due, or seven dollars, whichever is greater.

If a warrant be issued by the department of revenue for the collection of taxes, increases, and penalties, there shall be added thereto a penalty of five percent of the amount of the tax, and if the tax is not received within sixty days after the due date, there shall be assessed a total penalty of twenty percent of the amount of the tax. No penalty so added shall be less than two dollars.

If payment of any tax is received within the first ten days of the month next succeeding the month in which the tax is payable, the amount of such payment shall be credited to, and shall not exceed twenty-five percent of the tax due, or seven dollars, whichever is greater.

If a warrant be issued by the department of revenue for the collection of taxes, increases, and penalties, there shall be added thereto a penalty of five percent of the amount of the tax, and if the tax is not received within sixty days after the due date, there shall be assessed a total penalty of twenty percent of the amount of the tax. No penalty so added shall be less than two dollars.

If payment of any tax is received within the first ten days of the month next succeeding the month in which the tax is payable, the amount of such payment shall be credited to, and shall not exceed twenty-five percent of the tax due, or seven dollars, whichever is greater.

If a warrant be issued by the department of revenue for the collection of taxes, increases, and penalties, there shall be added thereto a penalty of five percent of the amount of the tax, and if the tax is not received within sixty days after the due date, there shall be assessed a total penalty of twenty percent of the amount of the tax. No penalty so added shall be less than two dollars.
provides that the person will not be treated as an employee with respect to such purposes for federal tax purposes.

(c) A person shall not be considered to be engaged in business "within this state" merely by reason of the solicitation in this state by an independent contractor who is subject to a tax under this chapter of orders for sales to or on behalf of a customer of such person, if the orders are sent outside this state for approval or rejection and, if approved, are filled by shipment or delivery from a point outside this state.

(3) The tax imposed by this section is levied and shall be collected from every person engaged in the business of distributing in this state articles of tangible personal property, owned by them from their own warehouse or other central location in this state to two or more of their own retail stores or outlets, where no change of title or ownership occurs, the intent hereof being to impose a tax equal to the wholesaler's tax upon persons performing functions essentially comparable to those of a wholesaler, but not actually making sales; PROVIDED, That the tax designated in this section may not be assessed twice to the same person for the same article. The amount of the tax as to such persons shall be computed by multiplying forty-four one-hundredths of one percent of the value of the article so distributed as of the time of such distribution; PROVIDED, That persons engaged in the activities described in this subsection shall not be liable for the tax imposed if by proper invoice it can be shown that they have purchased such property from a wholesaler who has paid a business and occupation tax to the state upon the same articles. This proviso shall not apply to purchases from manufacturers as defined in RCW 82.04.110. The department of revenue shall prescribe uniform and equitable rules for the purpose of ascertaining such value, which value shall correspond as nearly as possible to the gross proceeds from sales at wholesale in this state of similar articles of like quality and character, and in similar quantities by other taxpayers: PROVIDED. That delivery trucks or vans will not under the purposes of this section be considered to be retail stores or outlets.

NEW SECTION. Sec. 37. There is added to chapter 82.04 RCW a new section to read as follows:

For the purposes of RCW 82.04.250:

(1) A person is engaged in retail business activities "within this state" only if that person:

(a) Owns or leases real property within this state;

(b) Regularly maintains a stock of tangible personal property in this state for sale in the ordinary course of business;

(c) Has employees or other representatives who are not independent contractors engaging in business activities within this state; or

(d) Is a corporation which is incorporated under the laws of this state.

(2) As used in this section, the term "independent contractor" means:

(a) A commission agent, broker, or other independent contractor who is engaged in selling, or soliciting orders for the sale of tangible personal property, who holds himself or herself out as such in the regular course of business activities, and who is an independent contractor for federal income tax purposes; or

(b) Any person who is engaged:

(i) In the trade or business of selling, or soliciting the sale of consumer products to any person on a buy-sell basis or a deposit-commission basis for resale, by the buyer or any other person, in the home or otherwise than in a permanent retail establishment, or in the trade or business of selling, or soliciting the sale of consumer products in the home or otherwise than in a permanent retail establishment;

(ii) Substantially all the remuneration, whether or not paid in cash, for the performance of services described in subparagraph (b)(i) of this subsection is directly related to sales or other output, including the performance of services, rather than the number of hours worked; and

(iii) The services performed by the person are performed pursuant to a written contract between such person and the person for whom the services are performed and such contract provides that the person will not be treated as an employee with respect to such purposes for federal tax purposes.

(3) A person shall not be considered to be engaged in business "within this state" merely by reason of the solicitation in this state by an independent contractor who is subject to a tax under this chapter of orders for sales to or on behalf of a customer of such person, if the orders are sent outside this state for approval or rejection and, if approved, are filled by shipment or delivery from a point outside this state.

NEW SECTION. Sec. 38. Nothing in sections 36 and 37 of this act may be construed as implying that the mere solicitation of orders by independent contractors already constitutes engaging in business within the state, nor that it was the intent of the legislature that activities of distinct economic entities, such as retailers, wholesalers, and independent contractors, be imputed to an out-of-state business for the purpose of determining whether it was engaged in business within the state.

Sec. 39. Section 6, chapter 196, Laws of 1979 ex. sess. as amended by section 80, chapter 37, Laws of 1980 and RCW 82.04.431] are each amended to read as follows:
(1) For the purposes of RCW 82.04.4297, the term "health or social welfare organization" means an organization, including any community action council, which renders health or social welfare services as defined in subsection (2) of this section, which is a not-for-profit corporation under chapter 24.03 RCW and which is managed by a governing board of not less than eight individuals none of whom is a paid employee of the organization or which is a corporation sole under chapter 24.12 RCW. In addition a corporation in order to be exempt under RCW 82.04.4297 shall satisfy the following conditions:

(a) No part of its income may be paid directly or indirectly to its members, stockholders, officers, directors, or trustees except in the form of services rendered by the corporation in accordance with its purposes and bylaws;

(b) Salary or compensation paid to its officers and executives must be only for actual services rendered, and at levels comparable to the salary or compensation of like positions within the public service of the state;

(c) Assets of the corporation must be irrevocably dedicated to the activities for which the exemption is granted and, on the liquidation, dissolution, or abandonment by the corporation, may not inure directly or indirectly to the benefit of any member or individual except a non-profit organization, association, or corporation which also would be entitled to the exemption;

(d) The corporation must be duly licensed or certified where licensing or certification is required by law or regulation;

(e) The amounts received qualifying for exemption must be used for the activities for which the exemption is granted;

(f) Services must be available regardless of race, color, national origin, or ancestry; and

(g) The director of revenue shall have access to its books in order to determine whether the corporation is exempt from taxes within the intent of RCW 82.04.4297 and this section.

(2) The term "health or social welfare services" includes and is limited to:

(a) Mental health, drug, or alcoholism counseling or treatment;

(b) Family counseling;

(c) Health care services;

(d) Therapeutic, diagnostic, rehabilitative, or restorative services for the care of the sick, aged, or physically, developmentally, or emotionally-disabled individuals;

(e) Activities which are for the purpose of preventing or ameliorating juvenile delinquency or child abuse, including recreational activities for those purposes;

(f) Care of orphans or foster children;

(g) Day care of children;

(h) Employment development, training, and placement; ((and))

(i) Legal services to the indigent;

(j) Weatherization assistance or minor home repair for low-income homeowners or renters;

(k) Assistance to low-income homeowners and renters to offset the cost of home heating energy through direct benefits to eligible households or to fuel vendors on behalf of eligible households; and

(l) Community services to low-income individuals, families, and groups, which are designed to have a measurable and potentially major impact on causes of poverty in communities of the state.

NEW SECTION. Sec. 40. There is added to chapter 82.04 RCW a new section to read as follows:

The provisions of this chapter shall not apply to grants received from the state or the United States government by municipal corporations or political subdivisions of the state of Washington.

NEW SECTION. Sec. 41. There is added to chapter 82.04 RCW a new section to read as follows:

This chapter shall not apply to any county, city, town, school district, or fire district activity, regardless of how financed, other than a utility or enterprise activity as defined by the state auditor pursuant to RCW 35.33.111 and 36.40.220 and upon which the tax imposed pursuant to this chapter had previously applied. Nothing contained in this section shall limit the authority of the legislature to authorize the imposition of such tax prospectively upon such activities as the legislature shall specifically designate.

NEW SECTION. Sec. 42. There is added to chapter 82.08 RCW a new section to read as follows:

The tax levied by RCW 82.08.020 shall not apply to the lease of irrigation equipment by owners of real property to others for use in conducting farming operations on land owned by the lessor if the lessor has paid the tax imposed by this chapter at the time of purchase of the irrigation equipment.

NEW SECTION. Sec. 43. There is added to chapter 82.12 RCW a new section to read as follows:

The provisions of this chapter shall not apply to the use of irrigation equipment leased by owners of real property to others for use in conducting farming operations on land owned by the lessor if the lessor has paid the tax imposed by RCW 82.08.020 at the time of acquisition of the irrigation equipment.
Sec. 44. Section 82.08.020, chapter 15, Laws of 1961 as last amended by section 65 of this 1983 act and RCW 82.08.020 are each amended to read as follows:

(1) There is levied and there shall be collected a tax on each retail sale in this state equal to six and five-tenths percent of the selling price; PROVIDED: That such tax shall be levied and collected in border counties in an amount equal to five and four-tenths percent of the selling price; PROVIDED FURTHER: That such tax shall be levied and collected on each retail sale of telephone services, as defined in section 40 of this 1983 act, in all counties in an amount equal to six and five-tenths percent of the selling price.

(2) The tax imposed under this chapter shall apply to successive retail sales of the same property.

(3) The rate provided in this section applies to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

Sec. 45. Section 3, chapter 130, Laws of 1975-76 2nd ex. sess. as last amended by section 4 of this 1983 act and RCW 82.04.2901 are each amended to read as follows:

Until and including the thirtieth day of June, 1985, there is levied and shall be collected from every person, other than persons taxed under RCW 82.04..... (section 3, chapter 9, Laws of 1983 as now or hereafter amended), for the act or privilege of engaging in business activities, as a part of the tax imposed by the provisions of RCW 82.04.250, an additional tax equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under the provisions of RCW 82.04.250; PROVIDED: That such additional tax shall be levied and collected from such persons making sales at retail in border counties in an amount equal to fifteen percent multiplied by the tax payable under the provisions of RCW 82.04.250).

To facilitate collection of this additional tax, the department of revenue is authorized to adjust the basic rates of persons to which this section applies in such manner as to reflect the amount to the nearest one-thousandth of one percent of the additional tax hereby imposed, adjusting ten-thousandths equal to or greater than five ten-thousandths to the greater thousandth.

NEW SECTION. Sec. 46. There is added to chapter 84.36 RCW a new section to read as follows:

The real and personal property of a nonprofit organization used in providing nonpermanent shelter to indigent homeless persons is exempt from taxation if the charge, if any, for the shelter does not exceed the actual cost of operating and maintaining the shelter facility. This exemption is subject to the administrative provisions contained in RCW 84.36.800 through 84.36.865.

Sec. 47. Section 6, chapter 40, Laws of 1973 2nd ex. sess. as amended by section 3, chapter 141, Laws of 1981 and RCW 84.36.800 are each amended to read as follows:

As used in RCW 84.36.020, 84.36.030, 84.36.040, 84.36.050, 84.36.060, 84.36.037, and 84.36.800 through 84.36.865:

(1) "Church purposes" means the use of real and personal property owned by a nonprofit religious organization for religious worship or related administrative, educational, eleemosynary, and social activities. This definition is to be broadly construed;

(2) "Convent" means a house or set of buildings occupied by a community of clergymen or nuns devoted to religious life under a superior;

(3) "Hospital" means any portion of a hospital building, or other buildings in connection therewith, used as a residence for persons engaged or employed in the operation of a hospital, or operated as a portion of the hospital unit;

(4) "Nonprofit" means an organization, association or corporation no part of the income of which is paid directly or indirectly to its members, stockholders, officers, directors or trustees except in the form of services rendered by the organization, association, or corporation in accordance with its purposes and bylaws and the salary or compensation paid to officers of such organization, association or corporation is for actual services rendered and compared to the salary or compensation of like positions within the public services of the state;

(5) "Parsonage" means a residence occupied by a clergyman who is designated for a particular congregation and who holds regular services therefor;

(6) "School or college" means any nonprofit organization, association, or corporation established and operated for general educational purposes, or to provide cultural or art education programs as defined in RCW 82.04.4328.

NEW SECTION. Sec. 48. There is added to chapter 82.04 RCW a new section to read as follows:

(1) "Competitive telephone service" means the providing by any person of telecommunications equipment or apparatus, or service related to that equipment or apparatus such as repair or maintenance service, if the equipment or apparatus is of a type which can be provided by persons that are not subject to regulation as telephone companies under Title 80 RCW and for which a separate charge is made.

(2) "Network telephone service" means the providing by any person of access to a local telephone network, local telephone network switching service, toll service, or coin telephone services, or the providing of telephonic, video, data, or similar communication or transmission
for hire, via a local telephone network, toll line or channel, cable, microwave, or similar communication or transmission system. "Network telephone service" includes interstate service, including toll service, originating from or received on telecommunications equipment or apparatus in this state if the charge for the service is billed to a person in this state. "Network telephone service" does not include the providing of competitive telephone service, the providing of cable television service, nor the providing of broadcast services by radio or television stations.

(3) "Telephone service" means competitive telephone service or network telephone service, or both, as defined in subsections (1) and (2) of this section.

(4) "Telephone business" means the business of providing network telephone service, as defined in subsection (2) of this section. It includes cooperative or farmer line telephone companies or associations operating an exchange.

Sec. 49. 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 are each amended to read as follows:

(1) "Sale at retail" or "retail sale" means every sale of tangible personal property (including articles produced, fabricated, or imprinted) to all persons irrespective of the nature of their business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than a sale to a person who (a) purchases for the purpose of resale as tangible personal property in the regular course of business without intervening use by such person, or (b) installs, repairs, cleans, alters, imprints, improves, constructs, or decorates real or personal property of or for consumers, if such tangible personal property becomes an ingredient or component of such real or personal property without intervening use by such person, or (c) purchases for the purpose of consuming the property purchased in producing for sale a new article of tangible personal property or substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale, or (d) purchases for the purpose of providing the property to consumers as part of competitive telephone service, as defined in ((RCW 82.16.010)) section 48 of this 1983 act. The term shall include every sale of tangible personal property which is used or consumed or to be used or consumed in the performance of any activity classified as a "sale at retail" or "retail sale" even though such property is resold or utilized as provided in (a), (b), (c), or (d) above following such use. The term also means every sale of tangible personal property to persons engaged in a(n) business which is taxable under RCW 82.04.280, subsections (2) and (7) and RCW 82.04.290.

(2) The term "sale at retail" or "retail sale" shall include the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following: (a) The installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers, including charges made for the mere use of facilities in respect thereto, but excluding charges made for the use of coin operated laundry facilities when such facilities are situated in an apartment house, hotel, motel, rooming house, trailer camp or tourist camp for the exclusive use of the tenants thereof, and also excluding sales of laundry service to members by nonprofit associations composed exclusively of nonprofit hospitals, and excluding services rendered in respect to live animals, birds and insects; (b) the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and shall also include the sale of services or charges made for the cleaning of land and the moving of earth excepting the mere leveling of land used in commercial farming or agriculture; (c) the sale of or charge made for labor and services rendered in respect to the cleaning, fumigating, razing or moving of existing buildings or structures, but shall not include the charge made for janitorial services; and for purposes of this section the term "janitorial services" shall mean those cleaning and caretaking services ordinarily performed by commercial janitor service businesses including, but not limited to, wall and window washing, floor cleaning and waxing, and the cleaning in place of rugs, drapes and upholstery. The term "janitorial services" does not include painting, papering, repairing, furnace or septic tank cleaning, snow removal or sandblasting; (d) the sale of or charge made for labor and services rendered in respect to automobile towing and similar automotive transportation services; but not in respect to those required to report and pay taxes under chapter 82.16 RCW; (e) the sale of and charge made for the furnishing of lodging and all other services by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, and it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same; (f) the sale of or charge made for tangible personal property, labor and services to persons taxable under (a), (b), (c), (d), and (e) above when such sales or charges are for property, labor and services which are used or consumed in whole or in part by such persons in the performance of any activity defined as a "sale at retail" or "retail sale" even
though such property, labor and services may be resold after such use or consumption. Nothing contained in this paragraph shall be construed to modify the first paragraph of this section and nothing contained in the first paragraph of this section shall be construed to modify this paragraph.

(3) The term "sale at retail" or "retail sale" shall include the sale of or charge made for personal business or professional services including amounts designated as interest, rents, fees, admission, and other service emoluments however designated, received by persons engaging in the following business activities: (a) Amusement and recreation businesses including but not limited to golf, pool, billiards, skating, bowling, ski lifts and towing others; (b) abstract, title insurance and escrow businesses; (c) credit bureau businesses; (d) automobile parking and storage garage businesses.

(4) The term shall also include the renting or leasing of tangible personal property to consumers.

(5) The term shall also include the providing of ((competitive)) telephone service, as defined in ((RCW 02.16.060)) section 48 of this 1983 act, to consumers.

(6) The term shall not include the sale of or charge made for labor and services rendered in respect to the building, repairing, or improving of any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the State or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind, nor shall it include sales of feed, seed, fertilizer, and spray materials to persons for the purpose of producing for sale any agricultural product whatsoever, including milk, eggs, wool, fur, meat, honey, or other substances obtained from animals, birds, or insects but only when such production and subsequent sale are exempt from tax under RCW 80.04.330. Nor shall it include sales of chemical sprays or washes to persons for the purpose of post-harvest treatment of fruit for the prevention of scald, fungus, mold, or decay.

(7) The term shall not include the sale of or charge made for labor and services rendered in respect to the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing, or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation. Nor shall the term include the sale of services or charges made for the clearing of land and the moving of earth of or for the United States, any instrumentality thereof, or a county or city housing authority.

Sec. 50. Section 82.04.060, chapter 15. Laws of 1961 and RCW 82.04.060 are each amended to read as follows:

"Sale at wholesale" or "wholesale sale" means any sale of tangible personal property, or any sale of telephone service as defined in section 48 of this 1983 act, which is not a sale at retail and means any charge made for labor and services rendered for persons who are not consumers, in respect to real or personal property, if such charge is expressly defined as a retail sale by RCW 82.04.050 when rendered to or for consumers: PROVIDED, That the term "real or personal property" as used in this section shall not include any natural products named in RCW 82.04.100.

Sec. 51. 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 are each amended to read as follows:

"Consumer" means the following:

(1) Any person who purchases, acquires, owns, holds, or uses any article of tangible personal property irrespective of the nature of the person's business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than for the purpose (a) of resale as tangible personal property in the regular course of business or (b) of incorporating such property as an ingredient or component of real or personal property when installing, repairing, cleaning, altering, imprinted, improving, constructing, or decorating such real or personal property of or for consumers or (c) of consuming such property in producing for sale a new article of tangible personal property or a new substance, of which such property becomes an ingredient or component or as a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale;

(2) Any person engaged in any business activity taxable under RCW 82.04.290 and any person who purchases, acquires, or uses any telephone service as defined in section 48 of this 1983 act, other than for resale in the regular course of business;

(3) Any person engaged in the business of contracting for the building, repairing or improving of any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the State of Washington or by the United States and which
is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind as defined in RCW 82.04.280, in respect to tangible personal property when such person incorporates such property as an ingredient or component of such publicly owned street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle by installing, placing or spreading the property in or upon the right of way of such street, place, road, highway, easement, bridge, tunnel, or trestle in or upon the site of such mass public transportation terminal or parking facility;

(4) Any person who is an owner, lessee or has the right of possession to or an easement in real property which is being constructed, repaired, decorated, improved, or otherwise altered by a person engaged in business, excluding only (a) municipal corporations or political subdivisions of the state in respect to labor and services rendered to their real property which is used or held for public road purposes, and (b) the United States, instrumentalities thereof, and county and city housing authorities created pursuant to chapter 35.82 RCW in respect to labor and services rendered to their real property. Nothing contained in this or any other subsection of this definition shall be construed to modify any other definition of "consumer";

(5) Any person who is an owner, lessee, or has the right of possession to personal property which is being constructed, repaired, improved, cleaned, imprinted, or otherwise altered by a person engaged in business;

(6) Any person engaged in the business of constructing, repairing, decorating, or improving new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation. Any such person shall be a consumer within the meaning of this subsection in respect to tangible personal property incorporated into, installed in, or attached to such building or other structure by such person.

Sec. 52. 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 are each amended to read as follows:

(1) Any person rendering services taxable under RCW 82.04.290 and maintaining places of business both within and without this state which contribute to the rendition of such services shall, for the purpose of computing tax liability under RCW 82.04.290, apportion to this state that portion of his gross income which is derived from services rendered within this state. Where such apportionment cannot be accurately made by separate accounting methods, the taxpayer shall apportion to this state that proportion of his total income which the cost of doing business within the state bears to the total cost of doing business both within and without the state.

(2) Notwithstanding the provision of subsection (1) of this section, persons doing business both within and without the state who receive gross income from service charges, as defined in RCW 63.14.010(8) (relating to amounts charged for granting the right or privilege to make deferred or installment payments) or who receive gross income from engaging in business as financial institutions within the scope of chapter 82.14A RCW (relating to city taxes on financial institutions) shall apportion or allocate gross income taxable under RCW 82.04.290 to this state pursuant to rules promulgated by the department consistent with uniform rules for apportionment or allocation developed by the states.

(3) The department shall by rule provide a method or methods of apportioning or allocating gross income derived from sales of telephone services taxed under this chapter. If the gross proceeds of sales subject to tax under this chapter do not fairly represent the extent of the taxpayer's income attributable to this state, the rules shall be, so far as feasible, consistent with the methods of apportionment contained in this section and shall require the consideration of those facts, circumstances, and apportionment factors as will result in an equitable and constitutionally permissible division of the services.

Sec. 53. 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 are each amended to read as follows:

Unless a seller has taken from the purchaser a resale certificate signed by, and bearing the name and address and registration number of the purchaser to the effect that the property or service was purchased for resale, or unless the nature of the transaction is clearly shown as a sale at wholesale by the books and records of the taxpayer in such other manner as the department of revenue shall by regulation provide, the burden of proving that a sale of tangible personal property, or of telephone service as defined in section 48 of this 1983 act, was not a sale at retail shall be upon the person who made it.

NEW SECTION. Sec. 54. There is added to chapter 82.08 RCW a new section to read as follows:

(1) The tax levied by RCW 82.08.020 shall not apply to sales of:
(a) Network telephone service, other than toll service, to residential customers.
(b) Network telephone service which is paid for by inserting coins in coin-operated telephones.

(2) As used in this section:
(a) "Network telephone service" has the meaning given in section 48 of this act.
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) section 48 of this 1983 act, 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 site 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.

Sec. 56. Section 82.16.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 9, Laws of 1982 2nd ex. sess and RCW 82.16.010 are each amended to read as follows:

For purposes of this chapter, unless otherwise required by the context:

1. "Railroad business" means the business of operating any railroad, by whatever power operated, for public use in the conveyance of persons or property for hire. It shall not, however, include any business herein defined as an urban transportation business.

2. "Express business" means the business of carrying property for public hire on the line of any common carrier operated in this state, when such common carrier is not owned or leased by the person engaging in such business.

3. "Railroad car business" means the business of renting, leasing or operating stock cars, furniture cars, refrigerator cars, fruit cars, poultry cars, tank cars, sleeping cars, parlor cars, buffet cars, tourist cars, or any other kinds of cars used for transportation of property or persons upon the line of any railroad operated in this state when such railroad is not owned or leased by the person engaging in such business.

4. "Water distribution business" means the business of operating a plant or system for the distribution of water for hire or sale.

5. "Light and power business" means the business of operating a plant or system for the generation, production or distribution of electrical energy for hire or sale.

6. "Telephone business" means the business of providing access to a local telephone network, local telephone network switching service, toll service, or coin telephone services, or providing telephonic, video, data, or similar communication or transmission for hire, via a local telephone network, toll line or channel, or similar communication or transmission system. It includes cooperative or farmer line telephone companies or associations operating an exchange. "Telephone business" does not include the providing of competitive telephone service, nor the providing of cable television service.

7. "Telegraph business" means the business of affording telegraphic communication for hire.

8. "Gas distribution business" means the business of operating a plant or system for the production or distribution for hire or sale of gas, whether manufactured or natural.

9. "Motor transportation business" means the business (except urban transportation business) of operating any motor propelled vehicle by which persons or property of others are conveyed for hire, and includes, but is not limited to, the operation of any motor propelled vehicle as an auto transportation company (except urban transportation business), common
carrier or contract carrier as defined by RCW 81.68.010 and 81.80.010: PROVIDED. That "motor transportation business" shall not mean or include the transportation of logs or other forest products exclusively upon private roads or private highways.

((H9)) 2. "Urban transportation business" means the business of operating any vehicle for public use in the conveyance of persons or property for hire, insofar as (a) operating entirely within the corporate limits of any city or town, or within five miles of the corporate limits thereof, or (b) operating entirely within and between cities and towns whose corporate limits are not more than five miles apart or within five miles of the corporate limits of either thereof. Included herein, but without limiting the scope hereof, is the business of operating passenger vehicles of every type and also the business of operating cartage, pickup, or delivery services, including in such services the collection and distribution of property arriving from or destined to a point within or without the state, whether or not such collection or distribution be made by the person performing a local or interstate line-haul of such property.

(((H9)) 10) "Public service business" means any of the businesses defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), and (9) of section 48 of this 1983 act, or any business subject to control by the state, or having the powers of eminent domain and the duties incident thereto, or any business hereafter declared by the legislature to be of a public service nature, except telephone business as defined in section 48 of this 1983 act. It includes, among others, without limiting the scope hereof: Airplane transportation, boom, dock, ferry, log patrol, pipe line, warehouse, toll bridge, toll logging road, water transportation and whirl businesses.

(((H9)) 11) "Tugboat business" means the business of operating tugboats, towboats, wharf boats or similar vessels in the towing or pushing of vessels, barges or rafts for hire.

(((H3)) 12) "Gross income" means the value proceeding or accruing from the performance of the particular public service or transportation business involved, including operations incidental thereto, but without any deduction on account of the cost of the commodity furnished or sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses: PROVIDED, that gross income of a light and power business means those amounts or value accruing to a taxpayer from the last distribution of electrical energy which is a taxable event within this state.

(((H9)) 13) The meaning attributed, in chapter 82.04 RCW, to the term "tax year," "person," "value proceeding or accruing," "business," "engaging in business," "within this state," "cash discount" and "successor" shall apply equally in the provisions of this chapter.

(((H9)) 5) "Competitive telephone service" means the providing by any person of telephone equipment, apparatus, or service, other than toll service, which is of a type which can be provided by persons that are not subject to regulation as telephone companies under Title 82 RCW and for which a separate charge is made.

Sec. 57. Section 6, chapter 134, Laws of 1972 ex. sess., as last amended by section 7, chapter 99, Laws of 1983 and RCW 35.21.710 are each amended to read as follows:

Any city which imposes a license fee or tax upon business activities consisting of the making of retail sales of tangible personal property which are measured by gross receipts or gross income from such sales, shall impose such tax at a single uniform rate upon all such business activities. The taxing authority granted to cities for taxes upon business activities measured by gross receipts or gross income from such sales shall not exceed a rate of .0020; except that any city with an adopted ordinance at a higher rate, as of January 1, 1982 shall be limited to a maximum increase of two percent of current rate: PROVIDED, that any adopted ordinance which classifies according to different types of business or services shall be subject to both the ten percent and the two percent annual incremental increase limitation on each tax rate: PROVIDED FURTHER, that all surtaxes on business and occupation classifications in effect as of January 1, 1982, shall expire no later than December 31, 1982, or by expiration date established by local ordinance. Cities which impose a license fee or tax upon business activities consisting of the making of retail sales of tangible personal property which are measured by gross receipts or gross income from such sales shall be required to submit an annual report to the state auditor identifying the rate established and the revenues received from each fee or tax. This section shall not apply to any business activities subject to the tax imposed by chapter 82.16 RCW. For purposes of this section, the providing to consumers of competitive telephone service, as defined in (RCW 82.16.010) section 48 of this 1983 act, shall be deemed to be the retail sale of tangible personal property.

Sec. 58. Section 7, chapter 134, Laws of 1972 ex. sess., as amended by section 7, chapter 144, Laws of 1981 and RCW 35A.82.050 are each amended to read as follows:

Any code city which imposes a license fee or tax upon business activities consisting of the making of retail sales of tangible personal property which are measured by gross receipts or gross income from such sales, shall impose such tax at a single uniform rate upon all such business activities. This section shall not apply to any business activities subject to the tax imposed by chapter 82.16 RCW. For purposes of this section, the providing to consumers of competitive telephone service, as defined in (RCW 82.16.010) section 48 of this 1983 act, shall be deemed to be the retail sale of tangible personal property.
Sec. 59. Section 8, chapter 144, Laws of 1981 and RCW 35.21.712 are each amended to read as follows:

Any city which imposes a license fee or tax upon the business activity of engaging in the telephone business, as defined in (RCW 62.16.010) section 48 of this 1983 act, which is measured by gross receipts or gross income from the business shall impose the tax at a uniform rate on all persons engaged in the telephone business in the city.

This section does not apply to the providing of competitive telephone service as defined in (RCW 62.16.010) section 48 of this 1983 act.

Sec. 60. Section 9, chapter 144. Laws of 1981 and RCW 35A.82.055 are each amended to read as follows:

Any city which imposes a license fee or tax upon the business activity of engaging in the telephone business, as defined in (RCW 62.16.010) section 48 of this 1983 act, which is measured by gross receipts or gross income from the business shall impose the tax at a uniform rate on all persons engaged in the telephone business in the code city.

This section does not apply to the providing of competitive telephone service as defined in (RCW 62.16.010) section 48 of this 1983 act.

Sec. 61. Section 10, chapter 144. Laws of 1981 and RCW 35.21.714 are each amended to read as follows:

Any city which imposes a license fee or tax upon the business activity of engaging in the telephone business, as defined in (RCW 62.16.010, which is measured by gross receipts or gross income may impose the fee or tax, if it desires, on one hundred percent of the total gross revenue derived from toll telephone services subject to the fee or tax) section 48 of this 1983 act, shall not impose the fee or tax on network telephone service, as defined in section 48 of this 1983 act, the rates for which are contained in tariffs filed with the federal communications commission.

Sec. 62. Section 11, chapter 144. Laws of 1981 and RCW 35A.82.060 are each amended to read as follows:

Any code city which imposes a license fee or tax upon the business activity of engaging in the telephone business, as defined in (RCW 62.16.010, which is measured by gross receipts or gross income may impose the fee or tax, if it desires, on one hundred percent of the total gross revenue derived from toll telephone services subject to the fee or tax) section 48 of this 1983 act, shall not impose the fee or tax on network telephone service, as defined in section 48 of this 1983 act, the rates for which are contained in tariffs filed with the federal communications commission.

Sec. 63. Section 2, chapter 49. Laws of 1982 1st ex. sess. and RCW 35.21.860 are each amended to read as follows:

(1) No city or town may impose a franchise fee or any other fee or charge of whatever nature or description upon the light and power, (telephone:) or gas distribution businesses, as defined in RCW 82.16.010, or telephone business, as defined in section 48 of this 1983 act, except that (a) a tax authorized by RCW 35.21.865 may be imposed and (b) a fee may be charged to such businesses that recovers actual administrative expenses incurred by a city or town that are directly related to receiving and approving a permit, license, and franchise, to inspecting plans and construction, or to the preparation of a detailed statement pursuant to chapter 45.21C RCW.

(2) Subsection (1) of this section does not prohibit franchise fees imposed on an electrical, energy, natural gas, or telephone business, by contract existing on April 20, 1982, with a city or town, for the duration of the contract, but the franchise fees shall be considered taxes for the purposes of the limitations established in RCW 35.21.865 and 35.21.870 to the extent the fees exceed the costs allowable under subsection (1) of this section.

Sec. 64. Section 80.04.270, chapter 14. Laws of 1961 as amended by section 5, chapter 144. Laws of 1981 and RCW 80.04.270 are each amended to read as follows:

Any public service company engaging in the sale of merchandise or appliances or equipment shall keep separate accounts, as prescribed by the commission, of its capital employed in such business and of its revenues therefrom and operating expenses thereof. The capital employed in such business shall not constitute a part of the fair value of said company's property for rate making purposes, nor shall the revenues therefrom or operating expenses of such business constitute a part of the operating revenues and expenses of said company as a public service company. For purposes of this section, the providing of competitive telephone service, as defined in (RCW 62.16.010) section 48 of this 1983 act, shall not constitute the sale of merchandise, appliances, or equipment, unless the commission determines that it would be in the public interest to hold otherwise.

Sec. 65. Section 82.08.020, chapter 15. Laws of 1961 as last amended by section 6, chapter 7. Laws of 1983 and RCW 82.08.020 are each amended to read as follows:

(1) There is levied and there shall be collected a tax on each retail sale in this state equal to six and five-tenths percent of the selling price: PROVIDED, That such tax shall be levied and collected in border counties in an amount equal to five and four-tenths percent of the selling price: PROVIDED FURTHER, That such tax shall be levied and collected on each retail sale of
telephone services, as defined in section 48 of this 1983 act, in all counties in an amount equal to six and five-tenths percent of the selling price.

(2) The tax imposed under this chapter shall apply to successive retail sales of the same property.

(3) The rate provided in this section applies to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

NEW SECTION. Sec. 66. There is added to chapter 84.36 a new section to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 67, 68, and 69 of this act.

(1) "Business inventories" means all livestock and means personal property not under lease or rental, acquired or produced solely for the purpose of sale or lease, or for the purpose of consuming such property in producing for sale or lease a new article of tangible personal property of which such property becomes an ingredient or component. Business inventories shall not mean personal property acquired or produced for the purpose of lease or rental if such property was leased or rented at any time during the calendar year immediately preceding the year of assessment and was not thereafter remanufactured, nor shall it include property held within the normal course of business for lease or rental for periods of less than thirty days. "Business inventories" does not include personal property acquired or produced for the purpose of lease or rental, agricultural or horticultural property fully or partially exempt under RCW 84.36.470, or standing timber. "Business inventories" includes inventories of finished goods and work in process. For purposes of this subsection, "remanufacturing" means restoration of property to essentially original condition, but does not mean normal maintenance or repairs.

(2) "Excess inventory value" for a taxing district means that portion of the total assessed value of business inventories in the district which exceeds fifteen percent of the total assessed value of property in the district, as listed for 1984 taxes prior to the allowance of the exemption under section 69 of this act.

(3) "Excess inventory district" means a taxing district with an excess inventory value greater than zero.

NEW SECTION. Sec. 67. There is added to chapter 84.09 RCW a new section to read as follows:

(1) On or before December 15, 1983, each county assessor shall provide the department with a list of the amount of excess inventory value in each taxing district in the county.

(2) From amounts appropriated for this purpose, the department shall calculate the following amounts for each taxing district, distribute fifty-five percent of the amount to the taxing district on or before May 31 of the year for which the calculation is made, and distribute forty-five percent of the amount to the taxing district on or before November 30 of that year:

(a) For 1984, an amount equal to the district's 1984 levy rate multiplied by the district's excess inventory value;

(b) For 1985, an amount equal to seventy-five percent of the amount calculated for the district under subsection (2)(a) of this section;

(c) For 1986, an amount equal to fifty percent of the amount calculated for the district under subsection (2)(a) of this section;

(d) For 1987, an amount equal to twenty-five percent of the amount calculated for the district under subsection (2)(a) of this section.

NEW SECTION. Sec. 68. There is added to chapter 84.52 RCW a new section to read as follows:

The county assessor shall calculate tax levy rates for each excess inventory district as follows:

(1) For 1984 taxes, the assessor shall calculate the levy rate as if the assessed value of property in the district included the excess inventory value of the district;

(2) For 1985, 1986, and 1987 taxes, the assessor shall calculate the levy rate after subtracting the payment to be received by the district under section 67 of this act during that year from the total levy amount.

NEW SECTION. Sec. 69. There is added to chapter 84.36 RCW a new section to read as follows:

Business inventories as defined in section 66 of this act are exempt from property taxation. Sec. 70. Section 9, chapter 169, Laws of 1974 ex. sess. and RCW 84.40.405 are each amended to read as follows:

The department of revenue shall promulgate such rules and regulations, and prescribe such procedures as it deems necessary to carry out RCW 82.04.442 through 82.04.445, 84.36.470, 84.40.400 ((and 84.40.405)), sections 66, 67, 68, and 69 of this 1983 act, and this section.

NEW SECTION. Sec. 71. There is added to chapter 84.55 RCW a new section to read as follows:

As used in this chapter, the term "regular property taxes" has the meaning given it in RCW 84.04.140, and also includes amounts received in lieu of regular property taxes under section 67 of this act.
Sec. 72. 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 are each amended to read as follows:

"Extractor" means every person who from his or her own land or from the land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services, for sale or for commercial or industrial use mines, quarries, takes or produces coal, oil, natural gas, ore, stone, sand, gravel, clay, mineral or other natural resource product, or falls, cuts or takes timber, Christmas trees or other natural products, or takes, cultivates, or raises fish, shellfish, or other sea or inland water foods or products. ((If)) "Extractor" does not include persons performing under contract the necessary labor or mechanical services for others or persons cultivating or raising fish in or taking fish from fresh water on their own land.

Sec. 73. Section 82.04.330, chapter 15, Laws of 1961 as amended by section 7, chapter 173, Laws of 1965 ex. sess. and RCW 82.04.330 are each amended to read as follows:

This chapter shall not apply to any person in respect to the business of growing or producing for sale upon his own lands or upon land in which he has a present right of possession, any agricultural or horticultural produce or crop, including the raising for sale of any animal, bird, or insect, or the milk, eggs, wool, fur, meat, honey, or other substance obtained therewith, or in respect to the sale of such products at wholesale by such grower, producer, or raiser thereof. This exemption shall not apply to any person selling such products at retail or using such products as ingredients in a manufacturing process; nor to the sale of any animal or substance obtained therefrom by a person in connection with his business of operating a stockyard or a slaughter or packing house; nor to any person in respect to the business of taking, cultivating, or raising Christmas trees or timber; nor to any association of persons whatever, whether mutual, cooperative or otherwise, engaging in any business activity with respect to which tax liability is imposed under the provisions of this chapter.

This chapter shall also not apply to any person in respect to the business of cultivating or raising fish in or taking fish from fresh water on his or her own land.

NEW SECTION. Sec. 74. There is added to chapter 82.08 RCW a new section to read as follows:

The tax levied by RCW 82.08.020 shall not apply to sales of feed used for cultivating or raising fish in fresh water on one's own land.

NEW SECTION. Sec. 75. There is added to chapter 82.12 RCW a new section to read as follows:

The provisions of this chapter shall not apply in respect to the use of feed for cultivating or raising fish in fresh water on one's own land.

Sec. 76. Section 39, chapter 37, Laws of 1980 as amended by section 1, chapter 5, Laws of 1982 1st ex. sess. and RCW 82.08.0273 are each amended to read as follows:

The tax levied by RCW 82.08.020 shall not apply to sales to nonresidents of this state of tangible personal property for use outside this state when the purchaser has applied for and received from the department of revenue a permit certifying (1) that the purchase is a bona fide resident of a state or possession or Province of Canada other than the state of Washington, (2) that such state, possession, or Province of Canada does not impose a sales tax or use tax of three percent or more or, if imposing such a tax, permits Washington residents exemption from otherwise taxable sales by reason of their residence, and (3) that he or she does agree, when requested, to grant the department of revenue access to such records and other forms of verification at his or her place of residence to assure that such purchases are not first used substantially in the state of Washington.

Any person claiming exemption from retail sales tax under the provisions of this section must display a nonresident permit as herein provided, and any vendor making a sale to a nonresident without collecting the tax must examine such permit, identify the purchaser as the person to whom the nonresident permit was issued, and maintain records which shall show the permit number attributable to each nontaxable sale.

Permits shall be personal and nontransferable, shall be renewable annually, and shall be issued by the department of revenue upon payment of a fee of one dollar((s)). The department may in its discretion designate independent agents for the issuance of permits, according to such standards and qualifications as the department may prescribe. Such agents shall pay over and account to the department for all permit fees collected, after deducting as a collection fee the sum of fifty cents for each permit issued.

Any person making fraudulent statements in order to secure a permit shall be guilty of perjury. Any person making tax exempt purchases by displaying a permit not his or her own, or a counterfeit permit, with intent to violate the provisions of this section shall be guilty of a misdemeanor and, in addition, may be subject to a penalty not to exceed the amount of the tax due on such purchases. Any vendor who makes sales without collecting the tax to a person who does not hold a valid permit, and any vendor who fails to maintain records of permit numbers as provided in this section shall be personally liable for the amount of tax due.

Sec. 77. Section 82.04.450, chapter 15, Laws of 1961 as amended by section 42, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.04.450 are each amended to read as follows:
(1) The value of products, including byproducts, extracted or manufactured shall be determined by the gross proceeds derived from the sale thereof whether such sale is at wholesale or at retail, to which shall be added all subsidies and bonuses received from the purchaser or from any other person with respect to the extraction, manufacture, or sale of such products or byproducts by the seller, except:

((a)) Where such products, including byproducts, are extracted or manufactured for commercial or industrial use;

((b)) Where such products, including byproducts, are shipped, transported or transferred out of the state, or to another person, without prior sale or are sold under circumstances such that the gross proceeds from the sale are not indicative of the true value of the subject matter of the sale.

(2) In the above cases the value shall correspond as nearly as possible to the gross proceeds from sales in this state of similar products of like quality and character, and in similar quantities by other taxpayers, plus the amount of subsidies or bonuses ordinarily payable by the purchaser or by any third person with respect to the extraction, manufacture, or sale of such products; PROVIDED, That the value of a product manufactured or produced for purposes of serving as a prototype for the development of a new or improved product shall correspond:

(a) To the retail selling price of such new or improved product when first offered for sale; or

(b) To the value of materials incorporated into the prototype in cases in which the new or improved product is not offered for sale. The department of revenue shall prescribe uniform and equitable rules for the purpose of ascertaining such values.

Sec. 78. 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 are each amended to read as follows:

For the purposes of this chapter:

(I) "Value of the article used" shall mean the consideration, whether money, credit, rights, or other property, expressed in terms of money, paid or given or contracted to be paid or given by the purchaser to the seller for the article of tangible personal property, the use of which is taxable under this chapter. The term includes, in addition to the consideration paid or given or contracted to be paid or given, the amount of any tariff or duty paid with respect to the importation of the article used. In case the article used is acquired by lease or by gift or is extracted, produced, or manufactured by the person using the same or is sold under conditions wherein the purchase price does not represent the true value thereof, the value of the article used shall be determined as nearly as possible according to the retail selling price at place of use of similar products of like quality and character under such rules and regulations as the department of revenue may prescribe.

In case the articles used are acquired by bailment, the value of the use of the articles so used shall be in an amount representing a reasonable rental for the use of the articles so bailed, determined as nearly as possible according to the value of such use at the places of use of similar products of like quality and character under such rules and regulations as the department of revenue may prescribe; PROVIDED, That in case any such articles of tangible personal property are used in respect to the construction, repairing, decorating, or improving of, and which become or are to become an ingredient or component of, new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing or attaching of any such articles therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, then the value of the use of such articles so used shall be determined according to the retail selling price of such articles, or in the absence of such a selling price, as nearly as possible according to the retail selling price at place of use of similar products of like quality and character or, in the absence of either of these selling price measures, such value may be determined upon a cost basis, in any event under such rules and regulations as the department of revenue may prescribe.

In the case of articles manufactured or produced by the user and used in the manufacture or production of products sold or to be sold to the department of defense of the United States, the value of the articles used shall be determined according to the value of the ingredients of such articles.

In the case of an article manufactured or produced for purposes of serving as a prototype for the development of a new or improved product, the value of the article used shall be determined by: (a) The retail selling price of such new or improved product when first offered for sale; or (b) the value of materials incorporated into the prototype in cases in which the new or improved product is not offered for sale.

(2) "Use," "used," "using," or "put to use" shall have their ordinary meaning, and shall mean the first act within this state by which the taxpayer takes or assumes dominion or control over the article of tangible personal property (as a consumer), and include installation, storage, withdrawal from storage, or any other act preparatory to subsequent actual use or consumption within this state.

(3) "Taxpayer" and "purchaser" include all persons included within the meaning of the word "buyer" and the word "consumer" as defined in chapters 82.04 and 82.08 RCW.
NEW SECTION. Sec. 79. There is added to chapter 82.12 RCW a new section to read as follows:

The provisions of this chapter shall not apply in respect to the use of computers irrevocably donated to any public or private nonprofit school or college, as defined under chapter 84.36 RCW, in this state. For purposes of this section, "computer" means a data processor that can perform substantial computation, including numerous arithmetic or logic operations, without intervention by a human operator during the run.

NEW SECTION. Sec. 80. There is added to chapter 82.08 RCW a new section to read as follows:

The tax levied by RCW 82.08.020 does not apply to the sale of precious metal bullion or monetized bullion, except for sales for commercial or industrial purposes. For purposes of this section, "precious metal bullion" means any elementary precious metal which has been put through a process of smelting or refining, including, but not limited to, gold, silver, platinum, rhodium, and chromium, and which is in such state or condition that its value depends upon its contents and not upon its form. For purposes of this section, "monetized bullion" means coins or other forms of money manufactured from gold, silver, or other metals and heretofore, now, or hereafter used as a medium of exchange under the laws of this state, the United States, or any foreign nation, but does not include coins or money sold to be manufactured into jewelry or works of art.

NEW SECTION. Sec. 81. There is added to chapter 82.12 RCW a new section to read as follows:

The tax levied by RCW 82.12.020 does not apply to the sale of precious metal bullion or monetized bullion, except for sales for commercial or industrial purposes. For purposes of this section, "precious metal bullion" means any elementary precious metal which has been put through a process of smelting or refining, including, but not limited to, gold, silver, platinum, rhodium, and chromium, and which is in such state or condition that its value depends upon its contents and not upon its form. For purposes of this section, "monetized bullion" means coins or other forms of money manufactured from gold, silver, or other metals and heretofore, now, or hereafter used as a medium of exchange under the laws of this state, the United States, or any foreign nation, but does not include coins or money sold to be manufactured into jewelry or works of art.

Sec. 82. Section 9, chapter 7, Laws of 1983 and RCW 82.____ are each amended to read as follows:

An excise tax is imposed for the privilege of using a vessel (for which registration is required under chapter 88--- RCW (sections 14 through 22 of this act)) upon the waters of this state, except vessels (covered by a dealer's registration number under this chapter) exempt under section 83 of this 1983 act. The annual amount of the excise tax is (one) ______ percent of fair market value, as determined under this chapter, or five dollars, whichever is greater.

The excise tax upon a vessel registered for the first time in this state shall be imposed for a twelve-month period, including the month in which the vessel is registered, unless the director of licensing extends or diminishes vessel registration periods for the purpose of staggered renewal periods under RCW 88--- (section 18 (of this act)), chapter 7, Laws of 1983. A vessel is registered for the first time in this state when the vessel was not registered in this state for the immediately preceding registration year, or when the vessel was registered in another jurisdiction for the immediately preceding year. The excise tax on vessels required to be registered in this state on the effective date of this section shall be paid by June 30, 1983.

NEW SECTION. Sec. 83. There is added to chapter 82--- RCW (sections 9 through 13, chapter 7, Laws of 1983) a new section to read as follows:

The following are exempt from the tax imposed under this chapter:

1. Vessels exempt from the registration requirements of chapter 88--- RCW (sections 14 through 22, chapter 7, Laws of 1983):
2. Vessels used exclusively for commercial fishing purposes:
3. Vessels owned and operated by the United States, a state of the United States, or any municipality or political subdivision thereof:
4. Vessels under sixteen feet in overall length; and
5. Vessels owned and held for sale by a dealer, but not rented on a regular commercial basis.
Sec. 84. Section 16. chapter 7. Laws of 1983 and RCW 88.____ are each amended to read as follows:

Vessel registration is required under this chapter except for the following:

(1) ((Vessels owned and operated by the United States, another state, or a political subdivision thereof)) Military or public vessels of the United States, except recreational-type public vessels:

(2) Vessels owned ((and operated by this state, or by any municipality or political subdivision thereof)) by a state or subdivision thereof, used principally for governmental purposes and clearly identifiable as such:

(3) Vessels owned by a resident of a country other than the United States or Canada if the vessel is not physically located upon the waters of this state for a period of more than ((sixty)) forty-five days:

(4) Vessels owned by a resident of another state or a Canadian province if the vessel is registered in accordance with the laws of that state or province in which the owner resides, but only to the extent that a similar exemption or privilege is granted under the laws of that state or province for vessels registered in this state: PROVIDED. That any vessel which is validly registered in another state or a Canadian province and which is physically located in this state for a period of more than sixty days is subject to registration under this chapter:

(5) Vessels used as a ship's ((lender or)) lifeboat:

(6) Vessels equipped with propulsion machinery of less than ten horse power that:

(a) Are owned by the owner of a vessel for which a valid vessel number has been issued;

(b) Display the number of that numbered vessel followed by the suffix "1" in the manner prescribed by the department; and

(c) Are used as a tender for direct transportation between that vessel and the shore and for no other purpose;

(7) Vessels under sixteen feet in overall length ((or whose primary propulsion is human power)) which have no propulsion machinery of any type:

(8) Vessels with no propulsion machinery of any type for which the primary mode of propulsion is human power:

(9) Vessels which are temporarily in this state undergoing repair or alteration ((and vessels which are designed and used exclusively for racing));

(10) Vessels primarily engaged in commerce which are designed and used exclusively for commercial fishing purposes:

(11) Vessels primarily engaged in commerce which are owned by a resident of a country other than the United States.

Sec. 85. Section 18, chapter 7, Laws of 1983 and RCW 88.____ are each amended to read as follows:

Application for a vessel registration shall be made to the department or its authorized agent in the manner and upon forms prescribed by the department. The application shall state the name and address of each owner of the vessel and such other information as may be required by the department, shall be signed by at least one owner, and shall be accompanied by a vessel registration fee of six dollars per year and the excise tax imposed under chapter 82.____ RCW ((sections 9 through 13 (of this act)), chapter 7, Laws of 1983). Any fees required for licensing agents under RCW 46.01.140 shall be in addition to the six-dollar annual registration fee.

Upon receipt of the application and the registration fee, the department shall assign a registration number and issue a decal for each vessel. The registration number and decal shall be issued and affixed to the vessel in a manner prescribed by the department consistent with the standard numbering system for vessels set forth in volume 33, part 174, of the code of federal regulations. A valid decal affixed as prescribed shall indicate compliance with the annual registration requirements of this chapter.

The vessel registrations and decals are valid for a period of one year, except that the director of licensing may extend or diminish vessel registration periods, and the decals thereafter, for the purpose of staggered renewal periods. For registration periods of more or less than one year, the department may collect prorated annual registration fees and excise taxes based upon the number of months in the registration period. Vessel registrations are renewable every year in a manner prescribed by the department upon payment of the vessel registration fee and excise tax. Upon renewing a vessel registration, the department shall issue a new decal to be affixed as prescribed by the department.

A person acquiring a vessel from a dealer or a vessel already validly registered under this chapter shall, within fifteen days of the acquisition or purchase of the vessel, apply to the department or its authorized agent for transfer of the vessel registration, and the application shall be accompanied by a transfer fee of one dollar.

NEW SECTION. Sec. 86. There is added to chapter 88.____ RCW (sections 14 through 22, chapter 7, Laws of 1983) a new section to read as follows:
The department shall provide for the issuance of vessel certificates of title through the agents appointed under RCW 88... (section 17, chapter 7, Laws of 1983). The fee for a vessel certificate of title is five dollars. Fees for vessel certificates of title shall be deposited in the general fund. The provisions of chapters 46.12 and 46.16 RCW relating to motor vehicle certificates of registration, titles, certificate issuance, ownership transfer, and perfection of security interests, and other provisions which may be applied to vessels subject to this chapter, may be so applied by rule of the department if they are not inconsistent with this chapter.

Whenever a vessel is to be registered for the first time as required by this chapter, application shall be made at the same time for a certificate of title. Any person who purchases or otherwise obtains majority ownership of any vessel subject to the provisions of this chapter shall within fifteen days thereof apply for a new certificate of title which shows the vessel's change of ownership.

Security interests may be released or acted upon as provided by the law under which they arose or were perfected. No new security interest or renewal or extension of an existing security interest is affected except as provided under the terms of this chapter and RCW 46.12.095.

(4) Notice shall be given to the issuing authority by the owner indicated on the certificate of registration within fifteen days of the occurrence of any of the following: Transfer of any part or all of the ownership of a vessel registered under this chapter; any change of address of owner; destruction, loss, abandonment, theft, or recovery of the vessel; or loss or destruction of a valid certificate of registration on the vessel.

Sec. 87. Section 15, chapter 7, Laws of 1983 and RCW 88... are each amended to read as follows:

(1) Except as provided in this chapter, no person may own or operate any vessel on the waters of this state unless the vessel has been registered and displays a registration number and a valid decal in accordance with this chapter.

(2) No person may use any vessel to which this chapter applies:

(a) In a negligent manner so as to endanger the life, limb, or property of any person; or

(b) While under the influence of alcohol, narcotic drugs, hallucinogens, or other controlled substances.

NEW SECTION. Sec. 88. There is added to chapter 88... RCW (sections 14 through 22, chapter 7, Laws of 1983) a new section to read as follows:

(1) The operator of a vessel involved in a collision, accident, or other casualty, to the extent the operator can do so without serious danger to the operator's own vessel or persons aboard, shall render all practical and necessary assistance to persons affected by the collision, accident, or casualty to save them from danger caused by the incident. Under no circumstances may the rendering of assistance or other compliance with this section be evidence of the liability of such operator for the collision, accident, or casualty. The operator shall also give his or her name, address, and the identification of the operator's vessel to the commission and any person injured and to the owner of any property damaged. These duties are in addition to any duties otherwise imposed by law.

(2) Any person who complies with subsection (1) of this section or who gratuitously and in good faith renders assistance at the scene of a vessel collision, accident, or other casualty, without objection of the person assisted, shall not be held liable for any civil damages as a result of the rendering of assistance or for any act or omission in providing or arranging salvage, towage, medical treatment, or other assistance, where the assisting person acts as any reasonably prudent person would have acted under the same or similar circumstances.

NEW SECTION. Sec. 89. There is added to chapter 82... RCW (sections 9 through 13, chapter 7, Laws of 1983) a new section to read as follows:

(1) Any county may impose a tax, by ordinance or resolution, upon the privilege of using a vessel taxable under RCW 82... (section 9, chapter 7, Laws of 1983) which is moored or stored in the county, if the population of the unincorporated area of the county together with the population of the cities which are parties to an interlocal agreement under chapter 39.34 RCW equal or exceed two-thirds of the total population of the county: PROVIDED, That such agreement shall take into consideration any marine patrols provided as of the effective date of this section. The annual amount of the tax shall be up to fifty cents per foot of the vessel per calendar year, or part thereof.

(2) The excise tax upon a vessel registered for the first time in this state shall be imposed for a twelve-month period, including the month in which the vessel is registered, unless the director of licensing extends or diminishes vessel registration periods for the purpose of staggered renewal periods under RCW 88... (section 18, chapter 7, Laws of 1983). A vessel is registered for the first time in this state when the vessel was not registered in this state for the immediately preceding registration year, or when the vessel was registered in another jurisdiction for the immediately preceding year.

(3) The tax imposed under this section is due and payable to the department of licensing or its agents at the time of registration of a vessel.
(4) The moneys collected under this section shall be distributed by the county monthly to the parties to the interlocal agreement according to the terms of the agreement. Moneys collected under this section shall be used only for administration and enforcement of boating safety, search and rescue operations concerning boating, and boating patrols.

Sec. 90. Section 22, chapter 7, Laws of 1983 and RCW 88--- are each amended to read as follows:

(1) A violation of this chapter is a misdemeanor punishable only by a fine not to exceed one hundred dollars per vessel for the first violation. Subsequent violations in the same year are subject to the following fines:

(a) For the second violation, a fine of two hundred dollars per vessel;
(b) For the third and successive violations, a fine of four hundred dollars per vessel.

(2) After subtraction of court costs and administrative collection fees, moneys collected under this section shall be (used by the jurisdiction collecting the fine exclusively for law enforcement purposes) credited to the current expense fund of the arresting jurisdiction.

(3) All law enforcement officers shall have the authority to enforce this chapter within their respective jurisdictions.

Sec. 91. Section 84.36.080, chapter 15, Laws of 1961 as amended by section 23, chapter 7, Laws of 1983 and RCW 84.36.080 are each amended to read as follows:

All ships and vessels which are exempt from excise tax under subsection((s (0) 011d (9) of section 16 of 1h13 1903 ocl)) (2) of section 83 of this 1983 act and subsection

(3) Develop by January 31, 1984, a state-wide inventory of marine state parks and recreational facilities operated by other state and local agencies that are available for marine-related use by persons owning boats in this state.

(4) Enter into agreements aiding the administration of this chapter;

(5) Adopt and administer a casualty and accident reporting program consistent with United States coast guard regulations:

(6) Coordinate with local and state agencies the development of biennial plans and programs for the enhancement of boating safety, safety education, and enforcement of safety rules and laws; allocate money appropriated to the commission for these programs as necessary; and accept and administer any public or private grants or federal funds which are obtained for these purposes under chapter 43.88 RCW: and

(7) Take additional actions necessary to gain acceptance of a program of boating safety for this state under the federal boating safety act of 1971.

Sec. 93. Section 6, chapter 94, Laws of 1970 ex. sess. as last amended by section 10, chapter 4, Laws of 1981 2nd ex. sess. and RCW 82.14.050 are each amended to read as follows:

The counties, metropolitan municipal corporations and cities shall contract, prior to the effective date of a resolution or ordinance imposing a sales and use tax, the administration and collection to the state department of revenue, which shall deduct a percentage amount, as provided by contract, not to exceed ((two)) one and one-half percent of the taxes collected for administration and collection expenses incurred by the department. The remainder of any portion of any tax authorized by this chapter which is collected by the department of revenue shall be deposited by the state department of revenue in the general fund and used to operate the department. All administrative provisions in chapters 82.03, 82.08, 82.12, and 82.32 RCW, as they now exist or may hereafter be amended, shall, insofar as they are applicable to state sales and use taxes, be applicable to taxes imposed pursuant to this chapter.

Sec. 94. 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 82.14.050 are each amended to read as follows:

**NEW SECTION.** Sec. 92. There is added to chapter 43.51 RCW a new section to read as follows:

The state parks and recreation commission shall:

(1) Coordinate a state-wide program of boating safety education using to the maximum extent possible existing programs offered by the United States power squadron and the United States coast guard auxiliary;

(2) Adopt rules in accordance with chapter 34.04 RCW, consistent with United States coast guard regulations, standards, and precedents, as needed for the efficient administration and enforcement of this section;

(3) Develop by January 31, 1984, a state-wide inventory of marine state parks and recreational facilities operated by other state and local agencies that are available for marine-related use by persons owning boats in this state;

(4) Enter into agreements aiding the administration of this chapter;

(5) Adopt and administer a casualty and accident reporting program consistent with United States coast guard regulations;

(6) Coordinate with local and state agencies the development of biennial plans and programs for the enhancement of boating safety, safety education, and enforcement of safety rules and laws; and

(7) Take additional actions necessary to gain acceptance of a program of boating safety for this state under the federal boating safety act of 1971.
In the event that any ordinance or resolution imposes a sales and use tax at a rate in excess of the applicable limits contained herein, such ordinance or resolution shall not be considered void in toto, but only with respect to that portion of the rate which is in excess of the applicable limits contained herein.

Sec. 95. Section 33, chapter 7, Laws of 1983 and RCW 82.32... are each amended to read as follows:

The revenue accrual account is hereby created in the state general fund. At the close of each fiscal biennium, the state treasurer shall transfer the balance in the state general fund, other than amounts reappropriated for the next fiscal biennium, to this account. Moneys in this account may only be spent after appropriation by statute for the purpose of decreasing the unfunded liability of a state retirement system.

NEW SECTION. Sec. 96. There is appropriated to the department of revenue from the general fund for the biennium ending June 30, 1985, the sum of six million two hundred fifteen thousand dollars, or so much thereof as may be necessary, to be distributed under section 67 of this act during the biennium ending June 30, 1985.

NEW SECTION. Sec. 97. The following acts or parts of acts are each repealed:

(a) Sections 2, chapter 169, Laws of 1974 ex. sess., section 8, chapter 196, Laws of 1979 ex. sess., section 1, chapter 12, Laws of 1982 2nd ex. sess. and RCW 82.04.442;

(b) Section 4, chapter 169, Laws of 1974 ex. sess., section 8, chapter 291, Laws of 1975 1st ex. sess., section 1, chapter 174, Laws of 1982 and RCW 82.04.443; and

(c) Section 3, chapter 169, Laws of 1974 ex. sess. and RCW 84.40.400.

NEW SECTION. Sec. 98. This act shall not be construed as affecting any existing right acquired or liability or obligation incurred under the sections amended or repealed in this act or under any rule, regulation, or order adopted under those sections, nor as affecting any proceeding instituted under those sections.

NEW SECTION. Sec. 100. 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. 101. (1) This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions and shall take effect July 1, 1983, except that:

(a) Sections 82 through 90, and 99 and 100 of this act shall take effect June 30, 1983;

(b) Sections 21, 22, 46, 47, 69, 91, and 97 of this act shall take effect January 1, 1984. Sections 46, 47, 69, 91, and 97 of this act shall be effective for property taxes levied in 1983, and due in 1984, and thereafter;

(c) Sections 1 through 4 of this act shall take effect July 1, 1983, except as provided in subsection (2) of this section; and

(d) Sections 44 and 45 of this act shall take effect as provided in subsection (3) of this section.

(2) The legislature finds that the amendments contained in sections 1 through 4 of this act constitute an integrated and inseparable entity and if any one or more of those sections does not become law, the remaining sections shall not take effect. If sections 1 through 4 of this act do not become law, the governor shall in that event reduce approved allotments under RCW 43.88.110 for the 1983-85 biennium by four percent.

(3) Sections 44 and 45 of this act shall take effect on the day either of the following events occurs, whichever is earlier:

(a) A temporary or permanent injunction or order becomes effective which prohibits in whole or in part the collection of taxes at the rates specified in section 6, chapter 7, Laws of 1983; or

(b) A decision of a court in this state invalidating in whole or in part section 6, chapter 7, Laws of 1983, becomes final.

MOTION

On motion of Senator McDermott, the following amendments to the amendment were considered and adopted simultaneously:

On page 32, line 16, after "1985.5, strike "and thereafter" and insert ((and thereafter))

On page 32, line 21, after "percent" insert: "Effective June 30, 1987 and thereafter if the payment of any tax is received during the first ten days in July, the amount of such payment shall be credited to, and shall be treated for all purposes as having been collected during the preceding fiscal year."

MOTION

Senator Owen moved that the following amendment by Senators Owen and Woody to the amendment be adopted:

On page 24, line 6, after "percent" insert the following:
(a) For timber harvested July 1, 1985, through June 30, 1986, the forest excise tax rate shall be determined by applying fifty percent of the percentage change in the average property tax rate on designated and classified forest land between the fourteen-dollar rate per thousand dollars of assessed value reflected in the department of revenue forest tax report for 1975 and the comparable figure reflected in the department of revenue forest tax report for 1984, to six and one-half percent;

(b) For timber harvested July 1, 1986, through June 30, 1987, the forest excise tax rate shall be determined as in (a) of this subsection except one hundred percent of the percentage change from the fourteen-dollar rate per thousand dollars of assessed value in 1975 when compared to the comparable figure reflected in the department of revenue forest tax report for 1985, shall be applied to six and one-half percent;

(c) For timber harvested July 1, 1987, and each year thereafter, the department of revenue shall adjust the forest excise rate by the percentage change in the average rate per thousand dollars of assessed value on designated and classified forest land for the two prior calendar years as reflected in the department of revenue forest tax report; and

(d) The forest excise tax rate for (a), (b), and (c) of this subsection shall be rounded to the nearest one-tenth of one percent.

Debate ensued.

MOTION

On motion of Senator Bluechel, Senators Barr, Benitz, Clarke, Craswell, Fuller, Haley, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, Metcalf, Pullen, Quigg, Sellar and von Reichbauer were excused.

Further debate ensued.

Senator Bluechel 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 adoption of the amendment by Senators Owen and Woody to the amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Owen failed and the amendment to the amendment was not adopted by the following vote: Yeas, 16; nays, 16; absent, 1; excused, 16.

Voting yeas: Senators Bauer, Bluechel, Deccio, Guess, Hansen, Jones, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Thompson, Warmke, Woody, Zimmerman - 16.


Absent: Senator Rasmussen - 1.

Excused: Senators Barr, Benitz, Clarke, Craswell, Fuller, Haley, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, Metcalf, Pullen, Quigg, Sellar, von Reichbauer - 16.

MOTION

On motion of Senator Rinehart, the following amendment to the amendment was adopted on a rising vote:

On page 75, after line 24, insert a new section to read as follows:

"NEW SECTION. Sec. 99. There is added to chapter 43.06 RCW a new section to read as follows:

Beginning in January, 1984, and in January of every even-numbered year thereafter, the department of revenue shall submit to the legislature prior to the regular session a listing of the amount of reduction for the current and next biennium in the revenues of the state or the revenues of local government, collected by the state as a result of tax exemptions. The listing shall include an estimate of the revenue lost from the tax exemption, the purpose of the tax exemption, the persons, organizations, or part of the population which benefit from the tax exemption, and whether or not the tax exemption conflicts with another state program. The listing shall include but not be limited to the following revenue sources:

(1) Real and personal property tax exemptions under Title 84 RCW;

(2) Business and occupation tax exemptions, deductions, and credits under chapter 82.04 RCW;

(3) Retail sales and use tax exemptions under chapters 82.08, 82.12, and 82.14 RCW;

(4) Public utility tax exemptions and deductions under chapter 82.16 RCW;

(5) Conveyance tax exemptions under chapter 82.20 RCW;

(6) Food fish and shellfish tax exemptions under chapter 82.27 RCW;

(7) Leasehold excise tax exemptions under chapter 82.29A RCW;

(8) Motor vehicle and special fuel tax exemptions and refunds under chapters 82.36 and 82.38 RCW;

(9) Aircraft fuel tax exemptions under chapter 82.42 RCW;
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(10) Motor vehicle excise tax exclusions under chapter 82.44 RCW; and
(11) Insurance premiums tax exemptions under chapter 48.14 RCW.

The department of revenue shall prepare the listing required by this section with the assistance of any other agencies or departments as may be required.

The department of revenue shall present the listing to the ways and means committees of each house in public hearings.

Beginning in January, 1984, and every four years thereafter the governor is requested to review the report from the department of revenue and may submit recommendations to the legislature with respect to the repeal or modification of any tax exemption. The ways and means committees of each house and the appropriate standing committee of each house shall hold public hearings and take appropriate action on the recommendations submitted by the governor.

As used in this section. "tax exemption" means an exemption, exclusion, or deduction from the base of a tax; a credit against a tax; a deferral of a tax; or a preferential tax rate.

MOTION

At 12:50 a.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The Senate was called to order at 1:15 a.m. by President Pro Tempore Goltz.

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Owen, the appointment of Dennis C. LeMaster as a member of the Forest Practices Appeals Board was confirmed.

APPOINTMENT OF DENNIS C. LeMASTER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 35; absent, 5; excused, 9.


Absent: Senators Bluechel, Guess, Jones, Rasmussen, Zimmerman - 5.

Excused: Senators Barr, Clarke, Fuller, Haley, Hayner, Kiskaddon, Metcall, Pullen, von Reichbauer - 9.

There being no objection, the Senate resumed consideration of Senate Bill No. 3909 and the pending amendment by Senator McDermott.

MOTION

Senator Owen moved the following amendment to the amendment be adopted:

On page 5, beginning on line 6 of the amendment, strike everything after the enacting clause and insert the following:

"Sec. 1. Section 3, chapter 65, Laws of 1970 ex. sess. as amended by section 1, chapter 9, Laws of 1983 and RCW 82.04.255 are each amended to read as follows:

Upon every person engaging within the state as a real estate broker; as to such persons, the amount of the tax with respect to such business shall be equal to the gross income of the business, multiplied by the rate of ((two)) 1.25 percent ((until and including June 30, 1983, and one percent thereafter)); PROVIDED, That this tax shall be imposed only if all of the amendments contained in sections 2 through 4 of this 1983 act become law.

The measure of the tax on real estate commissions earned by the real estate broker shall be the gross commission earned by the particular real estate brokerage office including that portion of the commission paid to salesmen or associate brokers in the same office on a particular transaction: PROVIDED, HOWEVER, That where a real estate commission is divided between an originating brokerage office and a cooperating brokerage office on a particular transaction, each brokerage office shall pay the tax only upon their respective shares of said commission: AND PROVIDED FURTHER, That where the brokerage office has paid the tax as provided herein, salesmen or associate brokers within the same brokerage office shall not be required to pay a similar tax upon the same transaction.

Sec. 2. Section 82.04.290, chapter 15, Laws of 1961 as last amended by section 2, chapter 9, Laws of 1983 and RCW 82.04.290 are each amended to read as follows:

Upon every person engaging within this state in any business activity other than or in addition to those enumerated in RCW 82.04.230, 82.04.240, 82.04.250, 82.04.255, 82.04.260, 82.04.270, and 82.04.280: as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of ((two)) 1.25 percent ((until and including June 30, 1983, and one percent thereafter)); PROVIDED, That this tax shall be
imposed only if all of the amendments contained in sections 1, 3, and 4 of this 1983 act become law. This section includes, among others, and without limiting the scope hereof (whether or not title to materials used in the performance of such business passes to another by accession, confusion or other than by outright sale), persons engaged in the business of rendering any type of service which does not constitute a "sale at retail" or a "sale at wholesale." The value of advertising, demonstration, and promotional supplies and materials furnished to an agent by his principal or supplier to be used for informational, educational and promotional purposes shall not be considered a part of the agent's remuneration or commission and shall not be subject to taxation under this section.

Sec. 3. Section 3, chapter 9, Laws of 1983 and RCW 82.04... are each amended to read as follows:

(1) There is levied and shall be collected from every person for the act or privilege of engaging in business activities, as a part of the tax imposed under RCW 82.04.220 through 82.04.240, inclusive, and RCW 82.04.260 through 82.04.280, inclusive, an additional tax equal to ((one percent)) ten percent multiplied by the tax payable under RCW 82.04.220 through 82.04.240, inclusive, and RCW 82.04.260 through 82.04.280, inclusive: PROVIDED, That this additional tax shall be imposed only if all of the amendments contained in sections 1, 2, and 4 of this 1983 act become law.

(2) There is also levied and shall be collected from every person for the act or privilege of engaging in the business activity of making sales at retail which are exempt from the tax imposed under chapter 82.08 RCW by reason of RCW 82.08.0261 (or), 82.08.0262, or 82.08.0263, as a part of the tax imposed under RCW 82.04.250, an additional tax equal to ((one percent)) ten percent multiplied by the tax payable on those activities under RCW 82.04.250: PROVIDED, That this additional tax shall be imposed only if all of the amendments contained in sections 1, 2, and 4 of this 1983 act become law.

(3) To facilitate collection of these additional taxes, the department of revenue is authorized to adjust the basic rates of persons to which this section applies in such manner as to reflect the amount to the nearest one-thousandth of one percent of the additional tax hereby imposed, adjusting ten-thousandths equal to or greater than five ten-thousandths to the greater thousandth.

(4) This section shall expire July 1. (++1983)) 1985.

Sec. 4. Section 3, chapter 130. Laws of 1975-'76 2nd ex. sess. as last amended by section 4, chapter 9. Laws of 1983 and RCW 82.04.2901 are each amended to read as follows:

(From and after the first day of April, 1982.) Until and including the thirtieth day of June, ((1983)) 1985, there is levied and shall be collected from every person, other than persons taxed under RCW 82.04... (section 3 (of this 1983 act)), chapter 9, Laws of 1983 as now or hereafter amended, for the act or privilege of engaging in business activities, as a part of the tax imposed by the provisions of RCW 82.04.250, an additional tax equal to the rate specified in RCW 82.04.030 multiplied by the tax payable under the provisions of RCW 82.04.250: PROVIDED, That such additional tax shall be levied and collected from such persons making sales at retail in border counties in an amount equal to ((one percent)) ten percent multiplied by the tax payable under the provisions of RCW 82.04.250: PROVIDED FURTHER, That the additional tax under this section shall be imposed only if all of the amendments contained in sections 1 through 3 of this 1983 act become law.

To facilitate collection of this additional tax, the department of revenue is authorized to adjust the basic rates of persons to which this section applies in such manner as to reflect the amount to the nearest one-thousandth of one percent of the additional tax hereby imposed, adjusting ten-thousandths equal to or greater than five ten-thousandths to the greater thousandth.

Sec. 5. Section 16, chapter 10. Laws of 1982 as last amended by section 1, chapter 13, Laws of 1982 2nd ex. sess. and RCW 82.04.260 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of buying wheat, oats, dry peas, dry beans, lentils, triticale, corn, rye and barley, but not including any manufactured or processed products thereof, and selling the same at wholesale: the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of one-hundredth of one percent.

(2) Upon every person engaging within this state in the business of manufacturing wheat into flour, soybeans into soybean oil, or sunflower seeds into sunflower oil: as to such persons the amount of tax with respect to such business shall be equal to the value of the flour or oil manufactured, multiplied by the rate of one-eighth of one percent.

(3) Upon every person engaging within this state in the business of splitting or processing dried peas: as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of one-quarter of one percent.

(4) Upon every person engaging within this state in the business of manufacturing seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person: as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of one-eighth of one percent.
(5) Upon every person engaging within this state in the business of manufacturing by can-
ning, preserving, freezing or dehydrating fresh fruits and vegetables; as to such persons the
amount of tax with respect to such business shall be equal to the value of the products canned,
preserved, frozen or dehydrated multiplied by the rate of three-tenths of one percent.

(6) Upon every nonprofit corporation and nonprofit association engaging within this state
in research and development, as to such corporations and associations, the amount of tax with
respect to such activities shall be equal to the gross income derived from such activities multi-
plied by the rate of forty-four one-hundredths of one percent.

(7) Upon every person engaging within this state in the business of slaughtering, breaking
and/or processing perishable meat products and/or selling the same at wholesale only and
not at retail; as to such persons the tax imposed shall be equal to the gross proceeds derived
from such sales multiplied by the rate of ((thirty-three one-hundredths)) one-eighth of one
percent; PROVIDED. That until and including June 30, 1984, the rate of such tax shall be thirty-
three one-hundredths of one percent.

(8) Upon every person engaging within this state in the business of making sales, at retail
or wholesale, of nuclear fuel assemblies manufactured by that person, as to such persons the
amount of tax with respect to such business shall be equal to the gross proceeds of sales of the
assemblies multiplied by the rate of twenty-five one-hundredths of one percent.

(9) Upon every person engaging within this state in the business of manufacturing nuclear
fuel assemblies, as to such persons the amount of tax with respect to such business shall be
equal to the value of the products manufactured multiplied by the rate of twenty-five one-
hundredths of one percent.

(10) Upon every person engaging within this state in the business of acting as a travel
agent: as to such persons the amount of the tax with respect to such activities shall be equal to
the gross income derived from such activities multiplied by the rate of twenty-five one-
hundredths of one percent.

(11) Upon every person engaging within this state in business as an international steamship
agent; international customs house broker, international freight forwarder, vessel and/or cargo
charter broker in foreign commerce, and/or international air cargo agent: as to such persons the
amount of the tax with respect to only international activities shall be equal to the gross
income derived from such activities multiplied by the rate of thirty-three one-hundredths of
one percent.

(12) Upon every person engaging within this state in the business of stevedoring and asso-
ciated activities pertinent to the movement of goods and commodities in waterborne interstate
or foreign commerce: as to such persons the amount of tax with respect to such business shall
be equal to the gross proceeds of sales derived from such activities multiplied by the rate of thirty-
three one-hundredths of one percent. Persons subject to taxation under this subsection shall be
exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business
subject to taxation under this subsection. Stevedoring and associated activities pertinent to the
conduct of goods and commodities in waterborne interstate or foreign commerce are defined
as all activities of a labor, service or transportation nature whereby cargo may be loaded or
unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar
structure; cargo may be moved to a warehouse or similar holding or storage yard or area to
await further movement in import or export or may move to a consolidation freight station and
be stowed, unstowed, containerized, separated or otherwise segregated or aggregated for
delivery or loaded on any mode of transportation for delivery to its consignee. Specific activi-
ties included in this definition are: wharfage, handling, loading, unloading, moving of cargo to
a convenient place of delivery to the consignee or a convenient place for further movement to
export mode: documentation services in connection with the receipt, delivery, checking, care,
custody and control of cargo required in the transfer of cargo; imported automobile handling
prior to delivery to consignee; terminal stevedoring and incidental vessel services, including
but not limited to plugging and unplugging refrigerator service to containers, trailers, and
other refrigerated cargo receptacles, and securing ship hatch covers.

(13) Upon every person engaging within this state in the business of disposing of low-level
waste, as defined in RCW 43.145.010: as to such persons the amount of the tax with respect to
such business shall be equal to the gross income of the business, excluding any fees imposed
under chapter 43.21F RCW, multiplied by the rate of thirty percent.

If the gross income of the taxpayer is attributable to activities both within and without this
state, the gross income attributable to this state shall be determined in accordance with the
methods of apportionment required under RCW 82.04.460.

(14) Upon every person engaging within this state as an insurance agent, insurance bro-
er, or insurance solicitor licensed under chapter 48.17 RCW: as to such persons, the amount of
the tax with respect to such licensed activities shall be equal to the gross income of such busi-
ness multiplied by the rate of one percent.

Sec. 6. Section 31, chapter 35, Laws of 1982 1st ex. sess. as last amended by section 8,
chapter 7, Laws of 1983 and RCW 82.02.030 are each amended to read as follows:

(1) The rate of the additional taxes under RCW 54.28.020(2), 54.28.025(2), 66.24.210(2),
66.24.290(2), 82.04.2901, 82.16.020(2), 82.20.010(2), 82.26.020(2), 82.27.020(5), 82.29A.030(2),
Sec. 8. Section 2, chapter 278, Laws of 1957 as last amended by section 18, chapter 35, Laws of 1983, is amended to read as follows:

(1) There shall be levied and there shall be collected from every district a tax for the act or privilege of engaging within this state in the business of operating works, plants or facilities for the generation, distribution and sale of electric energy. With respect to each such district, except with respect to thermal electric generating facilities taxed under RCW 54.28.025, such tax shall be the sum of the following amounts:

(a) Two percent of the gross revenues derived from the sale of self-generated energy distributed to consumers by a distribution system owned by the district;

(b) Five percent of the first ten mills per kilowatt-hour of wholesale value of self-generated energy distributed to consumers by a district;

(c) Five percent of the first four mills per kilowatt-hour of revenue obtained by the district from the sale of self-generated energy for resale.

(2) The rate of the additional taxes imposed by RCW 54.28.025 shall be continued at the rate of three percent for the period July 1 through September 30, 1983.

(3) The rate of the additional taxes imposed by RCW 54.28.025 shall be continued at the rate of three percent for the period July 1 through September 30, 1983.

(4) The rate of the additional taxes imposed by RCW 54.28.025 shall be continued at the rate of three percent for the period July 1 through September 30, 1983.

Sec. 7. Section 14.02, chapter 79, Laws of 1947 as last amended by section 1, chapter 10, Laws of 1982 2nd 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 or in 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) An additional tax is imposed equal to the rate specified in RCW 52.18.030 multiplied by the taxes payable under subsections (1) and (2) of this section. All revenues from this additional tax shall be deposited in the state general fund.

(4) 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 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) during such calendar year under such contracts. 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.

(5) 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.

(6) 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.

(7) This section shall be effective as to and shall govern the payment of all taxes due for calendar year 1982 and thereafter.
(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section. All revenues collected during any month already taxed by the taxation and cancellation of stamps as provided in this section.

Sec. 9. Section 6, chapter 366, Laws of 1977 ex. sess. as amended by section 19, chapter 35, Laws of 1982 1st ex. sess. and RCW 54.28.025 are each amended to read as follows:

(1) There is hereby levied and there shall be collected from every district operating a thermal electric generating facility, as defined in RCW 54.28.010 as now or hereafter amended, having a design capacity of two hundred fifty thousand kilowatts or more, located on a federal reservation, which is placed in operation after September 21, 1977, a tax for the act or privilege of engaging within the state in the business of generating electricity for use or sale, equal to one and one-half percent of wholesale value of energy produced for use or sale, except energy used in the operation of component parts of the power plant and associated transmission facilities under control of the person operating the power plant.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section. All revenues collected during any month already taxed by the taxation and cancellation of stamps as provided in this section.

Sec. 10. Section 24-A added to chapter 62, Laws of 1933 ex. sess. by section 3, chapter 158, Laws of 1935 as last amended by section 23, chapter 35, Laws of 1982 1st ex. sess. and RCW 66.24.210 are each amended to read as follows:

(1) There is hereby imposed upon all wines sold to wine wholesalers and the Washington state liquor control board, within the state a tax at the rate of twenty and one-fourth cents per liter: PROVIDED, HOWEVER. That wine sold or shipped in bulk from one winery to another winery shall not be subject to such tax. The tax provided for in this section may, if so prescribed by the board, be collected by means of stamps to be furnished by the board, or by direct payments based on wine purchased by wine wholesalers. Every person purchasing wine under the provisions of this section shall on or before the twentieth day of each month report to the board all purchases during the preceding calendar month in such manner and upon such forms as may be prescribed by the board, and with such report shall pay the tax due from the purchases covered by such report unless the same has previously been paid. Any such purchaser of wine whose applicable tax payment is not postmarked by the twentieth day following the month of purchase will be assessed a penalty at the rate of two percent per month or fraction thereof. If this tax be collected by means of stamps, every such person shall procure from the board revenue stamps representing the tax in such form as the board shall prescribe and shall affix the same to the package in such manner and in such denomination as required by the board and shall cancel the same prior to the delivery of the package containing the wine to the purchaser. If the tax is not collected by means of stamps, the board may require that every such person shall execute to and file with the board a bond to be approved by the board, in such amount as the board may fix, securing the payment of the tax. If any such person fails to pay the tax when due, the board may forthwith suspend or cancel the license until all taxes are paid.

(2) ((From and after the first day of May, 1982, until and including the thirty-first day of June, 1983:)) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section. All revenues collected during any month from this additional tax shall be transferred to the state general fund by the twenty-fifth day of the following month.

Sec. 11. Section 24, chapter 62, Laws of 1933 ex. sess. as last amended by section 24, chapter 35, Laws of 1982 1st ex. sess. and RCW 66.24.290 are each amended to read as follows:

(1) Any brewer or beer wholesaler licensed under this title may sell and deliver beer to holders of authorized licenses direct, but to no other person, other than the board; and every such brewer or beer wholesaler shall report all sales to the board monthly, pursuant to the regulations, and shall pay to the board as an added tax for the privilege of manufacturing and selling the beer within the state a tax of two dollars and sixty cents per barrel of thirty-one gallons on sales to licensees within the state and on sales to licensees within the state of bottled and kegged beer, the tax computed in gallons at the rate of two dollars and sixty cents per barrel of thirty-one gallons. Any brewer or beer wholesaler whose applicable tax payment is not postmarked by the twentieth day following the month of sale will be assessed a penalty at the rate of two percent per month or fraction thereof. Each such brewer or wholesaler shall procure from the board revenue stamps representing such tax in form prescribed by the board and shall affix the same to the package or container in such manner and in such denomination as required by the board and shall cancel the same prior to the delivery of the package or container containing the wine to the purchaser. If the tax is not collected by means of stamps, the board may require that every such person shall execute to and file with the board a bond to be approved by the board, in such amount as the board may fix, securing the payment of the tax. If any such person fails to pay the tax when due, the board may forthwith suspend or cancel the license until all taxes are paid.

(2) ((From and after the first day of May, 1982, until and including the thirty-first day of June, 1983:)) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section. All revenues collected during any month from this additional tax shall be transferred to the state general fund by the twenty-fifth day of the following month.
Laws of 1982 1st ex. sess. and RCW 82.20.010 are each amended to read as follows:

(1) There is levied and shall be collected a tax upon each retail sale of spirits, or strong beer in the original package at the rate of fifteen percent of the selling price. The tax imposed in this subsection shall apply to all such sales including sales by the Washington state liquor stores and agencies, but excluding sales to class H licensees.

(2) There is levied and shall be collected a tax upon each sale of spirits, or strong beer in the original package at the rate of ten percent of the selling price on sales by Washington state liquor stores and agencies to class H licensees.

(3) There is levied and shall be collected an additional tax upon each retail sale of spirits in the original package at the rate of one dollar and seventy-two cents per liter. The additional tax imposed in this subsection shall apply to all such sales including sales by Washington state liquor stores and agencies, and including sales to class H licensees.

(4) (From and after the first day of May, 1982, until and including the thirtieth day of June, 1983): An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the taxes payable under subsections (1), (2), and (3) of this section.

(5) The tax imposed in RCW 82.08.020, as now or hereafter amended, shall not apply to sales of spirits or strong beer in the original package.

(6) The taxes imposed in this section shall be paid by the buyer to the seller, and each seller shall collect from the buyer the full amount of the tax payable in respect to each taxable sale under this section. The taxes required by this section to be collected by the seller shall be stated separately from the selling price and for purposes of determining the tax due from the buyer to the seller, it shall be conclusively presumed that the selling price quoted in any price list does not include the taxes imposed by this section.

(7) As used in this section, the terms: "spirits," "strong beer," and "package" shall have the meaning ascribed to them in chapter 66.04 RCW.

Sec. 12. Section 82.08.150, chapter 15, Laws of 1961 as last amended by section 3, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.08.150 are each amended to read as follows:

(1) There is levied and shall be collected a tax upon conveyances as follows: On any deed, instrument, or writing (unless deposited in escrow before May 1, 1935), whereby any lands, tenements, or other realty sold shall be granted, assigned, transferred, or otherwise conveyed to, or vested in, the purchaser, or any other person by his direction, when the consideration or value of the interest or property conveyed, exclusive of the value of any lien or encumbrance remaining thereon at the time of sale, exceeds one hundred dollars and does not exceed five hundred dollars or fractional part thereof, fifty cents; and for each additional five hundred dollars or fractional part thereof, fifty cents.

(2) (From and after the first day of April, 1982, until and including the thirtieth day of June, 1983): An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.

Sec. 13. Section 82.16.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.16.020 are each amended to read as follows:

(1) There is levied and shall be collected from every person a tax for the act or privilege of engaging within this state in any one or more of the businesses herein mentioned. The tax shall be equal to the gross income of the business, multiplied by the rate set out after the business, as follows:

(a) Railroad, express, railroad car, water distribution, light and power. ([telephone]) and telegraph businesses: Three and six-tenths percent;

(b) Gas distribution business: Three and six-tenths percent;

(c) Urban transportation business: Six-tenths of one percent;

(d) Vessels under sixty-five feet in length, except tugboats, operating upon the waters within the state: Six-tenths of one percent;

(e) Motor transportation and tugboat businesses, and all public service businesses other than ones mentioned above: One and eight-tenths of one percent.

(2) (From and after the first day of April, 1982, until and including the thirtieth day of June, 1983): An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.

Sec. 14. Section 82.20.010, chapter 15, Laws of 1961 as amended by section 7, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.20.010 are each amended to read as follows:

(1) There is levied and there shall be collected a tax upon conveyances as follows: On any deed, instrument, or writing (unless deposited in escrow before May 1, 1935), whereby any lands, tenements, or other realty sold shall be granted, assigned, transferred, or otherwise conveyed to, or vested in, the purchaser, or any other person by his direction, when the consideration or value of the interest or property conveyed, exclusive of the value of any lien or encumbrance remaining thereon at the time of sale, exceeds one hundred dollars and does not exceed five hundred dollars or fractional part thereof, fifty cents; and for each additional five hundred dollars or fractional part thereof, fifty cents.

(2) (From and after the first day of April, 1982, until and including the thirtieth day of June, 1983): An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.

(3) This section shall not apply to any instrument or writing, given to secure a debt, nor to any conveyance to the state.

Sec. 15. Section 82.24.020, chapter 15, Laws of 1961 as last amended by section 8, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.24.020 are each amended to read as follows:

(1) 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: (a) physical possession by the purchaser and, (b) 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.

(2) From and after the first day of May, 1982, until and including the thirtieth day of June, 1983: An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.

Sec. 15. Section 82.26.020, chapter 15, Laws of 1961 as last amended by section 9, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.26.020 are each amended to read as follows:

(1) From and after June 1, 1971, there is levied and there shall be collected a tax upon the sale, use, consumption, handling, or distribution of all tobacco products in this state at the rate of forty-five percent of the wholesale sales price of such tobacco products. Such tax shall be imposed at the time the distributor (a) brings, or causes to be brought, into this state from outside the state tobacco products for sale, (b) makes, manufactures, or fabricates tobacco products in this state for sale in this state, or (c) ships or transports tobacco products to retailers in this state, to be sold by those retailers.

(2) From and after the first day of May, 1982, until and including the thirtieth day of June, 1983: An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.

Sec. 16. Section 82.26.020, chapter 15, Laws of 1961 as last amended by section 9, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.26.020 are each amended to read as follows:

(1) From and after June 1, 1971, there is levied and there shall be collected a tax upon the sale, use, consumption, handling, or distribution of all tobacco products in this state at the rate of fifty percent of the fair market value of such vehicle.

Sec. 17. Section 2, chapter 98, Laws of 1980 as last amended by section 6, chapter 233, Laws of 1983 and RCW 82.27.020 are each amended to read as follows:

(1) In addition to all other taxes, licenses, or fees provided by law there is established an excise tax on the commercial possession of food fish, shellfish, and anadromous game fish as provided in this chapter. The tax is levied upon and shall be collected from the owner of the food fish, shellfish, or anadromous game fish whose possession constitutes the taxable event. The taxable event is the first possession by an owner after the food fish, shellfish, or anadromous game fish have been landed. Processing and handling of food fish, shellfish, and anadromous game fish by a person who is not the owner is not a taxable event to the processor or handler.

(2) A person in possession of food fish, shellfish, and anadromous game fish and liable to this tax may deduct from the price paid to the person from which the food fish, shellfish (except oysters), or anadromous game fish are purchased an amount equal to a tax at one-half the rate levied in this section upon these products.

(3) The measure of the tax is the price paid by the first person in possession of the food fish, shellfish, or anadromous game fish. If the food fish, shellfish, or anadromous game fish are acquired other than by purchase or are purchased under conditions where the purchase price does not represent the value of the food fish, shellfish, or anadromous game fish or these products are transferred outside the state without sale, the measure of the tax shall be determined as nearly as possible according to the selling price of similar products of like quality and character under rules adopted by the department of revenue.

(4) The tax shall be equal to the measure of the tax multiplied by the rates for food fish, shellfish, and anadromous game fish as follows:

(a) Chinook, coho, and chum salmon and anadromous game fish: Five percent.
(b) Pink and sockeye salmon: Three percent.
(c) Other food fish and shellfish, except oysters: Two percent.
(d) Oysters: Seven one-hundredths of one percent.

(5) From and after the first day of July, 1982, until and including the thirtieth day of June, 1983: An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (4) of this section.

Sec. 18. Section 3, chapter 61, Laws of 1975–76 2nd ex. sess. as amended by section 11, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.29A.030 are each amended to read as follows:

(1) There is hereby levied and there shall be collected a leasehold excise tax on the act or privilege of occupying or using publicly owned real or personal property through a leasehold interest on and after January 1, 1976, at a rate of twelve percent of taxable rent: PROVIDED, That after the computation of the tax there shall be allowed credit for any tax collected pursuant to RCW 82.29A.040.

(2) From and after the first day of April, 1982, until and including the thirtieth day of June, 1983: An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.

Sec. 19. Section 82.44.020, chapter 15, Laws of 1961 as last amended by section 2, chapter 14, Laws of 1982 2nd ex. sess. and RCW 82.44.020 are each amended to read as follows:

(1) An excise tax is imposed for the privilege of using in the state any motor vehicle, except those operated under reciprocal agreements, the provisions of RCW 46.16.160 as now or hereafter amended, or dealer's licenses. The annual amount of such excise tax shall be two percent of the fair market value of such vehicle.

(2) From and after August 1, 1978, and until August 1, 2008, an additional excise tax is imposed, in addition to any other tax imposed by this section, for the privilege of using in the
state any such motor vehicle, and the annual amount of such additional excise shall be two-tenths of one percent of the fair market value of such vehicle.

(3) The department of licensing and county auditors shall collect the additional tax imposed by subsection (2) of this section for any registration year for the months of that registration year in which such additional tax is effective, and in the same manner and at the same time as the tax imposed by subsection (1) of this section.

(4) In no case shall the total tax be less than two dollars except for proportionally registered vehicles.

(5) (From and after the first day of July, 1962, until and including the thirtieth day of September, 1962,) An additional tax is imposed equal to the taxes payable under subsections (1) and (2) of this section multiplied by the rate ((of tax applicable to the periods shown as follows:

July 1 - September 30, 1982
October 1 - June 30, 1983
July 1 - September 30, 1983
specifies in RCW 82.02.030.

Sec. 20. Section 28A.45.060, chapter 223, Laws of 1969 ex. sess. as last amended by section 14, chapter 35. Laws of 1982 1st ex. sess. and RCW 82.45.060 are each amended to read as follows:

(1) There is imposed an excise tax upon each sale of real property at the rate of one percent of the selling price.

(2) (From and after the first day of May, 1962, until and including the thirtieth day of June, 1962,) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.

Sec. 21. Section 82.48.010, chapter 15, Laws of 1961 as last amended by section 239, chapter 158, Laws of 1979 and RCW 82.48.010 are each amended to read as follows:

For the purposes of this chapter, unless otherwise required by the context:

(1) "Aircraft" means any weight-carrying device or structure for navigation of the air((,)
which is designed to be supported by the air((, but which is heavier than air));

(2) "Director" means the director of licensing; ((and))

(3) "Person" includes a firm, partnership or corporation;

(4) "Small multi-engine fixed wing" means any piston-driven multi-engine fixed wing aircraft with a maximum gross weight as listed by the manufacturer of less than seventy-five hundred pounds; and

(5) "Large multi-engine fixed wing" means any piston-driven multi-engine fixed wing aircraft with a maximum gross weight as listed by the manufacturer of seventy-five hundred pounds or more.

Sec. 22. 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 are each amended to read as follows:

(1) The amount of the tax imposed by this chapter for each calendar year shall be ((fifteen dollars for each single engine aircraft, and twenty-five dollars for each multi-engine aircraft, irrespective of make, type, year of manufacture or any other type of classification. PROVIDED, That the calendar year)) as follows:

<table>
<thead>
<tr>
<th>Type of aircraft</th>
<th>Registration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single engine fixed wing</td>
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<tr>
<td>Small multi-engine fixed wing</td>
<td>65</td>
</tr>
<tr>
<td>Large multi-engine fixed wing</td>
<td>80</td>
</tr>
<tr>
<td>Turboprop multi-engine fixed wing</td>
<td>100</td>
</tr>
<tr>
<td>Turbojet multi-engine fixed wing</td>
<td>125</td>
</tr>
<tr>
<td>Helicopter</td>
<td>75</td>
</tr>
<tr>
<td>Sailplane</td>
<td>20</td>
</tr>
<tr>
<td>Lighter than air</td>
<td>20</td>
</tr>
<tr>
<td>Home built</td>
<td>20</td>
</tr>
</tbody>
</table>

(2) The amount of tax imposed under subsection (1) of this section for each calendar year shall be divided into twelve parts corresponding to the months of the calendar year and the excise tax upon an aircraft registered for the first time in this state after the last day of any month shall only be levied for the remaining months of the calendar year including the month in which the aircraft is being registered: PROVIDED ((FURTHER)), That the minimum amount payable shall be three dollars.

An aircraft shall be deemed registered for the first time in this state when such aircraft was not previously registered by this state for the year immediately preceding the year in which application for registration is made.

Sec. 23. Section 1. chapter 347, Laws of 1977 ex. sess. as last amended by section 2, chapter 4, Laws of 1982 2nd ex. sess. and RCW 84.33.071 are each amended to read as follows:

(1) Upon every person engaging within this state in business as a harvester of timber: as to such persons the amount of tax imposed with respect to such business shall be equal to the stumpage value of timber harvested for sale or for commercial or industrial use multiplied by the appropriate rate as follows:
(a) For timber harvested between (October 1, 1974) July 1, 1983, and June 30, (1983) 1985, inclusive, six and one-half percent;

(b) For timber harvested July 1, 1985, through June 30, 1986, the forest excise tax rate shall be determined by applying fifty percent of the percentage change in the average property tax rate on designated and classified forest land between the fourteen-dollar rate per thousand dollars of assessed value reflected in the department of revenue forest tax report for 1975 and the comparable figure reflected in the department of revenue forest tax report for 1984, to six and one-half percent;

(c) For timber harvested July 1, 1986, through June 30, 1987, the forest excise tax rate shall be determined as in (b) of this subsection except one hundred percent of the percentage change from the fourteen-dollar rate per thousand dollars of assessed value in 1975 when compared to the comparable figure reflected in the department of revenue forest tax report for 1985, shall be applied to six and one-half percent;

(d) For timber harvested July 1, 1987, and each year thereafter, the department of revenue shall adjust the forest excise rate by the percentage change in the average rate per thousand dollars of assessed value on designated and classified forest land for the two prior calendar years as reflected in the department of revenue forest tax report; and

(e) The forest excise tax rate for (b), (c), and (d) of this subsection shall be rounded to the nearest one-tenth of one percent.

(2) For purposes of this section:

(a) "Harvester" means every person who from his own land or from the land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services sells, cuts or takes timber for sale or for commercial or industrial use. It does not include persons performing under contract the necessary labor or mechanical services for a harvester.

(b) "Timber" means forest trees, standing or down, on privately or publicly owned land, and except as provided in RCW 84.33.170 includes Christmas trees.

(c) "Stumpage value of timber" means the appropriate stumpage value shown on tables to be prepared by the department of revenue pursuant to subsection (3) of this section.

(d) Timber shall be considered harvested at the time when in the ordinary course of business the quantity thereof by species is first definitely determined. The amount harvested shall be determined by the Scribner Decimal C Scale or other prevalent measuring practice adjusted to arrive at substantially equivalent measurements, as approved by the department of revenue.

(3) The department of revenue shall designate areas containing timber having similar growing, harvesting and marketing conditions to be used as units for the preparation and application of stumpage values. Each year on or before December 31 for use the following January through June 30, and on or before June 30 for use the following July through December 31, the department shall prepare tables of stumpage values of each species or subclassification of timber within such units, which values shall be the amount that each such species or subclassification would sell for at a voluntary sale made in the ordinary course of business for purposes of immediate harvest. Such stumpage values, expressed in terms of a dollar amount per thousand board feet or other unit measure, shall be determined from (a) gross proceeds from sales on the stump of similar timber of like quality and character at similar locations, and in similar quantities, or from (b) gross proceeds from sales of logs adjusted to reflect only the portion of such proceeds attributable to value on the stump immediately prior to harvest, or from a combination of (a) and (b), and shall be determined in a manner which makes reasonable and adequate allowances for age, size, quality, costs of removal, accessibility to point of conversion, market conditions and all other relevant factors. Upon application from any person who plans to harvest damaged timber, the stumpage values for which have been materially reduced from the values shown in the applicable tables due to damage resulting from fire, blow down, ice storm, flood or other sudden unforeseen cause, the department shall revise such tables for any area in which such timber is located and shall specify any additional accounting or other requirements to be complied with in reporting and paying such tax. The preliminary area designations and stumpage value tables and any revisions thereof shall be subject to review by the ways and means committees of the house and senate prior to finalization. Tables of stumpage values shall be signed by the director or his designee and authenticated by the official seal of the department. A copy thereof shall be mailed to anyone who has submitted to the department a written request therefor.

(4) On or before the sixtieth day after the date of final adoption of any stumpage value tables, any harvester may appeal to the board of tax appeals for a revision of stumpage values for an area determined pursuant to subsection (3) of this section.

(5) There are hereby created in the state treasury a state timber tax account A and a state timber tax reserve account in the state general fund and any interest earned on the investment of cash balances shall be deposited in these accounts. The revenues from the tax imposed by subsection (1) of this section on timber harvested from privately owned land until October 1, 1983, shall be deposited in state timber tax account A and state timber tax reserve account as follows:
The revenues from the tax imposed by subsection (1) of this section on timber harvested from publicly owned land shall be deposited in the state general fund. The revenues from such tax on timber harvested on or after October 1, 1983, from privately owned land and on or after the effective date of this 1983 section from publicly owned land shall be deposited in a separate account within the state general fund known as the timber excise tax account. The legislature may appropriate from the account for the activities undertaken by the department of revenue relating to the collection and administration of the taxes imposed under this section and section 25 of this 1983 act.

The tax imposed under this section shall be computed with respect to timber harvested each calendar quarter and shall be due and payable in quarterly installments and remittance therefor shall be made on or before the last day of the month next succeeding the end of the quarterly period in which the tax accrued. The taxpayer on or before such date shall make out a return, upon such forms and setting forth such information as the department of revenue may require, showing the amount of the tax for which he is liable for the preceding quarterly period, and shall sign and transmit the same to the department of revenue, together with a remittance for such amount.

The taxes imposed by this section shall be in addition to any taxes imposed upon the same persons pursuant to one or more of sections RCW 82.04.230 to 82.04.290. inclusive, and RCW 82.04.440, and none of such sections shall be construed to modify or interact with this section in any way, except RCW 82.04.450 and 82.32.045 shall not apply to the taxes imposed by this section.

Any harvester incurring less than ten dollars tax liability under this section in any calendar quarter shall be excused from the payment of such tax, but may be required by the department of revenue to file a return even though no tax may be due.

NEW SECTION. Sec. 24. There is added to chapter 84.33 RCW a new section to read as follows:

NEW SECTION. Sec. 25. (1) The legislative body of any county may levy and collect a tax upon every person engaging within the county as a harvester of privately owned timber. The tax levied by a county shall not exceed sixty percent of the tax rate levied by the state on the stumpage value of the timber harvested and shall be based on the harvest values used by the state for the same period of time.

(2) The department of revenue shall collect these taxes on behalf of the county.

NEW SECTION. Sec. 26. Within thirty days after receipt, the state treasurer shall distribute from the timber excise tax account to each county the amount of tax collected on behalf of the county, less the pro rata share of administrative costs as appropriated under RCW 84.33.071(5), and shall transfer to the state general fund the amount collected on behalf of the state, less the state’s pro rata share of administrative costs as appropriated under RCW 84.33.071(5).

NEW SECTION. Sec. 27. Any money received by a county after January 1, 1984, from the local timber excise tax authorized by section 25 of this act or from other timber tax accounts disbursed by the state treasurer shall be placed by the county treasurer in a county timber tax account. Distribution of such funds shall be made to the taxing districts of the county in the following manner:

(1) A timber assessed value roll shall be computed by the department of revenue for each county of the state having classified or designated forest lands before October 1 of 1983 and each year thereafter. The amount of such timber assessed value roll shall be the aggregate value of all harvested privately owned timber reported for taxation under this chapter from such classified or designated land and other land as shall be classified as of that date in the immediately preceding four quarters multiplied by the result of the rate of the county excise tax rate divided by the aggregate tax rate effective in the taxing districts of the county having classified or designated timber land within their boundaries for the current year. Each taxing district shall be apportioned a timber assessed value equal to that taxing district’s proportion of the tax rate divided by the aggregate tax rate effective in the taxing districts of the county having classified or designated forest lands as determined by the county assessor for the assessment year in which such money is distributed.

(2) There shall be paid to the several taxing districts of the county from the county timber tax account each calendar year, beginning with calendar year 1984, as moneys are placed in the county timber tax account, the following amounts in the following priority:

(a) From moneys available, there first shall be a distribution to each taxing district having debt service payments due during the calendar year, based upon bonds issued under authority of a vote of the people conducted pursuant to RCW 84.52.056 and based upon excess levies from the capital project fund authorized pursuant to RCW 84.52.063, of an amount equal to the timber assessed value of such district multiplied by the tax rate levied for payment of such debt service and capital projects: PROVIDED. That in respect to levies for a debt service or capital project fund authorized before the effective date of this section, the amount allocated shall not
be less than an amount equal to the same percentage of such debt service or capital project fund represented by timber tax allocations to such payments in calendar year 1983 and capital projects.

Distribution under this subsection (2)(a) shall be used only for debt service payments.

(b) From the moneys remaining after the distributions under subsection (2)(a) of this section, the county treasurer shall distribute to each district an amount equal to one-half of the timber assessed value of the district or eighty percent of the timber roll of such district in calendar year 1983 as determined under chapter 84.33 RCW, whichever is greater, multiplied by the tax rate, if any, levied by the district under RCW 84.52.052 or 84.52.053 for purposes other than debt service payments and capital projects supported under subsection (2)(a) of this section.

(c) After the distributions directed under subsection (2)(a) and (b) of this section, if any, each taxing district shall receive an amount equal to the timber assessed value of the district multiplied by the tax rate, if any, levied as a regular levy of the district.

(d) After the distributions directed under subsections (2)(a) through (c) of this section, an amount equal to one-fifth of the total distributions made during the calendar year under subsections (2)(a) through (c) of this section shall be placed in reserve for the following calendar year distributions before any further distribution is made for the current year.

(e) Any money remaining in the county timber tax account in excess of the mandated distributions and reserve requirements of subsections (2)(a) through (d) of this section shall be distributed to the several taxing districts of the county in the same proportions as the distributions made under (c) of this subsection.

(3) No distribution of money may be made to the state from the county timber tax account.

NEW SECTION. Sec. 28. (1) For the purpose of determining, calculating and fixing pursuant to RCW 84.52.056 the dollar rates for all excess levies for each taxing district within which there was timber on January 1 of such year, the assessor of each county shall, for each district, add to the amount of the "assessed valuation of the property" of all property other than timber the value determined under section 27(2)(b) of this act.

(2) For the purpose of determining, calculating, and fixing pursuant to RCW 84.52.056 the dollar rates for all debt service levies for each taxing district within which there was timber on January 1 of such year, the assessor of such county shall, for each district, add to the amount of the "assessed valuation of the property" of all property other than timber the value of the timber assessed value of the district.

NEW SECTION. Sec. 29. The state timber tax account A and state timber tax reserve account established by RCW 84.33.071, as amended by section 1, chapter 148, Laws of 1981, and the timber tax distribution guarantee account provided for by sections 5 and 7, chapter 4, Laws of 1981, shall continue within the state treasury and state general fund, respectively, until all funds remaining therein after complying with section 33 of this act are distributed as follows:

(1) Any remaining timber tax moneys in the state treasury timber tax account A and reserve fund shall be distributed in the following manner:

(a) Thirty-seven percent to the state general fund for use in support of the common schools.

(b) Subject to appropriation by the legislature, sixty-three percent to the counties of the state in the proportion the receipts of harvester excise tax from each county are to the total receipts of harvester excise tax from all counties in the state in calendar years 1982 and 1983, one-fourth of such amount being payable to the counties on May 1, 1984, May 1, 1985, and May 1, 1986, and a final distribution of any balance of harvester excise taxes in these accounts on May 1, 1987.

(2) Any remaining timber tax moneys in the state treasury timber tax distribution guarantee account shall be distributed to the counties in the same proportions and percentages as provided for account A and the reserve account on May 1, 1984.

(3) Distributions to the counties under authority of this section shall be deposited in the timber tax account of said counties and disbursed to taxing districts of each county in the same priority and as part of the distributions authorized by section 27 of this act.

NEW SECTION. Sec. 30. All sections of chapter 82.32 RCW, except RCW 82.32.270, apply to taxes imposed under this chapter.

NEW SECTION. Sec. 31. There is added to chapter 84.33 RCW a new section to read as follows:

To determine the maximum bonding limit of any taxing district other than the state, the "value of the taxable property," as the term is defined in RCW 39.36.015, in the taxing district shall include an amount equal to the timber assessed value as computed under section 27 of this act.

NEW SECTION. Sec. 32. (1) The following acts or parts of acts are each repealed:


(2) These repeals shall not be construed as affecting any existing right acquired, or any obligation or liability incurred, under the statutes repealed or under any rule, regulation, or order adopted pursuant thereto, nor as affecting any proceeding instituted thereunder.

NEW SECTION. Sec. 33. Notwithstanding section 32 of this act:

(1) The taxes due and payable under RCW 84.33.071 with respect to timber harvested during the third quarter of calendar year 1983 shall be collected and deposited in the state treasury as though sections 23 through 32 of this act had not been enacted; and

(2) The payments required to be made on November 20, 1983, by the state treasurer to the treasurer of each timber county under RCW 84.33.080 shall be made as though sections 23 through 32 of this act had not been enacted.

NEW SECTION. Sec. 34. Sections 25 through 30 of this act shall constitute a new chapter in Title 84 RCW.

Sec. 35. Section 82.32.090, chapter 15, Laws of 1961 as last amended by section 32, chapter 7, Laws of 1983 and RCW 82.32.090 are each amended to read as follows:

If payment of any tax due is not received by the department of revenue by the due date, there shall be assessed a penalty of ten percent of the amount of the tax; and if the tax is not received within thirty days after the due date, there shall be assessed a total penalty of ten percent of the amount of the tax; and if the tax is not received within sixty days after the due date, there shall be assessed a total penalty of twenty percent of the amount of the tax. No penalty so added shall be less than two dollars.

If payment of any tax is received within the first ten days of the month next succeeding the month in which the tax is payable, the amount of such payment shall be credited to, and shall be treated for all purposes as having been collected during, the preceding fiscal year (which includes the month preceding the month in which such due date falls).

If a warrant be issued by the department of revenue for the collection of taxes, increases, and penalties, there shall be added thereto a penalty of five percent of the amount of the tax, but not less than five dollars.

Notwithstanding the foregoing, the aggregate of penalties imposed under this chapter for failure to file a return, late payment of any tax, increase, or penalty, or issuance of a warrant shall not exceed twenty-five percent of the tax due, or seven dollars, whichever is greater.

Sec. 36. Section 82.04.270, chapter 15, Laws of 1961 as last amended by section 4, chapter 172, Laws of 1981 and RCW 82.04.270 are each amended to read as follows:

(1) Upon every person except persons taxable under subsections (1) or (8) of RCW 82.04.260 engaging within this state in the business of making sales at wholesale, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of such business multiplied by the rate of forty-one hundredths of one percent.

(2) For the purposes of this section:

(a) A person is engaged in wholesale business activities "within this state" only if that person:

(i) Owns or leases real property within this state;

(ii) Regularly maintains a stock of tangible personal property in this state for sale in the ordinary course of business;

(iii) Has employees or other representatives who are not independent contractors engaging in business activities within this state; or

(iv) Is a corporation which is incorporated under the laws of this state.

(b) The term "independent contractor" means:

(i) A commission agent, broker, or other independent contractor who is engaged in selling, or soliciting orders for the sale of, tangible personal property, who holds himself or herself out as such in the regular course of business activities, and who is an independent contractor for federal income tax purposes; or

(ii) Any person who is engaged:

(A) In the trade or business of selling, or soliciting the sale of, consumer products to any buyer on a buy-sell basis or a deposit-commission basis for resale, by the buyer or any other person, in the home or otherwise than in a permanent retail establishment, or in the trade or business of selling, or soliciting the sale of, consumer products in the home or otherwise than in a permanent retail establishment.
(B) Substantially all the remuneration, whether or not paid in cash, for the performance of services described in subparagraph (ii)(A) of this subsection is directly related to sales or other output, including the performance of services, rather than the number of hours worked; and

(C) The services performed by the person are performed pursuant to a written contract between such person and the person for whom the services are performed and such contract provides that the person will not be treated as an employee with respect to such purposes for federal tax purposes.

(A) A person shall not be considered to be engaged in business "within this state" merely by reason of the solicitation in this state by an independent contractor who is subject to a tax under this chapter of orders for sales to or on behalf of a customer of such person, if the orders are sent outside this state for approval or rejection and, if approved, are filled by shipment or delivery from a point outside this state.

(3) The tax imposed by this section is levied and shall be collected from every person engaged in the business of distributing in this state articles of tangible personal property, owned by them from their own warehouse or other central location in this state to two or more of their own retail stores or outlets. Where no change of title or ownership occurs, the intent hereof being to impose a tax equal to the wholesaler's tax upon persons performing functions essentially comparable to those of a wholesaler, but not actually making sales: PROVIDED. That the tax designated in this section may not be assessed twice to the same person for the same article. The amount of the tax as to such persons shall be computed by multiplying forty-four one-hundredths of one percent of the value of the article so distributed as of the time of such distribution: PROVIDED. That persons engaged in the activities described in this subsection shall not be liable for the tax imposed if by proper invoice it can be shown that they have purchased such property from a wholesaler who has paid a business and occupation tax to the state upon the same articles. This proviso shall not apply to purchases from manufacturers as defined in RCW 82.04.110. The department of revenue shall prescribe uniform and equitable rules for the purpose of ascertaining such value, which value shall correspond as nearly as possible to the gross profit from sales at wholesale in this state of similar articles of like quality and character, and in similar quantities by other taxpayers: PROVIDED FURTHER. That delivery trucks or vans will not under the purposes of this section be considered to be retail stores or outlets.

NEW SECTION. Sec. 37. There is added to chapter 82.04 RCW a new section to read as follows:

For the purposes of RCW 82.04.250:

(i) A person is engaged in retail business activities "within this state" only if that person:

(a) Owns or leases real property within this state;

(b) Regularly maintains a stock of tangible personal property in this state for sale in the ordinary course of business;

(c) Has employees or other representatives who are not independent contractors engaging in business activities within this state; or

(d) Is a corporation which is incorporated under the laws of this state.

(ii) The term "independent contractor" means:

(a) A commission agent, broker, or other independent contractor who is engaged in selling, or soliciting orders for the sale of, tangible personal property, who holds himself or herself out as such in the regular course of business activities, and who is an independent contractor for federal income tax purposes; or

(b) Any person who is engaged:

(i) In the trade or business of selling, or soliciting the sale of, consumer products to any buyer on a buy-sell basis or a deposit-commission basis for resale, by the buyer or any other person, in the home or otherwise than in a permanent retail establishment, or in the trade or business of selling, or soliciting the sale of, consumer products in the home or otherwise than in a permanent retail establishment;

(ii) Substantially all the remuneration, whether or not paid in cash, for the performance of services described in subparagraph (b)(i) of this subsection is directly related to sales or other output, including the performance of services, rather than the number of hours worked; and

(iii) The services performed by the person are performed pursuant to a written contract between such person and the person for whom the services are performed and such contract provides that the person will not be treated as an employee with respect to such purposes for federal tax purposes.

(C) The services performed by the person are performed pursuant to a written contract between such person and the person for whom the services are performed and such contract provides that the person will not be treated as an employee with respect to such purposes for federal tax purposes.

A person shall not be considered to be engaged in business "within this state" merely by reason of the solicitation in this state by an independent contractor who is subject to a tax under this chapter of orders for sales to or on behalf of a customer of such person, if the orders are sent outside this state for approval or rejection and, if approved, are filled by shipment or delivery from a point outside this state.

NEW SECTION. Sec. 38. Nothing in sections 36 and 37 of this act may be construed as implying that the mere solicitation of orders by independent contractors already constitutes engaging in business within the state, nor that it was the intent of the legislature that activities of distinct economic entities, such as retailers, wholesalers, and independent contractors, be
imputed to an out-of-state business for the purpose of determining whether it was engaged in business within the state.

Sec. 39. Section 6, chapter 196, Laws of 1979 ex. sess. as amended by section 80, chapter 37, Laws of 1980 and RCW 82.04.431 are each amended to read as follows:

(1) For the purposes of RCW 82.04.4297, the term "health or social welfare organization" means an organization, including any community action council, which renders health or social welfare services as defined in subsection (2) of this section, which is a not-for-profit corporation under chapter 24.03 RCW and which is managed by a governing board of not less than eight individuals none of whom is a paid employee of the organization or which is a corporation sole under chapter 24.12 RCW. In addition a corporation in order to be exempt under RCW 82.04.4297 shall satisfy the following conditions:

(a) No part of its income may be paid directly or indirectly to its members, stockholders, officers, directors, or trustees except in the form of services rendered by the corporation in accordance with its purposes and bylaws;

(b) Salary or compensation paid to its officers and executives must be only for actual services rendered, and at levels comparable to the salary or compensation of like positions within the public service of the state;

(c) Assets of the corporation must be irrevocably dedicated to the activities for which the exemption is granted and, on the liquidation, dissolution, or abandonment by the corporation, may not inure directly or indirectly to the benefit of any member or individual except a non-profit organization, association, or corporation which also would be entitled to the exemption;

(d) The corporation must be duly licensed or certified where licensing or certification is required by law or regulation;

(e) The amounts received qualifying for exemption must be used for the activities for which the exemption is granted;

(f) Services must be available regardless of race, color, national origin, or ancestry; and

(g) The director of revenue shall have access to its books in order to determine whether the corporation is exempt from taxes within the intent of RCW 82.04.4297 and this section.

(2) The term "health or social welfare services" includes and is limited to:

(a) Mental health, drug, or alcoholism counseling or treatment;

(b) Family counseling;

(c) Health care services;

(d) Therapeutic, diagnostic, rehabilitative, or restorative services for the care of the sick, aged, or physically, developmentally, or emotionally-disabled individuals;

(e) Activities which are for the purpose of preventing or ameliorating juvenile delinquency or child abuse, including recreational activities for those purposes;

(f) Care of orphans or foster children;

(g) Day care of children;

(h) Employment development, training, and placement; (and)

(i) Legal services to the indigent;

(j) Weatherization assistance or minor home repair for low-income homeowners or renters;

(k) Assistance to low-income homeowners and renters to offset the cost of home heating energy, through direct benefits to eligible households or to fuel vendors on behalf of eligible households; and

(l) Community services to low-income individuals, families, and groups, which are designed to have a measurable and potentially major impact on causes of poverty in communities of the state.

NEW SECTION. Sec. 40. There is added to chapter 82.04 RCW a new section to read as follows:

The provisions of this chapter shall not apply to grants received from the state or the United States government by municipal corporations or political subdivisions of the state of Washington.

NEW SECTION. Sec. 41. There is added to chapter 82.04 RCW a new section to read as follows:

This chapter shall not apply to any county, city, town, school district, or fire district activity, regardless of how financed, other than a utility or enterprise activity as defined by the state auditor pursuant to RCW 35.33.111 and 36.40.220 and upon which the tax imposed pursuant to this chapter had previously applied. Nothing contained in this section shall limit the authority of the legislature to authorize the imposition of such tax prospectively upon such activities as the legislature shall specifically designate.

NEW SECTION.Sec. 42. There is added to chapter 82.08 RCW a new section to read as follows:

The tax levied by RCW 82.08.020 shall not apply to the lease of irrigation equipment by owners of real property to others for use in conducting farming operations on land owned by the lessor if the lessor has paid the tax imposed by this chapter at the time of purchase of the irrigation equipment.

NEW SECTION. Sec. 43. There is added to chapter 82.12 RCW a new section to read as follows:
The provisions of this chapter shall not apply to the use of irrigation equipment leased by owners of real property to others for use in conducting farming operations on land owned by the lessor if the lessor has paid the tax imposed by RCW 82.08.020 at the time of acquisition of the irrigation equipment.

Sec. 44. Section 82.08.020, chapter 15, Laws of 1961 as last amended by section 65 of this 1983 act and RCW 82.08.020 are each amended to read as follows:

(1) There is levied and there shall be collected a tax on each retail sale in this state equal to six and five-tenths percent of the selling price (PROVIDED: That such tax shall be levied and collected in border counties in an amount equal to five and four-tenths percent of the selling price: PROVIDED FURTHER: That such tax shall be levied and collected on each retail sale of telephone services, as defined in section 40 of this 1983 act, in all counties in an amount equal to six and five-tenths percent of the selling price).

(2) The tax imposed under this chapter shall apply to successive retail sales of the same property.

(3) The rate provided in this section applies to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

Sec. 45. Section 3, chapter 130, Laws of 1975-76 2nd ex. sess. as last amended by section 4 of this 1983 act and RCW 82.04.2901 are each amended to read as follows:

Until and including the thirtieth day of June, 1985, there is levied and shall be collected from every person, other than persons taxed under RCW 82.04... (section 3, chapter 9. Laws of 1983 as now or hereafter amended), for the act or privilege of engaging in business activities, as a part of the tax imposed by the provisions of RCW 82.04.250, an additional tax equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under the provisions of RCW 82.04.250 (PROVIDED: That such additional tax shall be levied and collected from such persons making sales at retail in border counties in an amount equal to fifteen percent multiplied by the tax payable under the provisions of RCW 82.04.250).

To facilitate collection of this additional tax, the department of revenue is authorized to adjust the basic rates of persons to which this section applies in such manner as to reflect the amount to the nearest one-thousandth of one percent of the additional tax hereby imposed, adjusting ten-thousandths equal to or greater than five ten-thousandths to the greater thousandth.

NEW SECTION. Sec. 46. There is added to chapter 84.36 RCW a new section to read as follows:

The real and personal property of a nonprofit organization used in providing nonpermanent shelter to indigent homeless persons is exempt from taxation if the charge, if any, for the shelter does not exceed the actual cost of operating and maintaining the shelter facility. This exemption is subject to the administrative provisions contained in RCW 84.36.800 through 84.36.865.

Sec. 47. Section 6, chapter 40, Laws of 1973 2nd ex. sess. as amended by section 3, chapter 141. Laws of 1981 and RCW 84.36.800 are each amended to read as follows:

As used in RCW 84.36.020, 84.36.030, 84.36.040, 84.36.050, 84.36.060, 84.36.037, and 84.36.800 through 84.36.865:

(1) "Church purposes" means the use of real and personal property owned by a nonprofit religious organization for religious worship or related administrative, educational, eleemosynary, and social activities. This definition is to be broadly construed;

(2) "Convent" means a house or set of buildings occupied by a community of clergymen or nuns devoted to religious life under a superior;

(3) "Hospital" means any portion of a hospital building, or other buildings in connection therewith, used as a residence for persons engaged or employed in the operation of a hospital, or operated as a portion of the hospital unit;

(4) "Nonprofit" means an organization, association or corporation no part of the income of which is paid directly or indirectly to its members, stockholders, officers, directors or trustees except in the form of services rendered by the organization, association, or corporation in accordance with its purposes and bylaws and the salary or compensation paid to officers of such organization, association or corporation is for actual services rendered and compares to the salary or compensation of like positions within the public services of the state;

(5) "Parsonage" means a residence occupied by a clergymen who is designated for a particular congregation and who holds regular services therefor;

(6) "School or college" means any nonprofit organization, association, or corporation established and operated for general educational purposes, or to provide cultural or art education programs as defined in RCW 82.04.4328.

NEW SECTION. Sec. 48. There is added to chapter 82.04 RCW a new section to read as follows:

(1) "Competitive telephone service" means the providing by any person of telecommunications equipment or apparatus, or service related to that equipment or apparatus such as repair or maintenance service, if the equipment or apparatus is of a type which can be provided by persons that are not subject to regulation as telephone companies under Title 80 RCW and for which a separate charge is made.
"Network telephone service" means the providing by any person of access to a local telephone network, local telephone network switching service, toll service, or coin telephone service, or the providing of telegraphy, video, data, or similar communication or transmission service. "Network telephone service" includes interstate service, including toll service, originating from or received on telecommunications equipment or apparatus in this state if the charge for the service is billed to a person in this state. "Network telephone service" does not include the providing of competitive telephone service, the providing of cable television service, nor the providing of broadcast services by radio or television stations.

"Telephone service" means competitive telephone service or network telephone service, or both, as defined in subsections (1) and (2) of this section.

"Telephone business" means the business of providing network telephone service, as defined in subsection (2) of this section. It includes cooperative or farmer line telephone companies or associations operating an exchange.

Sec. 49. 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 are each amended to read as follows:

(1) "Sale at retail" or "retail sale" means every sale of tangible personal property (including articles produced, fabricated, or imprinted) to all persons irrespective of the nature of their business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than a sale to a person who (a) purchases for the purpose of resale as tangible personal property in the regular course of business without intervening use by such person, or (b) installs, repairs, cleans, alters, imprints, improves, constructs, or decorates real or personal property of or for consumers. If such tangible personal property becomes an ingredient or component of such real or personal property without intervening use by such person, or (c) purchases for the purpose of consuming the property purchased in producing for sale a new article of tangible personal property or substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale, or (d) purchases for the purpose of providing the property to consumers as part of competitive telephone service, as defined in (RCW 82.16.010) section 48 of this 1983 act. The term shall include every sale of tangible personal property which is used or consumed or to be used or consumed in the performance of any activity classified as a "sale at retail" or "retail sale" even though such property is resold or utilized as provided in (a), (b), (c), or (d) above following such use. The term also means every sale of tangible personal property to persons engaged in any business which is taxable under RCW 82.04.280, subsections (2) and (7) and RCW 82.04.290.

(2) The term "sale at retail" or "retail sale" shall include the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following: (a) The installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers, including charges made for the mere use of facilities in respect thereto, but excluding charges made for the use of coin operated laundry facilities when such facilities are situated in an apartment house, hotel, motel, rooming house, trailer camp or tourist camp for the exclusive use of the tenants thereof, and also excluding sales of laundry service to members by nonprofit associations composed exclusively of nonprofit hospitals, and excluding services rendered in respect to live animals, birds and insects: (b) The constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and shall also include the sale of services or charges made for the clearing of land and the moving of earth excepting the mere leveling of land used in commercial farming or agriculture: (c) The sale of or charge made for labor and services rendered in respect to the cleaning, fumigating, razing or moving of existing buildings or structures, but shall not include the charge made for janitorial services, and for purposes of this section the term "janitorial services" shall mean those cleaning and caretaking services ordinarily performed by commercial janitor service businesses including, but not limited to, wall and window washing, floor cleaning and waxing, and the cleaning in place of rugs, drapes and upholstery. The term "janitorial services" does not include painting, papering, repairing, furnace or septic tank cleaning, snow removal or sandblasting: (d) The sale of or charge made for labor and services rendered in respect to automobile towing and similar automotive transportation services, but not in respect to those required to report and pay taxes under chapter 82.16 RCW; (e) The sale of and charge made for the furnishing of lodging and all other services by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, and it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same: (f) The sale of or charge made for tangible personal property, labor and
services to persons taxable under (a), (b), (c), (d), and (e) above when such sales or charges are for property, labor and services which are used or consumed in whole or in part by such persons in the performance of any activity defined as a "sale at retail" or "retail sale" even though such property, labor and services may be resold after such use or consumption. Nothing contained in this paragraph shall be construed to modify the first paragraph of this section and nothing contained in the first paragraph of this section shall be construed to modify this paragraph.

(3) The term "sale at retail" or "retail sale" shall include the sale of or charge made for personal business or professional services including amounts designated as interest, rents, fees, admission, and other service emoluments however designated, received by persons engaging in the following business activities: (a) Amusement and recreation businesses including but not limited to golf, pool, billiards, skating, bowling, ski lifts and tows and others; (b) abstract, title insurance and escrow businesses; (c) credit bureau businesses; (d) automobile parking and storage garage businesses.

(4) The term shall also include the renting or leasing of tangible personal property to consumers.

(5) The term shall also include the providing of ([competitive]) telephone service, as defined in ([RCW 82.16.010]) section 48 of this 1983 act, to consumers.

(6) The term shall not include the sale of or charge made for labor and services rendered in respect to the building, repairing, or improving of any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind, nor shall it include sales of feed, seed, fertilizer, and spray materials to persons for the purpose of producing for sale any agricultural product whatsoever, including milk, eggs, wool, fur, meat, honey, or other substances obtained from animals, birds, or insects but only when such production and subsequent sale are exempt from tax under RCW 82.04.330, nor shall it include sales of chemical sprays or washes to persons for the purpose of post-harvest treatment of fruit for the prevention of scald, fungus, mold, or decay.

(7) The term shall not include the sale of or charge made for labor and services rendered in respect to the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing, or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation. Nor shall the term include the sale of services or charges made for the clearing of land and the moving of earth of or for the United States, any instrumentality thereof, or a county or city housing authority.

Sec. 50. Section 82.04.060. chapter 15, Laws of 1961 and RCW 82.04.060 are each amended to read as follows:

"Sale at wholesale" or "wholesale sale" means any sale of tangible personal property, or any sale of telephone service as defined in section 48 of this 1983 act, which is not a sale at retail and means any charge made for labor and services rendered for persons who are not consumers, in respect to real or personal property, if such charge is expressly defined as a retail sale by RCW 82.04.050 when rendered to or for consumers: PROVIDED, That the term "real or personal property" as used in this section shall not include any natural products named in RCW 82.04.100.

Sec. 51. 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 are each amended to read as follows:

"Consumer" means the following:

(1) Any person who purchases, acquires, owns, holds, or uses any article of tangible personal property irrespective of the nature of ([this]) the person's business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than for the purpose of resale as tangible personal property in the regular course of business or (b) of incorporating such property as an ingredient or component of real or personal property when installing, repairing, cleaning, altering, imprinting, improving, constructing, or decorating such real or personal property of or for consumers or (c) of consuming such property in producing for sale a new article of tangible personal property or a new substance, of which such property becomes an ingredient or component or as a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale:

(2) Any person engaged in any business activity taxable under RCW 82.04.290 and any person who purchases, acquires, or uses any telephone service as defined in section 48 of this 1983 act, other than for resale in the regular course of business:
(3) Any person engaged in the business of contracting for the building, repairing or improving of any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state of Washington or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind as defined in RCW 82.04.280, in respect to tangible personal property when such person incorporates such property as an ingredient or component of such publicly owned street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle by installing, placing or spreading the property in or upon the right of way of such street, place, road, highway, easement, bridge, tunnel, or trestle or in or upon the site of such mass public transportation terminal or parking facility.

(4) Any person who is an owner, lessee or has the right of possession to or an easement in real property which is being constructed, repaired, decorated, improved, or otherwise altered by a person engaged in business, excluding only (a) municipal corporations or political subdivisions of the state in respect to labor and services rendered to their real property which is used or held for public road purposes, and (b) the United States, instrumentalities thereof, and county and city housing authorities created pursuant to chapter 35.82 RCW in respect to labor and services rendered to their real property. Nothing contained in this or any other subsection of this definition shall be construed to modify any other definition of "consumer".

(5) Any person who is an owner, lessee, or has the right of possession to personal property which is being constructed, repaired, improved, cleaned, imprinted, or otherwise altered by a person engaged in business.

(6) Any person engaged in the business of constructing, repairing, decorating, or improving new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation. Any such person shall be a consumer within the meaning of this subsection in respect to tangible personal property incorporated into, installed in, or attached to such building or other structure by such person.

Sec. 52. 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 are each amended to read as follows:

(1) Any person rendering services taxable under RCW 82.04.290 and maintaining places of business both within and without this state which contribute to the rendition of such services shall, for the purpose of computing tax liability under RCW 82.04.290, apportion to this state that portion of his gross income which is derived from services rendered within this state. Where such apportionment cannot be accurately made by separate accounting methods, the taxpayer shall apportion to this state that proportion of his total income which the cost of doing business within the state bears to the total cost of doing business both within and without the state.

(2) Notwithstanding the provision of subsection (1) of this section, persons doing business both within and without the state who receive gross income from service charges, as defined in RCW 63.14.010(8) (relating to amounts charged for granting the right or privilege to make deferred or installment payments) or who receive gross income from engaging in business as financial institutions within the scope of chapter 82.14A RCW (relating to city taxes on financial institutions) shall apportion or allocate gross income taxable under RCW 82.04.290 to this state pursuant to rules promulgated by the department consistent with uniform rules for apportionment or allocation developed by the states.

(3) The department shall by rule provide a method or methods of apportioning or allocating gross income derived from sales of telephone services taxed under this chapter. If the gross proceeds of sales subject to tax under this chapter do not fairly represent the extent of the taxpayer's income attributable to this state, the rules shall be, so far as feasible, consistent with the methods of apportionment contained in this section and shall require the consideration of those facts, circumstances, and apportionment factors as will result in an equitable and constitutionally permissible division of the services.

Sec. 53. 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 are each amended to read as follows:

Unless a seller has taken from the purchaser a resale certificate signed by, and bearing the name and address and registration number of the purchaser to the effect that the property or service was purchased for resale, or unless the nature of the transaction is clearly shown as a sale at wholesale by the books and records of the taxpayer in such other manner as the department of revenue shall by regulation provide, the burden of proving that a sale of tangible personal property, or of telephone service as defined in section 48 of this 1983 act, was not a sale at retail shall be upon the person who made it.

NEW SECTION. Sec. 54. There is added to chapter 82.08 RCW a new section to read as follows:

(1) The tax levied by RCW 82.08.020 shall not apply to sales of:
(a) Network telephone service, other than toll service, to residential customers.
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(b) Network telephone service which is paid for by inserting coins in coin-operated telephones.

(2) As used in this section:
(a) "Network telephone service" has the meaning given in section 48 of this act.
(b) "Residential customer" means an individual subscribing to a residential class of telephone service.
(c) "Toll service" does not include customer access line charges for access to a toll calling network.

Sec. 55. Section 3, chapter 94, Laws of 1970 ex. sess. as last amended by section 1, chapter 211, Laws of 1982 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)) section 48 of this 1983 act, 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.

Sec. 56. Section 82.16.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 9, Laws of 1982 2nd ex. sess and RCW 82.16.010 are each amended to read as follows:
For purposes of this chapter, unless otherwise required by the context:
(1) "Railroad business" means the business of operating any railroad, by whatever power operated, for public use in the conveyance of persons or property for hire. It shall not, however, include any business herein defined as an urban transportation business.
(2) "Express business" means the business of carrying property for public hire on the line of any common carrier operated in this state, when such common carrier is not owned or leased by the person engaging in such business.
(3) "Railroad car business" means the business of renting, leasing or operating stock cars, furniture cars, refrigerator cars, fruit cars, poultry cars, tank cars, sleeping cars, parlor cars, buffet cars, tourist cars, or any other kinds of cars used for transportation of property or persons upon the line of any railroad operated in this state when such railroad is not owned or leased by the person engaging in such business.
(4) "Water distribution business" means the business of operating a plant or system for the distribution of water for hire or sale.
(5) "Light and power business" means the business of operating a plant or system for the generation, production or distribution of electrical energy for hire or sale.
(6) "((Telephone business" means the business of providing access to a local telephone network, local telephone network switching service, toll service, or coin telephone services; or providing telephonic, video, data, or similar communication or transmission for hire, via a local telephone network; toll line or channel, or similar communication or transmission system; it includes cooperative or farmer line telephone companies or associations operating an exchange. "Telephone business does not include the providing of competitive telephone service, nor the providing of cable television service:
(7)) "Telegraph business" means the business of affording telegraphic communication for hire.
(8)) (2) "Gas distribution business" means the business of operating a plant or system for the production or distribution for hire or sale of gas, whether manufactured or natural.
(9) "Motor transportation business" means the business (except urban transportation business) of operating any motor propelled vehicle by which persons or property of others are conveyed for hire, and includes, but is not limited to, the operation of any motor propelled vehicle as an auto transportation company (except urban transportation business), common carrier or contract carrier as defined by RCW 81.68.010 and 81.80.010: PROVIDED, That "motor transportation business" shall not mean or include the transportation of logs or other forest products exclusively upon private roads or private highways.

(10) "Public service business" means any of the businesses defined in subdivisions (1), (2), (3), (4), (6), (7), (8), (9), and (10). Any business subject to control by the state, or having the powers of eminent domain and the duties incident thereto, or any business hereafter declared by the legislature to be of a public service nature, except telephone business as defined in section 48 of this 1983 act. It includes, among others, without limiting the scope hereof: Airplane transportation. boom. dock. ferry. log patrol. pipe line. warehouse. toll bridge. toll logging road. water transportation and wharf businesses.

(11) "Tugboat business" means the business of operating tugboats, towboats, wharf boats or similar vessels in the towing or pushing of vessels, barges or rafts for hire.

(12) "Gross income" means the value proceeding or accruing from the performance of the particular public service or transportation business involved, including operations incidental thereto, but without any deduction on account of the cost of the commodity furnished or sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses: PROVIDED, That gross income of a light and power business means those amounts or value accruing to a taxpayer from the last distribution of electrical energy which is a taxable event within this state.

(13) The meaning attributed, in chapter 82.04 RCW, to the term "tax year," "person," "value proceeding or accruing," "business," "engaging in business," "within this state," "cash discount" and "successor" shall apply equally in the provisions of this chapter.

(14) "Competitive telephone service" means the providing by any person of telephone equipment. apparatus. or service, other than toll service, which is of a type which can be provided by persons that are not subject to regulation as telephone companies under Title 60 RCW and for which a separate charge is made:"

Sec. 57. Section 6. chapter 134. Laws of 1972 ex. sess. as last amended by section 7. chapter 99. Laws of 1983 and RCW 35.21.710 are each amended to read as follows:

Any city which imposes a license fee or tax upon business activities consisting of the making of retail sales of tangible personal property which are measured by gross receipts or gross income from such sales, shall impose such tax at a single uniform rate upon all such activities: PROVIDED, That such tax may be imposed to any business activities subject to the tax imposed by chapter 82.16 RCW. For purposes of this section, the providing to consumers of competitive telephone service, as defined in RCW 82.16.010), section 48 of this 1983 act, shall be deemed to be the retail sale of tangible personal property.

Sec. 58. Section 7. chapter 134. Laws of 1972 ex. sess. as amended by section 7. chapter 144. Laws of 1981 and RCW 35A.82.050 are each amended to read as follows:

Any code city which imposes a license fee or tax upon business activities consisting of the making of retail sales of tangible personal property which are measured by gross receipts or gross income from such sales, shall impose such tax at a single uniform rate upon all such
business activities. This section shall not apply to any business activities subject to the tax imposed by chapter 82.16 RCW. For purposes of this section, the providing to consumers of competitive telephone service, as defined in RCW 82.16.010, section 48 of this 1983 act, shall be deemed to be the retail sale of tangible personal property.

Sec. 59. Section 8, chapter 144, Laws of 1981 and RCW 35.21.712 are each amended to read as follows:

Any city which imposes a license fee or tax upon the business activity of engaging in the telephone business, as defined in RCW 82.16.010, section 48 of this 1983 act, which is measured by gross receipts or gross income from the business shall impose the tax at a uniform rate on all persons engaged in the telephone business in the city.

This section does not apply to the providing of competitive telephone service as defined in RCW 82.16.010, section 48 of this 1983 act.

Sec. 60. Section 9, chapter 144, Laws of 1981 and RCW 35A.82.055 are each amended to read as follows:

Any code city which imposes a license fee or tax upon the business activity of engaging in the telephone business, as defined in RCW 82.16.010, section 48 of this 1983 act, which is measured by gross receipts or gross income from the business shall impose the tax at a uniform rate on all persons engaged in the telephone business in the code city.

This section does not apply to the providing of competitive telephone service as defined in RCW 82.16.010, section 48 of this 1983 act.

Sec. 61. Section 10, chapter 144, Laws of 1981 and RCW 35.21.714 are each amended to read as follows:

Any city which imposes a license fee or tax upon the business activity of engaging in the telephone business, as defined in RCW 82.16.010, section 48 of this 1983 act, which is measured by gross receipts or gross income from the business shall impose the tax at a uniform rate on all persons engaged in the telephone business in the city.

This section does not apply to the providing of competitive telephone service as defined in RCW 82.16.010, section 48 of this 1983 act.

Sec. 62. Section 11, chapter 144, Laws of 1981 and RCW 35A.82.060 are each amended to read as follows:

Any code city which imposes a license fee or tax upon the business activity of engaging in the telephone business, as defined in RCW 82.16.010, section 48 of this 1983 act, which is measured by gross receipts or gross income from the business shall impose the tax at a uniform rate on all persons engaged in the telephone business in the code city.

This section does not apply to the providing of competitive telephone service as defined in RCW 82.16.010, section 48 of this 1983 act.

Sec. 63. Section 2, chapter 49, Laws of 1982 1st ex. sess. and RCW 35.21.860 are each amended to read as follows:

(1) No city or town may impose a franchise fee or any other fee or charge of whatever nature or description upon the light and power, (telephonic) or gas distribution businesses, as defined in RCW 82.16.010, or telephone business, as defined in section 48 of this 1983 act, except that (a) a tax authorized by RCW 35.21.865 may be imposed and (b) a fee may be charged to such businesses that recovers actual administrative expenses incurred by a city or town that are directly related to receiving and approving a permit, license, and franchise, to inspecting plans and construction, or to the preparation of a detailed statement pursuant to chapter 43.21C RCW.

(2) Subsection (1) of this section does not prohibit franchise fees imposed on an electrical energy, natural gas, or telephone business, by contract existing on April 20, 1982, with a city or town, for the duration of the contract, but the franchise fees shall be considered taxes for the purposes of the limitations established in RCW 35.21.865 and 35.21.870 to the extent the fees exceed the costs allowable under subsection (1) of this section.

Sec. 64. Section 80.04.270, chapter 14, Laws of 1961 as amended by section 5, chapter 144, Laws of 1981 and RCW 80.04.270 are each amended to read as follows:

Any public service company engaging in the sale of merchandise or appliances or equipment shall keep separate accounts, as prescribed by the commission, of its capital employed in such business and of its revenues therefrom and operating expenses thereof. The capital employed in such business shall not constitute a part of the fair value of said company's property for rate making purposes. nor shall the revenues from or operating expenses of such business constitute a part of the operating revenues and expenses of said company as a public service company. For purposes of this section, the providing of competitive telephone service, as defined in RCW 82.16.010, section 48 of this 1983 act, shall not constitute the sale of merchandise, appliances, or equipment, unless the commission determines that it would be in the public interest to hold otherwise.

Sec. 65. Section 82.08.020, chapter 15, Laws of 1961 as last amended by section 6, chapter 7, Laws of 1983 and RCW 82.08.020 are each amended to read as follows:
There is levied and there shall be collected a tax on each retail sale in this state equal to six and five-tenths percent of the selling price. PROVIDED, That such tax shall be levied and collected in border counties in an amount equal to five and four-tenths percent of the selling price. PROVIDED FURTHER, That such tax shall be levied and collected on each retail sale of telephone services, as defined in section 48 of this 1983 act, in all counties in an amount equal to six and five-tenths percent of the selling price.

The tax imposed under this chapter shall apply to successive retail sales of the same property.

The rate provided in this section applies to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

NEW SECTION. Sec. 66. There is added to chapter 84.36 a new section to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 67, 68, and 69 of this act.

"Business inventories" means all livestock and means personal property not under lease or rental, acquired or produced solely for the purpose of sale or lease, or for the purpose of consuming such property in producing for sale or lease a new article of tangible personal property of which such property becomes an ingredient or component. Business Inventories shall not mean personal property acquired or produced for the purpose of lease or rental if such property was leased or rented at any time during the calendar year immediately preceding the year of assessment and was not thereafter remanufactured, nor shall it include property held within the normal course of business for lease or rental for periods of less than thirty days. "Business inventories" does not include personal property acquired or produced for the purpose of lease or rental, agricultural or horticultural property fully or partially exempt under RCW 84.36.470, or standing timber. "Business inventories" includes inventories of finished goods and work in process. For purposes of this subsection, "remanufacturing" means restoration of property to essentially original condition, but does not mean normal maintenance or repairs.

"Excess inventory value" for a taxing district means that portion of the total assessed value of business inventories in the district which exceeds fifteen percent of the total assessed value of property in the district, as listed for 1984 taxes prior to the allowance of the exemption under section 69 of this act.

"Excess inventory district" means a taxing district with an excess inventory value greater than zero.

NEW SECTION. Sec. 67. There is added to chapter 84.09 RCW a new section to read as follows:

On or before December 15, 1983, each county assessor shall provide the department with a list of the amount of excess inventory value in each taxing district in the county.

From amounts appropriated for this purpose, the department shall calculate the following amounts for each taxing district, distribute fifty-live percent of the amount to the taxing district on or before May 31 of the year for which the calculation is made, and distribute forty-live percent of the amount to the taxing district on or before November 30 of that year:

(a) For 1984, an amount equal to the district's 1984 levy rate multiplied by the district's excess inventory value;

(b) For 1985, an amount equal to seventy-five percent of the amount calculated for the district under subsection (2)(a) of this section;

(c) For 1986, an amount equal to fifty-five percent of the amount calculated for the district under subsection (2)(a) of this section;

(d) For 1987, an amount equal to twenty-five percent of the amount calculated for the district under subsection (2)(a) of this section.

NEW SECTION. Sec. 68. There is added to chapter 84.52 RCW a new section to read as follows:

The county assessor shall calculate tax levy rates for each excess inventory district as follows:

(1) For 1984 taxes, the assessor shall calculate the levy rate as if the assessed value of property in the district included the excess inventory value of the district;

(2) For 1985, 1986, and 1987 taxes, the assessor shall calculate the levy rate after subtracting the payment to be received by the district under section 67 of this act during that year from the total levy amount.

NEW SECTION. Sec. 69. There is added to chapter 84.36 RCW a new section to read as follows:

Business inventories as defined in section 66 of this act are exempt from property taxation.

Sec. 70. Section 9, chapter 169, Laws of 1974 ex. sess. and RCW 84.40.405 are each amended to read as follows:

The department of revenue shall promulgate such rules and regulations, and prescribe such procedures as it deems necessary to carry out RCW 82.04.442 through 82.04.445, 84.36.470, 84.40.400 ((and 84.40.405)), sections 66, 67, 68, and 69 of this 1983 act, and this section.

NEW SECTION. Sec. 71. There is added to chapter 84.55 RCW a new section to read as follows:
As used in this chapter, the term "regular property taxes" has the meaning given it in RCW 84.04.140. and also includes amounts received in lieu of regular property taxes under section 67 of this act.

Sec. 72. 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 are each amended to read as follows:

"Extractor" means every person who from his or her own land or from the land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services, for sale or for commercial or industrial use mines, quarries, lakes or produces coal, oil, natural gas, ore, stone, sand, gravel, clay, mineral or other natural resource product, or fells, cuts or takes timber, Christmas trees or other natural products, or takes, cultivates, or raises fish, shellfish, or other sea or inland water foods or products. ((He)) "Extractor" does not include persons performing under contract the necessary labor or mechanical services or raising fish in or taking fish from fresh water on their own land.

Sec. 73. Section 82.04.330, chapter 15, Laws of 1961 as amended by section 7, chapter 173. Laws of 1965 ex. sess. and RCW 82.04.330 are each amended to read as follows:

This chapter shall not apply to any person in respect to the business of growing or producing for sale upon his own lands or upon land in which he has a present right of possession, any agricultural or horticultural produce or crop, including the raising for sale of any animal, bird, or insect, or the milk, eggs, wool, fur, meat, honey, or other substance obtained therefrom, or in respect to the sale of such products at wholesale by such grower, producer, or raiser thereof. This exemption shall not apply to any person selling such products at retail or using such products as ingredients in a manufacturing process; nor to the sale of any animal or substance obtained therefrom by a person in connection with his business of operating a stockyard or a slaughter or packing house; nor to any person in respect to the business of taking, cultivating, or raising Christmas trees or timber; nor to any association of persons whatever, whether mutual, cooperative or otherwise, engaging in any business activity with respect to which tax liability is imposed under the provisions of this chapter.

This chapter shall also not apply to any person in respect to the business of cultivating or raising fish in or taking fish from fresh water on his or her own land.

NEW SECTION. Sec. 74. There is added to chapter 82.08 RCW a new section to read as follows:

The tax levied by RCW 82.08.020 shall not apply to sales of feed used for cultivating or raising fish in fresh water on one's own land.

NEW SECTION. Sec. 75. There is added to chapter 82.12 RCW a new section to read as follows:

The provisions of this chapter shall not apply in respect to the use of feed for cultivating or raising fish in fresh water on one's own land.

Sec. 76. Section 39, chapter 37, Laws of 1980 as amended by section 1, chapter 5, Laws of 1982 1st ex. sess. and RCW 82.08.0273 are each amended to read as follows:

The tax levied by RCW 82.08.020 shall not apply to sales of nonresidents of this state of tangible personal property for use outside this state when the purchaser has applied for and received from the department of revenue a permit certifying (1) that the purchaser is a bona fide resident of a state or possession or Province of Canada other than the state of Washington, (2) that such state, possession, or Province of Canada does not impose a retail sales tax or use tax of three percent or more or, if imposing such a tax, permits Washington residents exemption from otherwise taxable sales by reason of their residence, and (3) that he or she does agree, when requested, to grant the department of revenue access to such records and other forms of verification at his or her place of residence to assure that such purchases are not first used substantially in the state of Washington.

Any person claiming exemption from retail sales tax under the provisions of this section must display a nonresident permit as herein provided, and any vendor making a sale to a nonresident without collecting the tax must examine such permit, identify the purchaser as the person to whom the nonresident permit was issued, and maintain records which shall show the tax liability incurred by such nonresident and the amount of tax due.

Permits shall be personal and nontransferable, shall be renewable annually, and shall be issued by the department of revenue upon payment of a fee of ((one)) one dollar((s)). The department may in its discretion designate independent agents for the issuance of permits. according to such standards and qualifications as the department may prescribe. Such agents shall pay over and account to the department for all permit fees collected, after deducting as a collection fee the sum of ((one dollar)) fifty cents for each permit issued.

Any person making fraudulent statements in order to secure a permit shall be guilty of perjury. Any person making tax exempt purchases by displaying a permit not his or her own, or a counterfeit permit, with intent to violate the provisions of this section shall be guilty of a misdemeanor and, in addition, may be subject to a penalty not to exceed the amount of the tax due on such purchases. Any vendor who makes sales without collecting the tax to a person who does not hold a valid permit, and any vendor who fails to maintain records of permit numbers as provided in this section shall be personally liable for the amount of tax due.
Sec. 77. Section 82.04.450, chapter 15, Laws of 1961 as amended by section 42, chapter 278. Laws of 1975 1st ex. sess. and RCW 82.04.450 are each amended to read as follows:

(1) The value of products, including byproducts, extracted or manufactured shall be determined by the gross proceeds derived from the sale thereof, whether such sale is at wholesale or at retail, to which shall be added all subsidies and bonuses received from the purchaser or from any other person with respect to the extraction, manufacture, or sale of such products or byproducts by the seller, except:

(((f))) (a) Where such products, including byproducts, are extracted or manufactured for commercial or industrial use;

(((2))) (b) Where such products, including byproducts, are shipped, transported or transferred out of the state, or to another person, without prior sale or are sold under circumstances such that the gross proceeds from the sale are not indicative of the true value of the subject matter of the sale.

(2) In the above cases the value shall correspond as nearly as possible to the gross proceeds from sales in this state of similar products of like quality and character, and in similar quantities by other taxpayers, plus the amount of subsidies or bonuses ordinarily payable by the purchaser or by any third person with respect to the extraction, manufacture, or sale of such products; PROVIDED, That the value of a product manufactured or produced for purposes of serving as a prototype for the development of a new or improved product shall correspond:

(a) To the retail selling price of such new or improved product when first offered for sale; or (b) to the value of materials incorporated into the prototype in cases in which the new or improved product is not offered for sale. The department of revenue shall prescribe uniform and equitable rules for the purpose of ascertaining such values.

Sec. 78. 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 are each amended to read as follows:

For the purposes of this chapter:

(1) "Value of the article used" shall mean the consideration, whether money, credit, rights, or other property, expressed in terms of money, paid or given or contracted to be paid or given by the purchaser to the seller for the article of tangible personal property, the use of which is taxable under this chapter. The term includes, in addition to the consideration paid or given or contracted to be paid or given, the amount of any tariff or duty paid with respect to the importation of the article used. In case the article used is acquired by lease or by gift or is extracted, produced, or manufactured by the person using the same or is sold under conditions wherein the purchase price does not represent the true value thereof, the value of the article used shall be determined as nearly as possible according to the retail selling price at place of use of similar products of like quality and character under such rules and regulations as the department of revenue may prescribe.

In case the articles used are acquired by bailment, the value of the use of the articles so used shall be in an amount representing a reasonable rental for the use of the articles so bailed, determined as nearly as possible according to the value of such use at the places of use of similar products of like quality and character under such rules and regulations as the department of revenue may prescribe: PROVIDED, That in case any such articles of tangible personal property are used in respect to the construction, repairing, decorating, or improving of, and which become or are to become an ingredient or component of, new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing or attaching of any such articles therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, then the value of the use of such articles so used shall be determined according to the retail selling price of such articles, or in the absence of such a selling price, as nearly as possible according to the retail selling price at place of use of similar products of like quality and character or, in the absence of either of these selling price measures, such value may be determined upon a cost basis, in any event under such rules and regulations as the department of revenue may prescribe.

In the case of articles manufactured or produced by the user and used in the manufacture or production of products sold or to be sold to the department of defense of the United States, the value of the articles used shall be determined according to the value of the ingredients of such articles.

In the case of an article manufactured or produced for purposes of serving as a prototype for the development of a new or improved product, the value of the article used shall be determined by: (a) The retail selling price of such new or improved product when first offered for sale; or (b) the value of materials incorporated into the prototype in cases in which the new or improved product is not offered for sale.

(2) "Use," "used," "using," or "put to use" shall have their ordinary meaning, and shall mean the first act within this state by which the taxpayer takes or assumes dominion or control over the article of tangible personal property (as a consumer), and include installation, storage, withdrawal from storage, or any other act preparatory to subsequent actual use or consumption within this state;
The following are exempt from the tax imposed under this chapter:

(1) Vessels exempt from the registration requirements of chapter 88--.- RCW (sections 14 through 22, chapter 7, Laws of 1983);

(2) Vessels used exclusively for commercial fishing purposes;

(3) Vessels owned and operated by the United States, a state of the United States, or any municipality or political subdivision thereof;

(4) Vessels under sixteen feet in overall length; and

(5) Vessels owned and held for sale by a dealer, but not rented on a regular commercial basis.

The provisions of this chapter shall not apply in respect to the use of computers irrevocably donated to any public or private nonprofit school or college, as defined under chapter 43.36 RCW, in this state. For purposes of this section, "computer" means a data processor that can perform substantial computation, including numerous arithmetic or logic operations, without intervention by a human operator during the run.

The tax levied by RCW 82.08.020 does not apply to the sale of precious metal bullion or monetized bullion, except for sales for commercial or industrial purposes. For purposes of this section, "precious metal bullion" means any elementary precious metal which has been put through a process of smelting or refining, including, but not limited to, gold, silver, platinum, rhodium, and chromium, and which is in such state or condition that its value depends upon its contents and not upon its form. For purposes of this section, "monetized bullion" means coins or other forms of money manufactured from gold, silver, or other metals and heretofore, now, or hereafter used as a medium of exchange under the laws of this state, the United States, or any foreign nation, but does not include coins or money sold to be manufactured into jewelry or works of art.

An excise tax is imposed for the privilege of using a vessel ((for which registration is required under chapter 88--.- RCW (sections 14 through 22 of this act)) upon the waters of this state, except vessels ((covered by a dealer's registration number under this chapter)) exempt under section 83 of this 1983 act. The annual amount of the excise tax is one-half percent of fair market value, as determined under this chapter, or five dollars, whichever is greater.

NEW SECTION. Sec. 83. There is added to chapter 82.12 RCW a new section to read as follows:

The excise tax upon a vessel registered for the first time in this state shall be imposed for a twelve-month period, including the month in which the vessel is registered, unless the director of licensing extends or diminishes vessel registration periods for the purpose of staggered renewal periods under RCW 88--.-- (section 18 (of this act), chapter 7, Laws of 1983). A vessel is registered for the first time in this state when the vessel was not registered in this state for the immediately preceding registration year, or when the vessel was registered in another jurisdiction for the immediately preceding year. The excise tax on vessels required to be registered in this state on the effective date of this section shall be paid by June 30, 1983.

NEW SECTION. Sec. 84. There is added to chapter 82.12 RCW a new section to read as follows:

The following are exempt from the tax imposed under this chapter:

(1) Vessels exempt from the registration requirements of chapter 88--.- RCW (sections 14 through 22, chapter 7, Laws of 1983);

(2) Vessels used exclusively for commercial fishing purposes;

(3) Vessels owned and operated by the United States, a state of the United States, or any municipality or political subdivision thereof;

(4) Vessels under sixteen feet in overall length; and

(5) Vessels owned and held for sale by a dealer, but not rented on a regular commercial basis.
Vessel registration is required under this chapter except for the following:

1. Vessels owned and operated by the United States, another state, or a political subdivision thereof!

2. Vessels owned and operated by this state, or by any municipality or political subdivision thereof, used principally for governmental purposes and clearly identifiable as such:

3. Vessels owned by a resident of a country other than the United States or Canada if the vessel is not physically located upon the waters of this state for a period of more than sixty days:

4. Vessels owned by a resident of another state or a Canadian province if the vessel is registered in accordance with the laws of the state or province in which the owner resides, but only to the extent that a similar exemption or privilege is granted under the laws of that state or province for vessels registered in this state: PROVIDED, That any vessel which is validly registered in another state or a Canadian province and which is physically located in this state for a period of more than sixty days is subject to registration under this chapter:

5. Vessels used as a ship's lifeboat:

6. Vessels equipped with propulsion machinery of less than ten horsepower that:

(a) Are owned by the owner of a vessel for which a valid vessel number has been issued;

(b) Display the number of that numbered vessel followed by the suffix "1" in the manner prescribed by the department; and

(c) Are used as a tender for direct transportation between that vessel and the shore and for no other purpose:

7. Vessels under sixteen feet in overall length (or whose primary propulsion is human power) which have no propulsion machinery of any type:

8. Vessels with no propulsion machinery of any type for which the primary mode of propulsion is human power.

9. Vessels which are temporarily in this state undergoing repair or alteration (and vessels which are designed and used exclusively for racing):

10. Vessels primarily engaged in commerce which have or are required to have a valid marine document as a vessel of the United States (and which are primarily engaged in commerce); and

11. Vessels primarily engaged in commerce which are owned by a resident of a country other than the United States.

Application for a vessel registration shall be made to the department or its authorized agent in the manner and upon forms prescribed by the department. The application shall state the name and address of each owner of the vessel and such other information as may be required by the department, shall be signed by at least one owner, and shall be accompanied by a vessel registration fee of six dollars per year and the excise tax imposed under chapter 81, Laws of 1983.

Upon receipt of the application and the registration fee, the department shall assign a registration number and issue a decal for each vessel. The registration number and decal shall be issued and affixed to the vessel in a manner prescribed by the department consistent with the standard numbering system for vessels set forth in volume 33, part 174, of the code of federal regulations. A valid decal affixed as prescribed shall indicate compliance with the annual registration requirements of this chapter.

The vessel registrations and decals are valid for a period of one year, except that the director of licensing may extend or diminish vessel registration periods, and the decals thereafter, for the purpose of staggered renewal periods. For registration periods of more or less than one year, the department may collect prorated annual registration fees and excise taxes based upon the number of months in the registration period. Vessel registrations are renewable every year in a manner prescribed by the department upon payment of the vessel registration fee and excise tax. Upon renewing a vessel registration, the department shall issue a new decal to be affixed as prescribed by the department.

A person acquiring a vessel from a dealer or a vessel already validly registered under this chapter shall, within fifteen days of the acquisition or purchase of the vessel, apply to the department or its authorized agent for transfer of the vessel registration, and the application shall be accompanied by a transfer fee of one dollar.

NEW SECTION. Sec. 86. There is added to chapter 88, RCW (sections 14 through 22, chapter 7, Laws of 1983) a new section to read as follows:
(1) The department shall provide for the issuance of vessel certificates of title through the agents appointed under RCW 88. — (section 17, chapter 7, Laws of 1983). The fee for a vessel certificate of title is five dollars. Fees for vessel certificates of title shall be deposited in the general fund. The provisions of chapters 46.12 and 46.16 RCW relating to motor vehicle certificates of registration, titles, certificate issuance, ownership transfer, and perfection of security interests, and other provisions which may be applied to vessels subject to this chapter, may be so applied by rule of the department if they are not inconsistent with this chapter.

(2) Whenever a vessel is to be registered for the first time as required by this chapter, application shall be made at the same time for a certificate of title. Any person who purchases or otherwise obtains majority ownership of any vessel subject to the provisions of this chapter shall within fifteen days thereafter apply for a new certificate of title which shows the vessel's change of ownership.

(3) Security interests may be released or acted upon as provided by the law under which they arose or were perfected. No new security interest or renewal or extension of an existing security interest is affected except as provided under the terms of this chapter and RCW 46.12.095.

(4) Notice shall be given to the issuing authority by the owner indicated on the certificate of registration within fifteen days of the occurrence of any of the following: Transfer of any part or all of the ownership of a vessel registered under this chapter; any change of address of owner; destruction, loss, abandonment, theft, or recovery of the vessel; or loss or destruction of a valid certificate of registration on the vessel.

Sec. 87. Section 15, chapter 7, Laws of 1983 and RCW 88. — are each amended to read as follows:

(i) Except as provided in this chapter, no person may own or operate any vessel on the waters of this state unless the vessel has been registered and displays a registration number and a valid decal in accordance with this chapter.

(ii) No person may use any vessel to which this chapter applies:

(a) In a negligent manner so as to endanger the life, limb, or property of any person; or

(b) While under the influence of alcohol, narcotic drugs, hallucinogens, or other controlled substances.

NEW SECTION. Sec. 88. There is added to chapter 88. — RCW (sections 14 through 22. chapter 7, Laws of 1983) a new section to read as follows:

(1) The operator of a vessel involved in a collision, accident, or other casualty, to the extent the operator can do so without serious danger to the operator's own vessel or persons aboard, shall render all practical and necessary assistance to persons affected by the collision, accident, or casualty to save them from danger caused by the incident. Under no circumstances may the rendering of assistance or other compliance with this section be evidence of the liability of such operator for the collision, accident, or casualty. The operator shall also give his or her name, address, and the identification of the operator's vessel to the commission and any person injured and to the owner of any property damaged. These duties are in addition to any duties otherwise imposed by law.

(2) Any person who complies with subsection (1) of this section or who gratuitously and in good faith renders assistance at the scene of a vessel collision, accident, or other casualty, without objection of the person assisted, shall not be held liable for any civil damages as a result of the rendering of assistance or for any act or omission in providing or arranging salvage, towage, medical treatment, or other assistance, where the assisting person acts as any reasonably prudent person would have acted under the same or similar circumstances.

NEW SECTION. Sec. 89. There is added to chapter 82. — RCW (sections 9 through 13. chapter 7. Laws of 1983) a new section to read as follows:

(1) Any county may impose a tax, by ordinance or resolution, upon the privilege of using a vessel taxable under RCW 82. — (section 9, chapter 7, Laws of 1983) which is moored or stored in the county, if the population of the unincorporated area of the county together with the population of the cities which are parties to an interlocal agreement under chapter 39.34 RCW equal or exceed two-thirds of the total population of the county: PROVIDED, That such agreement shall take into consideration any marine patrols provided as of the effective date of this section. The annual amount of the tax shall be up to fifty cents per foot of the vessel per calendar year, or part thereof.

(2) The excise tax upon a vessel registered for the first time in this state shall be imposed for a twelve-month period, including the month in which the vessel is registered, unless the director of licensing extends or diminishes vessel registration periods for the purpose of staggered renewal periods under RCW 88. — (section 18, chapter 7, Laws of 1983). A vessel is registered for the first time in this state when the vessel was not registered in this state for the immediately preceding registration year, or when the vessel was registered in another jurisdiction for the immediately preceding year.

(3) The tax imposed under this section is due and payable to the department of licensing or its agents at the time of registration of a vessel.
The moneys collected under this section shall be distributed by the county monthly to the parties to the interlocal agreement according to the terms of the agreement. Moneys collected under this section shall be used only for administration and enforcement of boating safety, search and rescue operations concerning boating, and boating patrols.

Sec. 90. Section 22, chapter 7, Laws of 1983 and RCW 88._._._._. are each amended to read as follows:

(1) A violation of this chapter is a misdemeanor punishable only by a fine not to exceed one hundred dollars per vessel for the first violation. Subsequent violations in the same year are subject to the following fines:
   (a) For the second violation, a fine of two hundred dollars per vessel;
   (b) For the third and successive violations, a fine of four hundred dollars per vessel.

(2) After subtraction of court costs and administrative collection fees, moneys collected under this section shall be ([used by the jurisdiction collecting the fine exclusively for law enforcement purposes]) credited to the current expense fund of the arresting jurisdiction.

(3) All law enforcement officers shall have the authority to enforce this chapter within their respective jurisdictions.

Sec. 91. Section 84.36.080, chapter 15, Laws of 1961 as amended by section 23, chapter 7, Laws of 1983 and RCW 84.36.080 are each amended to read as follows:

All ships and vessels which are exempt from excise tax under subsection((s (c) and (g)) of section 16 of this 1983 act) (2) of section 83 of this 1983 act and subsection (10) of RCW 88._._._._. (section 84 of this 1983 act) shall be and are hereby made exempt from all ad valorem taxes, except taxes levied for any state purpose.

NEW SECTION. Sec. 92. There is added to chapter 43.51 RCW a new section to read as follows:

The state parks and recreation commission shall:

(1) Coordinate a state-wide program of boating safety education using to the maximum extent possible existing programs offered by the United States power squadron and the United States coast guard auxiliary;

(2) Adopt rules in accordance with chapter 34.04 RCW, consistent with United States coast guard regulations, standards, and precedents, as needed for the efficient administration and enforcement of this section;

(3) Develop by January 31, 1984, a state-wide inventory of marine state parks and recreational facilities operated by other state and local agencies that are available for marine-related use by persons owning boats in this state;

(4) Enter into agreements aiding the administration of this chapter;

(5) Adopt and administer a casualty and accident reporting program consistent with United States coast guard regulations;

(6) Coordinate with local and state agencies the development of biennial plans and programs for the enhancement of boating safety, safety education, and enforcement of safety rules and laws; allocate money appropriated to the commission for these programs as necessary; and accept and administer any public or private grants or federal funds which are obtained for these purposes under chapter 43.88 RCW; and

(7) Take additional actions necessary to gain acceptance of a program of boating safety for this state under the federal boating safety act of 1971.

Sec. 93. Section 6, chapter 94, Laws of 1970 ex. sess. as last amended by section 10, chapter 4, Laws of 1981 2nd ex. sess. and RCW 82.14.050 are each amended to read as follows:

The counties, metropolitan municipal corporations and cities shall contract, prior to the effective date of a resolution or ordinance imposing a sales and use tax, the administration and collection to the state department of revenue, which shall deduct a percentage amount, as provided by contract, not to exceed ((two)) one and one-half percent of the taxes collected for administration and collection expenses incurred by the department. The remainder of any portion of any tax authorized by this chapter which is collected by the department shall be deposited by the state department of revenue in the local sales and use tax account hereby created in the general fund. Moneys in the local sales and use tax account may be spent only for distribution to counties, metropolitan municipal corporations, and cities imposing a sales and use tax. All administrative provisions in chapters 82.03, 82.08, 82.12, and 82.32 RCW, as they now exist or may hereafter be amended, shall, in so far as they are applicable to state sales and use taxes, be applicable to taxes imposed pursuant to this chapter.

Sec. 94. 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 are each amended to read as follows:

((Bimonthly)) Monthly the state treasurer shall make distribution from the local sales and use tax account to the counties, metropolitan municipal corporations and cities the amount of tax collected on behalf of each county, metropolitan municipal corporation or city, less the deduction provided for in RCW 82.14.050. The state treasurer shall make the distribution under this section without appropriation.
In the event that any ordinance or resolution imposes a sales and use tax at a rate in excess of the applicable limits contained herein, such ordinance or resolution shall not be considered void in toto, but only with respect to that portion of the rate which is in excess of the applicable limits contained herein.

Sec. 95. Section 33. chapter 7. Laws of 1983 and RCW 82.32... are each amended to read as follows:

The revenue accrual account is hereby created in the state general fund. At the close of each fiscal biennium, the state treasurer shall transfer the balance in the state general fund, other than amounts reappropriated for the next fiscal biennium, to this account. Moneys in this account may only be spent after appropriation by statute for the purpose of decreasing the unfunded liability of a state retirement system.

NEW SECTION. Sec. 96. (1) If the revenue collections as of January 10, 1984, are less than $1,141,440,000, then the rate of the business and occupation tax imposed under sections 1 and 2 of this act shall be 1.5% and the rate of the business and occupation tax imposed under sections 3 and 4 of this act shall be 15%.

(2) If the added taxes imposed by subsection (1) of this section are not imposed following the revenue collections as of January 10, 1984, and if the revenue collections as of July 10, 1984, are less than $2,853,600,000, then the rate of the business and occupation tax imposed under sections 1 and 2 of this act shall be 1.5% and the rate of the business and occupation tax imposed under sections 3 and 4 of this act shall be 15%.

(3) As used in this section, "revenue collections" means revenues, penalties, and interest actually collected for credit to the fiscal biennium beginning July 1, 1983, for the taxes imposed under chapters 82.04, 82.08, 82.12, 82.16, 82.24, 82.26, and 82.45 RCW and RCW 28A.47.440 and deposited with the state treasurer for credit to the general fund during the period beginning July 1, 1983, and ending with the specified date.

NEW SECTION. Sec. 97. There is appropriated to the department of revenue from the general fund for the biennium ending June 30, 1985, the sum of six million two hundred fifteen thousand dollars, or so much thereof as may be necessary, to be distributed under section 67 of this act during the biennium ending June 30, 1985.

NEW SECTION. Sec. 98. The following acts or parts of acts are each repealed: (1) Section 2, chapter 169. Laws of 1974 ex. sess., section 8, chapter 196, Laws of 1979 ex. sess., section 1, chapter 12, Laws of 1982 2nd ex. sess. and RCW 82.04.442; (2) Section 4, chapter 169, Laws of 1974 ex. sess., section 8, chapter 291, Laws of 1975 1st ex. sess., section 1, chapter 174, Laws of 1982 and RCW 82.04.443; and (3) Section 3, chapter 169, Laws of 1974 ex. sess. and RCW 84.40.400.

NEW SECTION. Sec. 99. Section 20, chapter 22, Laws of 1982 1st ex. sess. and RCW 35.21.285 are each repealed.

NEW SECTION. Sec. 100. This act shall not be construed as affecting any existing right acquired or liability or obligation incurred under the sections amended or repealed in this act or under any rule, regulation, or order adopted under those sections, nor as affecting any proceeding instituted under those sections.

NEW SECTION. Sec. 101. 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. 102. (1) This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions and shall take effect July 1, 1983, except that:

(a) Sections 82 through 90, and 100 and 101 of this act shall take effect June 30, 1983; (b) Sections 21, 22, 46, 47, 69, 91, and 98 of this act shall take effect January 1, 1984. Sections 46, 47, 69, 91, and 98 of this act shall be effective for property taxes levied in 1983, and due in 1984, and thereafter: (c) Sections 1 through 4 of this act shall take effect July 1, 1983, except as provided in subsection (2) of this section; and (d) Sections 44 and 45 of this act shall take effect as provided in subsection (3) of this section.

(2) The legislature finds that the amendments contained in sections 1 through 4 of this act constitute an integrated and inseparable entity and if any one or more of those sections does not become law, the remaining sections shall not take effect. Sections 1 through 4 of this act do not become law, the governor shall in that event reduce approved allotments under RCW 43.88.110 for the 1983-85 biennium by four percent.

(3) Sections 44 and 45 of this act shall take effect on the day either of the following events occurs, whichever is earlier:

(a) A temporary or permanent injunction or order becomes effective which prohibits in whole or in part the collection of taxes at the rates specified in section 6, chapter 7, Laws of 1983; or (b) A decision of a court in this state invalidating in whole or in part section 6, chapter 7. Laws of 1983, becomes final.

Debate ensued.
POINT OF INQUIRY

Senator Jones: "I have a question for the majority leader. We seem to be laboring under the misconception here that we have seen this amendment. We would like a little time to look at it. Conversation is that we are supposed to get our information from a couple of lobbyists and then vote on what they are telling us. There has been some paper floating around, but frankly, I pay very little attention to that. I only buy what we get on the floor—on our desks. We just don't know what is in it and we are interested in—even in spite of the hour—having an opportunity to look at it and see what the consequences are. I hope we could have fifteen minutes or such period of time to look at the amendment. What is it—eighty-six pages—or something like that, they tell me?"

Senator Bolliger: "Mr. President and Senator Jones, I am inclined to grant you your request for fifteen minutes. We haven't seen it either. We are not sponsoring it. I guess any member can bring out a long amendment. Basically, as Senator Owen has indicated, it is a substantial deviation from the bill that is before you. In many ways, it is identical, but there are items that he has indicated to you that are different. More than that, I don't know and don't care."

MOTION

At 1:27 a.m., on motion of Senator Bolliger, the Senate was declared to be at ease.

The Senate was called to order at 1:35 a.m. by President Pro Tempore Goltz.

There being no objection, the Senate resumed consideration of Senate Bill No. 3909 and the pending amendment by Senator Owen to page 5, line 6, to the McDermott amendment.

Debate ensued.

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

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator Owen to page 5, line 6, to the McDermott amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Owen failed and the amendment to the amendment was not adopted by the following vote: Yeas, 14; nays, 25; absent, 1; excused, 9.

Voting yea: Senators Benitz, Bluechel, Craswell, Deccio, Hemstad, Jones, McCaslin, McManus, Moore, Newhouse, Owen, Patterson, Quigg, Zimmerman – 14.


Absent: Senator Rasmussen – 1.


MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Sellar served notice that he would, on the next working day, move to reconsider the vote by which the amendment by Senator Owen to page 5, line 6, to the McDermott amendment failed to be adopted by the Senate.

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "Senator Sellar, this is an amendment—to reconsider this amendment, you would have to reconsider it now, because the bill will not be before us on the next working day, we think. Do you wish to reconsider it now?"

Senator Sellar: "Could it be reconsidered at a later time while the bill is still before us?"

President Pro Tempore Goltz: "The very next thing is the adoption of the amendment to which this is an amendment, so it is now or never."
MOTION

On motion of Senator Sellar, and there being no objection, the motion for reconsideration was withdrawn.

The President declared the question before the Senate to be adoption of the amendment by Senator McDermott, as amended.

The motion by Senator McDermott carried and the amendment, as amended, was adopted.

MOTION

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

On page 4, line 6, after "RCW 84.36.080;" insert "adding a new section to chapter 43.06 RCW;"

On motion of Senator McDermott, the rules were suspended. Engrossed Senate Bill No. 3909 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 McDermott, I notice in sections 44 and 45—that language is stricken there—can you explain the effect of that stricken language?"

Senator McDermott: "Senator Bauer, section 101, sub (3) makes those two sections effective only if there is an injunction prohibiting collection of the taxes under the border county provisions of Senate Bill No. 3258. These sections taken together will assure that if the border county exemptions are invalidated, the tax rates will be the same statewide."

Senator Bauer: "In other words, Senator, the exemption will be in effect unless the court takes some action to the contrary?"

Senator McDermott: "That is correct, Senator Bauer."
Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3909.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3909 and the bill failed to pass the Senate by the following vote: Yeas, 23; nays, 16; absent, 1; excused, 9.


Voting nay: Senators Benitz, Bluechel, Craswell, Deccio, Guess, Hemstad, Jones, Lee, McCaslin, McDermott, Newhouse, Owen, Patterson, Quigg, Sellar, Zimmerman - 16.

Absent: Senator Rasmussen - 1.


ENGROSSED SENATE BILL NO. 3909, having failed to receive the constitutional majority, was declared lost.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator McDermott served notice that he would move to reconsider the vote by which Engrossed Senate Bill No. 3909 failed to pass the Senate.

MOTION

At 2:07 a.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The Senate was called to order at 2:46 a.m. by President Pro Tempore Goltz.

MOTION

On motion of Senator McDermott, the rules were suspended and the Ways and Means Committee was relieved of further consideration of Senate Bill No. 3750.

On motion of Senator McDermott, Senate Bill No. 3750 was advanced to second reading and placed on the second reading calendar.

MOTION FOR RECONSIDERATION

Having served prior notice, Senator McDermott moved that the Senate now reconsider the vote by which Engrossed Senate Bill No. 3909 failed to pass the Senate.

The President Pro Tempore declared the question before the Senate to be the motion by Senator McDermott to reconsider the vote by which Engrossed Senate Bill No. 3909 failed to pass the Senate.

The motion by Senator McDermott carried and the Senate resumed consideration of Engrossed Senate Bill No. 3909 on reconsideration.

MOTIONS

On motion of Senator McDermott, the rules were suspended and Engrossed Senate Bill No. 3909 was returned to second reading.

On motion of Senator McDermott, the Senate immediately considered Senate Bill No. 3750.

SECOND READING

SENATE BILL NO. 3750, by Senators Bauer, Benitz, Hayner, Fuller, Zimmerman, Barr, Warnke, Deccio, Conner, McManus, Peterson, Craswell, Hemstad, Woody, Quigg, Jones, Guess, Owen and Hansen

Extending the timber tax and providing a credit.

The bill was read the second time.

MOTION

Senator Owen moved that the following amendment be adopted:

On page 1, beginning on line 9, strike all material through "immediately." on page 5, line 15, and insert the following:
"(1) Upon every person engaging within this state in business as a harvester of timber; as to such persons the amount of tax imposed with respect to such business shall be equal to the stumpage value of timber harvested for sale or for commercial or industrial use multiplied by the appropriate rate as follows:

(a) For timber harvested between ((October 1, 1974)) July 1, 1983, and June 30, (1983) 1985, inclusive, six and one-half percent;

(b) For timber harvested July 1, 1985, through June 30, 1986, the forest excise tax rate shall be determined by applying fifty percent of the percentage change in the average property tax rate on designated and classified forest land between the fourteen-dollar rate per thousand dollars of assessed value reflected in the department of revenue forest tax report for 1975 and the comparable figure reflected in the department of revenue forest tax report for 1984, to six and one-half percent;

(c) For timber harvested July 1, 1986, through June 30, 1987, the forest excise tax rate shall be determined as in (b) of this subsection except one hundred percent of the percentage change from the fourteen-dollar rate per thousand dollars of assessed value in 1975 when compared to the comparable figure reflected in the department of revenue forest tax report for 1985, shall be applied to six and one-half percent;

(d) For timber harvested July 1, 1987, and each year thereafter, the department of revenue shall adjust the forest excise rate by the percentage change in the average rate per thousand dollars of assessed value on designated and classified forest land for the two prior calendar years as reflected in the department of revenue forest tax report; and

(e) The forest excise tax rate for (b), (c), and (d) of this subsection shall be rounded to the nearest one-tenth of one percent.

PARLIAMENTARY INQUIRY

Senator Guess: "Senator McDermott moved for the reconsideration of Engrossed Senate Bill No. 3909, then all of a sudden here we are operating on Senate Bill No. 3750. Where are we?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "We are on Senate Bill No. 3750, Senator Guess. The motion was made to defer consideration of Engrossed Senate Bill No. 3909 and then a motion was made to consider Senate Bill No. 3750. The sequence was that Engrossed Senate Bill No. 3909 was reconsidered, moved back to second reading and at that point, Senator McDermott moved that we now consider Senate Bill No. 3750."

Debate ensued.

POINT OF INQUIRY

Senator Guess: "Mr. President, will someone inform me on what calendar, then, Senate Bill No. 3750 came from?"

Senator Bottiger: "Senator Guess, I am sorry that you were not here when the motions were made."

Senator Guess: "I came down as quickly as I could."

Senator Bottiger: "Perhaps you were listening to somebody else, but the committee was relieved of the bill and the bill was placed on the second reading calendar. Senator Owen has offered a striking amendment which will then be the entire bill and that is sitting on your desk."

MOTION

Senator Gaspard moved that the following amendment to the amendment be adopted:

On page 1, line 21, after "percent" strike all remaining language

Debate ensued.

Senator Fleming 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 adoption of the amendment by Senator Gaspard to the Owen amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Gaspard failed and the amendment to the amendment was not adopted by the following vote: Yeas, 11; nays, 28; absent, 1; excused, 9.
Voting nay: Senators Bauer, Bender, Benitz, Bluechel, Conner, Craswell, Deccio, Goltz, Granlund, Guess, Hansen, Hemstad, Jones, Lee, McCaslin, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Sellar, Thompson, Vognild, Warnke, Woody, Zimmerman - 28.
Absent: Senator Rasmussen - 1.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator Owen.
The motion by Senator Owen carried and the amendment was adopted.

MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed Senate Bill No. 3750 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.
The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3750.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3750 and the bill passed the Senate by the following vote: Yeas, 28; nays, 11; absent, 1; excused, 9.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Conner, Craswell, Deccio, Goltz, Granlund, Guess, Hansen, Hemstad, Jones, Lee, McCaslin, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Sellar, Thompson, Vognild, Warnke, Woody, Zimmerman - 28.

Absent: Senator Rasmussen - 1.

ENGROSSED SENATE BILL NO. 3750, having received the 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 McDermott, the Senate resumed consideration of Engrossed Senate Bill No. 3909 which had been returned to second reading, after reconsideration earlier.
On motion of Senator McDermott, the Senate reconsidered the vote by which his amendment to Senate Bill No. 3909 was adopted.
On motion of Senator McDermott, the following amendment to his amendment was adopted:
On page 23, line 31, strike all of section 23 and renumber accordingly.
The President Pro Tempore declared the question before the Senate to be adoption of the McDermott amendment, as amended, on reconsideration.
The McDermott amendment, as amended on reconsideration, was adopted.

POINT OF INQUIRY

Senator Patterson: "I would like to ask a question. Now that we have taken the timber tax out of this tax measure, Senator McDermott, what is the current status of the timber tax in the state in the event that Senate Bill No. 3750 fails to pass the legislature?"
Senator McDermott: "There will be no timber tax."
Senator Patterson: "None at all?"
Senator McDermott: "None at all. The ideal position for the timber companies. In fact, their favorite position, I have understood."
Senator Patterson: "I am certainly glad I asked the question, because it is obvious that you have taken out any reference, under law, as to timber taxation. I was wondering if that wouldn't be your answer, Senator McDermott, which makes it kind of important that Senate Bill No. 3750 pass the legislature."

Senator McDermott: "It is only a temporary hesitation on the way to no taxation on the timber companies, anyway, Senator Patterson."
MOTIONS

On motion of Senator McDermott, the following title amendment was adopted:
On page 2 of the title, line 16, after "RCW 82.48.030," strike all the material through "RCW 84.33.071." on page 18

On motion of Senator McDermott, the rules were suspended. Reengrossed Senate Bill No. 3909 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Reengrossed Senate Bill No. 3909.

ROLL CALL

The Secretary called the roll on final passage of Reengrossed Senate Bill No. 3909 and the bill passed the Senate by the following vote: Yeas, 25; nays, 14; absent, 1; excused, 9.


Voting nay: Senators Benitz, Bluechel, Craswell, Deccio, Guess, Hemstad, Jones, Lee, McCaslin, Newhouse, Patterson, Quigg, Sellar, Zimmerman - 14.

Absent: Senator Rasmussen - 1.


REENGROSSED SENATE BILL NO. 3909, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand at the title of the act.

MOTION

At 3:09 a.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Monday, May 16, 1983.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.
TWENTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, May 16, 1983

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 Barr, Bauer, Bender, Deccio, Fleming, Hughes, Hurley, Lee, McCaslin, McDermott, McManus, Thompson and Woody. On motion of Senator Vognild, Senators Fleming, Hughes, McDermott and McManus were excused. On motion of Senator Bluechel, Senators Barr, Deccio, Lee and McCaslin were excused.


MOTION

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

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 3090.

MESSAGE FROM THE GOVERNOR

May 14, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on May 14, 1983, Governor Spellman approved the following Senate Bills entitled:

Substitute Senate Bill No. 3520
Relating to elections.

Substitute Senate Bill No. 3628
Relating to shellfish.

Sincerely,

MARILYN SHOWALTER, Counsel to the Governor

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Warnke, the appointment of Cameron Sherwood as a member of the Personnel Appeals Board was confirmed.

APPOINTMENT OF CAMERON SHERWOOD

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 36; absent, 5; excused, 8.

Voting yea: Senators Benitz, Bluechel, Bottger, Clarke, Conner, Craswell, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 36.

Absent: Senators Bauer, Bender, Hurley, Thompson, Woody - 5.


MOTION

At 10:12 a.m., on motion of Senator Shinpoch, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.
MOTION

At 2:04 p.m., on motion of Senator Bottiger, the Senate adjourned until 1:30 p.m., Tuesday, May 17, 1983.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.
The Senate was called to order at 1:30 p.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Deccio, Granlund, Hemstad, Hurley, Kiskaddon, McDermott, Owen, Rasmussen, Sellar, Shinpoch and Warnke. On motion of Senator Vognild, Senators Hurley, McDermott, Owen and Shinpoch were excused.

The Sergeant at Arms Color Guard, consisting of Pages Linda Siefert and Bill Morse, presented the Colors. Reverend James H. Blundell, rector of St. John's Episcopal Church of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

May 14, 1983

Mr. President:
The Speaker has signed:
SUBSTITUTE HOUSE BILL NO. 234, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

May 13, 1983

Mr. President:
The Speaker has signed:
SUBSTITUTE HOUSE BILL NO. 251,
HOUSE BILL NO. 1094, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

May 16, 1983

Mr. President:
The Speaker has signed:
SENATE BILL NO. 3090, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

The President signed:
SUBSTITUTE HOUSE BILL NO. 234.
SUBSTITUTE HOUSE BILL NO. 251.
HOUSE BILL NO. 1094.

MOTION

At 1:37 p.m., on motion of Senator Bottiger, the Senate adjourned until 1:30 p.m., Wednesday, May 18, 1983.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.
The Senate was called to order at 1:30 p.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Deccio, Fuller, Granlund, Hayner, Hemstad, Hurley, Owen, Pullen, Sellar and von Reichbauer. On motion of Senator Bluechel, Senators Deccio, Hayner, Hemstad, Pullen and von Reichbauer were excused. On motion of Senator Vognild, Senators Granlund, Hurley and Owen were excused. On motion of Senator Jones, Senator Fuller was excused.

The Sergeant at Arms Color Guard, consisting of Pages David Mattson and Kelli Imler, presented the Colors. Reverend James H. Blundell, rector of St. John's Episcopal Church of Olympia, offered the prayer.

MOTION

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

MESSAGE FROM THE GOVERNOR

May 17, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on May 16, 1983, Governor Spellman approved the following Senate Bills entitled:

- Senate Bill No. 3026
  Relating to radioactive or hazardous waste.
- Substitute Senate Bill No. 3055
  Relating to the electrical construction trade.
- Substitute Senate Bill No. 3087
  Relating to unemployment insurance.
- Substitute Senate Bill No. 3088
  Relating to cosmetology.
- Senate Bill No. 3123
  Relating to motor vehicles.
- Substitute Senate Bill No. 3124
  Relating to Washington health care facilities authority.
- Substitute Senate Bill No. 3127
  Relating to industrial insurance.
- Senate Bill No. 3134
  Relating to special funds.
- Senate Bill No. 3142
  Relating to financial disclosures of public treasurers.
- Substitute Senate Bill No. 3166
  Relating to fees of notaries public.
- Senate Bill No. 3203
  Relating to motor vehicles.
- Senate Bill No. 3224
  Relating to heating systems and services.
- Senate Bill No. 3393
  Relating to the state militia.
- Senate Bill No. 3442
  Relating to domestic relations.
- Senate Bill No. 3448
  Relating to tuition and fees for institutions of higher education.
- Substitute Senate Bill No. 3453
  Relating to institutions of higher education.
Senate Bill No. 3492
Relating to higher education.

Senate Bill No. 3501
Relating to interpreters in legal proceedings.

Substitute Senate Bill No. 3522
Relating to property tax levies.

Senate Bill No. 3532
Relating to community colleges.

Substitute Senate Bill No. 3811
Relating to local government housing authorities.

Senate Bill No. 3840
Relating to state employees' deferred compensation.

Substitute Senate Bill No. 4066
Relating to consumer finance companies.

Substitute Senate Bill No. 4101
Relating to horse racing.

Senate Bill No. 4103
Relating to basic education.

Senate Bill No. 4153
Relating to veterans.

Senate Bill No. 3392
Relating to electrical utility installation.

Sincerely,
MARILYN SHOWALTER, Counsel to the Governor

MESSAGES FROM THE HOUSE

May 17, 1983
Mr. President:
The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 235 and passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

May 17, 1983
Mr. President:
The House has passed:
ENGROSSED SENATE BILL NO. 3760, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

May 17, 1983
Mr. President:
The House has passed:
SUBSTITUTE HOUSE BILL NO. 51, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

May 13, 1983
Mr. President:
The House has passed:
SECOND SUBSTITUTE HOUSE BILL NO. 693, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk
The President signed:
SENATE BILL NO. 3760.

On motion of Senator Bluecheel, Senator Sellar was excused.

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

On motion of Senator Warnke, the appointment of Richard A. Stablein as executive director of the Data Processing Authority was confirmed.

APPOINTMENT OF RICHARD A. STABLEIN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 42; absent, 1; excused, 6.

Voting yea: Senators Barr, Bender, Benitz, Bluecheel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Hughes, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 42.

Absent: Senator Bauer - 1.


At 1:40 p.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President called the Senate to order at 2:30 p.m.

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

MESSAGE FROM THE HOUSE

May 18, 1983

Mr. President:
The Speaker has signed:
SENATE BILL NO. 3760, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

May 17, 1983

Mr. President:
The Speaker has signed:
SUBSTITUTE HOUSE BILL NO. 235, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

Signed by the President

The President signed:
SUBSTITUTE HOUSE BILL NO. 235.

INTRODUCTION AND FIRST READING OF HOUSE BILL

SHB 51 by Committee on Ways and Means (originally sponsored by Representatives Grimm, Cantu, McMullen, Ristuben, Miller, Sayan, Stratton, Nealey, Powers, Appelwick, Locke, Holland, Zellinsky, Isaacson, Braddock, P. King, Haugen, Wang, Sutherland, Addison, Walk, Struthers, R. King, Garrett, Belcher, D. Nelson, O'Brien, Hine, Tanner,
Smith, Dickie, West, Todd, Moon and Armstrong) (by Governor Spellman request)

Providing for postretirement adjustments.

MOTIONS

On motion of Senator Shinpoch, the rules were suspended. Substitute House Bill No. 51 was advanced to second reading and read the second time.

On motion of Senator Shinpoch, the rules were suspended. Substitute House Bill No. 51 was advanced to third reading, the second reading considered the third, and the bill was 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. 51.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 51 and the bill passed the Senate by the following vote: Yeas, 40; nays, 3; absent, 1; excused, 5.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Decio, Fleming, Fuller, Gaspard, Goltz, Guess, Halely, Hansen, Hayner, Hemstad, Kiskaddon, Lee, McDermott, McManus, Melcaft, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 40.

Voting nay: Senators Croswell, Jones, McCaslin - 3.

Absent: Senator Hughes - 1.


SUBSTITUTE HOUSE BILL NO. 51. having received the 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 OF HOUSE BILL

2SHB 693 by Committee on Ways and Means (originally sponsored by Representatives D. Nelson, Allen, Miller, Charnley, Rust, Burns, Jacobsen, Kreidler, Appelwick, Brekke and Hine)

Permitting transfers of moneys in the institutional loan fund.

MOTIONS

On motion of Senator Shinpoch, the rules were suspended. Second Substitute House Bill No. 693 was advanced to second reading and read the second time.

On motion of Senator Shinpoch, the rules were suspended. Second Substitute House Bill No. 693 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator McDermott, these funds are derived from, as I understand, associated student’s tuition fees."

Senator McDermott: "That is correct."

Senator Rasmussen: "Why wouldn’t it be feasible to either refund or reduce these fees? Now, I know a lot of students that find it difficult to pay the fees that are in there and are working their way through. They are not getting any help. I would think that this would be a much better approach than just to say 'here we got a big pie and it is too big for our use, let’s just give it away.' Why not reduce the fees to the students?"

Senator McDermott: "Senator Rasmussen, the original tuition increase was set up to set up, at least in part, the loan fund that we are keeping intact. Four million dollars will still be available for loans. The seven million dollars that is going to operations is really to enhance the education that the students are buying. I suppose that you could give everybody fifty bucks or a hundred bucks back, but in the long run, I think they would prefer to have it used to make the class sizes smaller."

Senator Rasmussen: "I am not sure about that. I think they would appreciate the fifty or hundred dollars back much better. I suppose there is nothing I can do about it. That is a suggestion for the future and that you take a good look at it."
Senator McDermott: "Senator Rasmussen, there is a bill which Senator Rinehart has been working on which I think ultimately ought to reexamine the level of tuition we charge in this state. I hope in the next session we can deal with it directly."

The President declared the question before the Senate to be the roll call on final passage of Second Substitute House Bill No. 693.

ROLL CALL

The Secretary called the roll on final passage of Second Substitute House Bill No. 693 and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; excused, 5.

Voting yea: Senators Barr, Bauer, Bender, Benitz, BluecheL Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 43.

Voting nay: Senator Rasmussen - 1.


SECOND SUBSTITUTE HOUSE BILL NO. 693, having received the constitutional 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 2:48 p.m., on motion of Senator Shinpoch, the Senate adjourned until 11:00 a.m., Thursday, May 19, 1983.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.
MORNING SESSION

The Senate Chamber, Olympia, Thursday, May 19, 1983

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 Bauer, Hurley, Newhouse and Quigg. On motion of Senator Bluechel, Senators Newhouse and Quigg were excused. On motion of Senator Vognild, Senators Bauer and Hurley were excused.

The Sergeant at Arms Color Guard, consisting of Pages Ted Peterson and Julie Sullivan, presented the Colors. Reverend James H. Blundell, rector of St. John's Episcopal Church of Olympia, offered the prayer.

MOTION

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

MESSAGE FROM THE GOVERNOR

May 18, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on May 17, 1983, Governor Spellman approved the following Senate Bills entitled:

- Substitute Senate Bill No. 3022
- Relating to compensation of crime victims.
- Substitute Senate Bill No. 3034
- Relating to consumer protection.
- Substitute Senate Bill No. 3035
- Relating to public works.
- Substitute Senate Bill No. 3068
- Relating to donated food.
- Senate Bill No. 3145
- Relating to special fuel taxation.
- Substitute Senate Bill No. 3156
- Relating to Puget Sound water quality.
- Senate Bill No. 3184
- Relating to statutory construction.
- Substitute Senate Bill No. 3217
- Relating to salmon fishing.
- Substitute Senate Bill No. 3253
- Relating to abused persons.
- Senate Bill No. 3255
- Relating to toll facilities.
- Senate Bill No. 3297
- Relating to the department of agriculture.
- Substitute Senate Bill No. 3308
- Relating to insurance.
- Substitute Senate Bill No. 3363
- Relating to port districts.
- Senate Bill No. 3426
- Relating to homesteads.
- Substitute Senate Bill No. 3480
- Relating to industrial insurance for entertainers or musicians.
- Substitute Senate Bill No. 3483
- Relating to oil and gas conservation.
- Substitute Senate Bill No. 3494
- Relating to small claims.
Substitute Senate Bill No. 3497
Relating to passenger motor vehicles fueled by propane gas.
Senate Bill No. 3523
Relating to corrections.
Senate Bill No. 3531
Relating to higher education.
Senate Bill No. 3535
Relating to beverage containers.
Senate Bill No. 3537
Relating to firefighters.
Senate Bill No. 3585
Relating to harbor areas.
Substitute Senate Bill No. 3595
Relating to veterans.
Substitute Senate Bill No. 3614
Relating to public lands.
Substitute Senate Bill No. 3630
Relating to irrigation districts.
Substitute Senate Bill No. 3637
Relating to declaratory judgments on bond issues.
Substitute Senate Bill No. 3640
Relating to residential landlord-tenant relationships.
Substitute Senate Bill No. 3642
Relating to charitable solicitations.
Senate Bill No. 3644
Relating to higher education.
Substitute Senate Bill No. 3646
Relating to juvenile offenders.
Substitute Senate Bill No. 3657
Relating to state owned armories.
Substitute Senate Bill No. 3664
Relating to water quality.
Senate Bill No. 3674
Relating to pollution control.
Substitute Senate Bill No. 3757
Relating to nursing homes.
Senate Bill No. 3763
Relating to guardians.
Substitute Senate Bill No. 3782
Relating to firearms.
Substitute Senate Bill No. 3812
Relating to local government.
Senate Bill No. 3843
Relating to geographic names.
Senate Bill No. 3846
Relating to impoundment of motor vehicles.
Substitute Senate Bill No. 3880
Relating to education.
Senate Bill No. 4082
Relating to prisoner fines and costs and sentences.
Substitute Senate Bill No. 4107
Relating to litter control and recycling.
Senate Bill No. 4112
Relating to vehicle size and load.
Substitute Senate Bill No. 4135
Relating to state institutions.
Senate Bill No. 4156
Relating to game fish license.
Substitute Senate Bill No. 4226
Relating to tree fruit.
Substitute Senate Bill No. 3067
Relating to motor vehicle and special fuels.

Sincerely,

Marilyn Showalter, Counsel to the Governor

MESSAGE FROM THE HOUSE

May 18, 1983

Mr. President:
The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 296 and passed the bill as amended by the Senate.

Dean R. Foster, Chief Clerk

MESSAGE FROM THE HOUSE

May 17, 1983

Mr. President:
The House insists on its position regarding SECOND SUBSTITUTE SENATE BILL NO. 3155 and asks the Senate for a conference thereon, and the Speaker has appointed the following members as conferees: Representatives Heck, Sommers and McDonald.

Dean R. Foster, Chief Clerk

MOTION

On motion of Senator Shinpoch, the request of the House for a conference on Second Substitute Senate Bill No 3155 was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Second Substitute Senate Bill No. 3155 and the House amendments thereto: Senators Gaspard, Talmadge and Patterson.

MOTION

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

MESSAGE FROM THE HOUSE

May 18, 1983

Mr. President:
The House adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 3864 and passed the bill as recommended by the Conference Committee, and the same are herewith transmitted.

Dean R. Foster, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

May 17, 1983

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred, ENGROSSED SUBSTITUTE SENATE BILL NO. 3864, relating to commodity commissions, have had the same under consideration, and we recommend that the following amendments be adopted and that the bill, as amended, do pass:

On page 2, after line 11, add a new section as follows:

"Sec. 2. Section 3, chapter 33, Laws of 1971 ex. sess. and RCW 15.13.270 are each amended to read as follows:

The provisions of this chapter relating to licensing shall not apply to persons making casual or isolated sales or for each place of business where gross sales do not exceed five hundred dollars per year nor to any garden club or charitable nonprofit association conducting not more than three sales per year for not more than four consecutive days each of horticultural plants as defined in RCW 15.13.250 and which are grown by or donated to its members: PROVIDED, That such club or association shall apply to the director for a permit to conduct such sale. A two dollar fee shall be assessed for such permit.

All horticultural plants sold under such a permit issued by the director shall be subject to all the other provisions of this chapter except licensing as set forth herein."

Renumber the remaining sections consecutively.
On page 2, line 19, after “dollars” insert “, except there shall be no license fee for each place of business where gross sales do not exceed five hundred dollars per year”.

On page 5, beginning on line 2, strike all material through “thereunder,” on line 27.

On page 8, line 8, of the title, after “RCW,” insert “and” and beginning on line 9 of the title after “15.13.330” strike all material through “69.04.398” on line 10.


Signed by: Senators Hansen, Benitz and Goltz; Representatives Kaiser, Ellis and Smith.

MOTION

On motion of Senator Hansen, the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 3864 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3864, as amended by the Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3864, as amended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 40; nays, 4; absent, 1; excused, 4.

Voting yea: Senators Barr, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hailey, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, Mc Dermott, Metcalf, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 40.

Voting nay: Senators Croswell, Mccaslin, Pullen, Zimmerman - 4.

Absent: Senator McManus - 1.


ENGROSSED SUBSTITUTE SENATE BILL NO. 3864, as amended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:17 a.m., on motion of Senator Shinpoch, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

MOTION

At 2:04 p.m., on motion of Senator Shinpoch, the Senate recessed until 4:00 p.m.

SECOND AFTERNOON SESSION

The President called the Senate to order at 4:00 p.m.

MOTION

At 4:00 p.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Friday, May 20, 1983.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.
TWENTY-SIXTH DAY, MAY 20, 1983

TWENTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, May 20, 1983

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 Hurley. On motion of Senator Shinpoch, Senator Hurley was excused.

The Sergeant at Arms Color Guard, consisting of Pages Janet Christensen and Deanna Niemeyer presented the Colors. Reverend James H. Blundell, rector of St. John's Episcopal Church of Olympia, offered the prayer.

MOTION

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

MESSAGE FROM THE GOVERNOR

May 19, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on May 19, 1983, Governor Spellman approved the following Senate Bills entitled:

Substitute Senate Bill No. 3079
Relating to local government insurance.

Senate Bill No. 3413
Relating to nonresident camping fees surcharge.

Substitute Senate Bill No. 3490
Relating to local boards of health.

Second Substitute Senate Bill No. 3624
Relating to conservation.

Substitute Senate Bill No. 3660
Relating to social and health services.

Substitute Senate Bill No. 3817
Relating to search and seizure.

Sincerely,

MARILYN SHOWALTER, Counsel to the Governor

MESSAGES FROM THE HOUSE

May 19, 1983

Mr. President:
The House has passed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 307, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

May 20, 1983

Mr. President:
The Speaker has signed:
SUBSTITUTE SENATE BILL NO. 3864, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 3864.
On motion of Senator Shinpoch, the Senate advanced to the eighth order of business.

On motion by Senator Thompson, the following resolution was adopted:

SENATE RESOLUTION 1983-79

By Senators Thompson and Sellar

WHEREAS, International and domestic trade is important to the economic health of the Pacific Northwest; and
WHEREAS, The Columbia/Snake river system is the major transportation route for Washington-produced products, including grain, forest products, and manufactured goods, moving to international markets; and
WHEREAS, The volume of cargo moving on the Columbia/Snake river system amounted to more than thirty million tons in 1982 and has the potential to triple by the end of this century; and
WHEREAS, For the river system to meet its full potential by the year 2000, the bar crossing at the mouth of the Columbia river must be deepened to fifty-five feet to make it compatible with the forty foot channel that extends one hundred ten miles from Ilwaco to Vancouver; and
WHEREAS, The United States Army Corps of Engineers has determined an 11.1 to 1 benefits-to-cost ratio for the deepening of the mouth of the Columbia river project; and
WHEREAS, Deepening of the mouth of the Columbia river would enhance navigational safety and prevent ship time delays at the bar; and
WHEREAS, The completion of this project would make Washington's Columbia river ports more competitive in attracting waterborne commerce in the future.

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington:
(1) That the Congress of the United States be urged to appropriate funds to complete the United States Army Corps of Engineers' recommended deepening of the mouth of the Columbia river to fifty-five feet at the bar crossing; and
(2) That the Congress of the United States also be urged to move ahead on authorization of this project; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately forwarded to the Honorable Ronald Reagan, President of the United States; 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.

MOTIONS

Senator Newhouse moved that the Committee on Education be relieved of the twenty-five higher education gubernatorial appointments and that they be placed on the second reading calendar.

At 10:11 a.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President called the Senate to order at 10:46 a.m.

At 10:46 a.m., on motion of Senator Shinpoch, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

At 2:00 p.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President called the Senate to order at 4:45 p.m.

On motion of Senator Shinpoch, the Senate reverted to the fourth order of business.
MESSAGE FROM THE HOUSE

May 19, 1983

Mr. President:
The Speaker has signed:
SUBSTITUTE HOUSE BILL NO. 51,
SUBSTITUTE HOUSE BILL NO. 296,
SECOND SUBSTITUTE HOUSE BILL NO. 693, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 51,
SUBSTITUTE HOUSE BILL NO. 296,
SECOND SUBSTITUTE HOUSE BILL NO. 693.

MOTION

At 4:49 p.m., on motion of Senator Shinpoch, the Senate recessed until 7:30 p.m.

EVENING SESSION

The President called the Senate to order at 7:30 p.m.

MOTIONS

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

On motion of Senator Zimmerman, Senators Benitz, Metcall, Guigg and von Reichbauer were excused.

MOTION

Senator McDermott moved adoption of the following resolution by Senators McDermott and Bottiger:

SENATE RESOLUTION 1983-77

By Senators McDermott and Bottiger

WHEREAS, The state provides insurance benefits, including health, dental, life, and long-term disability insurance to its employees and the employees of school districts through biennial appropriations for premium payments; and

WHEREAS, This insurance coverage is entirely negotiated and administered by the state employees' insurance board under the provisions of chapter 41.05 RCW; and

WHEREAS, The amount of premium payments per employee has increased more than eighty-five percent since 1981; and

WHEREAS, The appropriated premium payments per employee have been subsidized through refunds received as a result of favorable claims experience since 1978;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, That an interim committee on insurance benefits be established to review the following subjects:

(1) The insurance coverage provided by the state and the respective school districts;
(2) Other types of insurance coverage available;
(3) Additional aspects of the current insurance coverage that may be appropriate; and
(4) The function of the state employees' insurance board; and

BE IT FURTHER RESOLVED, That the membership of the interim committee on insurance benefits shall consist of four members of the senate majority caucus, including the chairman of the senate committee on ways and means who shall be the chairman of the interim committee on insurance benefits, and three members of the senate minority caucus; and

BE IT FURTHER RESOLVED, That the interim committee on insurance benefits shall present its recommendations to the senate not later than January 16, 1985; and
BE IT FURTHER RESOLVED. That with the prior approval of the senate committee on facilities and operations, meetings of the interim committee on insurance benefits may be held without the city of Olympia; that the expenses incurred by the members of the committee for subsistence and travel shall be paid by the senate; and that the staff of the interim committee shall be provided from the existing staff of the senate; and

BE IT FURTHER RESOLVED. That any expenses incurred by the committee for technical resources or consultation, or both, properly shall be an expense payable by the department of personnel under RCW 41.05.030(2).

POINT OF INQUIRY

Senator Deccio: "Senator McDermott, can you give us some idea of how this study is going to be structured? As you know, I am quite interested in this issue. Could you give us a little background on what the thinking is behind conducting the study?"

Senator McDermott: "Senator Deccio, several years ago we spent about eighty dollars per individual on health care benefits. We are now going to be—tonight—up over a one hundred fifty-nine dollars per person, per month. What we are going to look at is, what the areas have been and which increases have incurred and ways we can control those costs or what kind of changes we need to have in our policies to make it possible for us to stay with a reasonable health care package. At the same time, not continually adding the money that we have added during the last three or four bienniums.”

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 adoption of Senate Resolution 1983-77.

ROLL CALL

The Secretary called the roll and Senate Resolution 1983-77 was adopted by the following vote: Yeas, 35; absent, 9; excused, 5.


Absent: Senators Bender, McManus, Moore, Owen, Pullen, Rinehart, Thompson, Warnke, Williams – 9.


MOTIONS

Senator Haley moved that the Senate immediately consider Senate Resolution 1983-38.

Senator Bottiger moved that further consideration of Senate Resolution, 1983-38 be deferred and that the resolution be placed on the calendar after Senate Resolution 1983-89.

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

The President declared the question before the Senate to be roll call on the motion by Senator Bottiger to defer consideration of Senate Resolution No. 1983-38 until after Senate Resolution 1983-89.

ROLL CALL

The Secretary called the roll and the motion by Senator Bottiger carried by the following vote: Yeas, 19; nays, 12; absent, 13; excused, 5.


Absent: Senators Bender, Bluechel, Lee, McManus, Moore, Newhouse, Owen, Patterson, Pullen, Rinehart, Thompson, Warnke, Williams – 13.


MOTION

On motion of Senator Bottiger, the following resolution was adopted:
SENATE RESOLUTION 1983–89

By Senators Bottiger, Fleming, Jones and Hayner
WHEREAS, The student congress provides fundamental insights into our political process; and
WHEREAS, The student congress provides a unique and valuable learning experience for students enabling the students to actually participate in governmental processes; and
WHEREAS, Participation in the student congress, by teaching the students the fundamental principles of our democratic system, helps create the future leaders of our society; and
WHEREAS, Many legislators, through programs such as the student congress, received their initial learning experiences about legislative procedures;
NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That the student congress be commended for the invaluable experiences provided to the youth and future leaders of our state; and
BE IT FURTHER RESOLVED, That the student congress be permitted to use the Senate chambers during December 9 and 10, 1983, if feasible.

MOTION

Senator Haley moved adoption of the following resolution:

SENATE RESOLUTION 1983–38

By Senators Rasmussen and Haley
WHEREAS, The Lakewood–Parkland Sewer Project U.L.I.D. 73–1 has created great controversy and local unrest; and
WHEREAS, The cost estimate for completion of the project has risen over five times the original 1973 estimate of $43 million; and
WHEREAS, There are major questions concerning who will pay for the project; and
WHEREAS, The completion of the project would require an average property owner assessment exceeding $2500, plus a $1000 hookup fee, plus a permanent $20 monthly sewer charge; and
WHEREAS, The Washington State Department of Ecology has invested $6 million into the project to date, and an additional $14 million has been committed to the project during the next three years; and
WHEREAS, The Washington State Department of Ecology has declared no construction management or scheduling plan exists at this time for the project; and
WHEREAS, Questions concerning companies presently holding engineering contracts for the project and possible conflict of interest by their former employees have been raised; and
WHEREAS, Numerous citizen groups have challenged the scope and need for the project, and
WHEREAS, It has been determined septic tanks are functioning without polluting ground waters in most local areas of Lakewood–Parkland; and
WHEREAS, Less costly alternatives exist to meet Lakewood–Parkland sewer needs; and
WHEREAS, Questions have been raised concerning the Pierce County Councils’ activities in setting the assessment rolls and the accuracy of these rolls; and
WHEREAS, The affected property owners have not been given the opportunity to vote on the sewer project, and the Pierce County Prosecuting Attorney’s Office has denied the citizens of Pierce County the right of initiative;
NOW, THEREFORE, BE IT RESOLVED by the Senate of the State of Washington, That the Legislative Budget Committee investigate the economic impact, cost overrun estimates, administrative obstacles, and need for the Lakewood–Parkland Sewer Project U.L.I.D. 73–1, Invoke the powers of subpoena where necessary, and report its findings to the legislature by March 1, 1984.
Debate ensued.

MOTION

At 7:56 p.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.
The President called the Senate to order at 8:12 p.m.

MOTIONS
On motion of Senator Zimmerman, Senator Pullen was excused.
On motion of Senator Shinpoch, the Senate reverted to the sixth order of business.

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION
On motion of Senator Granlund, the appointment of Philip R. Wittman as a member of the Board of Prison Terms and Paroles was confirmed.

APPOINTMENT OF PHILIP R. WITTMAN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 42; absent, 1; excused, 6.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 42.

Absent: Senator Barr - 1.

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

MESSAGE FROM THE HOUSE

May 20, 1983

Mr. President:
The House refuses to concur in the Senate amendments to ENGROSSED HOUSE BILL NO. 1079 and asks the Senate to recede therefrom.

DEAN R. FOSTER, Chief Clerk

MOTIONS
On motion of Senator McDermott, the rules were suspended, Engrossed House Bill No. 1079 was returned to second reading and read the second time.

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be disbursed for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1983, and ending June 30, 1985, except as otherwise provided, out of the several funds of the state hereinafter named.

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

General Fund Appropriation .................................................. $ 22,425,000

The appropriation in this section is subject to the following conditions and limitations:
(1) $400,000 or the portion thereof that is determined necessary by the house of representatives shall be allocated for, but not limited to, providing furnishings and equipment for new hearing room and office renovations.
(2) $25,000 is provided solely for the joint committee on science and technology for the purposes of the production of an environmental study on the state-leased low-level radioactive waste site at Hanford, Washington.

NEW SECTION. Sec. 3. FOR THE SENATE

General Fund Appropriation .................................................. $ 20,111,000

The appropriation in this section is subject to the following conditions and limitations:
(1) 185,000 or the portion thereof that is determined necessary by the senate shall be allocated for, but not limited to, providing furnishings and equipment for new hearing room and office renovations.
(2) $25,000 is provided solely for the joint committee on science and technology for the environmental study described in section 2(2) of this act.

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

General Fund Appropriation .................................................. $ 1,387,000

The appropriation in this section is subject to the following conditions and limitations:
(1) $20,000 is provided solely for a peer review of the state auditor’s office.
(2) The legislative budget committee shall conduct a performance audit of the common school preschool handicapped program with respect to staffing and severity ratios and shall submit a report to the legislature before January 1, 1984.

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

General Fund Appropriation .......................................................... $ 1,531,000

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

General Fund Appropriation .......................................................... $ 346,000

The appropriation in this section is subject to the following conditions and limitations:
(1) Any services related to the retirement systems established under RCW 28B.10.400 shall be billed to the requesting agency or higher education institution.

(2) Proposals shall be presented to the committees on ways and means of the senate and house of representatives not later than January 10, 1985, for (a) appropriate actuarial level funding methods which may be used for the retirement systems established under chapters 2.10 and 2.12 RCW and the supplemental payments under the retirement systems established under RCW 28B.10.400 et seq., and (b) any modifications or basic reforms in the aforementioned judicial retirement systems.

(3) $35,000 of the appropriation in this section shall be used solely for the process of filling the vacancy of the state actuary.

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

General Fund Appropriation .......................................................... $ 5,120,000

NEW SECTION. Sec. 8. FOR THE SUPREME COURT

General Fund Appropriation .......................................................... $ 7,126,000

General Fund—Judiciary Education Account Appropriation .................. $ 1,378,000

Total Appropriation ........................................................................ $ 8,504,000

The appropriations in this section are subject to the following conditions and limitations: $1,853,000 of the general fund appropriation and $1,378,000 of the judiciary education account appropriation are provided solely for the indigent appeals program.

NEW SECTION. Sec. 9. FOR THE LAW LIBRARY

General Fund Appropriation .......................................................... $ 2,036,000

The appropriation in this section is subject to the following conditions and limitations: All nonstate agency users of the Westlaw system shall be charged a service fee sufficient to cover the costs of their usage.

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

General Fund Appropriation .......................................................... $ 9,030,000

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

General Fund Appropriation .......................................................... $ 21,555,000

General Fund—Judiciary Education Account Appropriation .................. $ 1,310,000

Total Appropriation ........................................................................ $ 22,865,000

The appropriations in this section are subject to the following conditions and limitations:
(1) A maximum of $8,524,000 of the general fund appropriation may be spent for the superior court judges. Of this amount, $330,000 is provided solely for criminal cost bills; $300,000 is provided solely for mandatory arbitration costs; and $135,000 is provided solely for judges pro tempore for the superior courts. The administrator for the courts shall authorize and approve all such expenditures.

(2) $810,000 of the judiciary education account appropriation is provided solely for judicial and support staff education programs.

(3) $195,000 of the judiciary education account appropriation is provided solely for staff support for the judiciary education program.

(4) $225,000 of the judiciary education account appropriation is provided solely for judicial conferences.

(5) $280,000 of the judiciary education account appropriation is provided solely for education and training for the supreme court, the court of appeals, the law library, and the administrator for the courts’ office.

NEW SECTION. Sec. 12. FOR THE JUDICIAL QUALIFICATIONS COMMISSION

General Fund Appropriation .......................................................... $ 426,000

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

General Fund Appropriation .......................................................... $ 3,441,000

The appropriation in this section is subject to the following conditions and limitations:
(1) $209,000 shall be used solely 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.

(2) $154,000 shall be used solely for mansion maintenance.

(3) $3,078,000 shall be used solely for executive operations.

NEW SECTION. Sec. 14. FOR THE LIEUTENANT GOVERNOR

General Fund Appropriation .......................................................... $ 249,000

NEW SECTION. Sec. 15. FOR THE SECRETARY OF STATE

General Fund Appropriation .......................................................... $ 4,942,000
General Fund—Archives and Records Management Account

<table>
<thead>
<tr>
<th>Appropriation</th>
<th>$ 1,310,000</th>
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<tr>
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<td>$ 6,252,000</td>
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The appropriations in this section are subject to the following conditions and limitations:

1. **$920,000** 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.

2. **$1,558,000** 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.

**NEW SECTION, Sec. 16. FOR THE COMMISSION ON MEXICAN-AMERICAN AFFAIRS**

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<th>Appropriation</th>
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**NEW SECTION, Sec. 17. FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS**

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**NEW SECTION, Sec. 18. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS**

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**NEW SECTION, Sec. 19. FOR THE STATE TREASURER**

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**NEW SECTION, Sec. 20. FOR THE STATE AUDITOR**

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

1. If legislation is not enacted before July 1, 1983, permitting payment from the municipal revolving fund of the expenses of maintaining and operating the state auditor's office in connection with local government audits, the general fund appropriation in this section shall be increased by $196,000 and the municipal revolving fund appropriation shall be reduced by $196,000.

2. The director of financial management shall approve sufficient payments to the state auditor in all cases of necessity under RCW 43.09.418, including but not limited to cases of suspected malfeasance, misfeasance, or fraud, notwithstanding the level of auditing activity supported by the appropriation in this section.

**NEW SECTION, Sec. 21. FOR THE ATTORNEY GENERAL**

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<th>Appropriation</th>
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The appropriations in this section are subject to the following conditions and limitations:

1. No moneys appropriated in this section may be expended for the support of the crime watch program.

2. No moneys appropriated in this section may be expended for the support of the law enforcement assistance program.

3. A maximum of $313,000 is provided solely for the criminal litigation unit.

4. **$24,000** of the general fund appropriation is provided solely for a consumer protection hotline within the consumer protection division.

**NEW SECTION, Sec. 22. FOR THE OFFICE OF FINANCIAL MANAGEMENT**

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<th>Appropriation</th>
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<tr>
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The appropriations in this section are subject to the following conditions and limitations:

1. Not more than $2,500,000, of which $1,132,500 is from the state general fund and $1,367,500 from the data processing revolving fund, is provided for expenses related to the agency financial reporting system (AFRS). The office of financial management shall allocate moneys to various state agencies on the basis of identified need. Whenever allocations are made to agencies financed in whole or in part by other than general fund moneys, the director of financial management shall direct the repayment of such allocated amount to the data processing revolving fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

2. The director of financial management shall make every effort to limit equipment purchases by agencies so that total state general fund expenditures for equipment purchases by state agencies at the end of the 1983-85 biennium is two million dollars less than the amount appropriated for equipment in the 1983-85 biennium.
(3) $20,000 is provided solely for a feasibility study of an offender-based corrections information system to serve the combined information needs of the department of corrections, board of prison terms and parole, sentencing guidelines commission, corrections standard board, and the administrator for the courts, to be delivered to the legislature by December 1, 1984.

(4) $5,000 of the general fund—state appropriation is provided solely for payment of claims against the state of $500 or less, pursuant to RCW 4.92.040.

(5) The office of financial management shall present to the legislature by December 1, 1984, a plan to have the state self-fund any or all portions of the insurance programs offered by the state. For purposes of this study, the reserves required by the self-funded programs shall be assumed to be held by the state treasurer in the originating funds until an obligation occurs. The state investment board shall act as the investor for the funds, and all of the earnings from these investments shall accrue directly to the originating funds.

NEW SECTION. Sec. 23. FOR THE STATE INVESTMENT BOARD

General Fund—State Investment Board Expense Account Appropriation

NEW SECTION. Sec. 24. FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Fund Appropriation

State Employees’ Insurance Fund Appropriation

Total Appropriation

The appropriations in this section are subject to the following conditions and limitations: If House Bill No. 134 is enacted before July 1, 1983, the department of personnel service fund appropriation shall be reduced by $275,000.

NEW SECTION. Sec. 25. FOR THE PERSONNEL APPEALS BOARD

NEW SECTION. Sec. 26. FOR THE DATA PROCESSING AUTHORITY

Data Processing Revolving Fund Appropriation

The appropriation in this section is subject to the following conditions and limitations: The data processing authority shall develop and implement with the office of financial management an equitable billing structure to insure that all state agencies, as defined in RCW 43.88-020, pay a proportionate share of the data processing authority’s operational costs.

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

General Fund Appropriation

General Fund—State Timber Tax Reserve Account Appropriation

Motor Vehicle Fund Appropriation

Total Appropriation

The appropriations in this section are subject to the following conditions and limitations: If the state timber tax reserve account is abolished and a timber excise tax account is established, the appropriation from the state timber tax reserve account shall be made from the timber excise tax account to the extent that moneys in the state timber tax reserve account are insufficient for the appropriation.

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

General Fund Appropriation

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

General Fund Appropriation—State

General Fund Appropriation—Private/Local

General Fund—Motor Transport Account Appropriation

General Administration Facilities and Services Revolving Fund Appropriation

Total Appropriation

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

(1) The community college districts shall transfer to the motor transport account $51,390 from the general local fund and $157,389 from the local motor pool fund. These transfers shall be made in accordance with schedules provided by the office of financial management.

(2) The appropriation from the motor transport account may be used for the replacement of existing vehicles but shall not be used to expand the fleet.

NEW SECTION. Sec. 30. FOR THE INSURANCE COMMISSIONER

General Fund Appropriation

NEW SECTION. Sec. 31. FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund Appropriation

NEW SECTION. Sec. 32. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS

Department of Retirement Systems Expense Fund Appropriation

The appropriation in this section is subject to the following conditions and limitations: The department of retirement systems is authorized to transfer from the applicable retirement system fund to the department of retirement systems expense fund amounts which represent each system’s proportionate share of administrative expenses.

NEW SECTION. Sec. 33. FOR THE MUNICIPAL RESEARCH COUNCIL

General Fund Appropriation
NEW SECTION. Sec. 34. FOR THE BOARD OF ACCOUNTANCY
General Fund Appropriation ........................................ $ 294,000
Certified Public Accountant Examination Account Appropriation $ 351,000
Total Appropriation ........................................ $ 645,000

The appropriations in this section are subject to the following conditions and limitations: If Substitute House Bill No. 646 is not enacted by July 1, 1983, the general fund appropriation shall be increased by $317,000.

NEW SECTION. Sec. 35. FOR THE BOXING COMMISSION
General Fund Appropriation ........................................ $ 73,000

NEW SECTION. Sec. 36. FOR THE CEMETERY BOARD
General Fund—Cemetery Account Appropriation ................ $ 74,000

NEW SECTION. Sec. 37. FOR THE HORSE RACING COMMISSION
Horse Racing Commission Fund Appropriation ................ $ 2,836,000

The appropriation in this section is subject to the following conditions and limitations: If there are more than seven hundred two racing days during the fiscal biennium ending June 30, 1985, the governor is authorized to allocate such additional moneys from the horse racing commission fund as may be required.

NEW SECTION. Sec. 38. FOR THE LIQUOR CONTROL BOARD—THE ADMINISTRATION PROGRAM, AND THE LICENSING AND ENFORCEMENT PROGRAM
Liquor Revolving Fund Appropriation ......................... $ 14,491,000

The appropriation in this section is subject to the following conditions and limitations:
(1) The liquor control board shall maintain a minimum productivity of 43,821 bottles sold adjusted to retail per FTE staff year. As used in this section, "bottles sold adjusted to retail" has the same meaning and shall be calculated in the same manner as in the board's budget request for the fiscal biennium ending June 30, 1985. The board shall not permit a productivity less than that specified in this section for any reason, including but not limited to the sale of lottery tickets or decreases in the demand for liquor.
(2) The liquor control board is authorized to relocate stores during the fiscal biennium ending June 30, 1985, if necessary to conduct business in the most efficient and economical manner possible.
(3) The liquor control board is prohibited from opening any new retail sales outlets or to convert agencies to retail sales outlets during the fiscal biennium ending June 30, 1985.
(4) The liquor control board shall distribute and offer for sale lottery tickets for the Washington state lottery during the fiscal biennium ending June 30, 1985.

NEW SECTION. Sec. 39. FOR THE LIQUOR CONTROL BOARD—MERCHANDISING PROGRAM
Liquor Revolving Fund Appropriation ......................... $ 70,397,000

NEW SECTION. Sec. 40. FOR THE PHARMACY BOARD
General Fund Appropriation ........................................ $ 1,072,000

NEW SECTION. Sec. 41. FOR THE UTILITIES AND TRANSPORTATION COMMISSION
Public Service Revolving Fund Appropriation—State ........ $ 17,351,000
Public Service Revolving Fund Appropriation—Federal ...... $ 452,000
Grade Crossing Protective Fund Appropriation ................ $ 516,000
Total Appropriation ........................................ $ 18,319,000

The appropriations in this section are subject to the following conditions and limitations:
(1) $320,000 of the grade crossing protective fund appropriation shall be expended for obligations incurred in previous biennia.
(2) Not more than $110,000 shall be expended for an additional assistant attorney general for increased workload in utility rate requests.
(3) $150,000 from the public service revolving fund appropriation is provided solely for the joint select committee on telecommunications regulation for the purposes of reviewing the consequences of changes in the telecommunications industry, including the AT&T divestiture.
(4) $700,000 is provided solely for costs of the attorney general associated with representation of the public before the commission, including but not limited to the costs of special attorneys general, expert witnesses, technical assistants, and consultants.

NEW SECTION. Sec. 42. FOR THE BOARD FOR VOLUNTEER FIREMEN
Volunteer Firemen's Relief and Pension Fund Appropriation $ 163,000

NEW SECTION. Sec. 43. FOR THE DEPARTMENT OF EMERGENCY SERVICES
General Fund Appropriation—State ............................ $ 766,000
General Fund Appropriation—Federal .......................... $ 3,862,000
Total Appropriation ........................................ $ 4,628,000

NEW SECTION. Sec. 44. FOR THE MILITARY DEPARTMENT
General Fund Appropriation—State ............................ $ 6,931,000
General Fund Appropriation—Federal .......................... $ 1,723,000
Total Appropriation ........................................ $ 8,654,000

NEW SECTION. Sec. 45. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION
General Fund Appropriation ................................. $ 1,422,000

NEW SECTION. Sec. 46. FOR THE PRESIDENTIAL ELECTORS
TWENTY-SIXTH DAY, MAY 20, 1983

General Fund Appropriation ............................................ $ 1,000

NEW SECTION. Sec. 47. FOR THE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT

General Fund Appropriation—State ...................................... $ 4,708,000
General Fund Appropriation—Federal .................................... $ 53,649,000
Total Appropriation .................................................... $ 58,357,000

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

1. The appropriations in this section are for expenditure in fiscal year 1985.

2. Not more than $437,000 of the general fund—state appropriation is provided for distribution to incorporated cities and towns for fire protection of state facilities.

3. $292,000 of the general fund—state appropriation, or so much thereof as may be necessary, shall be used for Mount St. Helens volcano zone enforcement patrol.

4. $125,000 of the general fund—state appropriation shall be provided solely for distribution to border areas within seven air miles of the Canadian border.

NEW SECTION. Sec. 48. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Fund Appropriation ............... $ 7,019,000

NEW SECTION. Sec. 49. FOR THE OFFICE OF MINORITY AND WOMEN’S BUSINESS ENTERPRISES

General Fund Appropriation ............................................ $ 768,000

The appropriation in this section is subject to the following conditions and limitations: If Second Substitute Senate Bill No. 3230 is not enacted before July 1, 1983, the appropriation in this section shall lapse.

NEW SECTION. Sec. 50. FOR THE ECONOMIC AND REVENUE FORECASTING COUNCIL

General Fund Appropriation ............................................ $ 804,000

The appropriation in this section is subject to the following conditions and limitations: If House Bill No. 784 is not enacted by July 1, 1983, then the appropriation in this section shall lapse.

NEW SECTION. Sec. 51. FOR THE DEPARTMENT OF CORRECTIONS

(1) COMMUNITY SERVICES

(a) $2,153,000 is appropriated from the general fund for the continuation and expansion of the alternatives to street crime programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties. $38,000 of the appropriation in this subsection (1)(a) is provided solely for the current Pierce county and Snohomish county treatment alternatives to street crime programs to implement the expansion program.

(b) $51,803,000 is appropriated from the general fund, subject to the following conditions and limitations:

(i) $236,000 is provided solely for community diversion programs.

(ii) $280,000 is provided solely for a program to notify victims and witnesses of any parole, work release, placement, furlough, or unescorted leave of absence from a state correctional facility of any inmate convicted of a violent offense.

(iii) $25,458,000 is provided for probation and parole, other than for drug and alcohol specialized officers in counties currently or proposed to be served by the treatment alternatives to street crime programs.

(iv) $4,054,000 is provided for intensive parole.

(v) $16,952,000 is provided to operate and/or contract with nonprofit corporations for work training release for convicted felons.

(vi) $4,026,000 is provided to operate the Geiger community work release facility for convicted felons.

(vii) $877,000 is provided for support of the state director’s office of community services.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State ..................................... $ 206,860,000
General Fund Appropriation—Federal ................................... $ 700,000
Total Appropriation .................................................... $ 207,560,000

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

(a) $712,000 of the general fund—state appropriation is provided solely for drug and alcohol rehabilitation treatment programs at appropriate state correctional institutions, as defined in RCW 72.01.050 for persons who: (i) Are defined as inmates under RCW 72.09.020; (ii) in the opinion of a qualified health professional designated by the department, are in need of such treatment; and (iii) have less than one year remaining in their confinement to a state correctional facility. Such programs may include facilities for both residential and outpatient treatment.

(b) The superintendents of each correctional institution, as defined in RCW 72.65.010, shall establish community-based volunteer alcohol and drug rehabilitation programs in their respective correctional institution. The superintendents shall encourage groups conducting such programs outside the institutions to participate in such programs inside the institution. An employee at each correctional institution shall be designated to coordinate the programs mandated in this subsection.
(c) The department shall contract with appropriate counties for the use of up to 200 beds in county jails. Contracted jail space shall be used for inmates who have not fully entered the state prison system and for inmates who are nearing their release date who are not appropriate for parole, work release, or early release.

(3) ADMINISTRATION AND PROGRAM SUPPORT

General Fund Appropriation—State $13,278,000
General Fund Appropriation—Institutional Impact Account Appropriation $865,000
Total Appropriation $14,143,000

The appropriations in this subsection are subject to the following conditions and limitations: $1,480,000 is provided solely for the one-time cost impact to communities associated with locating additional state correctional facilities.

(4) INSTITUTIONAL INDUSTRIES

General Fund Appropriation $5,463,000

(5) The appropriations in subsections (1), (2), (3), and (4) of this section are made solely for those purposes and no transfer shall be made among said subsections.

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

(1) COMMUNITY SERVICES

General Fund Appropriation—State $25,444,000
General Fund Appropriation—Federal $54,000
Total Appropriation $25,498,000

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

(a) $12,329,000 of the general fund—state appropriation is provided solely for consolidated juvenile services. The department shall use these moneys to reduce commitments to the department and promote alternatives to institutional bed usage. The department shall submit a report to the legislature by December 1, 1983, on the success of these services in preventing institutionalization and reducing recidivism.

(b) Vendor rate adjustments for fee-for-service providers shall average 2.5% on July 1, 1983, and 3.0% on July 1, 1984.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State $40,008,000
General Fund Appropriation—Federal $788,000
Total Appropriation $40,796,000

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

The appropriations in this subsection shall be initially allotted as follows:

(a) $11,763,000, of which $11,507,000 is from the general fund—state appropriation, and 390.0 FTE staff years for the Echo Glen Children’s Center to operate at least eleven cottages.

(b) $9,836,000, of which $9,638,000 is from the general fund—state appropriation, and 320.0 FTE staff years for the Maple Lane School to operate at full bed capacity.

(c) $10,356,000, of which $10,212,000 is from the general fund—state appropriation, and 310.4 FTE staff years for the Green Hill School to operate at full bed capacity.

(d) $5,436,000, of which $5,318,000 is from the general fund—state appropriation, and 159.0 FTE staff years for the Naselle Youth Camp to operate at full bed capacity.

(e) $3,405,000, of which $3,333,000 is from the general fund—state appropriation, and 82.0 FTE staff years for the Mission Creek Youth Camp to operate at full bed capacity.

(3) PROGRAM SUPPORT

General Fund Appropriation—State $2,207,000

(4) The appropriations in subsections (1), (2), and (3) of this section are made solely for those purposes only and no transfer shall be made among said subsections.

NEW SECTION, Sec. 54. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MENTAL HEALTH PROGRAM
TWENTY-SIXTH DAY, MAY 20, 1983

(1) COMMUNITY SERVICES

General Fund Appropriation—State ........................................... $ 85,128,000
General Fund Appropriation—Federal ........................................... $ 14,095,000
General Fund Appropriation—Local ........................................... $ 264,000
Total Appropriation .............................................................. $ 99,487,000

The appropriations in this subsection are subject to the following conditions and limitations:
(a) The department is directed to develop at least 55 new community residential involuntary treatment act (ITA) beds and submit a report to the legislature by January 1, 1984, describing its progress in complying with this requirement.

(b) $436,000 of the general fund—state appropriation is provided solely for pilot school-based early intervention projects in at least three school districts. The department shall issue a request for proposals no later than September 1, 1983, and shall contract with school districts no later than January 1, 1984. School districts shall be required to provide in-kind matching equal in value to at least 43% of the funding provided in this subsection. At least 85% of children served in each participating district shall be in grades kindergarten through three. Parental consent shall be required before any child is involved in screening or accepted into a project. Each project staff shall include a children's mental health professional and a paraprofessional coordinator. The department shall plan and administer the projects in consultation with the superintendent of public instruction, local school districts, licensed mental health providers, and other community representatives. Of the amount provided in this subsection, up to $70,000 may be expended for administration, training, and consultation by the department.

(c) $465,000 is provided solely for a community psychiatric training program at the University of Washington to provide the following:
(i) Placement of psychiatry residents and other postgraduate trainees in both state mental institutions and community mental health programs;
(ii) Technical assistance to the department of social and health services; and
(iii) Continuing educational opportunities for mental health professionals state-wide.

(d) Vendor rate adjustments for fee-for-service providers shall average 2.5% on July 1, 1983, and 3.0% on July 1, 1984.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State ........................................... $ 107,845,000
General Fund Appropriation—Federal ........................................... $ 3,493,000
Total Appropriation .............................................................. $ 111,338,000

(3) PROGRAM SUPPORT

General Fund Appropriation—State ........................................... $ 2,854,000
General Fund Appropriation—Federal ........................................... $ 584,000
General Fund Appropriation—Local ........................................... $ 14,000
Total Appropriation .............................................................. $ 3,452,000

(4) SPECIAL PROJECTS

General Fund Appropriation—Federal ........................................... $ 38,000

(5) The appropriations in subsections (1), (2), (3), and (4) of this section are made solely for those purposes only and no transfer shall be made among said subsections.

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

DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund Appropriation—State ........................................... $ 51,390,000
General Fund Appropriation—Federal ........................................... $ 41,765,000
Total Appropriation .............................................................. $ 93,155,000

The appropriations in this subsection are subject to the following conditions and limitations:
(a) $100,000 of the general fund—state appropriation is provided solely for a contract marketing project to ensure greater access for small agencies providing long-term employment to individuals with severe developmental disabilities. The department shall determine the criteria for small agencies that will benefit from this marketing project and enlist the support of business, industry, and government in developing work opportunities. The department shall monitor the contract and submit a report to the legislature by December 1, 1984. The report shall include changes in the workers' wages and commercial revenue of the agencies involved during the period of the project.

(b) The appropriations in this subsection shall be initially allotted as follows:
(i) $14,664,000 of the general fund—state appropriation for group homes to serve an average monthly caseload of 936 clients.
(ii) $24,759,000, of which $2,772,000 is from the general fund—state appropriation, for county services to serve an average monthly caseload of 3,837 clients.
(iii) $8,390,000, of which $6,922,000 is from the general fund—state appropriation, for field services to serve an average monthly caseload of 9,575 clients.
(iv) $2,652,000, of which $536,000 is from the general fund—state appropriation, for home aid to serve an average monthly caseload of 1,066 clients.
(v) $33,036,000, of which $16,842,000 is from the general fund—state appropriation, for title XIX residential services to serve an average monthly caseload of 965 clients.
(vi) $956,000 of the general fund—state appropriation for alternative living to serve an average monthly caseload of 322 clients.

(vii) $8,423,000 of the general fund—state appropriation for tenant support to serve an average monthly caseload of 541 clients.

(c) Vendor rate adjustments for fee-for-service providers shall average 2.5% on July 1, 1983, and 3.0% on July 1, 1984.

(d) $175,000 of the general fund—state appropriation is provided solely for the dental education in care of the disabled graduate training program with the University of Washington.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State........................................... $100,012,000
General Fund Appropriation—Federal........................................ $62,045,000
Total Appropriation.................................................................. $162,057,000

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

(a) $40,686,000 and 1,584.2 FTE staff years for the Fircrest School to operate at a biennial average daily population of 496.

(b) $18,178,000 and 745.4 FTE staff years for the Interlake School to operate at a biennial average daily population of 250.

(c) $43,959,000 and 1,670.4 FTE staff years for the Rainier School to operate at a biennial average daily population of 512.5.

(d) $29,668,000 and 1,219.0 FTE staff years for the Lakeland Village School to operate at a biennial average daily population of 350.

(e) $12,266,000 and 475.2 FTE staff years for the Yakima Valley School to operate at a biennial average daily population of 150.

(f) $4,773,000 and 191.6 FTE staff years for the Frances Haddon Morgan Children's Center to operate at a biennial average daily population of 54.

(g) $4,562,000 and 151.8 FTE staff years for the School for the Blind to operate at a biennial average daily population of 63.

(h) $7,956,000 and 235.8 FTE staff years for the School for the Deaf to operate at a biennial average daily population of 205.

(3) PROGRAM SUPPORT

General Fund Appropriation—State........................................... $3,742,000
General Fund Appropriation—Federal........................................ $864,000
Total Appropriation.................................................................. $4,606,000

(4) SPECIAL PROJECTS

General Fund Appropriation—State........................................... $911,000
General Fund Appropriation—Federal........................................ $1,152,000
Total Appropriation.................................................................. $2,063,000

(5) The appropriations in subsections (1), (2), (3), and (4) of this section are made solely for those purposes only and no transfer shall be made among said subsections.

NEW SECTION. Sec. 56. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—LONG-TERM CARE SERVICES

General Fund Appropriation—State........................................... $217,084,000
General Fund Appropriation—Federal........................................ $211,341,000
Total Appropriation.................................................................. $428,425,000

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

(1) The department shall provide a coherent system of long-term care services which will allow for the most efficient, equitable, and appropriate use of available resources. These services shall be provided in the least restrictive and most cost-effective manner appropriate for individual clients.

(2) $323,831,000, of which $162,984,000 is from the general fund—state appropriation, is provided for nursing home services.

(a) Of the amounts provided in this subsection (2), $8,000,000, of which $4,000,000 is from the general fund—state appropriation, is provided solely for implementation of cost reimbursement rate reform pursuant to Substitute Senate Bill No. 3780 or Senate Bill No. 3920 and chapter 74.46 RCW. If Substitute Senate Bill No. 3780 and Senate Bill No. 3920 fail to become law by July 1, 1983, such portion of the appropriation shall lapse and a separate amount of $6,000,000, of which $3,000,000 is from the general fund—state appropriation, shall be provided solely for independent certified audits of nursing homes under RCW 74.46.120.

(b) Vendor rate adjustments for inflation under chapter 74.46 RCW shall be 2.5% on July 1, 1983, and 3.0% on July 1, 1984.

(3) $8,000,000, of which $4,000,000 is from the general fund—state appropriation, shall be placed in a reserve account. The department shall report not later than January 1, 1984, to the ways and means committees of the senate and house of representatives on efforts to divert clients from unnecessary nursing home placements through the use of the community options program entry system federal waiver. The report shall include data on the number of clients so diverted, the types of care and/or services provided to such clients as alternatives to nursing
home placement, and the costs and savings associated with such diversions. No expenditure may be made from the reserve account established in this subsection unless specifically authorized by law.

(a) $85,869,000, of which $44,159,000 is from the general fund—state appropriation, is provided solely for community-based long-term care services including congregate care, adult family home care, chore services, home health care, nutrition services, transportation services, and case management services.

(b) Vendor rate adjustments shall average 2.5% on July 1, 1983, and 3.0% on July 1, 1984.

(c) $1,411,200 of the general fund—state appropriation is provided for implementation of the senior citizens services act. At least 7.0% of this amount shall be used for 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 and shall not be transferred or used for any other purpose.

(d) $41,095,000, of which $18,277,000 is from the general fund—state appropriation, is provided for chore services. The department shall report to the legislature by December 1, 1983, regarding the client impact of revisions to the chore services program resulting from the 1983 amendments to RCW 74.08.541.

(e) $30,210,000, of which $11,318,000 is from the general fund—state appropriation, is provided for the services outlined in subsections (4) (e) (i) through (v) of this section and shall be initially allotted as follows:

(i) $18,301,000 from federal funds is provided for the federal older Americans act.

(ii) $1,193,000, of which $602,000 is from the general fund—state appropriation, is provided for adult day health services.

(iii) $51,000 is provided for nursing home discharge payments.

(iv) $8,454,000 is provided for congregate care services.

(v) $2,211,000 is provided for adult family home services.

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

(1) The department shall adopt by rule medical criteria for general assistance eligibility to ensure that eligibility determinations are consistent with statutory requirements and are based on clear, objective medical information.

(2) The department shall develop and submit to the federal department of health and human services a work incentive demonstration project proposal to allow administration of the work incentive program to be solely borne by the department of social and health services. Before implementation of the proposal, but not later than December 1, 1983, the department shall report to the ways and means and social and health services committees of the senate and house of representatives. The report shall advise the legislature regarding effects of the proposal on (a) the administration of the work incentive program, (b) the receipt of federal funds for the program, and (c) expected client outcomes under the proposal.

(3) Public assistance grants shall not be prorated or otherwise reduced solely because of the presence in the household of an individual not legally responsible for the support of the assistance unit, and the department shall not assume any contribution from such individual for the support of the assistance unit.

(4) $25,536,800, of which $12,768,400 is from the general fund—state appropriation, is provided solely for aid to families with dependent children for two-parent families beginning on July 1, 1983, and continuing through June 30, 1984. Additional funds appropriated in this section may be expended for the program during such period. The department shall amend its state plan under title IVA of the federal social security act in order to secure federal matching funds for the program during such period.

(5) $2,982,000 of the general fund—state appropriation is provided solely for general assistance to pregnant women under the 1983 amendments to RCW 74.04.005.

(6) Grant payment standards will be increased 2.5% on July 1, 1983, and 3.0% on July 1, 1984, for aid to families with dependent children, general assistance, consolidated emergency assistance, and refugee assistance.
(7) It is the continuing intention of the legislature that payment levels in the aid to families with dependent children, general assistance, and refugee assistance programs contain an energy allowance to offset the high and rising costs of energy, and that such allowance be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to $65,000,000 is so designated for exemptions of the following amounts:

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<th>Family size:</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
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<th>8 or more</th>
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<td>27</td>
<td>32</td>
<td>39</td>
<td>44</td>
<td>50</td>
<td>59</td>
<td>64</td>
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(8) The appropriations in this section shall be initially allotted as follows:

(a) $18,133,000 from federal funds for refugee assistance.
(b) $509,490,000, of which $236,082,000 is from the general fund—state appropriation, for aid to families with dependent children—regular.
(c) $25,536,000, of which $12,768,000 is from the general fund—state appropriation, for aid to families with dependent children—employable.
(d) $32,361,000 of the general fund—state appropriation for supplemental security income payments.
(e) $66,332,000, of which $65,127,000 is from the general fund—state appropriation, for general assistance to unemployed persons.
(f) $2,992,000 of the general fund—state appropriation for general assistance to pregnant women.
(g) $10,954,000, of which $5,477,000 is from the general fund—state appropriation, for the consolidated emergency assistance program.
(h) $3,061,000 of the general fund—state appropriation for burial assistance.
(i) $1,671,000, of which $990,000 is from the general fund—state appropriation, for employment and training support.
(j) $2,788,000, of which $279,000 is from the general fund—state appropriation, for work incentive payments.

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

General Fund Appropriation—State $ 84,142,000
General Fund Appropriation—Federal $ 23,918,000
General Fund Appropriation—Local $ 91,000
Total Appropriation $ 108,151,000

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

(1) The department shall establish a vendor rate over and above the regular child day-care rate for therapeutic day care provided to abused or neglected children under the age of five years. A maximum of $360,000 of moneys appropriated and allotted for child care payment may be expended for therapeutic day care.
(2) Vendor rate adjustments shall average 2.5% on July 1, 1983, and 3.0% on July 1, 1984.
(3) $1,185,000 of the general fund—state appropriation is provided solely for home-based social services to families with children in foster care or at risk of foster care because of family problems rather than child behavior problems.
(4) The appropriations in this section shall be initially allotted as follows:
(a) $1,128,000 of the general fund—state appropriation for the victims of domestic violence program.
(b) $41,390,000, of which $36,086,000 is from the general fund—state appropriation, for foster care payments.
(c) $8,605,000, of which $5,847,000 is from the general fund—state appropriation, for child-care payments.
(d) $4,688,000, of which $3,609,000 is from the general fund—state appropriation, for adoption support.
(e) $3,170,000, of which $1,525,000 is from the general fund—state appropriation, for family reconciliation services.
(f) $8,749,000, of which $7,553,000 is from the general fund—state appropriation, for interim care.
(g) $14,927,000, of which $12,199,000 is from the general fund—state appropriation, for alcoholism grants.
(h) $4,768,000, of which $4,249,000 is from the general fund—state appropriation, for detoxification.
(i) $9,072,000, of which $4,092,000 is from the general fund—state appropriation, for substance abuse grants.
(j) $7,854,000 of the general fund—state appropriation for congregate care for alcohol and substance abuse clients.
(k) $3,800,000 of the general fund—federal appropriation for refugee services.

NEW SECTION. Sec. 59. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MEDICAL ASSISTANCE PROGRAM

General Fund Appropriation—State $ 358,388,000
The appropriations in this section are subject to the following conditions and limitations:

(1) $13,355,800 of which $6,677,900 is from the general fund—state appropriation, is provided solely for medical assistance and limited casualty program coverage for persons in two-parent families who are categorically related to the aid to families with dependent children program, between July 1, 1983, and June 30, 1984. Additional funds appropriated under this section may be expended for the coverage during such period. The department shall amend its state plan under title XIX of the federal social security act in order to secure federal matching funds for the coverage during such period.

(2) Vendor rate adjustments for fee-for-service providers shall average 2.5% on July 1, 1983, and 3.0% on July 1, 1984.

(3) The legislature finds and declares that rising hospital costs are a vital concern. Therefore, it is essential that an effective cost control program be pursued. The department shall pay for inpatient hospital services under the federal medicaid program through the use of rates that are reasonable and adequate to meet the costs that must be incurred by efficiently and economically operated providers to provide services in conformity with applicable state and federal laws, regulations, and quality and safety standards.

(4) $7,000,000 of the general fund—state appropriation shall be placed in a reserve account. The department is directed to report to the legislature not later than January 1, 1984, on its methods for establishing inpatient hospital payment rates, the changes it anticipates in such rates during the fiscal year ending June 30, 1985, the reasons therefor, and any anticipated additional expenditures for inpatient hospital treatment during such fiscal year. No expenditure shall be made from the reserve account established in this subsection until specifically authorized by law.

(5) The department is directed to seek increased participation of 3,000 additional recipients over those currently enrolled in health maintenance organizations and individual practice associations. By December 31, 1984, the department shall report to the legislature on progress in these efforts.

(6) The department shall establish by rule a system to ensure that the appropriations in this section are not expended to cover persons who are already covered by private or other public programs.

(7) The department shall provide payment for chiropractic services under RCW 74.09.035 and 74.09.520.

(8) The department shall reimburse health care providers licensed under chapters 18.53, 18.71, 18.22, and 18.57 RCW for comparable services at equal rates.

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

General Fund Appropriation—State $ 38,988,000
General Fund Appropriation—Federal $ 53,161,000
General Fund Appropriation—Local $ 5,016,000
General Fund Appropriation—State and Local Improvements $ 20,000,000
Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 234, Laws of 1979 ex. sess. (Referendum 38)—Appropriation $ 21,826,000
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 $ 138,991,000

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

(1) If federal moneys are received for state health planning purposes for the fiscal year ending June 30, 1985, an equal amount of the general fund—state appropriation shall lapse.

(2) $1,261,000 is provided solely for poison control centers.

(3) Vendor rate adjustments shall average 2.5% on July 1, 1983, and 3.0% on July 1, 1984.

NEW SECTION. Sec. 61. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—VOCATIONAL REHABILITATION PROGRAM

General Fund Appropriation—State $ 14,051,000
General Fund Appropriation—Federal $ 25,602,000
Total Appropriation $ 39,653,000

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

(1) $1,000,000 of the general fund—state appropriation is provided solely for rehabilitation services to income assistance clients who are not severely disabled. Such services shall be provided through the use of available, unmatched state funds. The division of vocational rehabilitation shall facilitate rapid referral and eligibility determination and provide services
to appropriate income assistance clients who do not meet federal regulations for priority services.

(2) Vendor rate adjustments shall average 2.5% on July 1, 1983, and 3.0% on July 1, 1984.

NEW SECTION. Sec. 62. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES——
ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund Appropriation——State $55,494,000
General Fund Appropriation——Federal $41,060,000
General Fund——Institutional Impact Account Appropriation $75,000
Total Appropriation $96,629,000

The appropriations in this section are subject to the following conditions and limitations: $4,667,000, of which $1,780,000 is from the general fund——state appropriation, is provided solely for the information resource management plan. This plan shall include among its top priorities continuing 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. Under this plan, the department of social and health services shall:

(1) Maintain the capability to provide the legislature with reports that analyze client services delivery, and service cost data across all systems containing common client identifier information and provide unduplicated recipient counts and service histories;
(2) Incorporate the medicaid management information system into the common client identifier format;
(3) Develop rapid, flexible, and efficient data extraction and report generation; and
(4) Give priority to the following projects: (a) Community service management and operations system; (b) developmental disabilities management information system; (c) support enforcement management system; (d) automated birth certification system; and (e) mental health accounting system.

NEW SECTION. Sec. 63. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES——
COMMUNITY SERVICES ADMINISTRATION PROGRAM

General Fund Appropriation——State $135,516,000
General Fund Appropriation——Federal $140,640,000
General Fund Appropriation——Local $100,000
Total Appropriation $276,256,000

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

(1) $350,000 of the general fund——state appropriation is provided solely for the victims of sexual assault program.
(2) $608,000 of the general fund——state appropriation is provided solely for additional child protective service workers. These moneys shall be used to provide an additional 12.5 full time equivalent positions for a total of at least 237.2 for the fiscal year ending June 30, 1984, and an additional 16.2 full time equivalent positions for a total of at least 240.9 for the fiscal year ending June 30, 1985. Not later than December 1, 1983, the department shall submit a report to the social and health services and ways and means committees of the senate and house of representatives describing its compliance with the requirements of this subsection, indicating the average caseload of child protective service workers by region and state-wide, and indicating what level of funds would be required to achieve an average caseload of 30 cases per worker.
(3) $100,000 of the general fund——state appropriation is provided solely for grants to pay operating expenses of community-based private nonprofit social agencies that provide services to indigent families and senior citizens whose needs are not adequately met by government programs.
(4) $427,000 of the general fund——state appropriation is provided solely for an increase in current staffing for family reconciliation services.
(5) $2,181,000, of which $1,283,000 is from the general fund——state appropriation, is provided solely for contracted training.

NEW SECTION. Sec. 64. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES——
REVENUE COLLECTIONS PROGRAM

General Fund Appropriation——State $11,867,000
General Fund Appropriation——Federal $23,094,000
Total Appropriation $34,961,000

NEW SECTION. Sec. 65. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES——
REAPPROPRIATIONS

General Fund Appropriation——State $31,857,000
General Fund Appropriation——Federal $16,875,000
General Fund Appropriation——Local $66,000
Total Appropriation $48,798,000

The appropriations in this section are subject to the following conditions and limitations: These general fund reappropriations shall be for services and supplies not in excess of the unexpended balances of the 1981-1983 appropriations for such purposes.

NEW SECTION. Sec. 66. FOR THE DEPARTMENT OF VETERANS AFFAIRS
TWENTY-SIXTH DAY, MAY 20, 1983

General Fund Appropriation--State $ 15,840,000
General Fund Appropriation--Federal $ 2,237,000
General Fund Appropriation--Local $ 3,336,000
Total Appropriation $ 21,413,000

The appropriations in this section are subject to the following conditions and limitations: $200,000 of the general fund—state appropriation is provided solely for assistance to veterans of the Viet Nam conflict, including counseling on delayed stress syndrome, employment training and placement, discharge review, advocacy and representation, education, and other services appropriate to assist such veterans in overcoming employment barriers and readjusting to civilian life.

NEW SECTION. Sec. 67. FOR THE PLANNING AND COMMUNITY AFFAIRS AGENCY

General Fund Appropriation--State $ 2,735,000
General Fund Appropriation--Federal $ 53,568,000
Total Appropriation $ 56,303,000

The appropriations in this section are subject to the following conditions and limitations:
1) The appropriations in this section are for fiscal year 1984. Contingent on the provisions of chapter ... (ESHB 796), Laws of 1983 and chapter 43.88 RCW, any unexpended funds at the end of this period shall be transferred to the department of economic and community development.
2) Not more than $419,000 of the general fund—state appropriation is provided for distribution to incorporated cities and towns for fire protection of state facilities.
3) $65,000 of the general fund—state appropriation shall be used solely for carrying out the purposes of chapter ... (SSB 3035), Laws of 1983.
4) $292,000 of the general fund—state appropriation, or so much thereof as may be necessary, shall be used for Mount St. Helens volcano zone enforcement patrol.
5) $125,000 of the general fund—state appropriation shall be provided solely for distribution to border areas within seven air miles of the Canadian border.

NEW SECTION. Sec. 68. FOR THE HUMAN RIGHTS COMMISSION

General Fund Appropriation--State $ 2,968,000
General Fund Appropriation--Federal $ 941,000
Total Appropriation $ 3,909,000

NEW SECTION. Sec. 69. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

General Fund—Crime Victims Compensation Account Appropriation $ 266,000
Accident Fund Appropriation $ 2,674,000
Medical Aid Fund Appropriation $ 3,064,000
Total Appropriation $ 6,004,000

The appropriations in this section are subject to the following conditions and limitations: $12,000 of the accident fund appropriation is provided solely for an independent revalidation of the cost allocation study completed during the 1981–83 biennium. This revalidation cost study shall be transmitted to the legislature upon completion.

NEW SECTION. Sec. 70. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

General Fund—Criminal Justice Training Account Appropriation $ 6,054,000

The appropriation in this section is subject to the following conditions and limitations:
1) $161,000 is provided solely for the crime watch program.
2) $170,000 is provided solely for support of the programs of the Washington association of sheriffs and police chiefs in assisting the commission to carry out RCW 43.101.180.

NEW SECTION. Sec. 71. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation—State $ 5,770,000
General Fund—Crime Victims Compensation Account Appropriation $ 7,345,000
Accident Fund Appropriation—State $ 50,539,000
Accident Fund Appropriation—Federal $ 51,000
Electrical License Fund Appropriation $ 5,347,000
Medical Aid Fund Appropriation $ 48,354,000
Plumbing Certificate Fund Appropriation $ 255,000
Pressure Systems Safety Fund Appropriation $ 758,000
Total Appropriation $ 118,419,000

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) Not more than $50,000 of the accident fund appropriation and $50,000 of the medical aid fund appropriation shall be expended for a study of the feasibility of consolidating the department's Olympia-area offices in one building, including the options of leasing, acquiring, or constructing such building. No state general fund moneys may be expended for this study. The department shall report to the legislature on the findings of the study by January 15, 1984.

NEW SECTION. Sec. 72. FOR THE BOARD OF PRISON TERMS AND PAROLES
General Fund Appropriation ........................................ $ 2,975,000
NEW SECTION, Sec. 73. FOR THE HOSPITAL COMMISSION
General Fund Appropriation—State ................................ $ 357,000
General Fund—Hospital Commission Account Appropriation .... $ 1,086,000
Total Appropriation .................................................. $ 1,443,000

The appropriations in this section are subject to the following conditions and limitations:
(1) The commission is directed to perform aggressive rate review of individual hospital services to ensure control of rising hospital costs and efficient and economic delivery of hospital health care services.
(2) Not later than December 1, 1983, the commission shall report to the legislature on current and anticipated hospital cost inflation. The report shall include an analysis of the components of hospital operating costs and changes in those costs, together with reasons for each major change. Special attention shall be given to cost components which increase at a rate greater than inflation in the general economy of the state.

NEW SECTION, Sec. 74. FOR THE EMPLOYMENT SECURITY DEPARTMENT
General Fund Appropriation—State ................................ $ 2,654,000
General Fund Appropriation—Federal ............................... $ 133,049,000
General Fund Appropriation—Local ................................ $ 17,159,000
Administrative Contingency Fund Appropriation—Federal ... $ 6,638,000
Unemployment Compensation Administration Fund Appropriation $ 92,543,000
Total Appropriation ................................................. $ 252,043,000

The appropriations in this section are subject to the following conditions and limitations:
(1) $786,000 is provided solely for the ex-offender work orientation program to serve a minimum of 1,094 ex-offenders in the community, and provide work orientation to a minimum of 500 offenders pending release. Services to offenders in addition to those provided under the appropriations in this section may be provided upon reimbursement by the department of corrections at the rate of $605 per participant.
(2) $313,000 is provided solely for the career awareness program to provide services to 371 ex-offenders. Services may be provided to additional ex-offenders upon reimbursement by the department of corrections at the rate of $844 per participant.
(3) The employment security department, through the youth employment exchange or other programs, shall provide for the recruitment of corps members and the receipt of federal funds for the conservation corps established under Engrossed Second Substitute Senate Bill No. 3624.
(4) $600,000 from the general fund—state appropriation shall be used solely for contracting with other agencies for carrying out the purposes of chapter _____ (2SSB 3624), Laws of 1983.

NEW SECTION, Sec. 75. FOR THE COMMISSION FOR THE BLIND
General Fund Appropriation—State ................................ $ 1,682,000
General Fund Appropriation—Federal ............................... $ 3,415,000
Total Appropriation ................................................. $ 5,097,000

The appropriations in this section are subject to the following conditions and limitations:
The commission for the blind shall report in writing by December 1, 1984, to the committees on ways and means of the senate and the house of representatives on the economy and effectiveness of the orientation and training center. The report shall include, but not be limited to, analysis of the characteristics of the clients and the target population, curriculum content and practices, client tracking after leaving the center, number of persons served, costs per client, and program costs.

NEW SECTION, Sec. 76. FOR THE CORRECTIONS STANDARDS BOARD
General Fund Appropriation—State ................................ $ 512,000
General Fund Appropriation—Local Jail Improvement and Construction Account Appropriation ......................................................................................... $ 113,124,000
Total Appropriation ................................................. $ 113,636,000

NEW SECTION, Sec. 77. FOR THE SENTENCING GUIDELINES COMMISSION
General Fund Appropriation ........................................... $ 551,000

NEW SECTION, Sec. 78. FOR THE STATE ENERGY OFFICE
General Fund Appropriation—State ................................ $ 1,104,000
General Fund Appropriation—Federal ............................... $ 13,032,000
General Fund Appropriation—Private/Local ....................... $ 60,000
Total Appropriation ................................................. $ 14,196,000

NEW SECTION, Sec. 79. FOR THE COLUMBIA RIVER GORGE COMMISSION
General Fund Appropriation—State ................................ $ 76,000
General Fund Appropriation—Private/Local ....................... $ 67,000
Total Appropriation ................................................. $ 143,000

NEW SECTION, Sec. 80. FOR THE DEPARTMENT OF ECOLOGY
General Fund Appropriation—State ................................ $ 20,937,000
General Fund Appropriation—Federal ............................... $ 9,910,000
The appropriations in this section are subject to the following conditions and limitations:

(1) On or before October 1, 1983, the department of ecology shall file with the committees on ways and means of the senate and house of representatives and the office of financial management a master compilation by project type of those projects proposed for funding during the 1983-85 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 and the office of financial management at six-month intervals during the 1983-85 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 and the office of financial management 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 and the office of financial management of significant changes from historic federal funding levels for waste disposal facilities and water supply facilities. In the event that the department does not comply fully and in a timely manner with the several compilations, updates, and modification reports required by this subsection, the director of the office of financial management is authorized to place in reserve the second year funds allotted to the department until such time as the documents are produced and distributed as directed herein.

(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) No grant or loan or combination thereof shall be made for preconstruction activities for projects which cannot be constructed without an increase in the remaining voter authorized bond capacity.

(6) $985,000 of the general fund—state appropriation is provided for grants to activated air pollution control authorities.

(7) $58,000 of the general fund—special grass seed burning research account appropriation shall be expended for funding of a grass burning research project by the University of Washington.

(8) $1,500,000 of the general fund—state appropriation shall be used solely for carrying out the purposes of chapter ____ (2SSB 3624). Laws of 1983.

(9) $85,000 of the general fund—state appropriation shall be used solely for carrying out the purposes of chapter ____ (SSB 3156). Laws of 1983.

(10) If House Bill No. 595 is enacted before July 1, 1983, the general fund—state and local improvements revolving account—water supply facilities appropriation shall be reduced by $14,500,000.

(11) The department may operate, and seek and accept grants or gifts for the purpose of operating and maintaining, the Padilla Bay estuarine sanctuary and interpretive center.

(12) $152,000, of which $76,000 is from the game fund appropriation and $76,000 is from the general fund—federal appropriation, shall be expended for the maintenance and security of Padilla Bay estuarine sanctuary.

(13) If either Substitute House Bill No. 712 or Second Substitute Senate Bill No. 3722 is enacted before July 1, 1983, the general fund—state appropriation shall be reduced by $540,000.

NEW SECTION. Sec. 81. FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund Appropriation $ 712,000

NEW SECTION. Sec. 82. FOR THE ENERGY FACILITY SITE EVALUATION COUNCIL

General Fund Appropriation—Private/Local $ 3,473,000

NEW SECTION. Sec. 83. FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund Appropriation—State $ 27,927,000

General Fund Appropriation—Private/Local $ 566,000

General Fund—Trust Land Purchase Account Appropriation $ 7,694,000

General Fund—Winter Recreation Parking Account Appropriation $ 156,000

General Fund—Snowmobile Account Appropriation $ 681,000

General Fund—Outdoor Recreation Account Appropriation $ 152,000

Motor Vehicle Fund Appropriation $ 800,000

Total Appropriation $ 37,976,000

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

(1) The commission shall operate the state park system on a modified schedule that will allow for management closures that will facilitate maximum park maintenance efforts.

(2) $600,000 of the general fund—state appropriation shall be used solely for carrying out the purposes of chapter ____ (2SSB 3624). Laws of 1983.

NEW SECTION. Sec. 84. FOR THE OFFICE OF ARCHAEOLOGY AND HISTORIC PRESERVATION

General Fund Appropriation—State $ 307,000

General Fund Appropriation—Federal $ 908,000

Total Appropriation $ 1,215,000

NEW SECTION. Sec. 85. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

General Fund—Outdoor Recreation Account Appropriation—State $ 12,025,000

General Fund—Outdoor Recreation Account Appropriation—Federal $ 3,997,000

Total Appropriation $ 16,022,000

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

(1) A maximum of $86,000 of the outdoor recreation account—state appropriation shall be used by the committee to contract with the department of natural resources, or others, for the preparation of a comprehensive guide to public parks and recreational sites within Washington as required by RCW 43.99.142. Such guide shall coordinate site data of all state and federal agencies providing public recreational facilities in the state, except that the guide shall be sold for an amount sufficient to cover the costs involved, and to reimburse the outdoor recreation account.

(2) A maximum of $1,520,000 may be expended for administration.
(3) No grant from the proceeds of general obligation bond sales may be made without matching federal moneys.

NEW SECTION. Sec. 86. FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

General Fund Appropriation ........................................... $ 3,086,000

The appropriation in this section is subject to the following conditions and limitations: The appropriations are for expenditure by the department of commerce and economic development in fiscal year 1984. Contingent on the provisions of chapter ____ (ESHB 796), Laws of 1983 and chapter 43.88 RCW, any unexpended funds at the end of this period shall be transferred to the department of economic and community development.

NEW SECTION. Sec. 87. FOR THE DEPARTMENT OF FISHERIES

General Fund Appropriation—State ................................... $ 38,614,000
General Fund Appropriation—Federal ................................ $ 6,580,000
General Fund Appropriation—Private/Local .......................... $ 2,083,000
Total Appropriation .................................................... $ 47,277,000

The appropriations in this section are subject to the following conditions and limitations:
(1) $285,000 of the general fund appropriation, of which $191,000 shall be from federal funds, or so much thereof as may be necessary, shall be expended for enhancement of the marine fish program.
(2) $109,000 of the general fund—state appropriation shall be expended for the enhancement of the shellfish program.
(3) $495,000 of the general fund—state appropriation shall be expended for additional salmon production.
(4) $600,000 of the general fund—state appropriation shall be used solely for carrying out the purposes of chapter ____ (2SSB 3624), Laws of 1983.

NEW SECTION. Sec. 88. FOR THE DEPARTMENT OF GAME

General Fund—ORV (Off-Road Vehicle) Account Appropriation ...... $ 159,000
Game Fund Appropriation—State ....................................... $ 35,354,000
Game Fund Appropriation—Federal ................................... $ 12,124,000
Game Fund Appropriation—Private/Local ............................. $ 1,318,000
Game Fund—Special Wildlife Account Appropriation ................ $ 250,000
Total Appropriation .................................................... $ 49,205,000

The appropriations in this section are subject to the following conditions and limitations: If House Bill No. 105 is enacted before July 1, 1983, the game fund—state appropriation shall be reduced by $352,000.

NEW SECTION. Sec. 89. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund—State ....................................................... $ 26,380,000
General Fund—Federal .................................................... $ 451,000
General Fund—ORV (Off-Road Vehicle) Account Appropriation ....... $ 2,096,000
General Fund—Forest Development Account Appropriation ........... $ 10,373,000
General Fund—Landowner Contingency Forest Fire Suppression
Account Appropriation .................................................... $ 1,539,000
General Fund—Survey and Maps Account Appropriation .............. $ 671,000
General Fund—Resource Management Cost Account Appropriation.. $ 61,067,000
Total Appropriation ..................................................... $ 102,577,000

The appropriations in this section are subject to the following conditions and limitations:
(1) $4,727,000 of the general fund—state appropriation shall be expended for the general administration program. Of this amount, $1.100,000 shall be used solely to carry out the purposes of chapter ____ (2SSB 3624), Laws of 1983: $50,000 shall be used to conduct a study of the continuous transfer of material and products across state lands; and $145,000 shall be used solely for the department of natural resources to vacate the first floor of the public lands building.
(2) Not more than $11,239,000 of the general fund—state appropriation shall be expended for the forest fire control program.
(3) Not more than $6,787,000 of the general fund—state appropriation shall be expended for the assistance and regulation program.
(4) Not more than $3,627,000 of the general fund—state appropriation shall be expended for the services program. Of this amount, not more than $843,000 shall be used to fund ten additional honor camp teams. Funds used within this program for surveying shall be limited to the establishment of boundaries of state property.

NEW SECTION. Sec. 90. FOR THE DEPARTMENT OF AGRICULTURE

General Fund Appropriation—State ................................... $ 10,166,000
General Fund Appropriation—Federal ................................ $ 626,000
General Fund—Feed and Fertilizer Account Appropriation .......... $ 17,000
Fertilizer, Agricultural, Mineral and Lime Fund Appropriation .... $ 364,000
Commercial Feed Fund Appropriation—State ........................ $ 365,000
Commercial Feed Fund Appropriation—Federal ....................... $ 13,000
Seed Fund Appropriation ......................................................... $ 1,029,000
Nursery Inspection Fund Appropriation ................................. $ 345,000
Total Appropriation .......................................................... $ 12,925,000

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

(1) $156,000 from the general fund—state appropriation shall be used to enhance the pesticide field investigations.

(2) $60,000 from the general fund—state appropriation shall be used to enhance consumer services within the agricultural development program.

(3) $300,000 from the general fund—state appropriation shall be used to establish a marketing program for the Washington wine industry and the department of agriculture shall present a proposal to the forty-ninth legislature which establishes a wine commodity commission.

(4) $600,000 from the general fund—state appropriation shall be used solely for carrying out the purposes of chapter __ (2SSB 3624), Laws of 1983.

(5) $104,000 is provided solely for a food bank coordinator and related costs.

NEW SECTION. Sec. 91. FOR THE CONSERVATION COMMISSION
General Fund Appropriation .................................................. $ 300,000

NEW SECTION. Sec. 92. FOR THE WASHINGTON CENTENNIAL COMMISSION
General Fund Appropriation .................................................. $ 226,000

NEW SECTION. Sec. 93. FOR THE STATE PATROL
General Fund Appropriation .................................................. $ 11,487,000

The appropriation in this section is subject to the following conditions and limitations:

(1) $1,400,000 is provided solely for the narcotics section, as authorized by RCW 43.43.610 and 43.43.620 and shall be limited to providing information to law enforcement agencies in the state on narcotic and drug law violations and providing investigative assistance on matters of state-wide concern.

(2) $600,000 is provided solely for the organized crime intelligence unit, as authorized by RCW 43.43.854 and shall be limited to intelligence gathering activities which assist law enforcement agencies and prosecutors in cases of state-wide significance.

NEW SECTION. Sec. 94. FOR THE DEPARTMENT OF LICENSING
General Fund Appropriation .................................................. $ 12,077,000
General Fund—Architects' License Account Appropriation ............... $ 373,000
General Fund—Optometry Account Appropriation ......................... $ 119,000
General Fund—Professional Engineers' Account Appropriation ............ $ 602,000
General Fund—Real Estate Commission Account Appropriation ........... $ 4,591,000
General Fund—Board of Psychological Examiners Account Appropriation . $ 66,000
Game Fund Appropriation ....................................................... $ 187,000
Highway Safety Fund Appropriation ......................................... $ 36,582,000
Highway Safety Fund—Motorcycle Safety Education Account Appropriation . $ 237,000
Motor Vehicle Fund Appropriation ............................................ $ 34,693,000
Total Appropriation ............................................................. $ 89,527,000

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

(1) $460,000 of the general fund appropriation is provided solely for the design and development of a Uniform Commercial Code automated lien filing and search system. If other legislation authorizing expenditures for a Uniform Commercial Code automated lien filing and search system is enacted before July 1, 1983, the general fund—state appropriation in this section shall be reduced by the amount actually expended under the other legislation.

(2) $66,446 is provided solely for the department of licensing to employ competent persons on a temporary basis to assist the dental hygiene examination committee in conducting examinations for dental hygiene licensure. The dental hygiene examination committee shall be reimbursed pursuant to RCW 43.03.050.

NEW SECTION. Sec. 95. FOR THE MARINE EMPLOYEES' COMMISSION
Motor Vehicle Fund—Puget Sound Ferry Operations Account Appropriation .................................................. $ 50,000

The appropriation made by this section is for the purpose of carrying out the provisions of chapter 15, Laws of 1983.

NEW SECTION. Sec. 96. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION (INCLUDING THE STATE BOARD FOR EDUCATION)
General Fund Appropriation—State ......................................... $ 13,381,000
General Fund Appropriation—Federal ...................................... $ 6,540,000
General Fund—Traffic Safety Education Account Appropriation .......... $ 460,000
Total Appropriation ............................................................. $ 20,381,000

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

(1) Not more than $460,000 may be expended for the state office administration of the traffic safety education program, including inservice training related to instruction in the risks of driving while under the influence of alcohol and other drugs.
(2) Not more than $244,882 of the general fund—state appropriation shall be expended for a program to provide additional inservice training for math, science, and computer technology instructors.

NEW SECTION, Sec. 97. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION FORMULA FOR FISCAL YEARS 1984 AND 1985

General Fund Appropriation .......................... $2,912,752,000

The appropriation in this section is subject to the following conditions and limitations:

(1) For purposes of this act and RCW 28A.58.095, the superintendent of public instruction shall ensure that no district provides salary and compensation increases in excess of the amount and/or percentage specified in this act for the 1983-84 school year. A school district may provide salary and compensation increases for the 1983-84 school year so long as the increase does not exceed for the biennium the salary and compensation increases provided in this act for the 1984-85 school year PROVIDED. That for the 1983-84 and 1984-85 school year, a school district is only authorized to provide a salary increase no greater than 5.0% of the 1982-83 LEAP Document 5 state-wide average salary for state-supported basic education certificated staff and 5.0% salary increase using the pertinent program state-wide average salary for the remaining state-supported classified staff: additionally, for the 1983-84 and 1984-85 school year, a school district is only authorized to provide a salary increase no greater than 5.0% of the 1982-83 LEAP Document 5 average state-wide derived base salary times each district's prior year staff mix factor for state-supported basic education certificated staff and also a 5.0% salary increase times the pertinent state-wide average derived base salary improved by the prior year staff mix factor for each district as regards the remaining state-supported certificated staff: PROVIDED FURTHER. That any salary increase greater than that authorized in this subsection shall be in violation of RCW 28A.58.095 and the superintendent of public instruction shall withhold the lesser of five percent or an amount equal to the level of the violation when applied to the district's respective basic education allocation, until such time as the school district comes into compliance.

(2) 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-sixths full time equivalent students enrolled in a vocational education program approved by the superintendent of public instruction: PROVIDED. That in skill centers, the ratio shall be one certificated staff unit for each average annual sixteen and sixty-seven one-hundredths full time equivalent students enrolled in an approved vocational education 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.

(3) (a) For nonemployee related costs with each certificated staff unit determined under subsection (2) (a), (c), and (d) of this section, there shall be provided a maximum of $5,287 per staff unit in the 1983-84 school year and a maximum of $5,562 per staff unit in the 1984-85 school year.
For nonemployee related costs with each certificated staff unit determined under subsection (2)(b) of this section, there shall be provided a maximum of $10,074 per staff unit in the 1983-84 school year and a maximum of $10,598 per staff unit in the 1984-85 school year.

(4) 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 (2) (a), (c), and (d) of this section;
   (b) One classified staff unit for each sixty full time equivalent vocational students enrolled;
   (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.

(5) The superintendent shall distribute a maximum of $15,286,000 outside the basic education formula as follows:
   (a) A maximum of $620,000 may be distributed to school districts for fire protection at a rate of $1.056 in fiscal year 1984 and $1.119 in fiscal year 1985 for each student attending a school located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW.
   (b) A maximum of $1,650,000 may be expended for operation of vocational programs at each of the skill centers during the summer months, beginning in 1983.
   (c) A maximum of $4,356,000 may be expended for districts which experience an enrollment decline of at least four percent or more than three hundred full time equivalent students, whichever is less, from the enrollment of the prior year. For a qualifying district, the superintendent of public instruction shall increase the enrollment as otherwise computed by twenty-five percent of the full time equivalent enrollment loss from the previous school year.
   (d) A maximum of $3,720,000 in fiscal year 1984 and $4,658,000 in fiscal year 1985 may be expended for substitute teachers, Funds shall be distributed to school districts at a rate not to exceed $150 per year per full time equivalent classroom teacher in the basic education and handicapped programs.
   (e) For the 1982-83 school year, if a school district is in violation of RCW 28A.58.095 the superintendent shall withhold the lesser of five percent or an amount equal to the level of violation, applied to the district's basic education allocation.

NEW SECTION. Sec. 98. SALARY AND COMPENSATION DEFINITIONS
For purposes of sections 99 through 111 of this act, the following definitions apply:

(1) "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), skill centers (program 45), handicapped (program 21), vocational-technical institutes/adult education (programs 47 and 48), state institutions (program 46), educational service districts, and transportation (program 99).

(2) "Incremental fringe benefits" means 7.0% for certificated staff and 14.0% 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, with respect to classified staff, retirement benefits under the public employees' retirement system (chapter 41.40 RCW).

(3) "LEAP Document 5" means the computer tabulation of 1982-83 derived base salaries for basic education certificated staff and 1982-83 average salaries for basic education classified staff, as developed by the legislative evaluation and accountability program committee on April 5, 1983, at 15:57 hours.

NEW SECTION. Sec. 99. DETERMINATION OF STAFF MIX FACTOR AND CERTIFICATED BASE SALARY
For purposes of determining the 1983-84, and 1984-85 school year staff mix factor and certificated base salary by district, the following definitions apply:

(1) Basic education certificated staff includes all full time equivalent certificated staff in the following programs:
   (a) Basic education (program 00);
   (b) Secondary vocational education (program 30);
   (c) Skill centers (program 45);
   (d) General instructional support (program 94);
   (e) General support (program 97).

(2) The 1982-83 certificated base salary to be used for basic education allocation purposes shall be that specified in LEAP Document 5.

(3) The staff mix factor table developed by the legislative evaluation and accountability program committee (LEAP) (reference LEAP Document 1) shall be employed to calculate each district's base salary for basic education certificated staff.

(4) The average staff mix factor for 1983-84, and 1984-85 for each district shall be calculated using the staff referenced in subsection (1) of this section for the respective school year and the table referenced in subsection (3) of this section.

NEW SECTION. Sec. 100. DETERMINATION OF CLASSIFIED SALARIES
The 1982-83 basic education average classified salary to be used for basic education allocation purposes shall be as specified for each district in LEAP Document 5 and shall be for the total number of such full time equivalent staff in the following programs:

1. Basic education (program 00);
2. Secondary vocational education (program 30);
3. Skill centers (program 45);
4. General instructional support (program 94);
5. General support (program 97).

NEW SECTION. Sec. 101. BASIC EDUCATION ALLOCATION—CALCULATION OF CERTIFICATED STAFF COMPENSATION

1. The certificated compensation allocation for school year 1983-84 shall be the sum of the following subsections:
   a. Maintenance of compensation shall be calculated using each district's 1982-83 base salary established in LEAP Document 5 times the number of certificated staff units generated in section 97 (2) (a) through (d) of this act in each district times each district's particular 1982-83 average staff mix factor improved by 7.43%.
   b. Health benefits shall be calculated at the rate of $137 per month per certificated full time equivalent staff units generated in section 97 (2) (a) through (d) of this act.

2. The certificated compensation allocation for school year 1984-85 shall be the sum of the following subsections:
   a. Maintenance of compensation calculated by using each district's 1982-83 base salary established in LEAP Document 5 times the number of staff units generated in section 97 (2) (a) through (d) of this act times each district's particular 1983-84 average staff mix factor improved by 7.66%.
   b. Health benefits shall be calculated at the rate of $137 per month per certificated full time equivalent staff units generated in section 97 (2) (a) through (d) of this act.

NEW SECTION. Sec. 102. BASIC EDUCATION ALLOCATION—CALCULATION OF CLASSIFIED STAFF COMPENSATION

1. The 1983-84 basic education classified compensation allocation for each district shall be the sum of the following subsections:
   a. Maintenance of classified compensation shall be calculated using the staff units generated in section 97 (4) (a) through (c) of this act times each district's 1982-83 average classified salary, established in LEAP Document 5, improved by 16.55%.
   b. Health benefits shall be calculated at the rate of $137 per month per classified full time equivalent staff units generated in section 97 (4) (a) through (c) of this act.

2. The 1984-85 basic education classified compensation allocation for each district shall be the sum of the following:
   a. Maintenance of classified compensation shall be calculated using the staff units generated in section 97 (4) (a) through (c) of this act times each district's 1982-83 average classified salary, established in LEAP Document 5, improved by 16.78%.
   b. Health benefits shall be calculated at the rate of $137 per month per classified full time equivalent staff units generated in section 97 (4) (a) through (c) of this act.

NEW SECTION. Sec. 103. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—SALARY AND COMPENSATION INCREASES

General Fund Appropriation $71,983,000

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 provided by this section shall be distributed by the superintendent of public instruction as specified in this section on an allocation basis only and may be expended by school districts for any state-funded activity.
3. A maximum of $26,118,000 shall be distributed for insurance benefit increases for full time equivalent state-supported staff as defined in section 98(1) of this act at a rate of $22 per month per full time equivalent staff unit in the 1983-84 school year and such amount shall be maintained in the 1984-85 school year.
4. (a) A maximum of $9,703,000 is provided, effective November 1, 1984, for incremental fringe benefits in section 98(2) of this act and 5.0% of the 1982-83 LEAP Document 5 state-wide average salary for state-supported basic education classified staff as defined in section 98(1) of this act. With respect to the remaining state-supported classified staff of a district as defined in section 98(1) of this act, the superintendent shall distribute a 5.0% salary increase using the pertinent program state-wide average salary for such staff.
   (b) The salary increase authorized by subsection (4)(a) of this section shall be the maximum level of state-supported salary increase unless the legislature makes an upward adjustment in a subsequent legislative session.
   (c) During the 1983-84 school year, the superintendent of public instruction, as part of the regular classified data reporting process, shall collect data regarding the length of service of each basic education classified employee in their particular job classification. The superintendent of public instruction shall submit a report to the legislature prior to March 1, 1984.
regarding the proposed allocation methodology as required by subsection (4)(d) of this section. Such a report shall consider present practices by the state personnel board in granting increments.

(d) The superintendent of public instruction shall, during the 1984-85 school year, allocate $400,000 of the funds allocated by subsection (4)(a) of this section to each district in accordance with its particular 1983-84 complement of staff.

(e) Pursuant to RCW 84.52.0531(5), any school district having an average classified salary as shown on LEAP Document 5 of less than $16,513 for the 1982-83 school year may grant salary increases to classified staff in the 1983-84 school year to achieve a maximum average classified salary of $16,513. For purposes of allocating basic education funds in the 1984-85 school year, the superintendent shall modify LEAP Document 5 to reflect any increases given in accordance with this provision.

(5) (a) A maximum of $36,162,000 is provided effective November 1, 1984, for incremental fringe benefits in section 98(2) of this act and 5.0% of the 1982-83 LEAP Document 5 average state-wide derived base salary times the district's 1993-84 staff mix factor (as defined in section 99(3) of this act) for state-supported basic education staff as defined in section 98(1) of this act. With respect to the remaining state-supported certificated staff of a district as defined in section 98(1) of this act, the superintendent shall distribute a 5.0% salary increase times the pertinent state-wide average derived base salary improved by the 1983-84 staff mix of each district for such staff.

(b) The salary increase authorized by subsection (5)(a) of this section shall be the maximum level of state-supported salary increase unless the legislature makes an upward adjustment in a subsequent legislative session.

(6) For purposes of RCW 28A.58.095, the following conditions and limitations apply:
(a) The sum of salary and insurance benefit increases granted by each school district for non-state-supported staff shall not exceed those specified for state-supported staff of a district.

(b) Districts may grant increases in insurance benefits to achieve a rate of $159.00 per individual employee in the 1983-84 and 1984-85 school years. For districts having rates greater than $159.00 per individual employee in 1982-83, any increase granted in 1983-84 or 1984-85 shall constitute salary increase.

(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 pursuant to LEAP Document 1.

(7) The salary increases authorized in subsections (4) and (5) of this section shall not apply to any employee whose annual salary is $40,000 or greater. Moneys saved pursuant to this subsection shall be placed in reserve.

NEW SECTION. Sec. 104. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION
General Fund Appropriation $168,874,000

The appropriation in this section is subject to the following conditions and limitations:
(1) A maximum of $73,364,000 may be expended in the 1983-84 fiscal year.
(2) A maximum of $712,000 may be expended for regional transportation coordinators.
(3) A maximum of $53,000 may be expended for driver training.

NEW SECTION. Sec. 105. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR VOCATIONAL-TECHNICAL INSTITUTES AND ADULT EDUCATION AT VOCATIONAL-TECHNICAL INSTITUTES
General Fund Appropriation $53,586,000

The appropriation in this section is subject to the following conditions and limitations:
(1) (a) The 1983-84 school year appropriation is based on an enrollment of 10,638 full time equivalent students at a state support level per student of $2,461, not including salary and insurance benefit increases.

(b) The 1984-85 school year appropriation is based on an enrollment of 11,255 full time equivalent students at a state support level per student of $2,491, not including salary and insurance benefit increases.

(2) Not more than $619,000 of this appropriation may be expended for adult education.

NEW SECTION. Sec. 106. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL FOOD SERVICE PROGRAMS
General Fund Appropriation—State $6,000,000
General Fund Appropriation—Federal $60,611,000
Total Appropriation $66,611,000

NEW SECTION. Sec. 107. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR HANDICAPPED COSTS
General Fund Appropriation—State $271,088,000
General Fund Appropriation—Federal $27,641,000
Total Appropriation $298,729,000

The appropriations in this section are subject to the following conditions and limitations:
(1) A maximum of $125,586,000 of the general fund—state appropriation may be expended in fiscal year 1983-84.
TWENTY-SIXTH DAY, MAY 20, 1983

(2) The superintendent of public instruction shall allocate funds in accordance with LEAP Document 6 for school years 1983-84 and 1984-85.

(3) The superintendent shall establish a new system for district reporting of preschool handicapped enrollment which results in uniform reporting consistent with attendance laws and rules.

NEW SECTION. Sec. 108. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION——FOR THE TRAFFIC SAFETY PROGRAM

General Fund——Traffic Safety Education Account Appropriation $ 17,141,000

The appropriation in this section is subject to the following condition or limitation: Not more than $446,000 may be expended for traffic safety education coordinators.

NEW SECTION. Sec. 109. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION——FOR EDUCATIONAL SERVICE DISTRICTS

General Fund Appropriation——State $ 4,807,000
State Funding Sources $ 3,664,000
Total Appropriation $ 8,471,000

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:

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<thead>
<tr>
<th>Educational Service District</th>
<th>General State Funding</th>
<th>Slate Funding Sources</th>
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<tr>
<td>E.S.D. No. 101</td>
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<tr>
<td>E.S.D. No. 105</td>
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<td>E.S.D. No. 189</td>
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</tr>
<tr>
<td>Total</td>
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<td>$3,664,000</td>
</tr>
</tbody>
</table>

(2) School districts in the respective educational service districts shall provide the amounts specified from state funding sources accruing under section 97 of this act on a per capita enrollment basis prior to June 30th of each school year.

(3) Educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.21.088 (3) and (4).

NEW SECTION. Sec. 110. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION——FOR BLOCK GRANTS

General Fund Appropriation——State $ 45,957,000

The appropriation in this section is subject to the following conditions and limitations:

(1) A maximum of $27,328,000 may be expended in fiscal year 1983-84.

(2) A maximum of $4,148,000 may be allocated by the superintendent for the support of specific learning disabled programs for the 1983-84 school year as reassessment of the currently eligible students occurs as a result of changes in state regulations.

(3) Of the appropriation provided by this section, a minimum of $28,632,000 shall be distributed as follows:

(a) 30% on the basis of full time equivalent enrollment;
(b) 18% on the basis of aid to families with dependent children income enrollment in the prior school year;
(c) 12% on the basis of minority enrollment in the prior school year;
(d) 12% on the basis of gifted enrollment in the prior school year;
(e) 12% on the basis of racial isolation enrollment in the prior school year;
(f) 6% on the basis of limited English speaking enrollment in the prior school year; and
(g) 10% on the basis of Indochinese refugees as defined by federal regulation.

Except as otherwise provided, the categories of enrollment shall be defined in accordance with the allocation methodology developed by the governor's advisory committee for chapter II of the education consolidation and improvement act in effect for the 1982-83 school year.

(4) A maximum of $12,900,000 may be distributed for the remaining months of the 1982-83 school year.

(5) The funds allocated by subsection (3) of 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; PROVIDED, That school districts shall expend these funds so that any programs listed in this subsection required to be offered by law shall receive first priority.

(6) The superintendent of public instruction shall contract $257,000 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.

**NEW SECTION. Sec. 111. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR STATE INSTITUTIONAL EDUCATION PROGRAMS**

General Fund Appropriation—State $20,857,000
General Fund Appropriation—Federal $5,450,000
Total Appropriation $26,307,000

The appropriations in this section are subject to the following condition or limitation: Not more than $3,355,783 shall be expended for support of basic education programs for juveniles confined in county detention centers.

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

General Fund Appropriation—Federal $93,956,000

1) Education Consolidation and Improvement Act of 1981 $90,483,000
2) Education of Indian Children $367,000
3) Adult Basic Education $3,106,000

**NEW SECTION. Sec. 113. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION IN 1982-83 SCHOOL YEAR SALARY INCREASES**

General Fund Appropriation $500,000

The appropriation in this section is subject to the following conditions and limitations: $500,000 shall be distributed to eligible school districts on the same basis as $451,000 was distributed under section 74(10), chapter 50, Laws of 1982 1st ex. sess. (uncodified).

**NEW SECTION. Sec. 114. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE ENCUMBRANCE OF FEDERAL GRANTS**

General Fund Appropriation—Federal $27,380,000

**NEW SECTION. Sec. 115. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL CLINICS**

General Fund Appropriation $1,100,000

**NEW SECTION. Sec. 116. HIGHER EDUCATION**

The appropriations in sections 117 through 123 of this act are subject to the following conditions and limitations:

1) The community colleges shall not expand ungraded offerings above the level estimated for 1981-82.

2) No funds may be used for the inauguration or operation of any new degree program until the program has been reviewed and favorably recommended by the council for postsecondary education.

3) Eastern Washington University shall not expand its enrollment or offerings in Spokane prior to the completion of the Spokane off-campus study by the office of financial management.

4) The research universities shall expand their self-sustaining continuing education activities for professional engineers.

5) The boards of regents of the University of Washington and Washington State University may waive all tuition, operating, and service and activities fees for foreign exchange students from Washington's sister state, the Sichuan province of the People's Republic of China. Tuition and fees shall not be waived for more than a total of four students during each year of the biennium. The waiver shall not be subject to the limitations established in RCW 28B.15.740.

6) As used in sections 117 through 123 of this act:

a) "Comparable cost" has the meaning used in the calculation of table 2 of the Washington state higher education enrollment forecasts published by the office of financial management in January, 1983.

b) "Regular academic year enrollments" excludes summer school enrollments except for the community colleges.

7) The state board shall review and modify its allocation methods for enrollments to recognize any recent change in student demand and needs. In determining demand and needs, the state board shall consider the needs of new industries, with special reference to the semiconductor industry, and any other state economic growth that community college education can enhance in rural as well as metropolitan areas. In addition, reallocation of student enrollments that would maximize the highest quality educational offerings shall be considered. The state board shall report on its allocation method to the ways and means committees of the respective houses by September 1, 1983.

8) Eastern Washington University, Central Washington University, The Evergreen State College and the state board for community college education shall expend up to $25,000 each to conduct a program review in the manner of the recently completed review done by Western Washington University. The results of these reviews shall be reported to the ways and means committees of the respective houses by November 1, 1983.

**NEW SECTION. Sec. 117. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION**

General Fund Appropriation—Federal $9,000
The state board for community college education shall distribute such funds based on a ratio to be determined by the board for students below the 2,500 full time equivalent student enrollment level.

(4) $232,526,606 is appropriated from the general fund for instruction. Average basic direct instructional resource per comparable cost student shall not be less than $3,147 per academic year averaged for the biennium. Faculty full time equivalent entitlements for direct instructional purposes shall be not less than 3.657 per year and shall not fall below the overall student-to-faculty ratio as calculated in the governor's budget request.

(5) $75,086,000 is appropriated from the general fund for support instructional resources. Average support instructional resources per student shall be not less than $5452 per year averaged for the biennium. Support instructional resources shall be calculated as moneys budgeted for libraries, student services, and primary support. Students shall be calculated on the basis of state-funded full time equivalent regular academic year enrollments assumed in this act. Moneys appropriated in this subsection may be transferred from this subsection, reducing the support instructional resources per student proportionately, to augment basic direct instruction.

(6) $114,045,807 is appropriated from the general fund for general university purposes, including plant maintenance, institutional support, state board operations, and instruction.

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

The community college system shall maximize enrollment opportunities for vocational students.

NEW SECTION. Sec. 118. FOR THE UNIVERSITY OF WASHINGTON

(1) Accident Fund Appropriation $1,563,000
(2) Medical Aid Fund Appropriation $1,563,000
(3) $1,773,000 is appropriated from the general fund for family practice medicine education and residency programs provided for by chapter 70.112 RCW.

(4) $163,868,272 is appropriated from the general fund for instruction. Average basic direct instructional resource per comparable cost student shall not be less than $3.147 per academic year averaged for the biennium. Faculty full time equivalent entitlements for direct instructional purposes shall be not less than 1.687 per year and shall not fall below the overall student-to-faculty ratio as calculated in the governor's budget request.

(5) $65,387,000 is appropriated from the general fund for support instructional resources. Average support instructional resources per student shall be not less than $1,108 per year averaged for the biennium. Support instructional resources shall be calculated as moneys budgeted for libraries, student services, and primary support. Students shall be calculated on the basis of state-funded full time equivalent regular academic year enrollments assumed in this act. Moneys appropriated in this subsection may be transferred from this subsection, reducing the support instructional resources per student proportionately, to augment instruction.

(6) $165,463,728 is appropriated from the general fund for general university purposes, including research, public service, hospitals, plant maintenance, institutional support, and instruction.

(7) $5,368,000 is appropriated from the general fund for equipment replacement.

(8) $3,900,000 is appropriated from the general fund as a special enhancement for enrichment of instructional resources in the undergraduate programs offered by the university.

NEW SECTION. Sec. 119. FOR WASHINGTON STATE UNIVERSITY

(1) $80,069,896 is appropriated from the general fund for instruction. Average basic direct instructional resource per comparable cost student shall not be less than $2,679 per academic year averaged for the biennium. Faculty full time equivalent entitlements for direct instructional purposes shall be not less than 886 per year and shall not fall below the overall student-to-faculty ratio as calculated in the governor's budget request.

(2) $31,692,000 is appropriated from the general fund for support instructional resources. Average support instructional resources per student shall be not less than $990 per year averaged for the biennium. Support instructional resources shall be calculated as moneys budgeted for libraries, student services, and primary support. Students shall be calculated on the basis of state-funded full time equivalent regular academic year enrollments assumed in this act. Moneys appropriated in this subsection may be transferred from this subsection, reducing the support instructional resources per student proportionately, to augment instruction.

(3) $115,613,104 is appropriated from the general fund for general university purposes including research, public service, plant maintenance, institutional support, and instruction.

(4) $120,000 is appropriated from the general fund for rodenticide research.

(5) $2,474,000 is appropriated from the general fund for equipment.

(6) $2,100,000 is appropriated from the general fund as a special enhancement for enrichment of instructional resources in the undergraduate programs offered by the university.
(7) The appropriations in this section are subject to the following conditions and limitations:
(a) Washington State University shall make available whatever resources are requested by the office of financial management and the council for postsecondary education pursuant to section 120(5)(b) of this act.
(b) Courses classified as "community service" in the public service program shall be provided on a self-supporting basis only.
NEW SECTION, Sec. 120. FOR EASTERN WASHINGTON UNIVERSITY
(1) $33,304,063 is appropriated from the general fund for instruction. Average basic direct instructional resource per comparable cost student shall not be less than $2,461 per academic year averaged for the biennium. Faculty full time equivalent entitlements for direct instructional purposes shall be not less than 366 per year and shall not fall below the student-to-faculty ratio as calculated in the governor's budget request.
(2) $11,675,000 is appropriated from the general fund for support instructional resources. Average support instructional resources per student shall be not less than $833 per year averaged for the biennium. Support instructional resources shall be calculated as moneys budgeted for libraries, student services, and primary support. Students shall be calculated on the basis of state-funded full time equivalent regular academic year enrollments assumed in this act. Moneys appropriated in this subsection may be transferred from this subsection, reducing the support instructional resources per student proportionately, to augment basic direct instruction.
(3) $22,507,937 is appropriated from the general fund for general university purposes, including research, primary support, institutional support, and instruction.
(4) $706,000 is appropriated from the general fund for equipment.
(5) The appropriations in this section are subject to the following conditions and limitations:
(a) No operating funds may be used for the lease or maintenance of the new Spokane Center Building.
(b) In order to best utilize facilities housing public university programs within the city of Spokane, the director of financial management shall provide a recommendation on the continuation and future needs of public higher education in the city of Spokane, specifically addressing opportunities for cooperative programs. The staff of the council for postsecondary education shall provide assistance as required by the office of financial management to conduct a program review of Spokane area higher education program needs. The office of financial management shall conduct a financial analysis of the Eastern Washington University Center for Higher Education located in Spokane as part of this recommendation. The office of financial management shall submit the recommendation to the legislature by October 1, 1983.
NEW SECTION, Sec. 121. FOR CENTRAL WASHINGTON UNIVERSITY
(1) $27,676,185 is appropriated from the general fund for instruction. Average basic direct instructional resource per comparable cost student shall not be less than $2,385 per academic year averaged for the biennium. Faculty full time equivalent entitlements for direct instructional purposes shall be not less than 307 per year and shall not fall below the student-to-faculty ratio as calculated in the governor's budget request.
(2) $11,051,000 is appropriated from the general fund for support instructional resources. Average support instructional resources per student shall be not less than $952 per year averaged for the biennium. Support instructional resources shall be calculated as moneys identified as budgeted for libraries, student services, and primary support. Students shall be calculated on the basis of state-funded full time equivalent regular academic year enrollments assumed in this act. Moneys appropriated in this subsection may be transferred from this subsection, reducing the support instructional resources per student proportionately, to augment basic direct instruction.
(3) $17,509,815 is appropriated from the general fund for general university purposes, including research, plant maintenance, institutional support, and instruction.
(4) $604,000 is appropriated from the general fund for regional university and college faculty resource equalization. These moneys may be used for faculty salary adjustments and staffing purposes.
(5) $646,000 is appropriated from the general fund for equipment.
NEW SECTION, Sec. 122. FOR THE EVERGREEN STATE COLLEGE
(1) $11,129,439 is appropriated from the general fund for instruction. Average basic direct instructional resource per comparable cost student shall not be less than $2,519 per academic year averaged for the biennium. Faculty full time equivalent entitlements for direct instructional purposes shall be not less than 125 per year and shall not fall below the overall student-to-faculty ratio as calculated in the governor's budget request.
(2) $7,344,000 is appropriated from the general fund for support instructional resources. Average support instructional resources per student shall be not less than $1,662 per year averaged for the biennium. Support instructional resources shall be calculated as moneys budgeted for libraries, primary support, and student services. Students shall be calculated on the basis of state-funded full time equivalent regular academic year enrollments assumed in this act. Moneys appropriated in this subsection may be transferred from this subsection.
reducing the support instructional resources per student proportionately, to augment basic direct instruction.

(3) $9,982,561 is appropriated from the general fund for general college purposes, including research, plant maintenance, institutional support, and instruction.

(4) $462,000 is appropriated from the general fund for regional university and college faculty resource equalization. These moneys may be used for faculty salary adjustments and staffing purposes.

(5) $579,000 is appropriated from the general fund for equipment.

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

(a) The board of trustees of The Evergreen State College is directed to limit the use of campus space to that amount sufficient to serve enrollments of up to two thousand five hundred students during each year of the biennium.

(b) The board of trustees shall cooperate with the director of the department of general administration, who is directed to use such space in excess of that provided in subsection (6)(a) of this section to reduce the amount of leased space in Thurston County for offices, warehouses, and similar purposes as are required by elected state officials, institutions, departments, commissions, or other state agencies: PROVIDED, That this subsection (6)(b) shall not restrict the ability of The Evergreen State College from regaining that space if the college achieves an enrollment in excess of two thousand five hundred students.

NEW SECTION. Sec. 123. FOR WESTERN WASHINGTON UNIVERSITY

(1) $36,371,222 is appropriated from the general fund for instruction. Average basic direct instructional resource per comparable cost student shall not be less than $2,204 per academic year averaged for the biennium. Faculty full time equivalent entitlements for direct instructional purposes shall be not less than 421 per year and shall not fall below the overall student-to-faculty ratio as calculated in the governor's budget request.

(2) $12,551,000 is appropriated from the general fund for support instructional resources. Average support instructional resources per student shall be not less than $760 per year averaged for the biennium. Support instructional resources shall be calculated as moneys budgeted for libraries, student services, and primary support. Students shall be calculated on the basis of state-funded full time equivalent regular academic year enrollments assumed in this act. Moneys appropriated in this subsection may be transferred from this subsection, reducing the support instructional resources per student proportionately, to augment basic direct instruction.

(3) $17,960,778 is appropriated from the general fund for general university purposes including research, primary support, institutional support, and instruction.

(4) $1,881,000 is appropriated from the general fund for regional university and college faculty resource equalization. These moneys may be used for faculty salary adjustments and staffing purposes.

(5) $1,590,000 is appropriated from the general fund for equipment.

NEW SECTION. Sec. 124. FOR THE COUNCIL FOR POSTSECONDARY EDUCATION

General Fund Appropriation—State . $ 27,508,000
General Fund Appropriation—Federal $ 3,526,000
State Educational Grant Appropriation $ 40,000
Total Appropriation $ 31,074,000

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

(1) To the greatest extent possible, the council shall emphasize work study and other self-help programs in its financial assistance programs.

(2) The council shall provide assistance as required by the office of financial management to study the question of undergraduate and graduate education in Spokane.

(3) No less than $24,265,713 shall be spent for student aid exclusive of agency administrative costs.

NEW SECTION. Sec. 125. FOR THE COMMISSION FOR VOCATIONAL EDUCATION

General Fund Appropriation—State . $ 1,986,000
General Fund Appropriation—Federal $ 21,385,000
Total Appropriation $ 23,371,000

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

(1) No state funds may be used by the advisory council for vocational education.

(2) The commission for vocational education shall not require of the state board for community college education or the superintendent of public instruction any report or information which is not expressly required by state or federal law or rules. With any request for information, the commission for vocational education shall note on the request the specific citation of the state or federal requirement which requires the report. The commission shall keep its compliance auditing to the minimum required by federal law or rule.

(3) Before the convening of the 1984 regular session of the legislature, the director of the commission for vocational education shall submit a report to the secretary of the senate and the chief clerk of the house of representatives regarding planned improvement in administration, program planning, and program delivery. The secretary of the senate and the chief clerk
of the house of representatives shall furnish the report to the appropriate standing committees of the legislature, which shall review and comment on the report’s recommendations.

NEW SECTION, Sec. 126. FOR THE HIGHER EDUCATION PERSONNEL BOARD

Higher Education Personnel Board Service Fund Appropriation $1,309,000

NEW SECTION, Sec. 127. FOR THE STATE LIBRARY

General Fund Appropriation—State $7,447,000
General Fund Appropriation—Federal $2,297,000
General Fund Appropriation—Private/Local $99,000

Washington Library Network Computer System Revolving Fund
Appropriation—Private/Local $7,672,000
Total Appropriation $17,515,000

The appropriations in this section are subject to the following conditions and limitations: A minimum of $75,000 of the general fund—state appropriation shall be expended for matching the costs of providing for the automation of the selection/circulation and inventory system for the Washington library for the blind and physically handicapped.

NEW SECTION, Sec. 128. FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund Appropriation—State $2,742,000
General Fund Appropriation—Federal $800,000
Total Appropriation $3,542,000

NEW SECTION, Sec. 129. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation $561,000

NEW SECTION, Sec. 130. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation $471,000

NEW SECTION, Sec. 131. FOR THE STATE CAPITOL HISTORICAL ASSOCIATION

General Fund Appropriation $450,000

General Fund—State Capitol Historical Association Museum
Account Appropriation $90,000
Total Appropriation $540,000

NEW SECTION, Sec. 132. FOR THE TEMPORARY COMMITTEE ON EDUCATION POLICY, STRUCTURE AND MANAGEMENT

General Fund Appropriation—State $600,000
General Fund Appropriation—Private/Local $34,000
Total Appropriation $634,000

NEW SECTION, Sec. 133. FOR THE GOVERNOR—EMERGENCY FUND

General Fund Appropriation—State $2,000,000

The appropriation in this section is for the governor’s emergency fund to be allocated for the carrying out of the critically necessary work of any agency.

NEW SECTION, Sec. 134. FOR THE GOVERNOR—SALARY AND INSURANCE CONTRIBUTION INCREASES

(1) There is appropriated for the four-year institutions of higher education from the General Fund $16,217,000
(2) There is appropriated for the community college system from the General Fund $9,179,000
(3) There is appropriated for the department of corrections from the General Fund $5,488,000
(4) There is appropriated for the department of social and health services from the General Fund—State $11,453,000
General Fund—Federal $6,951,000
(5) There is appropriated for other state agencies from the General Fund—State $7,864,000
General Fund—Federal $1,739,000
(6) There is appropriated for all state agencies from the Special Fund Salary and Insurance Contribution Increase Revolving Fund $20,354,000

(7) The appropriations in this section shall be expended to implement:
(a) Salary increases effective not later than January 1, 1985, to implement such portion of the 1982 salary survey (catch-up results) as possible, rounded to the next range if the application results in a fractional range, for higher education classified employees, state personnel board classified and exempt 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 (excluding student employees not under the jurisdiction of the state or higher education personnel boards);
(b) Merit/market increases effective not later than January 1, 1985, and not to exceed $3,140,000 (of which $3,128,000 is from the general fund) for faculty and administrative exempt employees of the four-year institutions of higher education; PROVIDED, That excluding the regional university and college faculty resource equalization moneys under sections 121 through 123 of this act, no research university, regional university, or state college may grant
from any fund source whatsoever any salary increases greater than that provided in this section. The increases are to be granted solely on the basis of formal merit evaluation procedures which may take into account critical market disparities in teaching disciplines. The council for postsecondary education shall report to the governor and the legislature on the implementation of the increases no later than February 15, 1985.

(c) Increases in the state's maximum contribution for employee insurance benefits effective July 1, 1983, from $137.00 per month to $159.00 per month per eligible employee 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 state personnel board classified and exempt employees (excluding student employees not under the jurisdiction of the state or higher education personnel boards). The monthly premium paid for insurance benefits shall not be more than the equivalent of $159.00 per eligible employee effective July 1, 1983. Any return of funds resulting from favorable claims experience during the 1983-85 biennium shall be held in reserve within the state employees' insurance fund.

(8) The community colleges may grant merit/market increases effective not later than January 1, 1985, and not to exceed $2,038,000 of general fund moneys for faculty and administrative exempt employees: PROVIDED, That no community college district may grant from any fund source whatsoever any salary increase greater than that provided in this section. The council for postsecondary education shall report to the governor and the legislature on the implementation of any increases granted pursuant to this subsection no later than February 15, 1985.

(9) The compensation increases authorized in subsections (7) (a) and (b), and (8) of this section shall not apply to any state employee whose annual salary is $40,000 or greater. Money saved pursuant to this subsection shall be placed in reserve.

(10) 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 increase revolving fund hereby created in accordance with schedules provided by the office of financial management.

NEW SECTION. Sec. 135. FOR THE GOVERNOR—SALARY INCREASES

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<td>Special Fund</td>
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<td>Higher Education Personnel Board Service Fund</td>
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<td><strong>Total</strong></td>
<td><strong>$1,530,000</strong></td>
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The appropriations in this section are subject to the following conditions and limitations:

(1) The state personnel board and the higher education personnel board shall develop a plan for effecting a salary increase of $100 a year for all classes and employees indexed to salary survey benchmark classes or occupational groups averaging eight or more salary ranges below the comparable worth salary practice line as measured in the 1982 comparable worth study. Such plan shall be implemented on July 1, 1984.

(2) To facilitate payment of state employee salary increases from special funds, the state treasurer is directed to transfer sufficient amounts 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.

(3) The state personnel board and the higher education personnel board shall conduct additional point evaluations as necessary.

NEW SECTION. Sec. 136. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—RETIREMENT CONTRIBUTIONS

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<th>Appropriation Type</th>
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<tbody>
<tr>
<td>General Fund</td>
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The appropriation in this section is subject to the following conditions and limitations:

(1) Not more than $800,000 may be expended from the general fund appropriation for contributions to the judicial retirement system.

(2) Not more than $550,000 may be expended from the general fund appropriation for contributions to the judges' retirement system.

(3) Not more than $192,600,000 may be expended from the general fund appropriation for contribution to the law enforcement officers' and fire fighters' retirement system.

(4) Not more than $312,500,000 may be expended from the general fund appropriation for contribution to the teachers' retirement system.

NEW SECTION. Sec. 137. FOR THE STATE TREASURER—TRANSFERS

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<th>Appropriation Type</th>
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<tbody>
<tr>
<td>General Fund</td>
<td>$2,870,000</td>
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</table>

For transfer: (1) To the Institutional Impact Account, an amount up to $946,000; and (2) to the Crime Victims Compensation Account, an amount up to $1,924,000, according to schedules provided by the office of financial management.
General Fund Appropriation: For transfer to the Tort Claims Revolving Fund to pay tort claim settlements for the department of corrections in the Berry case and for the commission for the blind in the Engles case $529,000

Perpetual Maintenance Account Appropriation: For transfer to the Site Closure Account as authorized by the director of financial management for low-level nuclear waste site closure purposes $1,000,000

State Treasurer’s Service Fund Appropriation: For transfer to the general fund on or before July 20, 1985, an amount up to $11,450,000 in excess of the cash requirements in the State Treasurer’s Service Fund for fiscal year 1986, for credit to the fiscal year in which earned $11,450,000

NEW SECTION, Sec. 138. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—TRANSFERS

General Fund Appropriation: For transfer to the Department of Retirement Systems Expense Fund $12,000

Motor Vehicle Fund—State Patrol Highway Account Appropriation: For transfer to the Department of Retirement Systems Expense Fund $51,000

Teachers’ Retirement Fund Appropriation: For transfer to the Department of Retirement Systems Expense Fund $2,998,000

NEW SECTION, Sec. 139. FOR BELATED CLAIMS

(1) There is appropriated to the office of financial management for payment of supplies and services furnished in previous biennia, from the General Fund $905,000

(2) The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated and authorized to be expended out of the several funds indicated, for the period from the effective date of this act to June 30, 1985, except as otherwise noted.

To reimburse the general fund for expenditures from belated claims appropriations to be disbursed on vouchers approved by the office of financial management:

General Fund—Criminal Justice Training Account $49,590
General Fund—Off-Road Vehicle Account $141
General Fund—Snowmobile Account $2,027
General Fund—Institutional Impact Account $13,400
General Fund—Hospital Commission Account $134
General Fund—State Timber Tax Reserve Account $168
General Fund—Professional Engineers’ Account $6,063
General Fund—Real Estate Commission Account $1,028
General Fund—Capital Building Construction Account $1,046
General Fund—Motor Transport Account $74,404
General Fund—Resource Management Cost Account $1,728
General Fund—Litter Control Account $18
General Fund—Traffic Safety Education Account $379
General Fund—L.I.R. Waste Disposal Account $11,079
General Fund—State Building Construction Account $2,860
General Fund—Outdoor Recreation Account $7,876
General Fund L.I.R. Water Supply Facilities Account $1,715
Electrical License Fund $4,489
State Game Fund $15,414
Highway Safety Fund $20,897
Motor Vehicle Fund $55,381
Public Service Revolving Fund $5,488
State Treasurer’s Service Fund $25,108
Legal Services Revolving Fund $822
General Administration Facilities and Services Revolving Fund $615
Liquor Revolving Fund $15,589
Accident Fund $11,904
Medical Aid Fund $16,629
Plumbing Certificate Fund $147
Washington Library Network Computer System Revolving Fund $23
Pressure System Safety Fund $13
Total Appropriation $349,348

NEW SECTION, Sec. 140. FOR SUNDRY CLAIMS

The following sums, or so much thereof as are necessary, are appropriated from the general fund, unless otherwise indicated, for the payment of court judgments and 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) Michael Dittman, et al.: Payment of judgment in Dittman v. Western Washington University, United States District Court, Western District of Washington, Cause No. C-79-1189V. $46,000


(4) Ray Beller. Compensation for damage to crops by game: PROVIDED. That payment shall be made from the Game Fund. $1,000

(5) Dean C. Farrens. Compensation for damage to crops by game: PROVIDED. That payment shall be made from the Game Fund. $13,971.49

(6) Mrs. Tyler C. (Betty) Moffett. Payment in full of deceased husband's retirement contributions. $21,154.99

(7) King county. In settlement of all claims for witness fees pursuant to RCW 10.46.230 as set forth in King County v. State, Superior Court for King County. Cause No. 83-2-02342-4. $37,995.07

(8) United Nursing Homes, Inc. et al.: Payment to be disbursed in accordance with settlement judgment in United Nursing Homes, Inc. v. Thompson. Superior Court for Thurston County. Cause No. 80-2-01170-4. $1,663,355.00

(9) Jerry P. Huntley, in settlement of all claims for expenses in State v. Huntley, pursuant to RCW 9.01.200. $31,100.00

NEW SECTIONS

Sec. 141. FOR THE STATE TREASURER—STATE DISTRIBUTION

General Fund Appropriation for fire insurance premiums tax distribution $4,672,212

General Fund Appropriation for refund of deferred property tax $313,000

General Fund Appropriation for public utility district excise tax distribution $22,038,408

General Fund Appropriation for prosecuting attorneys' salaries $1,681,453

General Fund Appropriation for motor vehicle excise tax distribution $37,458,038

General Fund Appropriation for local mass transit assistance $124,194,643

General Fund Appropriation for camper and travel trailer excise tax distribution $1,509,071

General Fund—Harbor Improvement Account Appropriation for harbor improvement revenue distribution $653,749

Liquor Excise Tax Fund Appropriation for liquor excise tax distribution $20,624,310

Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution $204,721,141

Liquor Revolving Fund Appropriation for liquor profits distribution $51,000,000

State Timber Tax Account 'A' Appropriation for distribution to "Timber" counties $15,920,000

State Timber Tax Reserve Account Appropriation for distribution to "Timber" counties $14,750,000

General Fund—Municipal Sales and Use Tax Equalization Account Appropriation $20,169,962

General Fund—County Sales and Use Tax Equalization Account Appropriation $6,779,819

Total Appropriation $526,484,806

NEW SECTIONS

Sec. 142. FOR THE STATE TREASURER—FEDERAL REVENUES FOR DISTRIBUTION

Forest Reserve Fund Appropriation for forest reserve fund distribution $16,000,000

General Fund Appropriation for federal flood control funds distribution $21,000

General Fund Appropriation for federal grazing fees distribution $59,000

General Fund—Geothermal Account Appropriation $253,000

Total Appropriation $16,333,000

NEW SECTIONS

Sec. 143. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST

Loan Principal and Interest Fund Appropriation $40,500,000

Fisheries Bond Redemption Fund 1977 Appropriation $3,585,497

Salmon Enhancement Bond Redemption Fund 1977 Appropriation $4,240,466
Higher Education Refunding Bond Redemption Fund 1977 Appropriation $8,778,253
Fire Service Training Center Bond Retirement Fund 1977 Appropriation $1,641,000
Highway Bond Retirement Fund Appropriation $124,040,434
Indian Cultural Center Construction Bond Redemption Fund 1976 Appropriation $238,000
Higher Education Bond Redemption Fund 1977 Appropriation $6,489,282
Ferry Bond Retirement Fund 1977 Appropriation $27,329,487
Emergency Water Projects Bond Retirement Fund 1977 Appropriation $2,582,560
General Administration Building Bond Redemption Fund Appropriation $602,425
Juvenile Correctional Institutional Building Bond Redemption Fund 1963 Appropriation $642,900
Public School Building Bond Redemption Fund 1965 Appropriation $2,468,360
State Building and Higher Education Construction Bond Redemption Fund 1965 Appropriation $3,196,170
Spokane River Toll Bridge Account Appropriation $883,763
Public School Building Bond Redemption Fund 1963 Appropriation $8,817,239
Higher Education Bond Retirement Fund 1979 Appropriation $23,378,935
State General Obligation Bond Retirement Fund 1979 Appropriation $144,440,039
Fisheries Bond Redemption Fund 1976 Appropriation $764,596
State Building Bond Redemption Fund 1967 Appropriation $656,310
Community College Capital Construction Bond Redemption Fund 1975, 1976, 1977 Appropriation $16,102,085
Common School Building Bond Redemption Fund 1967 Appropriation $6,863,935
Outdoor Recreation Bond Redemption Fund 1967 Appropriation $6,239,010
Water Pollution Control Facilities Bond Redemption Fund 1967 Appropriation $3,949,873
State Building and Parking Bond Redemption Fund 1969 Appropriation $2,454,980
Waste Disposal Facilities Bond Redemption Fund Appropriation $57,317,854
Water Supply Facilities Bond Redemption Fund Appropriation $11,995,000
Social and Health Services Facilities 1972 Bond Redemption Fund Appropriation $3,720,331
Recreation Improvements Bond Redemption Fund Appropriation $5,998,465
Community College Capital Improvement Bond Redemption Fund 1972 Appropriation $7,497,928
State Building Authority Bond Redemption Fund Appropriation $9,660,830
Office-Laboratory Facilities Bond Redemption Fund Appropriation $270,870
University of Washington Hospital Bond Retirement Fund 1975 Appropriation $1,156,976
Washington State University Bond Redemption Fund 1977 Appropriation $561,675
Higher Education Bond Redemption Fund 1975 Appropriation $2,165,125
State Building Bond Redemption Fund 1973 Appropriation $3,845,698
State Building Bond Retirement Fund 1975 Appropriation $1,363,500
State Higher Education Bond Redemption Fund 1973 Appropriation $4,279,878
Social and Health Services Bond Redemption Fund 1976 Appropriation $9,486,418
State Building (Expo 74) Bond Redemption Fund 1973A Appropriation $379,058
Community College Refunding Bond Redemption Fund 1974 Appropriation $9,499,105
State Higher Education Bond Redemption Fund 1974 Appropriation $1,208,500
Total Appropriation $581,381,788

NEW SECTION. Sec. 144. No appropriations in this act may be used for payment of contributions to the public employees' retirement system in excess of amounts necessary to offset the cost of benefits earned during the 1983-85 biennium. The director of the department of retirement systems shall establish contribution rates pursuant to chapter 41.40 RCW consistent with this section: PROVIDED, That the director may establish contribution rates for political subdivisions which include an allowance for the cost of any post-retirement adjustment granted in the 1983 regular session of the legislature under chapter 41.40 RCW.

NEW SECTION. Sec. 145. Notwithstanding the provisions of chapter 82, Laws of 1973 1st ex. sess., the house of representatives, the senate, and the permanent statutory committees shall pay expenses quarterly to the department of general administration facilities and services
TWENTY-SIXTH DAY, MAY 20, 1983

revolving fund for services rendered by the department for operations, maintenance, and supplies relating to buildings, structures, and facilities utilized by the legislature for the biennium beginning July 1, 1983.

NEW SECTION, Sec. 146. Whenever allocations are made from the governor's emergency fund appropriation to an agency which is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

NEW SECTION, Sec. 147. In addition to the amounts appropriated in this act for revenue for distribution, bond retirement and interest, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made in accordance with law.

NEW SECTION, Sec. 148. Amounts received by an agency as reimbursements pursuant to RCW 39.34.130 shall be considered as returned loans of materials supplied or services rendered. Such amounts may be expended as a part of the original appropriation to which it belongs, without further or additional appropriation, subject to conditions and procedures prescribed by the director of financial management, which shall provide for determination of full costs, disclosure of such reimbursements in the governor's budget, maximum interagency usage of data processing equipment and services, and such restrictions as will promote more economical operations of state government without incurring continuing costs beyond those reimbursed.

NEW SECTION, Sec. 149. Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(1) "Provided solely" means that the specified amount may be spent only for the specified purpose. Unless otherwise stated in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse.

(2) "Lapse" means the termination of authority to spend an appropriation or portion of an appropriation.

(3) "FTE" means full time equivalent.

NEW SECTION, Sec. 150. 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. 151. 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.*

MOTION

On motion of Senator McDermott, the rules were suspended. Engrossed House Bill No. 1079, 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 Peterson, Conner and Bolliger demanded the previous question and the demand was not sustained on a rising vote.

Further debate ensued.

POINT OF INQUIRY

Senator Barr: "Senator McDermott, in section 97, dealing with the Superintendent of Public Instruction, on lines 23 to 26 on page 49, could you explain to me the intent of those four lines and, specifically, would that make money available at the local level for the teachers to bargain for?"

Senator McDermott: "Senator Barr, the language on lines 23, 24, 25 and 26 allows a school district—if they have money available—to give a salary increase earlier than that specified in other sections of this bill, but they cannot exceed the amount of money allowed by this budget in terms of overall percentage increase."

POINT OF INQUIRY

Senator Fuller: "Senator McDermott, one of the largest school districts in the 20th district, Senator, is the one that's a so-called reliance district. Now, I don't know the budget awfully well, but can you tell me if all of these districts that made contracts in excess of what they were allowed in the previous budgets, are being taken care of in an even-handed manner, or are some being taken care of better than others—or are they being taken care of at all?"

Senator McDermott: "When your side of the aisle created these reliance districts, you made a five hundred thousand dollar appropriation to deal with those
known districts. That was done back in 1982. We have made another five hundred thousand dollar appropriation to deal with other districts which we have now become aware of. It does not fully fund the reliance districts, but it takes partial payment for the problems created in the last two years.

Further debate ensued.

POINT OF INQUIRY

Senator Patterson: "Senator McDermott, I am reading on page 73 and then over on top of page 74, where we're talking about the '82 salary survey and your putting into that section 'rounding to the next range if the application results in a fractional range—and so forth.' I am wondering how the inclusion of TA's and RA's at the four-year institutions—what kind of salary increase factor would they have appropriated to them when they're not included in the salary survey? I'm just trying to find out an answer to some questions I'm going to get. What kind of percentage factor is that and how much money is in there to fund that?"

Senator McDermott: "Senator Patterson, it is my understanding that it was calculated on a three and one-half percent salary increase for TA's and RA's."

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1079, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1079, as amended by the Senate, and the bill failed to pass the Senate by the following vote: Yeas, 23; nays, 21; excused, 5.


Voting nay: Senators Barr, Bluechel, Clarke, Croswell, Decoto, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Newhouse, Owen, Patterson, Quigg, Rasmussen, Sellar, Zimmerman - 21.


ENGROSSED HOUSE BILL NO. 1079, as amended by the Senate, having failed to receive the constitutional majority, was declared lost.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Patterson served notice that he would move to immediately reconsider the vote by which Engrossed House Bill No. 1079, as amended by the Senate, failed to pass the Senate.

MOTION

At 8:55 p.m., on motion of Senator Bottiger the Senate was declared to be at ease.

The President called the Senate to order at 9:58 p.m.

PARLIAMENTARY INQUIRY

Senator Bottiger: "Mr. President, as I understand, Senator Patterson made a motion to immediately reconsider the vote by which Engrossed House Bill No. 1079 failed to pass. Senator Patterson is not present. May I make the motion for him to place that before the Senate?"

REPLY BY THE PRESIDENT

President Cherberg: "The motion is before the Senate already."

Senator Bottiger: "Mr. President, I move that we consider that motion."

The President declared the question before the Senate to be the motion by Senator Patterson to immediately reconsider the vote by which Engrossed House Bill No. 1079, as amended by the Senate, failed to pass the Senate.

The motion by Senator Patterson carried and the Senate resumed consideration of Engrossed House Bill No. 1079, as amended by the Senate, on reconsideration.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1079, as amended by the Senate, on reconsideration.
ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1079, as amended by the Senate, on reconsideration, and the bill passed the Senate by the following vote: Yeas, 25; nays, 19; excused, 5.


Voting nay: Senators Barr, Bluechel, Clarke, Croswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, Newhouse, Patterson, Quigg, Sellar, Zimmerman - 19.


ENGROSSED HOUSE BILL NO. 1079, as amended by the Senate, on reconsideration, having received the constitutional 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 Shinpoch, Engrossed House Bill No. 1079 was ordered immediately transmitted to the House.

MESSAGE FROM THE HOUSE

May 19, 1983

Mr. President:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 3434 and has granted said committee the powers of Free Conference, and the Report of the Conference Committee and the bill are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

May 19, 1983

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred, ENGROSSED SUBSTITUTE SENATE BILL NO. 3434, modifying definition of "member" for gambling enforcement purposes, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill.

Signed by: Senators Vognild, Sellar and Williams; Representatives Appelwick, Niemi and Barrett.

MOTION

On motion of Senator Vognild, the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 3434 was not adopted and the powers of Free Conference were not granted in order that the Conference Committee may submit a revised Conference Committee Report.

REPORT OF CONFERENCE COMMITTEE

May 19, 1983

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred, ENGROSSED SUBSTITUTE HOUSE BILL NO. 240, revising procedures for mail voting, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike the entire bill and insert the following:

AN ACT Relating to voting by mail: amending section 6, chapter 109, Laws of 1967 ex. sess. as amended by section 2, chapter 35, Laws of 1974 ex. sess. and RCW 29.36.120; amending section 7, chapter 109, Laws of 1967 ex. sess. and RCW 29.36.130; amending section 29.45.010, chapter 9, Laws of 1965 as amended by section I, chapter 101, Laws of 1965 ex. sess. and RCW 29.45.010; adding new sections to chapter 29.36 RCW: repealing section 8, chapter 109, Laws of 1967 ex. sess., section 3, chapter 35, Laws of 1974 ex. sess. and RCW 29.36.140; and prescribing penalties.
Sec. 1. Section 6, chapter 109, Laws of 1967 ex. sess. as amended by section 2, chapter 35, Laws of 1974 ex. sess. and RCW 29.36.120 are each amended to read as follows:

At any primary or special election, or general election, the county auditor (as ex officio supervisor of elections, or other officer having jurisdiction of the election;) may, (with regard to) in any precinct having ((less)) fewer than one hundred registered voters at the time of closing of ((the)) voter registration ((files)) as provided in RCW 29.07.160, (order) conduct the voting in ((said)) that precinct (for the next ensuing election, whether a primary election, general election, special election, or any other election, be) by mail ballot (only). For any precinct having fewer than one hundred registered voters where voting at a primary or a general election is conducted by mail ballot, the county auditor shall, not less than fifteen days prior to the date of that primary or general election, mail or deliver to each registered voter within that precinct a notice that the voting in that precinct will be by mail ballot, an application form for a mail ballot, and a postage prepaid envelope, preaddressed to the issuing officer. A mail ballot shall be issued to each voter who returns a properly executed application to the county auditor no later than the day of that primary or general election. Such application is valid for all subsequent mail ballot elections in that precinct so long as the voter remains qualified to vote.

At any nonpartisan special election not being held in conjunction with a state primary or general election, the county, city, town, or district requesting the election pursuant to RCW 29.13.010 or 29.13.020 may also request that the election be conducted by mail ballot. The county auditor may honor the request or may determine that the election is not to be conducted by mail ballot. The decision of the county auditor in this regard is final.

In no instance shall any special election be conducted by mail ballot in any precinct with more than one hundred registered voters if candidates for partisan office are to be voted upon.

(Whenever such officer shall so order, he) For all special elections not being held in conjunction with a state primary or state general election where voting is conducted by mail ballot, the county auditor shall, not less than fifteen days prior to the date of such election, mail or deliver to each registered voter (within said precinct his notice that voting in that precinct shall be by mail voting only. Accompanied with such notice shall be an application form together with a postage prepaid) a mail ballot and an envelope, preaddressed to the issuing officer. (In order to honor such application form, properly executed, must reach the issuing officer no later than the day of the election concerned;)

The county auditor may continue to honor such application for all subsequent elections held in the same manner as long as the voter concerned remains qualified to vote at such elections)

NEW SECTION. Sec. 2. There is added to chapter 29.36 RCW a new section to read as follows:

For any special election conducted by mail, the county auditor shall send a mail ballot with a return identification envelope to each registered voter of the district in which the special election is being conducted not sooner than the twenty-fifth day before the date of the election and not later than the fifteenth day before the date of the election. The envelope in which the ballot is mailed shall be clearly marked “Do Not Forward – Return to Sender – Return Postage Guaranteed.”

NEW SECTION. Sec. 3. There is added to chapter 29.36 RCW A new section to read as follows:

(1) If a county auditor conducts an election by mail, the county auditor shall designate the county auditor’s office or a central location in the district in which the election is conducted as the single place to obtain a replacement ballot. The county auditor also shall designate one or more places for the deposit of ballots not returned by mail. The places designated under this section shall be open on the date of the election for a period of thirteen hours, beginning at 7:00 a.m. and ending at 8:00 p.m.

(2) A registered voter may obtain a replacement ballot as provided in this subsection if the ballot is destroyed, spoiled, lost, or not received by the voter. A registered voter seeking a replacement ballot shall sign a sworn statement that the ballot was destroyed, spoiled, lost, or not received and shall present the statement to the county auditor no later than the day of the election. Each spoiled ballot must be returned to the county auditor before a new one is issued. The county auditor shall keep a record of each replacement ballot provided under this subsection.

NEW SECTION. Sec. 4. There is added to chapter 29.36 RCW a new section to read as follows:

Upon receipt of the mail ballot, the voter shall mark it, sign the return identification envelope supplied with the ballot, and comply with the instructions provided with the ballot. The voter shall mail the marked ballot to the county auditor by United States mail or to any other place of deposit designated by the county auditor. The ballot must be returned in the return identification envelope. If mailed, a ballot must be postmarked not later than the date of the election. Otherwise, the ballot must be deposited at the office of the county auditor or the designated place of deposit not later than 8:00 p.m. on the date of the election.

Sec. 5. Section 7, chapter 109, Laws of 1967 ex. sess. and RCW 29.36.130 are each amended to read as follows:

All ((such absentee)) mail ballots (as)) authorized by RCW 29.36.120 shall contain the same offices, names of candidates, and propositions ((if any))) to be voted upon, including precinct
Engrossed Substitute House Bill No. 240 was adopted and the powers of Free

Laws of

ballot; elections.
of this chapter to:

of any and all other statutes, whether general or special in nature, having dif-

follows:

precinct election officers at any primary or election, general or special, and shall supersede

political party polling the next highest number of votes in the county for its candidate for pres-

ident at the same election.

The county canvassing board, at the request of the county auditor, may direct that (such) mail ballots be counted on the day of the election. If such count is made, it must be done in secrecy in the presence of at least three election officials and the results not revealed to any unauthorized person until the polls have closed. If electronic vote tallying devices are used, political party observers shall be afforded the opportunity to be present, and a test of the equipment must be performed as required by RCW 29.34.120 prior to the count of ballots. Political party observers shall be allowed to count by hand ballots from up to ten precincts selected by the observers. Any violation of the secrecy of such count shall be subject to the same penalties as provided for in RCW 29.54.035.

NEW SECTION. Sec. 6. There is added to chapter 29.36 RCW a new section to read as follows:

(1) A mail ballot shall be counted only if it is returned in the return identification envelope, if the envelope is signed by the registered voter to whom the ballot is issued, and if the signature is verified as provided in this subsection. The county auditor shall verify the signature of each voter on the return identification envelope with the signature on the voter’s registration record. If the county auditor determines that a registered voter to whom a replacement ballot has been issued has voted more than once, the county auditor shall not count any ballot cast by that voter. The county auditor must notify both the county prosecuting attorney and the state attorney general of every instance in which a voter has voted more than once.

(2) Any mail ballot may be challenged in the same manner as an absentee ballot. Sec. 7. 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 are each amended to read as follows:

At least ten days prior to any primary or election, general or special, the (officer having jurisdiction of the election) county auditor shall appoint one inspector and two judges of election for each precinct (or each combination of precincts temporarily consolidated as a single precinct for (am) that primary or election), other than those precincts designated as vote-by-mail precincts pursuant to RCW 29.36.120, from among the names contained on the lists (therefor) furnished by the chairman of the county central committee of the political parties entitled to representation thereon.

Such precinct election officers, whenever possible, should be residents of the precinct in which they serve (but if extenuating circumstances arise, they may be assigned to serve in a different precinct).

The (officer having jurisdiction of the election) county auditor shall designate the inspector and one judge in each precinct from that political party which polled the highest number of votes in the county for its candidate for president at the last preceding (general) presidential election (at which a president of the United States was voted for); and one judge from that political party polling the next highest number of votes in the county for its candidate for president at the same election.

This shall be the exclusive method for the appointment of inspectors and judges to serve as precinct election officers at any primary or election, general or special, and shall supersede the provisions of any and all other statutes, whether general or special in nature, having different requirements.

NEW SECTION. Sec. 8. There is added to chapter 29.36 RCW a new section to read as follows:

The secretary of state shall adopt rules and regulations not inconsistent with the provisions of this chapter to:

(1) Ensure that standards and procedures are established to prevent fraud and to facilitate the accurate processing and canvassing of mail ballots;

(2) Ensure that standards and procedures are established to guarantee the secrecy of the ballot;

(3) Ensure that uniformity exists among the counties of the state in the conduct of mail ballot elections.

NEW SECTION. Sec. 9. There is added to chapter 29.36 RCW a new section to read as follows:

A person who willfully violates any provision of this chapter is guilty of a class C felony.

NEW SECTION. Sec. 10. Section 8, chapter 109, Laws of 1967 ex. sess., section 3, chapter 35, Laws of 1974 ex. sess. and RCW 29.36.140 are each repealed.

MOTION

On motion of Senator Talmadge, the Report of the Conference Committee on Engrossed Substitute House Bill No. 240 was adopted and the powers of Free Conference were granted.
MOTION

At 10:17 p.m., on motion of Senator Shinpoch, the Senate adjourned until 9:00 a.m., Saturday, May 21, 1983.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.
TWENTY-SEVENTH DAY, MAY 21, 1983

TWENTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Saturday, May 21, 1983

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 Barr, Bauer, Benitz, Bottiger, Goltz, Haley, Hansen, Hemstad, Hurley, Jones, Kiskaddon, Metcalf, Pullen, Rasmussen, Talmadge, von Reichbauer and Wojahn. On motion of Senator Vognild, Senators Bottiger, Goltz, Hurley and Talmadge were excused.

The Sergeant at Arms Color Guard, consisting of Pages Ron Eckroth and Linda Siefert, presented the Colors. Reverend James H. Blundell, rector of St. John’s Episcopal Church of Olympia, offered the prayer.

MOTION

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

MOTION

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

MOTION

Senator Fleming moved that the following resolution be adopted:

SENATE RESOLUTION 1983-98

By Senators Fleming, Talmadge, Shinpoch and Patterson

WHEREAS. The state and federal government provide substantial subsidies to the Metropolitan Municipal Corporation’s (METRO) operations; and

WHEREAS. State support of METRO continues to grow through motor vehicle excise tax revenue, state authorized local sales tax collections, and state authorized bonds; and

WHEREAS. Federal support is declining at a time when METRO’s deficits are growing and existing needs remain unmet; and

WHEREAS. Given the level of state support, the efficiency of METRO’s operations, the responsiveness of the entity to community needs, and the financial soundness of the organization is of significance to the citizens of this state;

NOW, THEREFORE, BE IT RESOLVED. By the Senate of the State of Washington, That the Senate Committee(s) on Ways and Means (and Local Government) undertake a study of METRO to:

1) Determine the level and need for continuing state subsidies to Metro;
2) Evaluate the forms in which state subsidies should take;
3) Review the feasibility and desirability of merging METRO into existing governmental structure of King County;
4) Examine the fiscal integrity and fiscal efficiency of the entity’s operations; and

BE IT FURTHER RESOLVED. That the Committee(s) on Ways and Means (and Local Government) shall submit the results of its study, including any legislative recommendations, to the Senate before December 31, 1983.

Debate ensued.

The President declared the question before the Senate to be adoption of Senate Resolution 1983-98.

The motion by Senator Fleming carried and the resolution was adopted.

MOTION

On motion of Senator Warnke, the following resolution was adopted:
SENATE RESOLUTION 1983–99

By Senator Warnke

WHEREAS, Many state agencies establish policies which significantly affect the contribution of tourism to our economy; and
WHEREAS, Coordination of agency effort is essential if Washington hopes to realize the great potential of attracting visitors to this state;

NOW, THEREFORE, BE IT RESOLVED, That the Senate Committee on State Government be directed to examine:

(1) The impact of state agency policy and procedures on tourism;
(2) Potential methods for improving agency cooperation to avoid conflicting or overlapping policies affecting our visitors' program; and
(3) The most effective means of developing tourism which will preserve our state's unique resources and quality of life;

BE IT FURTHER RESOLVED, That state agencies, including but not limited to the Departments of Commerce and Economic Development, Ecology, Fisheries, Game, Natural Resources, Revenue, and Transportation, the Washington Heritage Council, the Interagency Committee for Outdoor Recreation, the Parks and Recreation Commission and the Office of Financial Management be requested to provide information and assistance necessary for the conduct of the committee's study; and

BE IT FURTHER RESOLVED, That the various private sector organizations affected by tourist development be invited to participate in the study; and

BE IT FURTHER RESOLVED, That the committee report its findings and recommendations for appropriate legislation to the 1984 and 1985 regular sessions of the Legislature.

MOTION

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

SENATE RESOLUTION 1983–102

By Senators Benitz and Hayner

WHEREAS, It is appropriate to name public facilities and structures after persons who were important in the founding, development, or growth of communities served by the structures; and
WHEREAS, The two I-182 bridges spanning the Yakima River south of Richland intersect lands pioneered and homesteaded in the late 1800's by the R. C. Bremmer family; and
WHEREAS, It would be a most fitting memorial to name these bridges after R. C. Bremmer in recognition of the contributions the Bremmer family made toward the eventual development of the Tri-Cities area;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That the Senate hereby recommends to the Washington State Highway Commission and the Washington State Department of Transportation that these two bridges spanning the Yakima River south of Richland which form part of the extension of Interstate Route 182 be named the R. C. Bremmer Bridges in memory of the Bremmer family.

MOTION

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

SENATE RESOLUTION 1983–80

By Senators Quigg, von Reichbauer, Benitz, Bluechel, Lee, Fuller, Woody, Thompson, Craswell, Granlund, Hurley and Metcalf

WHEREAS, A recent case brought in the United States District Court for the Western District of Washington involved an alleged violation of both federal laws and the laws of the State of Washington for actions occurring within the Olympic National Park in the State of Washington; and

WHEREAS, The case involved a possible violation of the Federal Mann Act, for interstate transportation of a female child for immoral purposes, as well as a possible violation of the indecent liberties statute of the State of Washington, brought under the Federal Assimilative Crimes Act; and
WHEREAS. The case is of great concern to the citizens of the State of Washington; and
WHEREAS, A jury trial was held and the defendant was found not guilty by reason of insanity and, as required under current federal law, the defendant was unconditionally released; and
WHEREAS, Many of the jurors who found the defendant not guilty by reason of insanity later stated that they did not realize that a finding of not guilty by reason of insanity would result in the unconditional release of the defendant; and
WHEREAS, Had the defendant been prosecuted in the courts of the State of Washington, a finding of not guilty by reason of insanity would have likely resulted in further treatment of the defendant for the defendant’s mental condition and problem; and
WHEREAS. The citizens of the State of Washington are greatly concerned about federal laws which release people who represent a threat to society, when such defendants would undergo further treatment had they been found guilty by reason of insanity in the courts of the State of Washington:
NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That the federal government be urged to examine the federal laws as they relate to the disposition of those found not guilty by reason of insanity, particularly as they relate to the disposition of similar individuals at the state level; and
BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to President Ronald Reagan, 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.

MOTION
On motion of Senator Quigg, the following resolution was adopted:
SENATE RESOLUTION 1983-97
By Senators Quigg, Owen and Conner
WHEREAS, Exploration has revealed sizeable minable molybdenite ore (molybdenum) reserves at Quartz Hill, in the southeastern area of the State of Alaska; and
WHEREAS, The United States Borax and Chemical Corporation will be constructing a molybdenum refinery in the port of Grays Harbor at Hoquiam which would receive shipments of molybdenite ore from Quartz Hill for further processing; and
WHEREAS, Molybdenum is one of the few key alloying elements for which the United States is not substantially dependent on a foreign source, making a healthy domestic molybdenum industry a vitally important natural resource; and
WHEREAS, Molybdenum is a critical material which strengthens and hardens metals used in motor vehicles, jet engines, mechanic tools, pipelines and other equipment, and molybdenum also serves as an essential catalyst in oil refining; and
WHEREAS, The refinery and support operations are expected to bring a peak workforce to the Grays Harbor area of approximately 960 persons during the construction and initial support operations stages, and provide a permanent workforce of approximately 100 persons;
NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That the U.S. Borax Corporation is welcomed to the Grays Harbor area and the State of Washington. The people of the State of Washington look forward to the success of the company and a mutually beneficial relationship; and
BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the U.S. Borax Corporation.

MOTION
On motion of Senator Thompson, the following resolution was adopted:
SENATE RESOLUTION 1983-96
By Senators Thompson and Jones
WHEREAS, In the past four years, the Iranian government has executed thousands of persons for their religious beliefs; and
WHEREAS, Members of the Baha'i faith in Iran have suffered the loss of property and jobs as a result of their religious convictions; and
WHEREAS, In addition to executions and the loss of property and jobs, members of the Baha'i faith in Iran have been subjected to extreme governmental harassment, persecution, and imprisonment; and
WHEREAS, At least one hundred twenty-five Baha'is were arrested in Shiraz in a single month this year, and these arrests continue; and
WHEREAS, Those Baha'is arrested are often executed without the benefit of a trial and without being convicted of any crime except their refusals to renounce their religious beliefs; and
WHEREAS, The members of the Baha'i faith in Iran have been specifically excluded from civil protection under the current Iranian Constitution; and
WHEREAS, The Baha'i faith is recognized around the world and its members are a peace loving people who believe in the basic principles of justice, equality, and unity; and
WHEREAS, The denial of religious freedom and the persecution of a group of human beings is a threat to the freedom of all people;
NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That we support United States Senate Concurrent Resolution No. 73 which condemned the Iranian persecution of the Baha'i community; and
BE IT FURTHER RESOLVED, That we urge Congress and President Ronald Reagan to persevere in their efforts to halt the persecution of members of the Baha'i faith in Iran; and
BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to President Ronald Reagan; the President of the United States Senate; the Speaker of the House of Representatives; and to the members of the congressional delegation from Washington State.

MOTION
On motion of Senator Thompson, the following resolution was adopted:

SENATE RESOLUTION 1983-78
By Senators Thompson, Zimmerman, Bauer and Talmadge
WHEREAS, The Legislature has had many bills before it concerning establishing a medical examiner system; and
WHEREAS, Senate Bill 3272 makes improvements in the present coroner system in Washington but is not a final solution to modernizing the state's death investigation programs; and
WHEREAS, Senate Bill 3272 requires the Legislative Budget Committee to study medical examiner systems and similar programs which could be adopted in Washington; and
WHEREAS, There are very successful medical examiner systems in other states of similar size as Washington; and
WHEREAS, The current death investigation system can be improved possibly by integrating a regional medical examiner system utilizing existing medical examiners and coroners; and
WHEREAS, Data and other information on what counties spend on their coroner and medical examiner systems needs to be assembled;
NOW, THEREFORE, BE IT RESOLVED, That the Senate Local Government Committee work with the Legislative Budget Committee, the Planning and Community Affairs Agency, the Washington State Medical Association and the Washington Association of County Officials to develop proposals for the 1984 legislative session.

MOTION
On motion of Senator Shinpoch, all remaining Senate Floor Resolutions on today's calendar were referred to the Committee on Rules.
MOTION

At 9:27 a.m., on motion of Senator Shinpoch, the Senate adjourned until 4:00 p.m., Sunday, May 22, 1983.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.
Senate Chamber, Olympia, Sunday, May 22, 1983

The Senate was called to order at 4:00 p.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Shinpoch and von Reichbauer. The Sergeant at Arms Color Guard, consisting of Pages Erleen Anderson and Kelli Imler, presented the Colors. Reverend James H. Biundell, rector of St. John's Episcopal Church of Olympia, offered the prayer.

MOTION

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

MESSAGE FROM THE HOUSE

May 20, 1983

Mr. President:

The House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1079 and passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

MOTION

At 4:12 p.m., on motion of Senator Bolliger, the Senate was declared to be at ease.

The President called the Senate to order at 7:30 p.m.

MESSAGE FROM THE HOUSE

May 22, 1983

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4007 with the following amendments:

On page 1, 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, strike "and"
On page 1, line 3 of the title, after "39.53.050" insert "and declaring an emergency."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

Senator Bottiger moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 4007.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Bottiger to concur in the House amendments to Substitute Senate Bill No. 4007.

The motion by Senator Bottiger carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 4007.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4007, as amended by the House.
ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4007, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent, 4.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcall, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Sellar, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Voting nay: Senator Pullen - 1.

Absent: Senators Rasmussen, Rinehart, Shinpoch, von Reichbauer - 4.

SUBSTITUTE SENATE BILL NO. 4007, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

May 22, 1983

Mr. President:
The House passed SUBSTITUTE SENATE BILL NO. 4059 with the following amendments:

On page 2, line 28, after “fund”, insert “: PROVIDED, That unexpended federal monies paid into the fund shall not be transmitted to the general fund”.

On page 2, line 32, strike “$8,853,701” and insert “($6,653,701) $8,574,919”.

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Bluechel, Senator von Reichbauer was excused.

MESSAGE FROM THE HOUSE

May 22, 1983

Mr. President:
The House concurred in the House amendments to Substitute Senate Bill No. 4059.
The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4059, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4059, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

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

Absent: Senators Rasmussen, Shinpoch - 2.

Excused: Senator von Reichbauer - 1.

SUBSTITUTE SENATE BILL NO. 4059, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

May 20, 1983

Mr. President:
The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3226 with the following amendments:

Strike everything after the enacting clause and insert the following:

“Sec. 1. Section 9, chapter 163, Laws of 1982 and RCW 41.50.032 are each amended to read as follows:

(1) The director shall assume all powers, duties, and functions of the retirement boards abolished by RCW 2.10.052, 41.26.051, 41.32.015, 41.40.022, and 43.43.142 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, hearings examiner's proposed decision, including findings of fact and conclusions of law, and having personally considered the whole record or such portions thereof as may be cited by the parties, the subcommittee shall make a recommendation to the director for the disposition of the appeal.

Sec. 2. Section 17, chapter 209, Laws of 1969 ex. sess. as amended by section 6, chapter 294, Laws of 1981 and RCW 41.26.210 are each amended to read as follows:

Any person aggrieved by any final decision of the director must, before petitioning for judicial review, file with the director of the retirement system by mail or personally within sixty days from the day such decision was communicated to such person, a notice of appeal. The notice of appeal shall state the nature of the claim, the decision appealed, and the facts upon which such person considers such claim unjust or unlawful and shall include every issue to be considered.

Sec. 3. Section 20, chapter 209, Laws of 1969 ex. sess. as amended by section 7, chapter 294, Laws of 1981 and RCW 41.26.220 are each amended to read as follows:

A hearing shall be held by the director, or the director's duly authorized representative, in the county of the residence of the claimant at a time and place designated by the director. Such hearing shall be de novo and shall conform to the provisions of chapter 34.04, as now or hereafter amended. The disability board and the department shall be entitled to appear in all such proceedings and introduce testimony in support of the decision. Judicial review of any final decision of the director shall be governed by the provisions of chapter 34.04 as now existing or hereafter amended.

Sec. 4. Section 21, chapter 209, Laws of 1969 ex. sess. as amended by section 8, chapter 81, Laws of 1971 and RCW 41.26.230 are each amended to read as follows:

No bond of any kind shall be required of a claimant appealing to the superior court, the court of appeals, or the supreme court from a decision of the director affecting such claimant's right to retirement or disability benefits.

NEW SECTION. Sec. 5. There is hereby created a select committee which shall review the law enforcement officers' and fire fighters' (LEOFF) retirement system. The committee shall be made up of the following individuals: Four members of the Washington senate, two from each caucus, chosen by the president of the senate; four members of the house of representatives, two from each caucus, chosen by the speaker of the house; three members chosen by the governor, at least one of whom shall be a member of the LEOFF II system. Each member of the committee shall have an equal vote.

The legislature shall provide such staffing, technical assistance and support services as may be required to carry out committee business. All state, local and private agencies shall cooperate fully in the committee's work.
The committee's purposes shall include, but not be limited to, a review of the following issues regarding LEOFF: (1) The adequacy of retirement benefits; (2) the actuarial soundness of the system; (3) the method of financing the system; (4) the membership eligibility requirements; (5) review of the administrative procedures within the system; and (6) review of the adequacy of labor and industries benefits for law enforcement officers and fire fighters and other high-risk professions.

The committee shall prepare a report, including any recommendations, by January for the 1984 session of the legislature. The committee shall cease to exist upon presentation of its report.

Sec. 6. Section 9, chapter 209, Laws of 1969 ex. sess. as last amended by section 22, chapter 294, Laws of 1977 ex. sess. and RCW 41.26.090 are each amended to read as follows:

Retirement of a member for service shall be made by the board as follows:

(1) Any member having five or more years of service and having attained the age of fifty years shall be eligible for a service retirement allowance and shall be retired upon his written request effective the first day following the date upon which the member is separated from service.

(2) Any member having five or more years of service, who terminates his employment with any employer, may leave his contributions in the fund. Any employee who so elects, upon attaining age fifty, shall be eligible to apply for and receive a service retirement allowance based on his years of service, commencing on the first day following his attainment of age fifty. This section shall also apply to a person who rendered service as a law enforcement officer or fire fighter, as those terms are defined in RCW 41.26.030, on or after July 1, 1969, but who was not employed as a law enforcement officer or fire fighter on March 1, 1970, by reason of his having been elected to a public office. Any member selecting this optional vesting with less than twenty years of service shall not be covered by the provisions of RCW 41.26.150, and his survivors shall not be entitled to the benefits of RCW 41.26.160 unless his death occurs after he has attained the age of fifty years. Those members selecting this optional vesting with twenty or more years service shall not be covered by the provisions of RCW 41.26.150 until the attainment of the age of fifty years: PROVIDED, That a member selecting this option, with less than twenty years of service credit, who shall die prior to attaining the age of fifty years, shall have paid from the Washington law enforcement officers' and fire fighters' retirement fund, to such member's surviving spouse, if any, otherwise to such beneficiary as the member shall have designated in a writing, or if no such designation has been made, to the personal representative of his estate, a lump sum which is equal to the amount of such member's accumulated contributions plus accrued interest. PROVIDED FURTHER, That the vested member has twenty or more years of service credit the surviving spouse or children shall then become eligible for the benefits of RCW 41.26.160 regardless of his age at the time of his death, to the exclusion of the lump sum amount provided by this subsection.

(((3) Any member who has attained the age of sixty years shall be retired on the first day of the calendar month next succeeding that in which said member shall have attained the age of sixty and may not thereafter be employed as a law enforcement officer or fire fighter. PROVIDED: That for any member who is elected or appointed to the office of sheriff, chief of police, or fire chief, his election or appointment shall be considered as a waiver of the age sixty provision for retirement and nonemployment for whatever number of years remain in his present term of office and any succeeding periods for which he may be so elected or appointed: PROVIDED FURTHER, That the provisions of this subsection shall not apply to any member who is employed as a law enforcement officer or fire fighter on March 1, 1970.))

Sec. 7. Section 43.43.250, chapter 8, Laws of 1965 as last amended by section 26, chapter 52, Laws of 1982 1st ex. sess. and RCW 43.43.250 are each amended to read as follows:

(((4) Any member who has attained the age of sixty years shall be retired on the first day of the calendar month next succeeding that in which said member shall have attained the age of sixty: PROVIDED: That the requirement to retire at age sixty shall not apply to a member serving as chief of the Washington state patrol:

(5)) Any member who has completed twenty-five years of credited service or has attained the age of fifty-five may apply to retire as provided in RCW 43.43.260, by completing and submitting an application form to the department, setting forth at what time the member desires to be retired.

Sec. 8. Section 6, chapter 294, Laws of 1977 ex. sess. and RCW 41.26.450 are each amended to read as follows:

The required contribution rates to the retirement system for members, employers, and the state of Washington shall be established by the director from time to time as may be necessary upon the advice of the state actuary.

The member, the employer and the state shall each contribute the following shares of the cost of the retirement system:

<table>
<thead>
<tr>
<th>Category</th>
<th>Contribution Rate</th>
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<tbody>
<tr>
<td>Member</td>
<td>50%</td>
</tr>
<tr>
<td>Employer</td>
<td>30%</td>
</tr>
<tr>
<td>State</td>
<td>20%</td>
</tr>
</tbody>
</table>

Any adjustments in contribution rates required from time to time for future costs shall likewise be shared proportionally by the members, employers, and the state: PROVIDED, That the
costs of amortizing the unfunded supplemental present value of the retirement system, in existence on September 30, 1977, shall be borne in full by the state.

Any increase in the contribution rate required as the result of a failure of the state or of an employer to make any contribution required by this section shall be borne in full by the state or by that employer not making the contribution.

The director shall notify ((the retirement board)) all employers of any pending adjustment in the required contribution rate and such increase shall be announced ((at a board meeting held)) at least thirty days prior to the effective date of the change.

Members' contributions required by this section shall be deducted from the members basic salary each payroll period. The members contribution and the employers contribution shall be remitted directly to the department within fifteen days following the end of the calendar month during which the payroll period ends.

Until such time as the director shall establish other rates, members, employers of such members, and the state shall each contribute the following percentages of basic salary:

<table>
<thead>
<tr>
<th></th>
<th>Member</th>
<th>Employer</th>
<th>State</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percentage</td>
<td>8.14%</td>
<td>4.88%</td>
<td>3.28%</td>
</tr>
</tbody>
</table>

In addition, the state shall initially contribute an additional twenty percent of basic salary per member to amortize the unfunded supplemental present value of the retirement system in effect on September 30, 1977.

Sec. 9. Section 6, chapter 293, Laws of 1977 ex. sess. and RCW 41.32.775 are each amended to read as follows:

The required contribution rates to the retirement system for both members and employers shall be established by the director from time to time as may be necessary upon the advice of the state actuary: PROVIDED, That the employer contribution shall be contributed as provided in RCW 41.32.401.

Contribution rates required to fund the costs of the retirement system shall always be equal for members and employers, except as herein provided. Any adjustments in contribution rates required from time to time for future costs shall likewise be shared equally by the members and employers: PROVIDED, That the costs of amortizing the unfunded supplemental present value of the retirement system, in existence on September 30, 1977, shall be borne in full by the employers.

Any increase in the contribution rate required as the result of a failure of an employer to make any contribution required by this section shall be borne in full by the employer not making the contribution.

The director shall notify ((the retirement board)) all employers of any pending adjustment in the required contribution rate and such increase shall be announced ((at a board meeting held)) at least thirty days prior to the effective date of the change.

Members contributions required by this section shall be deducted from the members earnable compensation each payroll period. The members contribution shall be remitted directly to the department within fifteen days following the end of the calendar month during which the payroll period ends.

Until such time as the director shall establish other rates, members, employers of such members shall each contribute 5.66% of earnable compensation: PROVIDED, That employers shall initially contribute an additional twenty percent of earnable compensation per member to amortize the unfunded supplemental present value of the retirement system in effect on September 30, 1977.

Sec. 10. Section 6, chapter 295, Laws of 1977 ex. sess. and RCW 41.40.650 are each amended to read as follows:

The required contribution rates to the retirement system for both members and employers shall be established by the director from time to time as may be necessary upon the advice of the state actuary.

Contribution rates required to fund the costs of the retirement system shall always be equal for members and employers, except as herein provided. Any adjustments in contribution rates required from time to time for future costs shall likewise be shared equally by the members and employers: PROVIDED, That the costs of amortizing the unfunded supplemental present value of the retirement system, in existence on September 30, 1977, shall be borne in full by the employers.

Any increase in the contribution rate required as the result of a failure of an employer to make any contribution required by this section shall be borne in full by the employer not making the contribution.

The director shall notify ((the retirement board)) all employers of any pending adjustment in the required contribution rate and such increase shall be announced ((at a board meeting held)) at least thirty days prior to the effective date of the change.

Members contributions required by this section shall be deducted from the members compensation earnable each payroll period. The members contribution and the employers contribution shall be remitted directly to the department within fifteen days following the end of the calendar month during which the payroll period ends.
Until such time as the director shall establish other rates, members and employers of such members shall each contribute 5.51% of compensation earnable: PROVIDED, That employers shall initially contribute an additional one and one-half percent of compensation earnable per member to amortize the unfunded supplemental present value of the retirement system in effect on September 30, 1977.

Sec. 11. Section 13, chapter 274, Laws of 1947 as last amended by section 19, chapter 52, Laws of 1982 1st ex. sess. and RCW 41.40.120 are each amended to read as follows:

Membership in the retirement system shall consist of all regularly compensated employees and appointive and elective officials of employers, as defined in this chapter, with the following exceptions:

1. Persons in ineligible positions;
2. Employees of the legislature except the officers thereof elected by the members of the senate and the house and legislative committees, unless membership of such employees be authorized by the said committee;
3. Persons holding elective offices or persons appointed directly by the governor: PROVIDED, That such persons shall have the option of applying for membership ((and to be accepted by the action of the director, such application for those taking elective office for the first time after May 21, 1971, shall be submitted within eight years of the beginning of their initial term of office. AND PROVIDED FURTHER. That any such persons previously denied service credit because of any prior laws excluding membership which have subsequently been repealed, shall nevertheless be allowed to recover or regain such service credit denied or lost because of the previous lack of authority) during such periods of employment: AND PROVIDED FURTHER. That any persons holding or who have held elective offices or persons appointed by the governor who are members in the retirement system and who have, prior to becoming such members, previously held an elective office, and did not at the start of such initial or successive terms of office exercise their option to become members, may apply for membership ((and be accepted by action of the director.)) to be effective during such term or terms of office, and shall be allowed to ((recover or regain)) establish the service credit applicable to such term or terms of office upon payment of the employee contributions therefor by the employee with interest as determined by the director: AND PROVIDED FURTHER. That any members who were an elected official eligible to apply for membership pursuant to this subsection, who failed to exercise that option while holding such elected office and who is now a member of the retirement system shall have the option to recover service credit for such elected service upon payment of the retirement system of the employee and employer contributions which would have been made had the person been a member during the period of such elective service)) all contributions with interest submitted by the employee under this subsection shall be placed in the employee's individual account in the employee's savings fund and be treated as any other contribution made by the employee, with the exception that any contributions submitted by the employee in payment of the employer's obligation, together with the interest the director may apply to the employer's contribution, shall not be considered part of the member's annuity for any purpose except withdrawal of contributions;

4. Employees holding membership in, or receiving pension benefits under, any retirement plan operated wholly or in part by an agency of the state or political subdivision thereof, or who are by reason of their current employment contributing to or otherwise establishing the right to receive benefits from any such retirement plan: PROVIDED. HOWEVER. In any case where the retirement system has in existence an agreement with another retirement system in connection with exchange of service credit or an agreement whereby members can retain service credit in more than one system, such an employee shall be allowed membership rights should the agreement so provide: AND PROVIDED FURTHER. That an employee shall be allowed membership if otherwise eligible while receiving survivor's benefits;
5. Patient and inmate help in state charitable, penal, and correctional institutions;
6. "Members" of a state veterans' home or state soldiers' home;
7. Persons employed by an institution of higher learning or community college, primarily as an incident to and in furtherance of their education or training, or the education or training of a spouse;
8. Employees of an institution of higher learning or community college during the period of service necessary to establish eligibility for membership in the retirement plans operated by such institutions;
9. Persons rendering professional services to an employer on a fee, retainer, or contract basis or when the income from these services is less than fifty percent of the gross income received from the person's practice of a profession;
10. Persons appointed after April 1, 1963, by the liquor control board as agency vendors;
11. Employees of a labor guild, association, or organization: PROVIDED. That elective officials and employees of a labor guild, association, or organization which qualities as an employer within this chapter shall have the option of applying for membership;
(12) Persons hired in eligible positions on a temporary basis for a period not to exceed six months: PROVIDED, That if such employees are employed for more than six months in an eligible position they shall become members of the system;

(13) Persons employed by or appointed or elected as an official of a first class city that has its own retirement system: PROVIDED, That any member elected or appointed to an elective office on or after April 1, 1971, shall have the option of continuing as a member of this system in lieu of becoming a member of the city system. A member who elects to continue as a member of this system shall pay the appropriate member contributions and the city shall pay the employer contributions at the rates prescribed by this chapter. The city shall also transfer to this system all of such member's accumulated contributions together with such further amounts as necessary to equal all employee and employer contributions which would have been paid into this system on account of such service with the city and thereafter the member shall be granted credit for all such service. Any city that becomes an employer as defined in RCW 41.40.010(4) as the result of an individual's election under the first proviso of this subsection shall not be required to have all employees covered for retirement under the provisions of this chapter. Nothing in this subsection shall prohibit a city of the first class with its own retirement system from transferring all of its current employees to the retirement system established under this chapter. Notwithstanding any other provision of this chapter, persons transferring from employment with a first class city of over four hundred thousand population that has its own retirement system to employment with the state department of agriculture may elect to remain within the retirement system of such city and the state shall pay the employer contributions for such persons at like rates as prescribed for employers of other members of such system;

(14) Employees who (a) are not citizens of the United States, (b) do not reside in the United States, and (c) perform duties outside of the United States;

(15) Employees who (a) are not citizens of the United States, (b) are not covered by chapter 41.48 RCW, (c) are not excluded from membership under this chapter or chapter 41.04 RCW, (d) are residents of this state, and (e) make an irrevocable election to be excluded from membership, in writing, which is submitted to the director within thirty days after employment in an eligible position;

(16) Employees who are citizens of the United States and who reside and perform duties for an employer outside of the United States: PROVIDED, That unless otherwise excluded under this chapter or chapter 41.04 RCW, the employee may apply for membership (a) within thirty days after employment in an eligible position and membership service credit shall be granted from the first day of membership service, and (b) after this thirty-day period, but membership service credit shall be granted only from the date of application.

NEW SECTION. Sec. 12. There is added to chapter 41.40 RCW a new section to read as follows:

(1) A person who established service credit under chapter 41.44 RCW and who became a member of the retirement system governed by this chapter prior to the effective date of this act is:

(a) Entitled to transfer any service currently credited under chapter 41.44 RCW to service credit under this chapter as though it had been earned under this chapter, and

(b) Entitled to reestablish any service originally earned under chapter 41.44 RCW but which was destroyed by withdrawal under chapter 41.44 RCW upon payment of the amount withdrawn plus interest from the date of withdrawal until the date of restoration at a rate to be set by the director. The restoration shall be completed within one year of the effective date of this act or within one year of reemployment if not employed by an employer on the effective date of this act. Credit for the reestablished service shall be given as though earned in the system governed by this chapter.

(2) The department is authorized to recompute the benefit of any retiree in accordance with this section if the recomputation results in a larger benefit and shall pay the additional amount retroactively to the date of retirement.

(3) Persons affected by this section shall have the benefit provided by this section or the benefit provided by chapters 41.44 and 41.40 RCW as they existed prior to the effective date of this act, whichever is larger.

Sec. 13. Section 3, chapter 209, Laws of 1969 ex. sess. as last amended by section 4, chapter 256, Laws of 1981 and RCW 41.26.030 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the "Washington law enforcement officers’ and fire fighters’ retirement system" provided herein.

(2) (a) "Employer" for persons who establish membership in the retirement system on or before September 30, 1977, means the legislative authority of any city, town, county or district or the elected officials of any municipal corporation that employs any law enforcement officer and/or fire fighter, any authorized association of such municipalities, and, except for the purposes of RCW 41.26.150, any labor guild, association, or organization, which represents the fire fighters or law enforcement officers of at least seven cities of over 20,000 population and the membership of each local lodge or division of which is composed of at least sixty percent law enforcement officers or fire fighters as defined in this chapter.
(b) "Employer" for persons who establish membership in the retirement system on or after October 1, 1977, means the legislative authority of any city, town, county, or district or the elected officials of any municipal corporation that employs any law enforcement officer and/or fire fighter.

(3) "Law enforcement officer" means any person who is serving on a full time, fully compensated basis as a county sheriff or deputy sheriff, including sheriffs or deputy sheriffs serving under a different title pursuant to a county charter, city police officer, or town marshal or deputy marshal, with the following qualifications:

(a) No person who is serving in a position that is basically clerical or secretarial in nature, and who is not commissioned shall be considered a law enforcement officer:

(b) Only those deputy sheriffs, including those serving under a different title pursuant to county charter, who have successfully completed a civil service examination for deputy sheriff or the equivalent position, where a different title is used, and those persons serving in unclassified positions authorized by RCW 41.14.070 except a private secretary will be considered law enforcement officers:

(c) Only such full time commissioned law enforcement personnel as have been appointed to offices, positions, or ranks in the police department which have been specifically created or otherwise expressly provided for and designated by city charter provision or by ordinance enacted by the legislative body of the city shall be considered city police officers: and

(d) The term "law enforcement officer" also includes the executive secretary of a labor guild, association or organization (which is an employer under RCW 41.26.030(2) as now or hereafter amended) if such individual has five years previous membership in the retirement system established in chapter 41.20 RCW: PROVIDED, That for persons who establish membership in the retirement system on or after October 1, 1977, the provisions of this subparagraph shall not apply.

(4) "Fire fighter" means:

(a) any person who is serving on a full time, fully compensated basis as a member of a fire department of an employer and who is serving in a position which requires passing a civil service examination for fire fighter, or fireman if this title is used by the department, and who is actively employed as such;

(b) anyone who is actively employed as a full time fire fighter where the fire department does not have a civil service examination:

(c) supervisory fire fighter personnel:

(d) any full time executive secretary of an association of fire protection districts authorized under chapter 52.08 RCW: PROVIDED, That for persons who establish membership in the retirement system on or after October 1, 1977, the provisions of this subparagraph shall not apply:

(e) the executive secretary of a labor guild, association or organization (which is an employer under RCW 41.26.030(2) as now or hereafter amended) if such individual has five years previous membership in a retirement system established in chapter 41.16 or 41.18 RCW: PROVIDED, That for persons who establish membership in the retirement system on or after October 1, 1977, the provisions of this subparagraph shall not apply:

(f) any person who is serving on a full time, fully compensated basis for an employer, as a fire dispatcher, in a department in which, on March 1, 1970, a dispatcher was required to have passed a civil service examination for fireman or fire fighter; and

(g) any person who on March 1, 1970, was employed on a full time, fully compensated basis by an employer, and who on May 21, 1971 was making retirement contributions under the provisions of chapter 41.16 or 41.18 RCW.

(5) "Retirement board" means the Washington public employees’ retirement system board established in chapter 41.40 RCW, including two members of the retirement system and two employer representatives as provided for in RCW 41.26.050. The retirement board shall be called the Washington law enforcement officers’ and fire fighters’ retirement board and may enter in legal relationships in that name. Any legal relationships entered into in that name prior to the adoption of this 1972 amendatory act are hereby ratified.

(6) "Surviving spouse" means the surviving widow or widower of a member. The word shall not include the divorced spouse of a member.

(7) "Child” or "children" whenever used in this chapter means every natural born child and stepchild where that relationship was in existence prior to the date benefits are payable under this chapter, posthumous child, child legally adopted or made a legal ward of a member prior to the date benefits are payable under this chapter, and illegitimate child legitimated prior to the date any benefits are payable under this chapter, all while unmarried, and either under the age of eighteen years or mentally or physically handicapped as determined by the retirement board except a handicapped person in the full time care of a state institution. A person shall also be deemed to be a child up to and including the age of twenty years and eleven months while attending any high school, college, or vocational or other educational institution accredited, licensed, or approved by the state, in which it is located, including the summer vacation months and all other normal and regular vacation periods at the particular educational institution after which the child returns to school.
(8) "Member" means any fire fighter, law enforcement officer, or other person as would apply under subsections (3) or (4) of this section whose membership is transferred to the Washington law enforcement officers' and fire fighters' retirement system on or after March 1, 1970, and every law enforcement officer and fire fighter who is employed in that capacity on or after such date.

(9) "Retirement fund" means the "Washington law enforcement officers' and fire fighters' retirement system fund" as provided for herein.

(10) "Employee" means any law enforcement officer or fire fighter as defined in subsections (3) and (4) above.

(11) (a) "Beneficiary" for persons who establish membership in the retirement system on or before September 30, 1977, means any person in receipt of a retirement allowance, disability allowance, death benefit, or any other benefit described herein.

(b) "Beneficiary" for persons who establish membership in the retirement system on or after October 1, 1977, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(12) (a) "Final average salary" for persons who establish membership in the retirement system on or before September 30, 1977, means (i) for a member holding the same position or rank for a minimum of twelve months preceding the date of retirement, the basic salary attached to such same position or rank at time of retirement; (ii) for any other member, including a civil service member who has not served a minimum of twelve months in the same position or rank preceding the date of retirement, the average of the greatest basic salaries payable to such member during any consecutive twenty-four month period within such member's last ten years of service for which service credit is allowed, computed by dividing the total basic salaries payable to such member during the selected twenty-four month period by twenty-four; (iii) in the case of disability of any member, the basic salary payable to such member at the time of disability retirement; (iv) in the case of a member who hereafter vests pursuant to RCW 41.26.090, the basic salary payable to such member at the time of vesting.

(b) "Final average salary" for persons who establish membership in the retirement system on or after October 1, 1977, means the monthly average of the member's basic salary for the highest consecutive sixty months of service prior to such member's retirement, termination, or death. Periods constituting authorized unpaid leaves of absence may not be used in the calculation of final average salary.

(13) (a) "Basic salary" for persons who establish membership in the retirement system on or before September 30, 1977, means the basic monthly rate of salary or wages, including longevity pay but not including overtime earnings or special salary or wages, upon which pension or retirement benefits will be computed and upon which employer contributions and salary deductions will be based.

(b) "Basic salary" for persons who establish membership in the retirement system on or after October 1, 1977, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, as reported by the employer on the wage and tax statement submitted to the federal internal revenue service, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b) and 457 of the United States Internal Revenue Code, but shall exclude lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay: PROVIDED. That in any year in which a member serves in the legislature the member shall have the option of having such member's basic salary be the greater of: (i) the basic salary the member would have received had such member not served in the legislature; or

(ii) such member's actual basic salary received for nonlegislative public employment and legislative service combined. Any additional contributions to the retirement system required because basic salary under subparagraph (i) of this subsection is greater than basic salary under subparagraph (ii) of this subsection shall be paid by the member for both member and employer contributions.

(14) (a) "Service" for persons who establish membership in the retirement system on or before September 30, 1977, means all periods of employment for an employer as a fire fighter or law enforcement officer, for which compensation is paid, together with periods of suspension not exceeding thirty days in duration. For the purposes of this chapter service shall also include service in the armed forces of the United States as provided in RCW 41.26.190. Credit shall be allowed for all months of service rendered by a member from and after the member's initial commencement of employment as a fire fighter or law enforcement officer, during which the member worked for seventy or more hours, or was on disability leave or disability retirement. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter. In addition to the foregoing, for members retiring after May 21, 1971 who were employed under the coverage of a prior pension act before March 1, 1970, "service" shall include (i) such military service not exceeding five years as was creditable to the member as of March 1, 1970, under the member's particular prior pension act, and (ii) such other periods of service as were then creditable to a particular member under the provisions of RCW 41.18.165, 41.20.160 or 41.20.170. However, in no event shall credit be
(b) "Service" for persons who establish membership in the retirement system on or after October 1, 1977, means periods of employment by a member for one or more employers for which basic salary is earned for ninety or more hours per calendar month.

Members of the retirement system who are elected or appointed to a state elective position may elect to continue to be members of this retirement system.

Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefit.

If a member receives basic salary from two or more employers during any calendar month, the individual shall receive one month's service credit during any calendar month in which multiple service for ninety or more hours is rendered.

(15) "Accumulated contributions" means the employee's contributions made by a member plus accrued interest credited thereon.

(16) "Actuarial reserve" means a method of financing a pension or retirement plan wherein reserves are accumulated as the liabilities for benefit payments are incurred in order that sufficient funds will be available on the date of retirement of each member to pay the member's future benefits during the period of retirement.

(17) "Actuarial valuation" means a mathematical determination of the financial condition of a retirement plan. It includes the computation of the present monetary value of benefits payable to present members, and the present monetary value of future employer and employee contributions, giving effect to mortality among active and retired members and also to the rates of disability, retirement, withdrawal from service, salary, and interest earned on investments.

(18) "Disability board" means either the county disability board or the city disability board established in RCW 41.26.110 for persons who establish membership in the retirement system on or before September 30, 1977.

(19) "Disability leave" means the period of six months or any portion thereof during which a member is on leave at an allowance equal to the member's full salary prior to the commencement of disability retirement. The definition contained in this subsection shall apply only to persons who establish membership in the retirement system on or before September 30, 1977.

(20) "Disability retirement" for persons who establish membership in the retirement system on or before September 30, 1977, means the period following termination of a member's disability leave, during which the member is in receipt of a disability retirement allowance.

(21) "Position" means the employment held at any particular time, which may or may not be the same as civil service rank.

(22) "Medical services" for persons who establish membership in the retirement system on or before September 30, 1977, shall include the following as minimum services to be provided. Reasonable charges for these services shall be paid in accordance with RCW 41.26.150.

(a) Hospital expenses: These are the charges made by a hospital, in its own behalf, for
(i) Board and room not to exceed semiprivate room rate unless private room is required by the attending physician due to the condition of the patient.
(ii) Necessary hospital services, other than board and room, furnished by the hospital.
(b) Other medical expenses: The following charges are considered "other medical expenses", provided that they have not been considered as "hospital expenses".

(i) The fees of the following:
(A) A physician or surgeon licensed under the provisions of chapter 18.71 RCW;
(B) An osteopath licensed under the provisions of chapter 18.57 RCW;
(C) A chiropractor licensed under the provisions of chapter 18.25 RCW;
(D) A psychologist licensed under chapter 18.63 RCW.
(ii) The charges of a registered graduate nurse other than a nurse who ordinarily resides in the member's home, or is a member of the family of either the member or the member's spouse.

(iii) The charges for the following medical services and supplies:
(A) Drugs and medicines upon a physician's prescription;
(B) Diagnostic x-ray and laboratory examinations;
(C) X-ray, radium, and radioactive isotopes therapy;
(D) Anesthesia and oxygen;
(E) Rental of iron lung and other durable medical and surgical equipment;
(F) Artificial limbs and eyes, and casts, splints, and trusses;
(G) Professional ambulance service when used to transport the member to or from a hospital when he is injured by an accident or stricken by a disease;
(H) Dental charges incurred by a member who sustains an accidental injury to his teeth and who commences treatment by a legally licensed dentist within ninety days after the accident;
(I) Nursing home confinement or hospital extended care facility;
(J) Physical therapy by a registered physical therapist;
(K) Blood transfusions, including the cost of blood and blood plasma not replaced by voluntary donors;
(L) An optometrist licensed under the provisions of chapter 18.53 RCW.

(23) "Regular interest" means such rate as the director may determine.

(24) "Retiree" for persons who establish membership in the retirement system on or after October 1, 1977, means any member in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.

(25) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(26) "Director" means the director of the department.

(27) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(28) "State elective position" means any position held by any person elected or appointed to state-wide office or elected or appointed as a member of the legislature.

NEW SECTION. Sec. 14. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Consolidated employer" means the new organizational element formed to perform some governmental function or service for two or more political subdivisions at least one of which is a first class city having its own retirement system. The new organization may be an element of county government or city government or of some other existing political subdivision, or it may be, or be a part of, a newly formed political subdivision.

(2) "New hiree" means someone hired by the consolidated employer who:
(a) Was not employed by any of the combining elements or their political subdivisions at the time of consolidation; or
(b) Was employed by one of the combining elements or their political subdivisions but did not become an employee of the consolidated employer within one year of the date on which the consolidated employer became a legal entity.

NEW SECTION. Sec. 15. This chapter governs the retirement program for individuals whose employment status is altered when two or more political subdivisions enter into an agreement to provide for consolidation of a function of government, the function is to be performed either by one of the participating subdivisions or by a newly created subdivision, and the employees of the participating subdivisions are enrolled as members of more than one Washington public retirement system.

NEW SECTION. Sec. 16. All new hirees by the consolidated entity shall become members of the retirement system to which the consolidated employer belonged prior to the consolidation if the employer is a member of a retirement system. If the employer is not a member of a retirement system, the new hirees shall not have a retirement program until the employer joins a retirement system.

NEW SECTION. Sec. 17. If the consolidated employer was an employer-member of one of the state retirement systems prior to consolidation:

(1) The employees of the consolidated employer who were active members of a state retirement system prior to the consolidation shall continue to be members of that system.

(2) Employees who were members of a city public retirement system prior to the consolidation may exercise one of the following options:
(a) Remain an active member of the city public retirement system while employed by the consolidated employer; or
(b) Establish membership in the retirement system provided by chapter 41.40 RCW and either separate and withdraw from the city public system or, if eligible, separate and vest with the city system.

Only prospective periods of qualifying service with a Washington public retirement system may be established under this section.
NEW SECTION. Sec. 18. If the consolidated employer was an employer-member of a city public retirement system prior to the consolidation:

(1) The employees of the consolidated employer who were members of a city public retirement system prior to the consolidation shall continue to be members of that system.

(2) Employees of the consolidated employer who were members of the retirement system provided by chapter 41.40 RCW may exercise one of the following options:
   (a) Remain an active member of the system provided by chapter 41.40 RCW.
   (b) Establish membership in the retirement system provided by the city public retirement system and either separate and withdraw from the system provided by chapter 41.40 RCW or, if eligible, separate and vest with that system.

Only prospective periods of qualifying service with a Washington public retirement system may be established under this section.

NEW SECTION. Sec. 19. The following general rules apply in consolidated situations under this chapter:

(1) If the consolidated employer is a member of a retirement system, all employees, otherwise eligible, shall be members of a retirement system.

(2) No employee may be an active member of more than one Washington public retirement system as a consequence of employment by the consolidated employer.

(3) Any person employed by the consolidated employer within one year of the date of activation of the consolidated entity shall be entitled to the options provided in sections 17 and 18 of this act if he or she was an active member of a Washington public retirement system at the time of employment by the consolidated entity.

(4) An employee who is not retired at the time of employment by the consolidated employer may not elect to retire from any Washington public retirement system until he or she has separated from service with the consolidated employer.

(5) No member of any retirement system may become entitled to any benefits or rights under any Washington public retirement system as a result of this chapter except such rights of membership as are covered in this chapter.

(6) This chapter shall be effective retroactive to December 31, 1981, and all time periods specified in this chapter shall run from the dates indicated or December 31, 1981, whichever is the later.

(7) Consolidated employers are required to comply with the laws and rules of any Washington public retirement system whose active members they employ.

(8) Entry into membership granted under this chapter does not constitute a waiver of any other law or rule of any Washington public retirement system including and not limited to eligibility standards for service credit or benefits.

NEW SECTION. Sec. 20. An employee electing under section 17(2)(a) or 18(2)(a) of this act shall have the right to change positions within the structure of the consolidated employer without affecting the employee retirement membership.

NEW SECTION. Sec. 21. It is not the purpose of this chapter to provide relief to any Washington public retirement system or its sponsors when consolidations result in financial injury to any such system. These issues are properly addressed in the negotiations between the interested parties when the consolidation is being planned and executed.

NEW SECTION. Sec. 22. This chapter does not apply to any consolidation which includes any members of retirement systems established by chapter 41.18, 41.20, or 41.26 RCW.

NEW SECTION. Sec. 23. Sections 14 through 22 of this act shall constitute a new chapter in Title 41 RCW.

Sec. 24. Section 1, chapter 80, Laws of 1947 as last amended by section 1, chapter 5, Laws of 1983 and RCW 41.32.010 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) (a) "Accumulated contributions" for persons who establish membership in the retirement system on or before September 30, 1977, means the sum of all regular annuity contributions with regular interest thereon.

(b) "Accumulated contributions" for persons who establish membership in the retirement system on or after October 1, 1977, means the sum of all contributions standing to the credit of a member in the member's individual account together with the regular interest thereon.

(2) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality tables and regulations as shall be adopted by the director and regular interest.

(3) "Annuity" means the moneys payable per year during life by reason of accumulated contributions of a member.

(4) "Annuity fund" means the fund in which all of the accumulated contributions of members are held.

(5) "Annuity reserve fund" means the fund to which all accumulated contributions are transferred upon retirement.

(6) (a) "Beneficiary" for persons who establish membership in the retirement system on or before September 30, 1977, means any person in receipt of a retirement allowance or other benefit provided by this chapter.
(b) "Beneficiary" for persons who establish membership in the retirement system on or after October 1, 1977, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(7) "Contract" means any agreement for service and compensation between a member and an employer.

(8) "Creditable service" means membership service plus prior service for which credit is allowable. This subsection shall apply only to persons who establish membership in the retirement system on or before September 30, 1977.

(9) "Dependent" means receiving one-half or more of support from a member.

(10) "Disability allowance" means monthly payments during disability. This subsection shall apply only to persons who establish membership in the retirement system on or before September 30, 1977.

(11) (a) "Earnable compensation" for persons who establish membership in the retirement system on or before September 30, 1977, means all salaries and wages paid by an employer to an employee member of the retirement system for personal services rendered during a fiscal year. In all cases where compensation includes maintenance the employer shall fix the value of that part of the compensation not paid in money: PROVIDED, That for members regularly employed under written contract with a school district in a position, other than administrative or supervisory, for which the member receives service credit of less than a year in both years of the average earnable compensation used in the calculation of the benefits under RCW 41.32.497, 41.32.498, 41.32.520, and 41.32.550, earnable compensation means the compensation the member would have received in the same position if employed on a regular full-time basis for the same period contract only for the purpose of the calculation of retirement benefits to insure that members who receive fractional service credit pursuant to RCW 41.32.270, receive a benefit for fractional service credit proportional to a full-time benefit: PROVIDED FURTHER, That retroactive payments to an individual by an employer on reinstatement of the employee in a position or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wages which the individual would have earned during a payroll period shall be considered earnable compensation and the individual shall receive the equivalent service credit: PROVIDED FURTHER, That if a leave of absence, without pay, is taken by a member for the purpose of serving as a member of the state legislature, and such member has served in the legislature five or more years, the salary which would have been received for the position from which the leave of absence was taken shall be considered as compensation earnable if the employee's contribution thereon is paid by the employee. In addition, where a member has been a member of the state legislature for five or more years, earnable compensation for the member's two highest compensated consecutive years of service shall include a sum not to exceed thirty-six hundred dollars for each of such two consecutive years, regardless of whether or not legislative service was rendered during those two years.

(b) "Earnable compensation" for persons who establish membership in the retirement system on or after October 1, 1977, means salaries or wages paid by an employer during a payroll period for personal services, including overtime payments, as reported by the employer on the wage and tax statement submitted to the federal internal revenue service, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b) and 457 of the United States Internal Revenue Code, but shall exclude lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay: PROVIDED, That retroactive payments to an individual by an employer on reinstatement of the employee in a position or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wages which the individual would have earned during a payroll period shall be considered earnable compensation, to the extent provided above, and the individual shall receive the equivalent service credit: PROVIDED FURTHER, That in any year in which a member serves in the legislature the member shall have the option of having such member's earnable compensation be the greater of:

(i) the earnable compensation the member would have received had such member not served in the legislature; or

(ii) such member's actual earnable compensation received for teaching and legislative service combined. Any additional contributions to the retirement system required because compensation earnable under subparagraph (i) of this subsection is greater than compensation earnable under subparagraph (ii) of this subsection shall be paid by the member for both member and employer contributions.

(12) "Employer" means the state of Washington, the school district, or any agency of the state of Washington by which the member is paid.

(13) "Fiscal year" means a year which begins July 1st and ends June 30th of the following year.

(14) "Former state fund" means the state retirement fund in operation for teachers under chapter 187, Laws of 1923, as amended.
(15) "Local fund" means any of the local retirement funds for teachers operated in any school district in accordance with the provisions of chapter 163, Laws of 1917 as amended.

(16) "Member" means any teacher included in the membership of the retirement system. Also, any other employee of the public schools who, on July 1, 1947, had not elected to be exempt from membership and who, prior to that date, had by an authorized payroll deduction, contributed to the annuity fund.

(17) "Membership service" means service rendered subsequent to the first day of eligibility of a person to membership in the retirement system: PROVIDED, That where a member is employed by two or more employers the individual shall only receive one month's service credit during any calendar month in which multiple service is rendered. The provisions of this subsection shall apply only to persons who establish membership in the retirement system on or before September 30, 1977.

(18) "Pension" means the moneys payable per year during life from the pension reserve fund.

(19) "Pension reserve fund" is a fund in which shall be accumulated an actuarial reserve adequate to meet present and future pension liabilities of the system and from which all pension obligations are to be paid.

(20) "Prior service" means service rendered prior to the first date of eligibility to membership in the retirement system for which credit is allowable. The provisions of this subsection shall apply only to persons who establish membership in the retirement system on or before September 30, 1977.

(21) "Prior service contributions" means contributions made by a member to secure credit for prior service. The provisions of this subsection shall apply only to persons who establish membership in the retirement system on or before September 30, 1977.

(22) "Public school" means any institution or activity operated by the state of Washington or any instrumentality or political subdivision thereof employing teachers, except the University of Washington and Washington State University.

(23) "Regular contributions" means the amounts required to be deducted from the compensation of a member and credited to the member's individual account in the annuity fund. This subsection shall apply only to persons establishing membership in the retirement system on or before September 30, 1977.

(24) "Regular interest" means such rate as the director may determine.

(25) (a) "Retirement allowance" for persons who establish membership in the retirement system on or before September 30, 1977, means the sum of annuity and pension or any optional benefits payable in lieu thereof.

(b) "Retirement allowance" for persons who establish membership in the retirement system on or after October 1, 1977, means monthly payments to a retiree or beneficiary as provided in this chapter.

(26) "Retirement system" means the Washington state teachers' retirement system.

(27) (a) "Service" means the time during which a member has been employed by an employer for compensation: PROVIDED, That where a member is employed by two or more employers the individual shall only receive one month's service credit during any calendar month in which multiple service is rendered.

(b) "Service" for persons who establish membership in the retirement system on or after October 1, 1977, means periods of employment by a member for one or more employers for which earnable compensation is earned for ninety or more hours per calendar month. Members shall receive twelve months of service for each contract year or school year of employment.

Any person who is a member of the teachers' retirement system and who is elected or appointed to a state elective position may continue to be a member of the retirement system and continue to receive service credit for the time spent in a state elective position by making the required member contributions.

When an individual is employed by two or more employers the individual shall only receive one month's service credit during any calendar month in which multiple service for ninety or more hours is rendered.

Notwithstanding RCW 41.32.240, teachers covered by RCW 41.32.755 through 41.32.825, who render service need not serve for ninety days to obtain membership so long as the required contribution is submitted for such ninety-day period. Where a member did not receive service credit under RCW 41.32.775 through 41.32.825 due to the ninety-day period in RCW 41.32.240 the member may receive service credit for that period so long as the required contribution is submitted for the period. Anyone entering membership on or after October 1, 1977, and prior to July 1, 1979, shall have until June 30, 1980, to make the required contribution in one lump sum.

(28) "Survivors' benefit fund" means the fund from which survivor benefits are paid to dependents of deceased members. This subsection shall apply only to persons establishing membership in the retirement system on or before September 30, 1977.

(29) "Teacher" means any person qualified to teach who is engaged by a public school in an instructional, administrative, or supervisory capacity, including state, educational service
district, city superintendents and their assistants and certificated employees; and in addition thereto any qualified school librarian, any registered nurse or any full time school doctor who is employed by a public school and renders service of an instructional or educational nature.

(30) "Average final compensation" for persons who establish membership in the retirement system on or after October 1, 1977, means the member's average earnable compensation of the highest consecutive sixty months of service prior to such member's retirement, termination, or death. Periods constituting authorized leaves of absence may not be used in the calculation of average final compensation.

(31) "Retiree" for persons who establish membership in the retirement system on or after October 1, 1977, means any member in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.

(32) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(33) "Director" means the director of the department.

(34) "State elective position" means any position held by any person elected or appointed to state-wide office or elected or appointed as a member of the legislature.

(35) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(36) "Retirement board" means the board of trustees provided for in RCW 41.32.040.

NEW SECTION. Sec. 25. There is appropriated from the general fund to the public employees' retirement fund for the biennium ending June 30, 1985, the sum of two hundred ten thousand dollars, or so much thereof as may be necessary, for costs resulting from section 12 of this act.

NEW SECTION. Sec. 26. 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. 27. 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."


DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator McDermott, the Senate did not concur in the House amendments to Engrossed Substitute Senate Bill No. 3226 and asks the House for a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 3226 and the House amendments thereto: Senators Warnke, Bluechel and Gaspard.

MOTION

On motion of Senator McDermott, the Conference Committee appointments were confirmed.
Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3244 with the following amendments:

On page 3, after line 14, insert the following:

"Sec. 4. Section 16, chapter 10, Laws of 1982 as amended by section 1, chapter 13, Laws of 1982 2nd ex. sess. and RCW 82.04.260 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of buying wheat, oats, dry peas, dry beans, lentils, triticale, corn, rye and barley, but not including any manufactured or processed products thereof, and selling the same at wholesale; the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of one one-hundredth of one percent.

(2) Upon every person engaging within this state in the business of manufacturing wheat into flour, soybeans into soybean oil, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour or oil manufactured, multiplied by the rate of one-eight of one percent.

(3) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of one-quarter of one percent.

(4) Upon every person engaging within this state in the business of manufacturing seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of one-eighth of one percent.

(5) Upon every person engaging within this state in the business of manufacturing by canning, preserving, freezing or dehydrating fresh fruits and vegetables; as to such persons the amount of tax with respect to such business shall be equal to the value of the products canned, preserved, frozen or dehydrated multiplied by the rate of three-tenths of one percent.

(6) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of forty-four one-hundredths of one percent.

(7) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of thirty-three one-hundredths of one percent.

(8) Upon every person engaging within this state in the business of making sales, at retail or wholesale, of nuclear fuel assemblies manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the assemblies multiplied by the rate of twenty-five one-hundredths of one percent.

(9) Upon every person engaging within this state in the business of manufacturing nuclear fuel assemblies, as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of twenty-five one-hundredths of one percent.

(10) Upon every person engaging within this state in the business of acting as a travel agent; as to such persons the amount of the tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of twenty-five one-hundredths of one percent.

(11) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities shall be equal to the gross income derived from such activities multiplied by the rate of thirty-three one-hundredths of one percent.

(12) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds derived from such activities multiplied by the rate of thirty-three one-hundredths of one percent. Persons subject to taxation under this subsection shall be exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and
be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(13) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business shall be equal to the gross income of the business, excluding any fees imposed under chapter 43.21F RCW, multiplied by the rate of thirty percent.

If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state shall be determined in accordance with the methods of apportionment required under RCW 82.04.460.

On page 1, line 1 of the title after "taxes:" insert "amending section 16, chapter 10, Laws of 1982 as amended by section 1, chapter 13, Laws of 1982 2nd ex. sess. and RCW 82.04.260;"

On page 3, after line 14, insert the following new section:

"NEW SECTION. Sec. 4. There is added to chapter 82.04 RCW a new section to read as follows:

(1) This chapter shall not apply to any person in respect to gross income derived from the business of making sales at wholesale or retail if such person:

(a) Does not own or lease real property within this state; and

(b) Does not regularly maintain a stock of tangible personal property in this state for sale in the ordinary course of business; and

(c) Is not a corporation incorporated under the laws of this state; and

(d) Makes sales in this state exclusively to or through a direct seller's representative.

(2) For purposes of this section, the term "direct seller's representative" means a person who buys consumer products on a buy-sell basis or a deposit-commission basis for resale, by the buyer or any other person, in the home or otherwise than in a permanent retail establishment, or who sells, or solicits the sale of, consumer products in the home or otherwise than in a permanent retail establishment; and

(a) Substantially all of the remuneration paid to such person, whether or not paid in cash, for the performance of services described in this subsection is directly related to sales or other output, including the performance of services, rather than the number of hours worked; and

(b) The services performed by the person are performed pursuant to a written contract between such person and the person for whom the services are performed and such contract provides that the person will not be treated as an employee with respect to such purposes for federal tax purposes.

(3) Nothing in this section shall be construed to imply that a person exempt from tax under this section was engaged in a business activity taxable under this chapter prior to the enactment of this section."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

Senator McDermott moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 3244.

POINT OF INQUIRY

Senator Lee: "Senator Moore, I notice that the House language is an issue that was before the Joint Administrative Rules Committee, and is an issue on a bill that you had sponsored. Is it your understanding and intent that the House amendments do take care of the particular problem faced by some of the occupants of the Seattle Trade Center?"

Senator Moore: "Well, to the best of my knowledge, it does and additionally I can say, it had better."

The President declared the question before the Senate to be the motion by Senator McDermott to concur in the House amendments to Substitute Senate Bill No. 3244.

The motion by Senator McDermott carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 3244.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3244, as amended by the House.
ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3244, as amended by the House, and the bill passed the Senate by the following vote:

Yeas. 38; nays, 8; absent, 2; excused, 1.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Gaspard, Goltz, Granlund, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rinehart, Sellar, Talmadge, Thompson, Vognild, Williams, Wojahn, Woody, Zimmerman - 38.


Absent: Senators Rasmussen, Shinpoch - 2.

Excused: Senator von Reichbauer - 1.

SUBSTITUTE SENATE BILL NO. 3244, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

May 20, 1983

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 588, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

EHB 588 by Representatives Zellinsky, Smitherman, Egger, Schmidt, Isaacson. Hankins, McClure, Fisch, Miller, Vekich, Sayan, Powers and Holland

Providing funds for jail improvement and construction.

MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed House Bill No. 588 was advanced to second reading and placed on the second reading calendar.

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

SHB 712

REPORT OF STANDING COMMITTEE

May 18, 1983

Prime Sponsor, Representative Wang: Providing for the funding of a hazardous waste program. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass as amended. Signed by Senators Hughes, Chairman: Talmadge, Vice Chairman; Hansen, Hurley, McDermott, Rasmussen, Williams.

MOTION

On motion of Senator Bottiger, the rules were suspended, Substitute House Bill No. 712 was advanced to second reading and read the second time.

MOTION

Senator Haley moved the following amendment (to the bill) by Senators Haley, Guess, Craswell, Metcalf, Lee, Hansen, Jones, Rasmussen and Kiskaddon be adopted:

On page 12, after line 4, insert the following:

NEW SECTION. Sec. 13. The long-range development goals for the state of Washington must include the protection of the resources and environment of the state and the health and safety of its people by providing adequate programs for the investigation, study, planning, rehabilitation, removal, or cleanup of hazardous waste, wherever located and however placed by spill or otherwise, that threaten the people and natural resources of the state.

NEW SECTION. Sec. 14. There is appropriated from the general fund to the state department of ecology for the period from the effective date of this act through June 30, 1985, the sum
of three million dollars for the purpose of providing funds for the study of, planning for, and performance of rehabilitation, removal, and cleanup of hazardous waste located in this state and for the participation by the state of Washington in programs of the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980, as it now exists, contemplated for state participation or administration.

NEW SECTION. Sec. 15. The department may use or permit the use of any funds authorized in this chapter to accomplish the purposes of this chapter including direct expenditures and grants or loans to public bodies, including grants to public bodies as matching funds in any case where federal, local, or other funds are made available on a matching basis for programs that are consistent with the purposes of this chapter.

NEW SECTION. Sec. 16. The following definitions apply to this chapter:

1. "Public body" means the United States, state of Washington or any agency, political subdivision, taxing district, or municipal or public corporation thereof, and those Indian tribes now or hereafter recognized as such by the federal government and which may constitutionally receive grants or loans from the state of Washington.

2. "Hazardous waste" means and includes all dangerous and extremely hazardous wastes.

3. "Dangerous waste" shall have the same definition as set forth in RCW 70.105.010(5) and shall specifically include those wastes designated as dangerous by regulations adopted pursuant to chapter 70.105 RCW; and

4. "Extremely hazardous waste" shall have the same definition as set forth in RCW 70.105.010(6) and shall specifically include those wastes designated as extremely hazardous by regulations adopted pursuant to chapter 70.105 RCW.

NEW SECTION. Sec. 17. The attorney general is empowered to recover, by inflation of litigation or other means from any person who spilled or unlawfully disposed of or placed hazardous wastes, moneys in the amount of funds expended by the department under the authority of this chapter to carry out the purposes of this chapter in relation to any such spill or unlawful disposal or placement.

NEW SECTION. Sec. 18. Sections 13 through 17 of this act shall constitute a new chapter in Title 43 RCW.

Renumber the sections consecutively.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Haley, Guess, Craswell, Metcalf, Lee, Hansen, Jones, Rasmussen and Kiskaddon.

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

MOTION

Senator Hughes moved the following Committee on Parks and Ecology amendment be adopted:

Strike everything after the enacting clause and insert:

NEW SECTION. Sec. 1. (1) It is the policy of the state of Washington to protect the public health and welfare of all its citizens against the dangers arising from the generation, transport, treatment, storage, and disposal of hazardous wastes and from releases of hazardous substances. In order to reach that policy objective, it is not only necessary to provide state government with broad powers of regulation, control, and removal of these hazardous wastes and substances, including the power to fashion and effectuate remedial directives, but it is imperative that adequate funds are also provided to carry out these powers in a vigorous manner. In the implementation of the provisions of this chapter, the state shall, when appropriate, cooperate with and support federal agencies in their implementation of counterpart federal hazardous waste and substances programs, while pursuing independent state actions whenever it appears they will provide more efficient or effective alternative programs to achieve the policies and purposes of this chapter.

2. The purposes of this chapter are, among others: (a) To supplement the powers already vested in the department of ecology relating to hazardous wastes and to releases of substances which are hazardous to the environment or public health, (b) to provide moneys necessary for the full, sufficient, and efficient implementation of the hazardous waste and substances regulation control and removal program of the state, (c) to encourage reduction of hazardous wastes through recycling and improvement of manufacturing processes, (d) to provide for the cleanup and restoration of those sites within the state at which improper disposal of hazardous waste has occurred, resulting in the potential for deleterious impacts on the health and welfare of the citizens of the state, as well as on the state's natural, environmental, and biological systems, (e) to provide for funding to study, plan, and undertake the rehabilitation, removal, and cleanup of hazardous waste deposited improperly at sites located within the state, and (f) to provide funds for matching purposes for participation in the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980.
NEW SECTION. Sec. 2. As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Dangerous waste" shall have the same definition as set forth in RCW 70.105.010(5) and shall specifically include those wastes designated as dangerous by rules adopted pursuant to chapter 70.105 RCW;

(2) "Department" means the department of ecology;

(3) "Extremely hazardous waste" shall have the same definition as set forth in RCW 70.105.010(6) and shall specifically include those wastes designated as extremely hazardous by rules adopted pursuant to chapter 70.105 RCW;

(4) "Hazardous waste" means and includes all dangerous and extremely hazardous wastes;

(5) "Person" means an individual, trust, firm, joint stock company, partnership, association, state, public or private or municipal corporation, commission, political subdivision of a state, interstate body, the federal government including any agency or officer thereof, and any Indian tribe or authorized tribal organization;

(6) "Identified site" means the same or geographically contiguous property, which may be divided by a public or private right of way, provided that access between the properties occurs at an intersection and crosses, as opposed to goes along, the right of way. Noncontiguous properties owned by the same person but connected by a right of way will be considered a single identified site if the person controls the right of way and can prevent public access;

(7) "Fee" means the annual hazardous waste control and elimination assessment fee imposed under section 3 of this act and the fee for treatment, storage, and disposal facilities imposed under section 4 of this act;

(8) "Annual gross income" of a business means the value proceeding or accruing during a calendar year by reason of the transaction of the business or service engaged in and includes gross proceeds of sales, compensation for the rendition of services, gains realized from trading in stocks, bonds, or other evidences of indebtedness, interest, discount, rents, royalties, fees, commissions, dividends, and other emoluments however designated, all without any deduction on account of the cost of tangible property sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses; and

(9) "Generate" means any act or process which produces hazardous waste or first causes a hazardous waste to become subject to regulation.

NEW SECTION. Sec. 3. (1) In addition to all other fees and taxes, there is hereby imposed and the department of revenue shall collect an annual fee from every person identified by the department of ecology for the privilege of utilizing or operating an identified site, other than as described in section 4(1) of this act, in connection with any of the following business activities within this state:

(a) Exploring for, extracting, beneficiating, processing, or selling metallic or nonmetallic minerals;

(b) Exploring for, extracting, processing, or selling coal;

(c) Producing, distributing, or selling electricity;

(d) Industrial or nonresidential contracting or heavy construction;

(e) Painting or sandblasting;

(f) Producing, processing, or selling rubber or plastics;

(g) Producing, processing, or selling glass, cement, or concrete;

(h) Cutting, milling, producing, preparing, or selling lumber or wood products, including wooden furniture or fixtures;

(i) Producing, preparing, or selling paper or allied products;

(j) Printing or publishing;

(k) Synthesizing, producing, processing, preparing, or selling chemicals or allied products;

(l) Exploring for, extracting, producing, processing, distributing, or selling petroleum or gas;

(m) Fabricating rubber or plastic products;

(n) Beneficiating, processing, or selling primary or secondary metals;

(o) Fabricating metal products, including metal furniture or fixtures;

(p) Fabricating, constructing, preparing, installing, or selling machinery or supplies;

(q) Fabricating, constructing, installing, preparing, or selling electrical or electronic equipment, machinery, or supplies;

(r) Fabricating, producing, preparing, or selling transportation equipment;

(s) Transporting by railroad, motor vehicle, or water vessel;

(t) Telephone communication;

(u) Drycleaning, photofinishing, or furniture refinishing;

(v) Transferring, treating, storing, or disposing of solid, dangerous, or extremely hazardous wastes; and

(w) Repairing or servicing motor vehicles, railroad equipment, or water vessels.

When determining the particular business activity at an identified site, the department of ecology shall consider the major purpose of the activity or activities occurring at the identified
site. Under this section, each identified site shall be required to pay only one fee annually, but no fee shall be assessed on any person at an identified site engaged solely in making retail sales as defined in RCW 82.04.050, except for those identified sites which generate hazardous waste.

(2) The fee imposed by this section shall be due and payable on June 30 of the year next succeeding the calendar year in which a person has engaged at any time in the business activities listed in subsection (1) of this section. The amount of the fee for an identified site shall be determined by the department of ecology in accordance with criteria including, but not limited to, the quantity of hazardous waste generated and the health and environmental risks associated with the waste. The department of ecology shall publish by rule a schedule of these graduated fees.

(3) For purposes of this section, annual gross income of the business shall mean gross proceeds of sales as defined in RCW 82.04.070 or gross income of the business as defined in RCW 82.04.080; and shall mean gross income, as defined in RCW 82.16.010(13). Annual gross income of the business of a person rendering services taxable under RCW 82.04.290 and maintaining places of business within and without this state shall be apportioned in accordance with the provisions of RCW 82.04.460. The total annual gross income of the business taxable in this state under chapters 82.04 and 82.16 RCW shall be apportioned equally by the department of ecology among the identified sites utilized by such business in this state without regard to the amount or nature of the use; PROVIDED, That the person subject to the fee may request, and the department of ecology shall grant, apportionment among identified sites utilized in this state according to each site’s share of annual gross income of the business apportioned to this state. The person subject to the fee shall bear the burden of supporting the allocation among sites with appropriate data as reasonably requested by the department of ecology.

(4) If an identified site does not generate hazardous wastes regulated by chapter 70.105 RCW, the person owning or controlling the site is exempt from the fee imposed by this section.

(5) Notwithstanding subsection (1) or (2) of this section or section 4 of this act, no person who owns or operates a combined identified site and hazardous waste treatment, storage or disposal site shall be required to pay more than seven thousand five hundred dollars annually to the hazardous waste control and elimination account.

(6) The fees imposed by this section and the limitation on total payment of subsection (5) of this section shall be adjusted by five percent whenever the consumer price index of the United States department of labor increases or decreases by a five percent increment from the index figure in existence on January 1, 1983. Such fee and limitation adjustments shall be published in rules by the department of ecology.

(7) Fees shall not be required under this section for solid wastes generated primarily from the combustion of coal or other fossil fuels, until at least six months after the date of submission of the study required by section 8002 of the federal resource conservation and recovery act.

(8) For purposes of this section "manufacturer," "wholesaler," "retailer," and "person engaging in service activities" shall have the meaning attributed to such terms in chapter 82.04 RCW. "Business activities" shall mean activities of any person subject to the fees imposed in subsection (1) of this section engaging in business as defined in chapters 82.04 and 82.16 RCW.

(9) In the administration of this section and in addition to other provisions in this section for the enforcement and collection of fees due and owing under this section, the department of revenue is authorized to apply the provisions of chapter 82.32 RCW in addition to the provisions of RCW 82.32.050 and 82.32.090 shall not be applied. If the annual gross income of the business of any person subject to the fee imposed under this section is finally determined to be greater or less than that reported to the department of revenue for the year in question, the department of revenue shall, if necessary, recompute the fee due and shall refund or assess the outstanding balance, as the case may be.

NEW SECTION. Sec. 4. (1) Every person who operates a facility for the purpose of treating, storing, or disposing of hazardous wastes, that is subject to a permit issued under authority of RCW 70.105.130 or section 6(4) of this act (including a permit issued in satisfaction of the requirements of 42 U.S.C. section 6926 of the federal Resource Conservation and Recovery Act, as amended) shall, on or before September 1, 1984, and on or before May 15 of each year thereafter, pay to the state a fee relating to the operation of such treatment, storage, or disposal facilities.

In relation to these annual fees, the department is empowered to adopt rules relating to:

(a) Establishment of classes of facilities subject to fees, taking into account the size and type of facility and the risks of detrimental impacts associated therewith; and

(b) the setting of a fee
schedule pertaining to these classes with those classes presenting a greater risk having a higher dollar amount than those classes presenting a lesser risk: PROVIDED, That the annual fee for any class shall not be greater than seven thousand five hundred dollars.

The department shall prepare a list of all such hazardous waste facilities and the fee for each such facility or type of facility and shall provide a statement to each operator of a facility specifying the fee that is owed and the basis for the fee.

(2) Notwithstanding the provisions of section 3 (1) through (5) of this act or this section, no person who operates a combined identified site and hazardous waste treatment, storage, or disposal site shall be required to pay more than seven thousand five hundred dollars annually to the hazardous waste control and elimination account.

(3) The Department of Ecology is required to increase or decrease the fees of subsection (1) of this section and the limitation on total payment of subsection (2) of this section, by five per cent on each occasion when the consumer price index of the United States Department of Labor increases or decreases by a five percent increment from the index figure as it existed on January 1, 1983. Each such fee and limitation increase or decrease shall be set forth in rules adopted by the Department of Ecology.

NEW SECTION. Sec. 5. All fees paid to the state as provided in sections 3 and 4 of this act shall be placed in a hazardous waste control and elimination account of the general fund, and subject to legislative appropriation, be expended by the department of ecology solely to carry out the powers set forth in section 6 of this act.

NEW SECTION. Sec. 6. (1) The department of ecology may use funds in the hazardous waste control and elimination account in the implementation of the powers vested under RCW 70.105.020, 70.105.030, 70.105.080, 70.105.100, 70.105.120, and 70.105.130 and 70.105.____ (SSB 4245, section 2 and 3) and subsections (3) and (4) of this section as well as the administrative costs relating to the implementation of subsection (2) of this section.

(2) The department is authorized to participate in and is empowered to carry out all programs of the Federal Comprehensive Environmental Response, Compensation and Liability Act of 1980 contemplated for state participation or administration under that act.

(3) In relation or addition to the powers set forth in this section and any other provisions of this code, the department is empowered, with regard to the regulation, control, or removal of hazardous substances and wastes, as follows:

(a) To coordinate responses to hazardous substances accident and spill incidents;
(b) To respond to, direct, or initiate cleanup of hazardous substances, accidents and spills, and hazardous waste sites;
(c) To conduct or contract for professional technical data gathering and analysis and damage assessment; and
(d) To conduct or contract for the removal of hazardous substances and wastes where there has been or is a potential for release, regardless of quantity or concentration, which could pose a threat to public health or the environment.

(4) The department is empowered to participate in and carry out all programs of the federal Resource Conservation and Recovery Act, as amended, contemplated for implementation by a state under that act and may use funds in the hazardous waste control and elimination account in the implementation thereof.

(5) The attorney general, at the request of the department, is empowered to recover money expended by the department from the hazardous waste control and elimination account under authority of this section when these funds were utilized to respond to an unpermitted spill or discharge or to control the release or threatened release of hazardous substances or wastes. Recovery authorized by this section shall be from any person owning or controlling the material spilled or discharged. Actions to recover money may be initiated in the superior court of Thurston county or any county in which the hazardous waste site or activity is located. Moneys recovered under this section shall be paid into the hazardous waste control and elimination account.

NEW SECTION. Sec. 7. Any person aggrieved by a determination of the department of ecology pertaining to the fee imposed under section 3(1) of this act or to a specific fee contained in a statement issued under section 4(1) of this act may obtain review thereof by the pollution control hearings board in the same manner as review may be obtained of permits issued by the department pursuant to RCW 90.48.160. If a petition requesting review is filed with the board within thirty days of the day of service of the determination or of the statement of fees due, there shall be no increase in an amount set forth in a statement, as provided in section 8(1) of this act, during any period of time when a review proceeding is pending before the board or a reviewing court. This section shall have no applicability to the adoption of rules by the department pursuant to section 4(1) of this act.

NEW SECTION. Sec. 8. (1) The fees required by section 3(2) or 4(1) of this act, when due and payable, shall bear interest at the rate of nine percent per annum for each month (or portion thereof) that the fee is not paid.

(2) The department of ecology may levy civil penalties in the amount of up to five hundred dollars for each day fees and interest due and owing under section 4 or 8(1) of this act are
unpaid. The procedures relating to levying and collection of penalties set forth in RCW 90.48-144 shall be applied to penalties levied under this section. Moneys collected under this subsection shall be placed in the hazardous waste control and elimination account.

(3) The attorney general is authorized to initiate such actions in the courts as are necessary and appropriate to ensure compliance with the provisions of this chapter.

NEW SECTION. Sec. 9. (1) If any provision of this chapter or a portion thereof or its application to any person or legal entity or circumstances is held invalid, the remainder of the chapter, or the application of the provision or a portion thereof to other persons or legal entities or circumstances, shall not be affected.

(2) This chapter is exempted from the rule of strict construction, and it shall be liberally construed to give full effect to the objectives and purposes for which it was enacted.

(3) Nothing in this chapter relates to radioactive wastes, however characterized, and the department is precluded from using the funds of the hazardous waste control and elimination account for the regulation and control of such wastes.

(4) Consistent with subsection (2) of this section and taking into account the ambiguities of federal law relating to possible preemption of exercise of powers provided to the department in this chapter, the department shall implement this chapter, to the maximum extent reasonably attainable, to insure that no conflict with those preemptive aspects takes place.

NEW SECTION. Sec. 10. There is appropriated to the department of ecology from the hazardous waste control and elimination account in the general fund for the biennium ending June 30, 1985, the sum of one million four hundred sixty-four thousand dollars, or so much thereof as may be necessary, to administer the purposes of section 1(2)(a) through (c) of this act.

NEW SECTION. Sec. 11. There is appropriated to the department of revenue from the hazardous waste control and elimination account in the general fund for the biennium ending June 30, 1985, the sum of fifty-nine thousand eight hundred six dollars, or so much thereof as may be necessary, to administer the collection of fees as provided in this act.

NEW SECTION. Sec. 12. There is appropriated to the department of ecology from the general fund for the biennium ending June 30, 1985, the sum of four million three hundred thousand dollars, or so much thereof as may be necessary, to administer the purposes of section 1(2)(d) through (f) of this act.

NEW SECTION. Sec. 13. The state treasurer is authorized to use revenue collected pursuant to sections 1 through 9 of this act, to the extent this revenue exceeds any legislative appropriation of the revenue to the department of ecology for purposes of section 1(2)(a) through (c) of this act to reimburse general fund expenditures for cleanup and restoration of those sites pursuant to section 1(2)(d) through (f) of this act.

NEW SECTION. Sec. 14. Sections 1 through 9 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 15. (1) 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 as follows:

(a) The powers provided to the department of ecology relating to the adoption of rules under sections 3(2) and 4(1) of this act shall take effect immediately; and

(b) The remainder of this act shall take effect on July 1, 1983.

(2) The annual fee due and payable under section 3 of this act on June 30, 1984, shall, following computation of the annual gross income of the business for the calendar year 1983, be prorated for the period July 1, 1983, through December 31, 1983.

MOTION

Senator Hughes moved the following amendment to the Committee on Parks and Ecology amendment be adopted:

On page 13, line 14, strike "and 70.105.130" and insert "70.105.130 and 70.105... (SSB 4245, sections 2 and 3)"

The President declared the question before the Senate to be adoption of the amendment to the Committee on Parks and Ecology amendment.

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

The President declared the question before the Senate to be adoption of the Committee on Parks and Ecology amendment, as amended.

The motion by Senator Hughes carried and the committee amendment, as amended, was adopted.

MOTION

On motion of Senator Hughes, the following title amendment was adopted:
On page 1, beginning on line 1 of the title, after "wastes;" strike the remainder of the title and insert "adding a new chapter to Title 70 RCW; creating a new section; prescribing penalties; making appropriations; providing effective dates; and declaring an emergency."

MOTION

On motion of Senator Hughes, the rules were suspended. Substitute House Bill No. 712, 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.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 712, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 712, as amended by the Senate, and the bill passed the Senate by the following vote:

Yeas. 45; nays. 2; absent, 1; excused. 1.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hunley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalfe, Moore, Newhouse, Owen, Patterson, Peierlson, Pullen, Quigg, Rinnehart, Sellar, Shippen, Talmadge, Thompson, Vogt, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.


Absent: Senator Rasmussen - 1.

Excused: Senator von Reichbauer - 1.

SUBSTITUTE HOUSE BILL NO. 712, 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

May 17, 1983

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3750 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 347, Laws of 1977 ex. sess. as last amended by section 2, chapter 4, Laws of 1982 2nd ex. sess. and RCW 84.33.071 are each amended to read as follows:

(1) Upon every person engaging within this state in business as a harvester of timber; as to such persons the amount of tax imposed with respect to such business shall be equal to the stumpage value of timber harvested between July 1, 1983, and June 30, 1985, inclusive, for sale or for commercial or industrial use multiplied by the (appropriate) rate (as follows: For timber harvested between October 1, 1974 and June 30, 1983, inclusive:)) of six and one-half percent.

(2) For purposes of this section:

(a) "Harvester" means every person who from his own land or from the land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services tells, cuts or takes timber for sale or for commercial or industrial use. It does not include persons performing under contract the necessary labor or mechanical services for a harvester.

(b) "Timber" means forest trees, standing or down, on privately or publicly owned land, and except as provided in RCW 84.33.170 includes Christmas trees.

(c) "Stumpage value of timber" means the appropriate stumpage value shown on tables to be prepared by the department of revenue pursuant to subsection (3) of this section.

(d) Timber shall be considered harvested at the time when in the ordinary course of business the quantity thereof by species is first definitely determined. The amount harvested shall be determined by the Scribner Decimal C Scale or other prevalent measuring practice adjusted to arrive at substantially equivalent measurements, as approved by the department of revenue.

(3) The department of revenue shall designate areas containing timber having similar growing, harvesting and marketing conditions to be used as units for the preparation and application of stumpage values. Each year on or before December 31 for use the following January through June 30, and on or before June 30 for use the following July through December 31, the department shall prepare tables of stumpage values of each species or subclassification of timber within such units, which values shall be the amount that each such species or subclassification would sell for at a voluntary sale made in the ordinary course of business for purposes of immediate harvest. Such stumpage values, expressed in terms of a dollar amount per thousand board feet or other unit measure, shall be determined from (a)
(a) gross proceeds from sales on the stump of similar timber of like quality and character at similar locations, and in similar quantities, or from (b) gross proceeds from sales of logs adjusted to reflect only the portion of such proceeds attributable to value on the stump immediately prior to harvest, or from a combination of (a) and (b), and shall be determined in a manner which makes reasonable and adequate allowances for age, size, quality, costs of removal, accessibility to point of conversion, market conditions and all other relevant factors. Upon application from any person who plans to harvest damaged timber, the stumpage values for which have been materially reduced from the values shown in the applicable tables due to damage resulting from fire, blow down, ice storm, flood or other sudden unforeseen cause, the department shall revise such tables for any area in which such timber is located and shall specify any additional accounting or other requirements to be complied with in reporting and paying such tax. The preliminary area designations and stumpage value tables and any revisions thereof shall be subject to review by the Ways and Means Committees of the House and Senate prior to finalization. Stumpage values shall be signed by the Director or his designee and authenticated by the official seal of the Department. A copy thereof shall be mailed to anyone who has submitted to the department a written request therefor.

(4) On or before the sixtieth day after the date of final adoption of any stumpage value tables, any harvester may appeal to the board of tax appeals for a revision of stumpage values for an area determined pursuant to subsection (3) of this section.

(5) There are hereby created in the state treasury a state timber tax account A and a state timber tax reserve account in the state general fund and any interest earned on the investment of cash balances shall be deposited in these accounts. The revenues from the tax imposed by subsection (1) of this section on timber harvested from privately owned land shall be deposited in state timber tax account A and state timber tax reserve account as follows:

<table>
<thead>
<tr>
<th>YEAR OF COLLECTION</th>
<th>ACCOUNT A</th>
<th>ACCOUNT RESERVE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1973 and thereafter</td>
<td>100%</td>
<td>0%</td>
</tr>
</tbody>
</table>

The revenues from the tax imposed by subsection (1) of this section on timber harvested from publicly owned land shall be deposited in the state general fund.

(6) The tax imposed under this section shall be computed with respect to timber harvested each calendar quarter and shall be due and payable in quarterly installments and remittance therefor shall be made on or before the last day of the month next succeeding the end of the quarterly period in which the tax accrued. The taxpayer on or before such date shall make out a return, upon such forms and setting forth such information as the department of revenue may require, showing the amount of the tax for which he is liable for the preceding quarterly period, and shall sign and transmit the same to the department of revenue, together with a remittance for such amount.

(7) The taxes imposed by this section shall be in addition to any taxes imposed upon the same persons pursuant to one or more of sections RCW 82.04.230 to 82.04.290, inclusive, and RCW 82.04.440, and none of such sections shall be construed to modify or interact with this section in any way, except RCW 82.04.450 and 82.32.045 shall not apply to the taxes imposed by this section.

(8) Any harvester incurring less than ten dollars tax liability under this section in any calendar quarter shall be excused from the payment of such tax, but may be required by the department of revenue to file a return even though no tax may be due.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety; the support of the state government and its existing public institutions, and shall take effect July 1, 1983."

On page 1, line 1 of the title, after "taxation:" strike the remainder of the title and insert "amending section 1, chapter 347, Laws of 1977 ex. sess. as last amended by section 2, chapter 4, Laws of 1982 2nd ex. sess. and RCW 84.33.071; providing an effective date; and declaring an emergency."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

Senator McDermott moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 3750. Debate ensued.

Senators Peterson, Gaspard and Conner demanded the previous question and the demand was sustained.

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 to concur in the House amendments to Engrossed Substitute Senate Bill No. 3750.
ROLL CALL

The Secretary called the roll and the motion by Senator McDermott failed and the Senate did not concur in the House amendments to Engrossed Substitute Senate Bill No. 3750 by the following vote: Yeas, 15; nays, 32; absent, 1; excused, 1.


Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Conner, Craswell, Deccio, Fuller, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Sellar, Vognild, Warnke, Woody, Zimmerman – 32.

Absent: Senator Rasmussen – 1.

The Senate did not concur in the House amendments to Engrossed Substitute Senate Bill No. 3750 and asks the House to recede therefrom.

MOTION

At 9:57 p.m., on motion of Senator Bottiger, the Senate was declared to be at ease.

The President called the Senate to order at 12:07 a.m.

REPORT OF CONFERENCE COMMITTEE

May 20, 1983

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred, ENGROSSED SUBSTITUTE HOUSE BILL NO. 55, adopting the capital budget, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

AN ACT Adopting the capital budget; making appropriations and authorizing expenditures for capital improvements; authorizing certain projects; providing an effective date; and declaring an emergency.

NEW SECTION. Sec. 1. A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be disbursed for capital projects during the period ending June 30, 1985, out of the several funds specified in this act.

INDEX

Arts Commission, sec. 903
Central Washington University, secs. 835–851
Commerce and Economic Development Department, sec. 901
Community College Education Board, secs. 863–886
Corrections Department, secs. 228–244
Eastern Washington University, secs. 826–834
Ecology Department, secs. 301–318
Education, State Board of, sec. 887
Emergency Services Department, sec. 139
Employment Security Department, sec. 245
Evergreen State College, secs. 853–858
Fisheries Department, secs. 501–546
Game Department, secs. 601–646
General Administration Department, secs. 101–128
Labor and Industries Department, sec. 246
Military Department, secs. 133–138
Natural Resources Department, secs. 701–722
Parks and Recreation Commission, secs. 401–433
Secretary of State, secs. 129–132
Social and Health Services Department, secs. 201–227
- Departmental Capital Services (Headquarters), secs. 201–208
- Developmental Disabilities, secs. 214–219
- Juvenile Rehabilitation, secs. 209–213
- Mental Health, secs. 220–227
State Treasurer, sec. 902
University of Washington, secs. 814–825
Veterans Affairs Department, sec. 244
Vocational Education Commission, sec. 888
NEW SECTION. Sec. 2. As used in this act, the following phrases have the following meanings:

"GF, Cap Bldg Constr Acct" means General Fund—Capital Building Construction Account;
"GF, State Bldg Constr Acct" means General Fund—State Building Construction Account;
"GF, Fish Cap Proj Acct" means General Fund—Fisheries Capital Projects Account;
"GF, ORA" means General Fund—Outdoor Recreation Account;
"GF, Sal Enhmt Constr Acct" means General Fund—Salmon Enhancement Construction Account;
"GF, For Dev Acct" means General Fund—Forest Development Account;
"GF, LIRA, DSHS Fac" means General Fund—Local Improvements Revolving Account—Department of Social and Health Services Facilities;
"GF, DSHS Constr Acct" means General Fund—State Social and Health Services Construction Account;
"GF, CEP & RI Acct" means General Fund—Charitable, Educational, Penal, and Reformatory Institutions Account;
"GF, Fire Trng Constr Acct" means General Fund—Fire Training Construction Account;
"GF, WSU Bldg Acct" means General Fund—Washington State University Building Account;
"GF, St H Ed Constr Acct" means General Fund—State Higher Education Construction Account;
"GF, EWU Cap Proj Acct" means General Fund—Eastern Washington University Capital Projects Account;
"GF, TESC Cap Proj Acct" means General Fund—The Evergreen State College Capital Projects Account;
"GF, Com Col Cap Impvmt Acct" means General Fund—Community College Capital Improvement Account;
"GF, Com Col Cap Proj Acct" means General Fund—Community College Capital Projects Account;
"GF, Com Col Cap Constr Acct" means General Fund—1975 Community College Capital Construction Account;
"GF, CWU Cap Proj Acct" means General Fund—Central Washington University Capital Projects Account;
"GF, UW Bldg Acct" means General Fund—University of Washington Building Account;
"GF, St Bldg Auth Constr Acct" means General Fund—State Building Authority Construction Account;
"GF, WWU Cap Proj Acct" means General Fund—Western Washington University Capital Projects Account;
"GF, Cap Purch & Dev Acct" means General Fund—Capitol Purchase and Development Account;
"GF, Hndcp Fac Constr Acct" means General Fund—Handicapped Facilities Construction Account;
"GF, LIRA, Waste Disp Fac" means General Fund—State and Local Improvement Revolving Account—Waste Disposal Facilities;
"GF, State Emerg Water Proj Rev" means General Fund—Emergency Water Project Revolving Account—State;
"GF, LIRA, Water Sup Fac" means General Fund—State and Local Improvement Revolving Account—Water Supply Facilities;
"GF, LIRA" means General Fund—State and Local Improvement Revolving Account;
"GF, LIRA, Public Rec Fac" means General Fund State and Local Improvement Revolving Account—Public Recreation Facilities;
"GF, PNW Fest Fac Constr Acct" means General Fund—Pacific Northwest Festival Facility Construction Account;
"GF, Cultural Fac Constr Acct" means General Fund—Cultural Facilities Construction Account;
"GF, H Ed Constr Acct" means General Fund—Higher Education Construction Account 1979;

The words "capital improvements" or "capital projects" used in this act mean acquisition of sites, easements, rights of way, or improvements thereon and appurtenances thereto, construction and initial equipment, reconstruction, demolition, or major alterations of new or presently owned capital assets.
PART I
GENERAL GOVERNMENT

NEW SECTION, Sec. 101. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
To conduct an energy audit program of all state-owned buildings.

Reappropriation Appropriation
GF, State Bldg Constr Acct 3,971,600
  Project Estimated Estimated
  Costs     Costs       Total
Through     7/1/85 and Costs
6/30/83     Thereafter
2,620,900   6,592,500

NEW SECTION, Sec. 102. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
To complete the house office building basement alteration and ground floor hearing rooms remodel.

Reappropriation Appropriation
GF, Cap Bldg Constr Acct 40,000
  Project Estimated Estimated
  Costs     Costs       Total
Through     7/1/85 and Costs
6/30/83     Thereafter
960,000     1,000,000

NEW SECTION, Sec. 103. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
To provide for emergency repair projects on the Capitol campus, including the old capitol, and Capitol Lake.

Reappropriation Appropriation
GF, Cap Bldg Constr Acct 216,000
GF, Cap Purch & Dev Acct 72,000
  Project Estimated Estimated
  Costs     Costs       Total
Through     7/1/85 and Costs
6/30/83     Thereafter
288,000

NEW SECTION, Sec. 104. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
To undertake three nondeferrable repair projects on the capitol campus.

Reappropriation Appropriation
GF, Cap Bldg Constr Acct 24,000
GF, Cap Purch & Dev Acct 576,000
  Project Estimated Estimated
  Costs     Costs       Total
Through     7/1/85 and Costs
6/30/83     Thereafter
600,000

NEW SECTION, Sec. 105. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
To provide for unanticipated repairs and improvements on the capitol campus.

Reappropriation Appropriation
GF, Cap Bldg Constr Acct 216,000
GF, Cap Purch & Dev Acct 72,000
  Project Estimated Estimated
  Costs     Costs       Total
Through     7/1/85 and Costs
6/30/83     Thereafter
288,000

NEW SECTION, Sec. 106. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
To implement three minor improvement projects on the capitol campus.

Reappropriation Appropriation
GF, Cap Bldg Constr Acct 72,000
GF, Cap Purch & Dev Acct 5,000
  Project Estimated Estimated
  Costs     Costs       Total
Through     7/1/85 and Costs
6/30/83     Thereafter
77,000

NEW SECTION, Sec. 107. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
To repair existing campus elevators, escalators, and other conveyance systems.

Reappropriation Appropriation
GF, Cap Bldg Constr Acct 106,000
GF, Cap Purch & Dev Acct 87,000
  Project Estimated Estimated
  Costs     Costs       Total
Through     7/1/85 and Costs
NEW SECTION. Sec. 108. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
To replace and maintain the roofs on capitol campus buildings.

<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF, State Bldg Constr Acct</td>
<td>298,000</td>
</tr>
<tr>
<td>GF, Cap Purch &amp; Dev Acct</td>
<td>60,000</td>
</tr>
</tbody>
</table>

**NEW SECTION. Sec. 109. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**
To study repair and improve the water distribution system.

<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF, Cap Bldg Constr Acct</td>
<td>175,000</td>
</tr>
</tbody>
</table>

**NEW SECTION. Sec. 110. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**
To provide a fire and water damage protection system for the state library.

<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF, Cap Bldg Constr Acct</td>
<td>399,000</td>
</tr>
</tbody>
</table>

**NEW SECTION. Sec. 111. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**
To replace the water chiller at the employment security building.

<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF, Cap Purch &amp; Dev Acct</td>
<td>500,000</td>
</tr>
</tbody>
</table>

**NEW SECTION. Sec. 112. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**
To provide improvements for handicapped access.

<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF, Cap Bldg Constr Acct</td>
<td>34,000</td>
</tr>
<tr>
<td>GF, Cap Purch &amp; Dev Acct</td>
<td>259,000</td>
</tr>
</tbody>
</table>

**NEW SECTION. Sec. 113. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**
To convert industrial space vacated by the state printer in the general administration building to office space for the state auditor and the state treasurer, and to renovate vacated computer space in the state treasurer’s office.

<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF, State Bldg Constr Acct</td>
<td>3,890,000</td>
</tr>
</tbody>
</table>

**NEW SECTION. Sec. 114. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**
To provide for the installation of energy conservation measures in various capitol campus buildings.

<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF, Cap Bldg Constr Acct</td>
<td>510,000</td>
</tr>
<tr>
<td>GF, Cap Purch &amp; Dev Acct</td>
<td>368,000</td>
</tr>
<tr>
<td>Section</td>
<td>Description</td>
</tr>
<tr>
<td>---------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>115</td>
<td>FOR THE DEPARTMENT OF GENERAL ADMINISTRATION To correct leaks in the capitol campus garage.</td>
</tr>
<tr>
<td>116</td>
<td>FOR THE DEPARTMENT OF GENERAL ADMINISTRATION To effect critical repairs at the northern state multiservice center.</td>
</tr>
<tr>
<td>117</td>
<td>FOR THE DEPARTMENT OF GENERAL ADMINISTRATION For Northern State Hospital repairs.</td>
</tr>
<tr>
<td>118</td>
<td>FOR THE DEPARTMENT OF GENERAL ADMINISTRATION For campus electrical repairs.</td>
</tr>
<tr>
<td>119</td>
<td>FOR THE DEPARTMENT OF GENERAL ADMINISTRATION For capitol campus electrical energy conservation.</td>
</tr>
<tr>
<td>120</td>
<td>FOR THE DEPARTMENT OF GENERAL ADMINISTRATION For powerhouse equipment modifications and replacement.</td>
</tr>
<tr>
<td>121</td>
<td>FOR THE DEPARTMENT OF GENERAL ADMINISTRATION To rehabilitate Capitol Lake.</td>
</tr>
<tr>
<td>122</td>
<td>FOR THE DEPARTMENT OF GENERAL ADMINISTRATION To rehabilitate Capitol Lake.</td>
</tr>
</tbody>
</table>
NEW SECTION. Sec. 123. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
For Office Building No. 2 window drip cap installation.

Project Estimated Costs Estimated Total Costs
Through Through 7/1/85 and Thereafter 591,000 2,163,000
6/30/83 763,000

NEW SECTION. Sec. 124. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
For alteration of the basement and ground floor of the general administration building for use as office space: design only.

Project Estimated Costs Estimated Total Costs
Through Through 7/1/85 and Thereafter 106,000
6/30/83 106,000

NEW SECTION. Sec. 125. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
For elevator/escalator repair and replacement.

Project Estimated Costs Estimated Total Costs
Through Through 7/1/85 and Thereafter 15,000 5,000 850,000
6/30/83 5,090,000

NEW SECTION. Sec. 126. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
For the acquisition of the McNeil Island complex including Gertrude and Pitt Islands.

Project Estimated Costs Estimated Total Costs
Through Through 7/1/85 and Thereafter 8,800,000
6/30/83

NEW SECTION. Sec. 127. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
To provide for alterations to the Public Lands Building for two ground level floor senate hearing rooms and support spaces. Includes funds not to exceed $284,000 for department of natural resources office modifications and relocation of department of natural resources functions.

Project Estimated Costs Estimated Total Costs
Through Through 7/1/85 and Thereafter 885,000
6/30/83

NEW SECTION. Sec. 128. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
To provide for Phase II House Office Building remodel.

Project Estimated Costs Estimated Total Costs
Through Through 7/1/85 and Thereafter 1,452,000
6/30/83

NEW SECTION. Sec. 129. FOR THE SECRETARY OF STATE
For renovation of the central Washington regional archives in Ellensburg.

Project Estimated Costs Estimated Total Costs
Through Through 7/1/85 and Thereafter 25,000
6/30/83

NEW SECTION. Sec. 123. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
For Office Building No. 2 window drip cap installation.

Project Estimated Costs Estimated Total Costs
Through Through 7/1/85 and Thereafter 591,000 2,163,000
6/30/83 763,000

NEW SECTION. Sec. 124. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
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Project Estimated Costs Estimated Total Costs
Through Through 7/1/85 and Thereafter 106,000
6/30/83 106,000

NEW SECTION. Sec. 125. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
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Project Estimated Costs Estimated Total Costs
Through Through 7/1/85 and Thereafter 15,000 5,000 850,000
6/30/83 5,090,000

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Project Estimated Costs Estimated Total Costs
Through Through 7/1/85 and Thereafter 8,800,000
6/30/83

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Project Estimated Costs Estimated Total Costs
Through Through 7/1/85 and Thereafter 885,000
6/30/83

NEW SECTION. Sec. 128. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
To provide for Phase II House Office Building remodel.

Project Estimated Costs Estimated Total Costs
Through Through 7/1/85 and Thereafter 1,452,000
6/30/83

NEW SECTION. Sec. 129. FOR THE SECRETARY OF STATE
For renovation of the central Washington regional archives in Ellensburg.
NEW SECTION. Sec. 130. FOR THE SECRETARY OF STATE
Renovate regional archives in King County.  

GF, State Bldg Constr Acct  
Project  Estimated  
Costs  Costs  
Through  7/1/85 and  
6/30/83  Thereafter  
14,000  62,000  

NEW SECTION. Sec. 131. FOR THE SECRETARY OF STATE
Remodel existing space in the archives and records center in Olympia for a conservation laboratory.  

GF, Cap Bldg Constr Acct  
Project  Estimated  
Costs  Costs  
Through  7/1/85 and  
6/30/83  Thereafter  
37,800  

NEW SECTION. Sec. 132. FOR THE SECRETARY OF STATE
Renovations to radar tower for records storage purposes in Blaine.  

GF, State Bldg Constr Acct  
Project  Estimated  
Costs  Costs  
Through  7/1/85 and  
6/30/83  Thereafter  
37,000  

NEW SECTION. Sec. 133. FOR THE MILITARY DEPARTMENT
Provide for minor renovation and energy conservation projects.  

GF, State Bldg Constr Acct  
Project  Estimated  
Costs  Costs  
Through  7/1/85 and  
6/30/83  Thereafter  
724,000  

NEW SECTION. Sec. 134. FOR THE MILITARY DEPARTMENT
To construct and equip maintenance shop---Fort Lewis.  

General Fund, Federal  
Project  Estimated  
Costs  Costs  
Through  7/1/85 and  
6/30/83  Thereafter  
1,438,000  

NEW SECTION. Sec. 135. FOR THE MILITARY DEPARTMENT
To construct and equip maintenance shop---Ephrata armory.  

General Fund, Federal  
Project  Estimated  
Costs  Costs  
Through  7/1/85 and  
6/30/83  Thereafter  
193,000  

NEW SECTION. Sec. 136. FOR THE MILITARY DEPARTMENT
Construct and equip a 200-man armory---Vancouver barracks.  

General Fund, Federal  
GF, State Bldg Constr Acct  
Project  Estimated  
Costs  Costs  
Through  7/1/85 and  
6/30/83  Thereafter  
78,000  

NEW SECTION. Sec. 137. FOR THE MILITARY DEPARTMENT
Acquire and equip a 200-man armory---South King County.  

General Fund, Federal  
GF, State Bldg Constr Acct  
Project  Estimated  
Costs  Costs  
Through  7/1/85 and  
6/30/83  Thereafter  
39,000  

2,121,000
### NEW SECTION. Sec. 138. FOR THE MILITARY DEPARTMENT

Complete exterior renovation and engineering study on total building renovation—Tacoma Armory.

<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF, State Bldg Constr Acct</td>
<td>20,000</td>
</tr>
<tr>
<td>Estimated Costs</td>
<td>Estimated Total Costs</td>
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<tr>
<td>Through 7/1/85 and</td>
<td>1,900,000</td>
</tr>
<tr>
<td>6/30/83 Thereafter</td>
<td></td>
</tr>
</tbody>
</table>

### NEW SECTION. Sec. 139. FOR THE DEPARTMENT OF EMERGENCY SERVICES

Study to determine location and design of an emergency services command center.

<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF, Cap Bldg Constr Acct</td>
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<tr>
<td>Estimated Costs</td>
<td>Estimated Total Costs</td>
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<tr>
<td>Through 7/1/85 and</td>
<td>2,675,700</td>
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<tr>
<td>6/30/83 Thereafter</td>
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</tbody>
</table>

## PART II

### HUMAN RESOURCES

### NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR DEPARTMENTAL CAPITAL SERVICES (HEADQUARTERS)

Repairs and improvements—State-wide.

<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF, DSHS Constr Acct</td>
<td>783,200</td>
</tr>
<tr>
<td>Estimated Costs</td>
<td>Estimated Total Costs</td>
</tr>
<tr>
<td>Through 7/1/85 and</td>
<td>37,000</td>
</tr>
<tr>
<td>6/30/83 Thereafter</td>
<td></td>
</tr>
</tbody>
</table>

### NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR DEPARTMENTAL CAPITAL SERVICES (HEADQUARTERS)

1. Construct and equip facilities for the care, training, and rehabilitation of persons with sensory, physical or mental handicaps (Referendum 37-Phase III).

2. Approve, construct, and equip facilities for the care, training, and rehabilitation of persons with sensory, physical, or mental handicaps involving twenty projects and totaling $2,645,000. The moneys allocated in this section shall revert for reallocation if the final application for the project has not been submitted by December 31, 1983, and approved by March 31, 1984 (Referendum 37-Phase IV).

<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF, Hndcp Fac Constr Acct</td>
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</tr>
<tr>
<td>Estimated Costs</td>
<td>Estimated Total Costs</td>
</tr>
<tr>
<td>Through 7/1/85 and</td>
<td></td>
</tr>
<tr>
<td>6/30/83 Thereafter</td>
<td></td>
</tr>
</tbody>
</table>

### NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR DEPARTMENTAL CAPITAL SERVICES (HEADQUARTERS)

The department of social and health services is authorized to allocate $1,650,000 in Referendum 29 funds to the City of Seattle for the Downtown Seattle Special Residence for the Mentally Ill. The City of Seattle must submit an application by December 31, 1983, and must receive department approval by March 31, 1984, or the amount authorized shall lapse.

<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
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<tbody>
<tr>
<td>GF, LIRA, DSHS Fac</td>
<td>1,300,000</td>
</tr>
<tr>
<td>Estimated Costs</td>
<td>Estimated Total Costs</td>
</tr>
<tr>
<td>Through 7/1/85 and</td>
<td></td>
</tr>
<tr>
<td>6/30/83 Thereafter</td>
<td></td>
</tr>
</tbody>
</table>
NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR DEPARTMENTAL CAPITAL SERVICES (HEADQUARTERS)
Comply with section 504 relating to handicapped access to facilities.

<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project</td>
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<tr>
<td>Costs</td>
<td>Estimated</td>
</tr>
<tr>
<td>Through</td>
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</tr>
<tr>
<td>6/30/83</td>
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NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR DEPARTMENTAL CAPITAL SERVICES (HEADQUARTERS)
Construct and equip a new state public health laboratory.

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<tr>
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<tr>
<td>Through</td>
<td>Estimated</td>
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<tr>
<td>6/30/83</td>
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<tr>
<td>440,900</td>
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NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR DEPARTMENTAL CAPITAL SERVICES (HEADQUARTERS)
Establish and implement energy conservation program—DSHS institutions.

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<td>Project</td>
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<tr>
<td>Costs</td>
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<tr>
<td>Through</td>
<td>Estimated</td>
</tr>
<tr>
<td>6/30/83</td>
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NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR DEPARTMENTAL CAPITAL SERVICES (HEADQUARTERS)
Develop project plans for major current and backlog facility deficiencies.

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NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR JUVENILE REHABILITATION
Renovation, repair, and construction related to small projects.

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<tr>
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<tr>
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NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR JUVENILE REHABILITATION
Renovate kitchen, dining room, and administration building and construct new commissary—Naselle Youth Camp.

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<tr>
<td>Project</td>
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<td>Costs</td>
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<tr>
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NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR JUVENILE REHABILITATION
Upgrade facilities including vocational and educational buildings—Green Hill School.

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<tr>
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<tbody>
<tr>
<td>Project</td>
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<tr>
<td>Costs</td>
<td>Estimated</td>
</tr>
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<td>Through</td>
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<td>365,000</td>
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</table>
NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR JUVENILE REHABILITATION

Repair and replace roots—Echo Glen Children's Center.

Reappropriation 1,231,700

GF, DSHS Constr Acct
Project Estimated Estimated
Costs Costs
Through 7/1/85 and Costs
Thereafter

Through 6/30/83 1,440,900

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR JUVENILE REHABILITATION

Repair utilities—Maple Lane.

Reappropriation 609,100

GF, DSHS Constr Acct
Project Estimated Estimated
Costs Costs
Through 7/1/85 and Costs
Thereafter

Through 6/30/83 609,100

NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR JUVENILE REHABILITATION

Repair utilities—Green Hill School.

Reappropriation 307,000

GF, DSHS Constr Acct
Project Estimated Estimated
Costs Costs
Through 7/1/85 and Costs
Thereafter

Through 6/30/83 307,000

NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR DEVELOPMENTAL DISABILITIES

Renovate Douglas Hall, renovate or construct infirmary, renovate habilitation center, make utility and site improvements, demolish old buildings on north campus, design through working drawings for Phase IV—Lakeland Village.

Reappropriation 4,824,500

GF, DSHS Constr Acct
Project Estimated Estimated
Costs Costs
Through 7/1/85 and Costs
Thereafter

Through 6/30/83 23,369,700

NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR DEVELOPMENTAL DISABILITIES

Construct and equip nine residential units, renovate skilled nursing center and health center, renovate kitchen, improve facilities and site, design through working drawings for Phase IV—Rainier School.

Reappropriation 9,174,800

GF, DSHS Constr Acct
Project Estimated Estimated
Costs Costs
Through 7/1/85 and Costs
Thereafter

Through 6/30/83 32,131,000

NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR DEVELOPMENTAL DISABILITIES

Renovate and equip the main building. Phase III—Yakima Valley School.

Reappropriation 17,811,100

GF, DSHS Constr Acct
Project Estimated Estimated
Costs Costs
Through 7/1/85 and Costs
Thereafter

Through 6/30/83 14,242,100

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR DEVELOPMENTAL DISABILITIES

Repair and upgrade utilities, and fire and safety improvements. Phase IV—Fircrest.
TWENTY-EIGHTH DAY, MAY 22, 1983

GF, DSHS Constr Acct
Reappropriation 75,000 Appropriation 1,615,000

Costs
Estimated Costs
Through 7/1/85 and
6/30/83 Thereafter
3,805,300

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR DEVELOPMENTAL DISABILITIES
Repair or replace roof—Interlake.

GF, DSHS Constr Acct
Reappropriation 345,900 Appropriation 2,612,500

Project Estimated Costs
Costs 7/1/85 and
Through 6/30/83 Thereafter
1,167,000 3,500,000 7,279,500

NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR DEVELOPMENTAL DISABILITIES
Construct and equip two additional 16-bed residential units—Complete Phase II—Frances Haddon Morgan.

GF, DSHS Constr Acct
Reappropriation 289,000 Appropriation 2,331,000

Project Estimated Costs
Costs 7/1/85 and
Through 6/30/83 Thereafter
19,630,000 550,000 21,293,000

NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR MENTAL HEALTH
Fire and safety improvements—Western State Hospital.

GF, DSHS Constr Acct
Reappropriation 245,000 Appropriation 289,000

Project Estimated Costs
Costs 7/1/85 and
Through 6/30/83 Thereafter

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR MENTAL HEALTH
Repair cottages—Child Study and Treatment Center—Western State Hospital campus.

GF, DSHS Constr Acct
Reappropriation 1,113,000 Appropriation 838,000

Project Estimated Costs
Costs 7/1/85 and
Through 6/30/83 Thereafter
19,630,000 550,000 21,293,000

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR MENTAL HEALTH
Completion of design, construction, and equipping 225-bed facility for the nonoffender population—Western State Hospital.

GF, DSHS Constr Acct
Reappropriation 1,113,000 Appropriation 838,000

Project Estimated Costs
Costs 7/1/85 and
Through 6/30/83 Thereafter
19,630,000 550,000 21,293,000

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR MENTAL HEALTH
Completion of health, safety, facility, utility and roofing improvements—Western State Hospital.
NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR MENTAL HEALTH
Completion of design, construction, and equipping 130-bed facility for nonoffender population—Eastern State Hospital.

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GF, DSHS Constr Acct
Project
Costs
Through 6/30/83
11,985,000
NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR MENTAL HEALTH
Install emergency generator—Western State Hospital.

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GF, DSHS Constr Acct
Project
Costs
Through 6/30/83
6/30/83
NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR MENTAL HEALTH
Renovate wards—Eastern State Hospital.

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GF, DSHS Constr Acct
Project
Costs
Through 6/30/83

NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR MENTAL HEALTH
Renovate heating and ventilation system—McNeil Island.

<table>
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<td>16,473,900</td>
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GF, DSHS Constr Acct
Project
Costs
Through 6/30/83
830,000
NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF CORRECTIONS
Cover current obligations related to design, site planning, and land acquisition for a 500-bed medium security corrections center at Grandview. New contracts or other expenditure obligations relative to construction of this project are to be deferred.

<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
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<tbody>
<tr>
<td>1,500,000</td>
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<td>2,330,000</td>
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</table>

GF, DSHS Constr Acct
Project
Costs
Through 6/30/83
830,000
NEW SECTION. Sec. 229. FOR THE DEPARTMENT OF CORRECTIONS
Renovate heating and ventilation system—McNeil Island.

<table>
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GF, DSHS Constr Acct
Project
Costs
Through 6/30/83
105,000
NEW SECTION. Sec. 230. FOR THE DEPARTMENT OF CORRECTIONS
Construct 500-bed medium security corrections center on the grounds of the Monroe Reformatory.

<table>
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</table>

GF, DSHS Constr Acct
Project
Costs
Through 6/30/83
12,970,000
NEW SECTION. Sec. 231. FOR THE DEPARTMENT OF CORRECTIONS
Repair facilities and utilities—McNeil Island.

Reappropriation   Appropriation
GF, DSHS Constr Acct  1,000,000
Project                  Estimated   Estimated
Costs                       Costs       Total
Through                     7/1/85 and Costs
6/30/83                     Thereafter
1,667,406

NEW SECTION. Sec. 232. FOR THE DEPARTMENT OF CORRECTIONS
Construct a 500-bed medium security corrections center—Clallam Bay.

Reappropriation   Appropriation
GF, DSHS Constr Acct  7,148,400
Project                Estimated   Estimated
Costs                   Costs       Total
Through                  7/1/85 and Costs
6/30/83                   Thereafter
2,601,600

NEW SECTION. Sec. 233. FOR THE DEPARTMENT OF CORRECTIONS
Continue to upgrade utilities, living units, and security capabilities—Phase II.
Washington State Penitentiary.

Reappropriation   Appropriation
GF, DSHS Constr Acct  14,000,000
Project                Estimated   Estimated
Costs                   Costs       Total
Through                  7/1/85 and Costs
6/30/83                   Thereafter
12,907,492

NEW SECTION. Sec. 234. FOR THE DEPARTMENT OF CORRECTIONS
Upgrade security, housing units, utilities, services, and inmate movement—Phase II.
Washington State Reformatory.

Reappropriation   Appropriation
GF, DSHS Constr Acct  146,500
Project                Estimated   Estimated
Costs                   Costs       Total
Through                  7/1/85 and Costs
6/30/83                   Thereafter
576,900

NEW SECTION. Sec. 235. FOR THE DEPARTMENT OF CORRECTIONS
Provide facilities for 600 additional inmates—Washington Corrections Center, Shelton.

Reappropriation   Appropriation
GF, State Bldg Constr Acct  18,510,000
Project                Estimated   Estimated
Costs                   Costs       Total
Through                  7/1/85 and Costs
6/30/83                   Thereafter
18,510,000

NEW SECTION. Sec. 236. FOR THE DEPARTMENT OF CORRECTIONS
Emergency and unanticipated projects.

Reappropriation   Appropriation
GF, State Bldg Constr Acct  1,943,203
Project                Estimated   Estimated
Costs                   Costs       Total
Through                  7/1/85 and Costs
6/30/83                   Thereafter
1,943,203

NEW SECTION. Sec. 237. FOR THE DEPARTMENT OF CORRECTIONS
Renovation, repair, construction of small projects—state-wide.

Reappropriation   Appropriation
GF, State Bldg Constr Acct  1,943,203
Project                Estimated   Estimated
Costs                   Costs       Total
Through                  7/1/85 and Costs
6/30/83                   Thereafter
1,943,203

NEW SECTION. Sec. 238. FOR THE DEPARTMENT OF CORRECTIONS
Improve water quality—Washington State Reformatory.
NEW SECTION. Sec. 239. FOR THE DEPARTMENT OF CORRECTIONS
Renovate farm housing and provide 200 additional beds—McNeil Island.

NEW SECTION. Sec. 240. FOR THE DEPARTMENT OF CORRECTIONS
Improve capability to handle mentally disturbed inmates—Washington Corrections Center.

NEW SECTION. Sec. 241. FOR THE DEPARTMENT OF CORRECTIONS
Construct maximum security inmate living units—Purdy Treatment Center for Women.

NEW SECTION. Sec. 242. FOR THE DEPARTMENT OF CORRECTIONS
Install bag house to comply with the air pollution control board's air quality emissions standards—Washington Corrections Center.

NEW SECTION. Sec. 243. FOR THE DEPARTMENT OF CORRECTIONS
Replace old, small-capacity passenger ferry boat with larger-capacity boat—McNeil Island.

NEW SECTION. Sec. 244. FOR THE DEPARTMENT OF VETERANS AFFAIRS
Repair and improve facilities at the Soldiers' Home and Veterans' Home.
NEW SECTION. Sec. 246. FOR THE EMPLOYMENT SECURITY DEPARTMENT
Acquire land and construct an office building in Walla Walla.

Through 7/1/85 and Costs
6/30/83 Thereafter 1,299,900
710,900

NEW SECTION. Sec. 247. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES
Repair and improve facilities at the Buckner rehabilitation center.

NEW SECTION. Sec. 301. FOR THE DEPARTMENT OF ECOLOGY
Acquire property and construct building at Padilla Bay.

PART II
DEPARTMENT OF ECOLOGY
NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF ECOLOGY
Drilling of test observation wells in Island County.

NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF ECOLOGY
Provide low water fixtures to reduce water in drainfields, Alta Lake State Park.

NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF ECOLOGY
To construct waste disposal facilities at Dash Point, Riverside, and Sacajawea State Parks.

NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF ECOLOGY
To construct water supply facilities at Sacajawea State Park.

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated Costs</th>
<th>Through 7/1/85 and</th>
<th>Thereafter</th>
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<td>NEW SECTION. Sec. 247. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES Project</td>
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<td>NEW SECTION. Sec. 301. FOR THE DEPARTMENT OF ECOLOGY Project</td>
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<td>1,299,900</td>
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<td>PART III DEPARTMENT OF ECOLOGY NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF ECOLOGY Project</td>
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<tr>
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<td>1,299,900</td>
</tr>
<tr>
<td>564,800</td>
<td>181,200</td>
<td>746,000</td>
<td></td>
</tr>
<tr>
<td>GF. LIRA. Waste Disp Fac Project</td>
<td>Estimated Costs</td>
<td>545,000</td>
<td>246,250</td>
</tr>
<tr>
<td>Through 6/30/83</td>
<td>Estimated Costs</td>
<td>710,900</td>
<td>1,299,900</td>
</tr>
<tr>
<td>95,100</td>
<td>124,900</td>
<td>220,000</td>
<td></td>
</tr>
</tbody>
</table>
NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF ECOLOGY
Equip three marine parks (Squaxin Island, Jones Island, and Sucia Island) with self-contained organic sewage treatment systems.

<table>
<thead>
<tr>
<th>Project</th>
<th>Cost 7/1/83</th>
<th>Cost Thereafter</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF, LIRA Waste Fac 1980</td>
<td>91,000</td>
<td>127,100</td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF ECOLOGY
Provide facilities in twenty-seven parks for the disposal of marine sewage from Porta-Potties.

<table>
<thead>
<tr>
<th>Project</th>
<th>Cost 7/1/85 and</th>
<th>Cost Thereafter</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF, LIRA. Waste Fac 1980</td>
<td>104,800</td>
<td>104,800</td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF ECOLOGY
Renovate primary and secondary water distribution system—Larrabee State Park.

<table>
<thead>
<tr>
<th>Project</th>
<th>Cost 7/1/85 and</th>
<th>Cost Thereafter</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF, LIRA. Water Sup Fac</td>
<td>43,600</td>
<td>43,600</td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF ECOLOGY
Provide water service connection for fire protection and public use—Saint Edward State Park.

<table>
<thead>
<tr>
<th>Project</th>
<th>Cost 7/1/85 and</th>
<th>Cost Thereafter</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF, LIRA. Water Sup Fac</td>
<td>220,000</td>
<td>220,000</td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF ECOLOGY
Provide for water system improvements—Sun Lakes State Park.

<table>
<thead>
<tr>
<th>Project</th>
<th>Cost 7/1/85 and</th>
<th>Cost Thereafter</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF, LIRA. Water Sup Fac</td>
<td>35,000</td>
<td>83,600</td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 311. FOR THE DEPARTMENT OF ECOLOGY
Extend water system—Jones Island.

<table>
<thead>
<tr>
<th>Project</th>
<th>Cost 7/1/85 and</th>
<th>Cost Thereafter</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF, LIRA—Water Sup Fac</td>
<td>48,300</td>
<td>48,300</td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 312. FOR THE DEPARTMENT OF ECOLOGY
Extend water system—Blake Island.

<table>
<thead>
<tr>
<th>Project</th>
<th>Cost 7/1/85 and</th>
<th>Cost Thereafter</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF, LIRA—Water Sup Fac</td>
<td>87,700</td>
<td>87,700</td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 313. FOR THE DEPARTMENT OF ECOLOGY
Improve sewage lagoon—Brooks Memorial State Park, Klickitat County.

<table>
<thead>
<tr>
<th>Project</th>
<th>Cost 7/1/85 and</th>
<th>Cost Thereafter</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF, LIRA, Waste Fac 1980</td>
<td>92,700</td>
<td>92,700</td>
</tr>
<tr>
<td>Project Costs Through 6/30/83</td>
<td>Estimated Costs 7/1/85 and Thereafter</td>
<td>Estimated Total Costs</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>----------------------------------------</td>
<td>-----------------------</td>
</tr>
</tbody>
</table>

**NEW SECTION. Sec. 314. FOR THE DEPARTMENT OF ECOLOGY**
Provide funds for sewage treatment facility expansion—Moran State Park, San Juan County.

Reappropriation Appropriation
GF. LIRA. Waste Fac 1980
Project Estimated Estimated Costs
Costs Total Costs
Through 7/1/85 and Costs
6/30/83 Thereafter

**NEW SECTION. Sec. 315. FOR THE DEPARTMENT OF ECOLOGY**
Connect Ocean City State Park's existing sewer system to Ocean Shores municipal sewer system—Grays Harbor County.

Reappropriation Appropriation
GF. LIRA. Waste Fac 1980
Project Estimated Estimated Costs
Costs Total Costs
Through 7/1/85 and Costs
6/30/83 Thereafter

**NEW SECTION. Sec. 316. FOR THE DEPARTMENT OF ECOLOGY**
Repair and remodel sewage system—Sun Lakes State Park, Grant County.

Reappropriation Appropriation
GF. LIRA. Waste Fac 1980
Project Estimated Estimated Costs
Costs Total Costs
Through 7/1/85 and Costs
6/30/83 Thereafter

**NEW SECTION. Sec. 317. FOR THE DEPARTMENT OF ECOLOGY**
Renovate sewage system—Illahee State Park, Kitsap County.

Reappropriation Appropriation
GF. LIRA. Waste Fac 1980
Project Estimated Estimated Costs
Costs Total Costs
Through 7/1/85 and Costs
6/30/83 Thereafter

**NEW SECTION. Sec. 318. FOR THE DEPARTMENT OF ECOLOGY**
Renovate sewage system—Pacific Beach State Park, Grays Harbor County.

Reappropriation Appropriation
GF. LIRA. Waste Fac 1980
Project Estimated Estimated Costs
Costs Total Costs
Through 7/1/85 and Costs
6/30/83 Thereafter

PART IV
STATE PARKS AND RECREATION COMMISSION

**NEW SECTION. Sec. 401. FOR THE STATE PARKS AND RECREATION COMMISSION**
Whatcom County Trails.

Reappropriation Appropriation
GF. ORA—State
Project Estimated Estimated Costs
Costs Total Costs
Through 7/1/85 and Costs
6/30/83 Thereafter

GF. ORA—Federal
Project Estimated Estimated Costs
Costs Total Costs

**NEW SECTION. Sec. 402. FOR THE STATE PARKS AND RECREATION COMMISSION**
Acquire access to ocean beach (Griffiths Friday)—Copalis.

Reappropriation Appropriation
GF. ORA—State
Project Estimated Estimated Costs
Costs Total Costs
105,000
GF. ORA—Federal
105,000

2237
NEW SECTION. Sec. 403. FOR THE STATE PARKS AND RECREATION COMMISSION

Develop facilities—Fort Canby.

<table>
<thead>
<tr>
<th>GF. ORA</th>
<th>Estimated</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>State</td>
<td>44,000</td>
<td>210,000</td>
</tr>
</tbody>
</table>

Costs Through 6/30/83

NEW SECTION. Sec. 404. FOR THE STATE PARKS AND RECREATION COMMISSION

Develop facilities—Spencer Spit.

<table>
<thead>
<tr>
<th>GF. ORA</th>
<th>Estimated</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>State</td>
<td>85,000</td>
<td>638,000</td>
</tr>
<tr>
<td>Federal</td>
<td>85,000</td>
<td></td>
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</tbody>
</table>

Costs Through 6/30/83

NEW SECTION. Sec. 405. FOR THE STATE PARKS AND RECREATION COMMISSION

Acquire land—Squak Mountain.

<table>
<thead>
<tr>
<th>GF. ORA</th>
<th>Estimated</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>State</td>
<td>39,000</td>
<td>78,000</td>
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<tr>
<td>Federal</td>
<td>39,000</td>
<td></td>
</tr>
</tbody>
</table>

Costs Through 6/30/83

NEW SECTION. Sec. 406. FOR THE STATE PARKS AND RECREATION COMMISSION

Renovate facilities—Camp Wooten.

<table>
<thead>
<tr>
<th>GF. ORA</th>
<th>Estimated</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>State</td>
<td>20,700</td>
<td>109,000</td>
</tr>
<tr>
<td>Federal</td>
<td>20,700</td>
<td></td>
</tr>
</tbody>
</table>

Costs Through 6/30/83

NEW SECTION. Sec. 407. FOR THE STATE PARKS AND RECREATION COMMISSION

Develop facilities—Clallam Spit.

<table>
<thead>
<tr>
<th>GF. ORA</th>
<th>Estimated</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>State</td>
<td>88,500</td>
<td>179,000</td>
</tr>
<tr>
<td>Federal</td>
<td>88,500</td>
<td></td>
</tr>
</tbody>
</table>

Costs Through 6/30/83

NEW SECTION. Sec. 408. FOR THE STATE PARKS AND RECREATION COMMISSION

Acquire recreational sites—Beards Hollow and Penrose.

<table>
<thead>
<tr>
<th>GF. ORA</th>
<th>Estimated</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>State</td>
<td>58,900</td>
<td>8,340,300</td>
</tr>
<tr>
<td>Federal</td>
<td>58,900</td>
<td></td>
</tr>
</tbody>
</table>

Costs Through 6/30/83

NEW SECTION. Sec. 409. FOR THE STATE PARKS AND RECREATION COMMISSION

Continue to acquire approximately 350 to 400 acres and 1.5 miles of riverfront—Green River Gorge.

<table>
<thead>
<tr>
<th>GF. ORA</th>
<th>Estimated</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>State</td>
<td>296,000</td>
<td>8,340,300</td>
</tr>
<tr>
<td>Federal</td>
<td>96,300</td>
<td></td>
</tr>
</tbody>
</table>

Costs Through 6/30/83
NEW SECTION. Sec. 410. FOR THE STATE PARKS AND RECREATION COMMISSION

Acquire approximately 152 acres adjacent to Yakima Sportsman State Park.

Reappropriation 150,000

GF. ORA—State

Project

Costs

Through 7/1/85 and

Thereafter

GF. ORA—Federal

7,303,700

5,696,000

Estimated Costs

Total Costs

NEW SECTION. Sec. 411. FOR THE STATE PARKS AND RECREATION COMMISSION

Repair and replace timber breakwater—Fort Worden.

Reappropriation 150,000

GF. ORA—State

Project

Costs

Through 7/1/85 and

Thereafter

GF. ORA—Federal

171,200

193,800

Estimated Costs

Total Costs

NEW SECTION. Sec. 412. FOR THE STATE PARKS AND RECREATION COMMISSION

Renovate car-top boat launch ramp and turnaround—Potholes.

Reappropriation 15,300

GF. ORA—State

Project

Costs

Through 7/1/85 and

Thereafter

GF. ORA—Federal

30,500

15,300

Estimated Costs

Total Costs

NEW SECTION. Sec. 413. FOR THE STATE PARKS AND RECREATION COMMISSION

Expand boat moorage—Deception Pass.

Reappropriation 25,600

GF. ORA—State

Project

Costs

Through 7/1/85 and

Thereafter

GF. ORA—Federal

51,200

25,600

Estimated Costs

Total Costs

NEW SECTION. Sec. 414. FOR THE STATE PARKS AND RECREATION COMMISSION

Renovate campground and day-use area—Riverside.

Reappropriation 194,000

GF. ORA—State

Project

Costs

Through 7/1/85 and

Thereafter

GF. ORA—Federal

300,000

194,000

Estimated Costs

Total Costs

NEW SECTION. Sec. 415. FOR THE STATE PARKS AND RECREATION COMMISSION

Begin trail system development—Mt. Spokane.

Reappropriation 53,200

GF. ORA—State

Project

Costs

Through 7/1/85 and

Thereafter

GF. ORA—Federal

200,000

53,200

Estimated Costs

Total Costs

NEW SECTION. Sec. 416. FOR THE STATE PARKS AND RECREATION COMMISSION

Construct small bathhouse and kitchen—Fort Worden.

Reappropriation 179,800

GF. ORA—State

Project

Costs

Through 7/1/85 and

Thereafter

GF. ORA—Federal

89,900

89,900

Estimated Costs

Total Costs

NEW SECTION. Sec. 417. FOR THE STATE PARKS AND RECREATION COMMISSION
Renovate concession area—Twenty-Five Mile Creek.

<table>
<thead>
<tr>
<th>Project</th>
<th>129,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF, ORA—State</td>
<td></td>
</tr>
<tr>
<td>Reappropriation Estimated</td>
<td></td>
</tr>
<tr>
<td>Appropriation Total Costs</td>
<td></td>
</tr>
<tr>
<td>139,000</td>
<td></td>
</tr>
</tbody>
</table>

**NEW SECTION. Sec. 418. FOR THE STATE PARKS AND RECREATION COMMISSION**

Renovate day-use area—Saltwater.

<table>
<thead>
<tr>
<th>Project</th>
<th>87,700</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF, ORA—State</td>
<td></td>
</tr>
<tr>
<td>Reappropriation Estimated</td>
<td></td>
</tr>
<tr>
<td>Appropriation Estimated Total Costs</td>
<td></td>
</tr>
<tr>
<td>115,500</td>
<td></td>
</tr>
</tbody>
</table>

**NEW SECTION. Sec. 419. FOR THE STATE PARKS AND RECREATION COMMISSION**

Renovate campground area—Larrabee.

<table>
<thead>
<tr>
<th>Project</th>
<th>68,600</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF, ORA—State</td>
<td></td>
</tr>
<tr>
<td>Reappropriation Estimated</td>
<td></td>
</tr>
<tr>
<td>Appropriation Estimated Total Costs</td>
<td></td>
</tr>
<tr>
<td>137,200</td>
<td></td>
</tr>
</tbody>
</table>

**NEW SECTION. Sec. 420. FOR THE STATE PARKS AND RECREATION COMMISSION**

Renovate day-use area—Wenberg.

<table>
<thead>
<tr>
<th>Project</th>
<th>98,400</th>
</tr>
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<tbody>
<tr>
<td>GF, ORA—State</td>
<td></td>
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<tr>
<td>Reappropriation Estimated</td>
<td></td>
</tr>
<tr>
<td>Appropriation Estimated Total Costs</td>
<td></td>
</tr>
<tr>
<td>134,100</td>
<td></td>
</tr>
</tbody>
</table>

**NEW SECTION. Sec. 421. FOR THE STATE PARKS AND RECREATION COMMISSION**

Renovate boat moorage areas: Squaxin Island, Mystery Bay, Jarrell Cove, Penrose Point, Blake Island, and Cornet Bay.

<table>
<thead>
<tr>
<th>Project</th>
<th>423,300</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF, ORA—State</td>
<td></td>
</tr>
<tr>
<td>Reappropriation Estimated</td>
<td></td>
</tr>
<tr>
<td>Appropriation Estimated Total Costs</td>
<td></td>
</tr>
<tr>
<td>432,800</td>
<td></td>
</tr>
</tbody>
</table>

**NEW SECTION. Sec. 422. FOR THE STATE PARKS AND RECREATION COMMISSION**

Begin phased restoration of day-use buildings—Millersylvania.

<table>
<thead>
<tr>
<th>Project</th>
<th>96,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF, ORA—State</td>
<td></td>
</tr>
<tr>
<td>Reappropriation Estimated</td>
<td></td>
</tr>
<tr>
<td>Appropriation Estimated Total Costs</td>
<td></td>
</tr>
<tr>
<td>249,300</td>
<td></td>
</tr>
</tbody>
</table>

**NEW SECTION. Sec. 423. FOR THE STATE PARKS AND RECREATION COMMISSION**

Renovate 25 campsites—Birch Bay.

<table>
<thead>
<tr>
<th>Project</th>
<th>45,700</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF, ORA—State</td>
<td></td>
</tr>
<tr>
<td>Reappropriation Estimated</td>
<td></td>
</tr>
<tr>
<td>Appropriation Estimated Total Costs</td>
<td></td>
</tr>
<tr>
<td>125,300</td>
<td></td>
</tr>
</tbody>
</table>

**NEW SECTION. Sec. 424. FOR THE STATE PARKS AND RECREATION COMMISSION**

Install rock riprap—Fort Casey.

<table>
<thead>
<tr>
<th>Project</th>
<th>26,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF, ORA—State</td>
<td></td>
</tr>
<tr>
<td>Reappropriation Estimated</td>
<td></td>
</tr>
<tr>
<td>Appropriation Estimated Total Costs</td>
<td></td>
</tr>
<tr>
<td>125,300</td>
<td></td>
</tr>
<tr>
<td>Project</td>
<td>Estimated Costs</td>
</tr>
<tr>
<td>---------</td>
<td>-----------------</td>
</tr>
<tr>
<td>Through 6/30/83</td>
<td>26,000</td>
</tr>
<tr>
<td>NEW SECTION, Sec. 425. FOR THE STATE PARKS AND RECREATION COMMISSION</td>
<td>Acquire portions of riverbank on the Green River.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>GF, ORA——State</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project</td>
<td>Estimated Costs</td>
<td>Estimated Total Costs</td>
</tr>
<tr>
<td>Costs</td>
<td>7/1/85 and</td>
<td>Thereafter</td>
</tr>
<tr>
<td>598,500</td>
<td>750,000</td>
<td></td>
</tr>
</tbody>
</table>

| NEW SECTION, Sec. 426. FOR THE STATE PARKS AND RECREATION COMMISSION | Provide emergency funds——State-wide. |

<table>
<thead>
<tr>
<th>GF, LIRA, Pub Rec Fac</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project</td>
<td>Estimated Costs</td>
<td>Estimated Total Costs</td>
</tr>
<tr>
<td>Costs</td>
<td>7/1/85 and</td>
<td>Thereafter</td>
</tr>
<tr>
<td>950,000</td>
<td>1,350,000</td>
<td></td>
</tr>
</tbody>
</table>

| NEW SECTION, Sec. 427. FOR THE STATE PARKS AND RECREATION COMMISSION | Install 7,500 feet of underground cable——Fort Flagler. |

<table>
<thead>
<tr>
<th>GF, LIRA, Pub Rec Fac</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project</td>
<td>Estimated Costs</td>
<td>Estimated Total Costs</td>
</tr>
<tr>
<td>Costs</td>
<td>7/1/85 and</td>
<td>Thereafter</td>
</tr>
<tr>
<td>150,000</td>
<td>221,600</td>
<td></td>
</tr>
</tbody>
</table>

| NEW SECTION, Sec. 428. FOR THE STATE PARKS AND RECREATION COMMISSION | Insulate and install storm windows and weather stripping——State-wide. |

<table>
<thead>
<tr>
<th>GF, LIRA, Pub Rec Fac</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project</td>
<td>Estimated Costs</td>
<td>Estimated Total Costs</td>
</tr>
<tr>
<td>Costs</td>
<td>7/1/85 and</td>
<td>Thereafter</td>
</tr>
<tr>
<td>11,000</td>
<td>11,000</td>
<td></td>
</tr>
</tbody>
</table>

| NEW SECTION, Sec. 429. FOR THE STATE PARKS AND RECREATION COMMISSION | Provide insulation blankets for all hot water tanks——State-wide. |

<table>
<thead>
<tr>
<th>GF, LIRA, Pub Rec Fac</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project</td>
<td>Estimated Costs</td>
<td>Estimated Total Costs</td>
</tr>
<tr>
<td>Costs</td>
<td>7/1/85 and</td>
<td>Thereafter</td>
</tr>
<tr>
<td>255,200</td>
<td>510,400</td>
<td></td>
</tr>
</tbody>
</table>

| NEW SECTION, Sec. 430. FOR THE STATE PARKS AND RECREATION COMMISSION | Insulate ceilings and walls——Fort Warden. |

<table>
<thead>
<tr>
<th>GF, LIRA, Pub Rec Fac</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project</td>
<td>Estimated Costs</td>
<td>Estimated Total Costs</td>
</tr>
<tr>
<td>Costs</td>
<td>7/1/85 and</td>
<td>Thereafter</td>
</tr>
<tr>
<td>13,100</td>
<td>13,100</td>
<td></td>
</tr>
</tbody>
</table>

| NEW SECTION, Sec. 431. FOR THE STATE PARKS AND RECREATION COMMISSION | Provide a new well and pump——Millersylvania. |

<table>
<thead>
<tr>
<th>GF, ORA</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project</td>
<td>Estimated Costs</td>
<td>Estimated Total Costs</td>
</tr>
<tr>
<td>Costs</td>
<td>7/1/85 and</td>
<td>Thereafter</td>
</tr>
<tr>
<td>153,100</td>
<td>153,100</td>
<td></td>
</tr>
</tbody>
</table>

| NEW SECTION, Sec. 432. FOR THE STATE PARKS AND RECREATION COMMISSION | Provide for complete assessment of the stability of Lake Sylvia dam and for minor repairs. |
NEW SECTION. Sec. 433. FOR THE STATE PARKS AND RECREATION COMMISSION
Project Costs Through 6/30/83
GF. ORA Estimated Costs 7/1/85 and
18,000 Thereafter

NEW SECTION. Sec. 501. FOR THE DEPARTMENT OF FISHERIES
The legislature recognizes that the local economies of many communities are heavily dependent on the timber and fishing industries of the state and that the current economic recession has created extraordinarily high rates of unemployment in these communities. Therefore, it is the intent of section 501 of this act to direct the director, department of fisheries, to undertake and implement projects, including the administrative costs thereof, which will create employment opportunities for those unemployed as a result of the depressed timber and fishing industries and which:

(1) Enhance the natural salmon stocks in those rivers and streams which determine the ocean salmon quota and which, therefore, control the harvest opportunities for commercial and recreational ocean salmon fisheries;
(2) Improve the streams and rivers of this state which are important to the success of the natural stocks of salmon;
(3) Enhance the maximum utilization of existing salmon stocks; and
(4) Develop mini-modular mobile hatchery complexes on rehabilitated rivers and streams.

The director shall submit quarterly reports, beginning October 1, 1983, to the chairmen of the ways and means committees of the house of representatives and the senate containing:

(a) The projects initiated;
(b) The projects completed;
(c) The unduplicated counts of unemployed persons gaining employment because of this program;
(d) Department FTE involved; and
(e) Administrative costs.

To continue salmon enhancement projects and provide stream and river improvements for natural salmon stocks.

NEW SECTION. Sec. 502. FOR THE DEPARTMENT OF FISHERIES
Pollution abatement and pond cleaning projects to ensure compliance with various water quality standards.

NEW SECTION. Sec. 503. FOR THE DEPARTMENT OF FISHERIES
Handicapped access projects at various facilities.
NEW SECTION. Sec. 504. FOR THE DEPARTMENT OF FISHERIES
To provide necessary replacements and alterations to the various hatcheries to maintain current production.

<table>
<thead>
<tr>
<th>GF. Fish Cap Proj Acct</th>
<th>Reappropriation</th>
<th>Appropriation</th>
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</thead>
<tbody>
<tr>
<td>Project</td>
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<tr>
<td></td>
<td>Estimated Costs Through 7/1/85 and Thereafter</td>
<td>1,913,300</td>
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</table>

NEW SECTION. Sec. 505. FOR THE DEPARTMENT OF FISHERIES
To complete projects that will improve the operation and production efficiencies at various existing facilities.

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<th>Appropriation</th>
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<tr>
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NEW SECTION. Sec. 506. FOR THE DEPARTMENT OF FISHERIES
To replace and increase the power of auxiliary generators at various hatcheries.

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<th>Appropriation</th>
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NEW SECTION. Sec. 507. FOR THE DEPARTMENT OF FISHERIES
To riprap the banks and remove gravel deposits in Jordan Creek.

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<th>Appropriation</th>
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NEW SECTION. Sec. 508. FOR THE DEPARTMENT OF FISHERIES
To replace auxiliary hatchery fuel tanks.

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NEW SECTION. Sec. 509. FOR THE DEPARTMENT OF FISHERIES
To replace Green River hatchery mud pumps and complete work in the channel of Soos Creek.

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<th>Appropriation</th>
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<tr>
<td>Project</td>
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NEW SECTION. Sec. 510. FOR THE DEPARTMENT OF FISHERIES
To construct holding and spawning separation facilities at the Skagit hatchery.

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<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project</td>
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<td>310,000</td>
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</table>

NEW SECTION. Sec. 511. FOR THE DEPARTMENT OF FISHERIES
To construct a one-half acre adult salmon holding pond, including a fishway system from the Lewis River, and spawning and rearing pens.
NEW SECTION. Sec. 512. FOR THE DEPARTMENT OF FISHERIES
To construct an incubation structure, drill wells, and install pipe to George Adams hatchery for chum fry.

NEW SECTION. Sec. 513. FOR THE DEPARTMENT OF FISHERIES
To replace the existing vertical intake pickets with an inclined picket intake at the Sunset Falls fishway.

NEW SECTION. Sec. 514. FOR THE DEPARTMENT OF FISHERIES
To riprap Soos Creek at the Green River hatchery.

NEW SECTION. Sec. 515. FOR THE DEPARTMENT OF FISHERIES
To provide isolated storage building or approved cabinet facilities for the storage of flammable materials at the primary hatchery locations.

NEW SECTION. Sec. 516. FOR THE DEPARTMENT OF FISHERIES
To revise the Skagit hatchery water intake system.

NEW SECTION. Sec. 517. FOR THE DEPARTMENT OF FISHERIES
To replace a portion of the Hurd Creek ponds main water supply line.

NEW SECTION. Sec. 518. FOR THE DEPARTMENT OF FISHERIES
To construct metal-pole storage buildings.
<table>
<thead>
<tr>
<th>Section</th>
<th>Project</th>
<th>Costs Through 6/30/83</th>
<th>7/1/85 and Thereafter</th>
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<td>Garrison hatchery</td>
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<td>Reappropriation Appropriation</td>
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<td>NEW SECTION. Sec. 527. FOR THE DEPARTMENT OF FISHERIES Minor replacement and alteration projects to sustain and improve hatchery operations.</td>
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<td>7/1/85 and Thereafter</td>
<td>Costs</td>
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<tr>
<td>NEW SECTION. Sec. 528. FOR THE DEPARTMENT OF FISHERIES To renovate and increase the Willapa fish food freezer and provide additional freezer capacity at Minter Creek.</td>
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<td>NEW SECTION. Sec. 529. FOR THE DEPARTMENT OF FISHERIES To renovate the growth pond at Point Whitney.</td>
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<td>NEW SECTION. Sec. 530. FOR THE DEPARTMENT OF FISHERIES To remodel the Montesano regional coastal field office.</td>
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<td>NEW SECTION. Sec. 531. FOR THE DEPARTMENT OF FISHERIES To supplement the Green River sand separator with a mechanical water filtration system.</td>
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<td>NEW SECTION. Sec. 532. FOR THE DEPARTMENT OF FISHERIES To install a mechanical water filter system at Puyallup.</td>
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<tr>
<td>Through 6/30/83</td>
<td>7/1/85 and Thereafter</td>
<td>Costs</td>
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<td>117,100</td>
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<td>NEW SECTION. Sec. 533. FOR THE DEPARTMENT OF FISHERIES To construct a concrete settling pond at Naselle.</td>
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<tr>
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<td>Through 6/30/83</td>
<td>7/1/85 and Thereafter</td>
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<td>NEW SECTION. Sec. 534. FOR THE DEPARTMENT OF FISHERIES</td>
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</tbody>
</table>
To install intruder detection systems at four hatcheries.

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<tr>
<td></td>
<td>Thereafter</td>
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NEW SECTION, Sec. 535. FOR THE DEPARTMENT OF FISHERIES
To drill two wells, develop a water supply system, and replace the egg incubator trays at Minter Creek.

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<th>Reappropriation</th>
<th>Appropriation</th>
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<td></td>
<td>Thereafter</td>
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</table>

NEW SECTION, Sec. 536. FOR THE DEPARTMENT OF FISHERIES
To construct a public fishing pier and reef on the Tacoma waterfront.

<table>
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<tr>
<td>ORA—Federal</td>
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<td>7/1/85 and</td>
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<td></td>
<td>Thereafter</td>
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<tr>
<td></td>
<td>127,000</td>
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</table>

NEW SECTION, Sec. 537. FOR THE DEPARTMENT OF FISHERIES
To construct pedestrian access walkways at Westport.

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<th>Appropriation</th>
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<tr>
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<td></td>
<td>7/1/85 and</td>
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<td></td>
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<tr>
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<td>102,800</td>
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</table>

NEW SECTION, Sec. 538. FOR THE DEPARTMENT OF FISHERIES
To enhance the Frye Cove beach to create hardshell clam beds.

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<td>7/1/85 and</td>
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<td>Thereafter</td>
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<td></td>
<td>4,400</td>
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NEW SECTION, Sec. 540. FOR THE DEPARTMENT OF FISHERIES
To construct a recreational fishing area at the east end of the Hood Canal bridge.
NEW SECTION. Sec. 542. FOR THE DEPARTMENT OF FISHERIES
To enhance the Bywater Bay beach to create hardshell clam beds.

Appropriation

NEW SECTION. Sec. 543. FOR THE DEPARTMENT OF FISHERIES
To redevelop the public boat access facility at Pillar Point.

Appropriation

NEW SECTION. Sec. 544. FOR THE DEPARTMENT OF FISHERIES
To construct shelters on the Elliott Bay fishing pier.

Appropriation

NEW SECTION. Sec. 545. FOR THE DEPARTMENT OF FISHERIES
To construct artificial reefs in Puget Sound and Hood Canal.

Appropriation

NEW SECTION. Sec. 546. FOR THE DEPARTMENT OF FISHERIES
To partially renovate the Snow Creek public boat launch.

Appropriation

PART VI

DEPARTMENT OF GAME

NEW SECTION. Sec. 601. FOR THE DEPARTMENT OF GAME
Relocate Seattle regional office.

Appropriation

Game Fund

NEW SECTION. Sec. 602. FOR THE DEPARTMENT OF GAME
Relocate engineering shop and storage facilities.

Appropriation

Game Fund
NEW SECTION. Sec. 603. FOR THE DEPARTMENT OF GAME
Complete construction of public access——Wenas Lake, Yakima County.

RE Appropriation Appropriation
GF. ORA——State
Game Fund

Project Estimated Estimated
Costs Costs Total
Through 7/1/85 and Costs
6/30/83 Thereafter
27,000

NEW SECTION. Sec. 604. FOR THE DEPARTMENT OF GAME
Redevelop public access facilities——Snake River, Asotin County.

RE Appropriation Appropriation
GF. ORA——State

Project Estimated Estimated
Costs Costs Total
Through 7/1/85 and Costs
6/30/83 Thereafter
2,000

NEW SECTION. Sec. 605. FOR THE DEPARTMENT OF GAME
Provide a float for fishing and boating——Clear Lake, Thurston County.

RE Appropriation Appropriation
GF. ORA——State

Project Estimated Estimated
Costs Costs Total
Through 7/1/85 and Costs
6/30/83 Thereafter
41,000

NEW SECTION. Sec. 606. FOR THE DEPARTMENT OF GAME
Construct boating facilities, interpretive facilities, trails, and water control structure——Tennant Lake H.M.A., Whatcom County.

RE Appropriation Appropriation
GF. ORA——State

Project Estimated Estimated
Costs Costs Total
Through 7/1/85 and Costs
6/30/83 Thereafter
1,000

NEW SECTION. Sec. 607. FOR THE DEPARTMENT OF GAME
Rebuild fishing dock and provide parking and sanitary facilities——Mercer Island, King County.

RE Appropriation Appropriation
GF. ORA——State

Project Estimated Estimated
Costs Costs Total
Through 7/1/85 and Costs
6/30/83 Thereafter
1,000

NEW SECTION. Sec. 608. FOR THE DEPARTMENT OF GAME
Construct public access facilities——Klickitat River.

RE Appropriation Appropriation
GF. ORA——State

Project Estimated Estimated
Costs Costs Total
Through 7/1/85 and Costs
6/30/83 Thereafter
1,000

NEW SECTION. Sec. 609. FOR THE DEPARTMENT OF GAME
Construct public access facilities——Lake Washington, King County.

RE Appropriation Appropriation
GF. ORA——State

Project Estimated Estimated
Costs Costs Total
Through 7/1/85 and Costs
6/30/83 Thereafter
1,000

NEW SECTION. Sec. 610. FOR THE DEPARTMENT OF GAME

GF. ORA——State

Project Estimated Estimated
Costs Costs Total
Through 7/1/85 and Costs
6/30/83 Thereafter
1,000

NEW SECTION. Sec. 610. FOR THE DEPARTMENT OF GAME

GF. ORA——State

Project Estimated Estimated
Costs Costs Total
Through 7/1/85 and Costs
6/30/83 Thereafter
1,000

NEW SECTION. Sec. 610. FOR THE DEPARTMENT OF GAME
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<th>Project</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NEW SECTION, Sec. 611. FOR THE DEPARTMENT OF GAME</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Redevelop and construct boat launching facilities at Fazon Lake and Badger Lake.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>GF. ORA---State</td>
<td>Reappropriation</td>
<td>Appropriation</td>
</tr>
<tr>
<td>Project</td>
<td>Estimated</td>
<td>Estimated</td>
</tr>
<tr>
<td>Costs</td>
<td>Costs</td>
<td>Total</td>
</tr>
<tr>
<td>Through</td>
<td>7/1/85 and</td>
<td>Costs</td>
</tr>
<tr>
<td>Thereafter</td>
<td>85,500</td>
<td></td>
</tr>
<tr>
<td><strong>NEW SECTION, Sec. 612. FOR THE DEPARTMENT OF GAME</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Construct new residence and upgrade domestic water supply—Ringold Rearing Pond.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Game Fund---Federal</td>
<td>Reappropriation</td>
<td>Appropriation</td>
</tr>
<tr>
<td>Project</td>
<td>Estimated</td>
<td>Estimated</td>
</tr>
<tr>
<td>Costs</td>
<td>Costs</td>
<td>Total</td>
</tr>
<tr>
<td>Through</td>
<td>7/1/85 and</td>
<td>Costs</td>
</tr>
<tr>
<td>Thereafter</td>
<td>37,500</td>
<td></td>
</tr>
<tr>
<td><strong>NEW SECTION, Sec. 613. FOR THE DEPARTMENT OF GAME</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Complete acquisition of thirty-five acres in three parcels of cooperative project with Whatcom County, Tennant Lake Wildlife Recreation Area.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>GF. ORA---State</td>
<td>Reappropriation</td>
<td>Appropriation</td>
</tr>
<tr>
<td>Project</td>
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</tr>
<tr>
<td>Costs</td>
<td>Costs</td>
<td>Total</td>
</tr>
<tr>
<td>Through</td>
<td>7/1/85 and</td>
<td>Costs</td>
</tr>
<tr>
<td>Thereafter</td>
<td>153,000</td>
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<tr>
<td><strong>NEW SECTION, Sec. 614. FOR THE DEPARTMENT OF GAME</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emergency repairs and replacements.</td>
<td>Reappropriation</td>
<td>Appropriation</td>
</tr>
<tr>
<td>Project</td>
<td>Estimated</td>
<td>Estimated</td>
</tr>
<tr>
<td>Costs</td>
<td>Costs</td>
<td>Total</td>
</tr>
<tr>
<td>Through</td>
<td>7/1/85 and</td>
<td>Costs</td>
</tr>
<tr>
<td>Thereafter</td>
<td>400,000</td>
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<tr>
<td><strong>NEW SECTION, Sec. 615. FOR THE DEPARTMENT OF GAME</strong></td>
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<td>Appropriation</td>
</tr>
<tr>
<td>Facility maintenance and general repair.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Game Fund---State</td>
<td>Reappropriation</td>
<td>Appropriation</td>
</tr>
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<td>Estimated</td>
<td>Estimated</td>
</tr>
<tr>
<td>Costs</td>
<td>Costs</td>
<td>Total</td>
</tr>
<tr>
<td>Through</td>
<td>7/1/85 and</td>
<td>Costs</td>
</tr>
<tr>
<td>Thereafter</td>
<td>1,285,000</td>
<td></td>
</tr>
<tr>
<td><strong>NEW SECTION, Sec. 616. FOR THE DEPARTMENT OF GAME</strong></td>
<td>Reappropriation</td>
<td>Appropriation</td>
</tr>
<tr>
<td>Preplanning and design for capital projects.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Game Fund---State</td>
<td>Reappropriation</td>
<td>Appropriation</td>
</tr>
<tr>
<td>Project</td>
<td>Estimated</td>
<td>Estimated</td>
</tr>
<tr>
<td>Costs</td>
<td>Costs</td>
<td>Total</td>
</tr>
<tr>
<td>Through</td>
<td>7/1/85 and</td>
<td>Costs</td>
</tr>
<tr>
<td>Thereafter</td>
<td>250,000</td>
<td></td>
</tr>
</tbody>
</table>
NEW SECTION. Sec. 618. FOR THE DEPARTMENT OF GAME
Replace toilets at public access areas.

Game Fund

<table>
<thead>
<tr>
<th>Project Costs</th>
<th>Estimated Costs</th>
<th>Through 6/30/83</th>
<th>20,000</th>
<th>7/1/85 and 100,000</th>
<th>Thereafter</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Estimated Costs</td>
<td></td>
<td></td>
<td>7/1/85 and 100,000</td>
<td>600,000</td>
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</table>

NEW SECTION. Sec. 619. FOR THE DEPARTMENT OF GAME
Construct and maintain boundary and big game drift fences state-wide.

Game Fund

<table>
<thead>
<tr>
<th>Project Costs</th>
<th>Estimated Costs</th>
<th>Through 6/30/83</th>
<th>200,000</th>
<th>7/1/85 and 200,000</th>
<th>Thereafter</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Estimated Costs</td>
<td></td>
<td></td>
<td>7/1/85 and 200,000</td>
<td>1,301,200</td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 620. FOR THE DEPARTMENT OF GAME
Construct concrete broodstock ponds, spawning building, roads, and fencing—South Tacoma hatchery.

Game Fund

<table>
<thead>
<tr>
<th>Project Costs</th>
<th>Estimated Costs</th>
<th>Through 6/30/83</th>
<th>140,000</th>
<th>7/1/85 and 300,000</th>
<th>Thereafter</th>
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<tr>
<td></td>
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<td></td>
<td></td>
<td>7/1/85 and 300,000</td>
<td>1,301,200</td>
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</table>

NEW SECTION. Sec. 621. FOR THE DEPARTMENT OF GAME
Relocate or rebuild Bogachiel residence to avoid flooding—Clallam County.

Game Fund

<table>
<thead>
<tr>
<th>Project Costs</th>
<th>Estimated Costs</th>
<th>Through 6/30/83</th>
<th>68,000</th>
<th>7/1/85 and 68,000</th>
<th>Thereafter</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Estimated Costs</td>
<td></td>
<td></td>
<td>7/1/85 and 68,000</td>
<td>68,000</td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 622. FOR THE DEPARTMENT OF GAME
Reconstruct water supply to Ringgold rearing ponds—Franklin County.

Game Fund

<table>
<thead>
<tr>
<th>Project Costs</th>
<th>Estimated Costs</th>
<th>Through 6/30/83</th>
<th>70,000</th>
<th>7/1/85 and 170,000</th>
<th>Thereafter</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Estimated Costs</td>
<td></td>
<td></td>
<td>7/1/85 and 170,000</td>
<td>1,301,200</td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 623. FOR THE DEPARTMENT OF GAME
Acquire property to replace lost habitat—Snake River and tributaries, several sites.

Game Fund

<table>
<thead>
<tr>
<th>Project Costs</th>
<th>Estimated Costs</th>
<th>Through 6/30/83</th>
<th>11,223,000</th>
<th>7/1/85 and 11,223,000</th>
<th>Thereafter</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Estimated Costs</td>
<td></td>
<td></td>
<td>7/1/85 and 11,223,000</td>
<td>11,223,000</td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 624. FOR THE DEPARTMENT OF GAME
Acquire approximately 491 acres near the Yakima River. No moneys appropriated in this section may be expended without first selling owned lands of equal or greater value.

Game Fund

<table>
<thead>
<tr>
<th>Project Costs</th>
<th>Estimated Costs</th>
<th>Through 6/30/83</th>
<th>618,000</th>
<th>7/1/85 and 618,000</th>
<th>Thereafter</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Estimated Costs</td>
<td></td>
<td></td>
<td>7/1/85 and 618,000</td>
<td>618,000</td>
</tr>
</tbody>
</table>
NEW SECTION. Sec. 625. FOR THE DEPARTMENT OF GAME
Acquire approximately 2.8 acres along Skokomish River for a public fishing site. No moneys appropriated in this section may be expended without first selling owned lands of equal or greater value.

<table>
<thead>
<tr>
<th>Game Fund</th>
<th>Project</th>
<th>Estimated Costs</th>
<th>Reappropriation Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Through</td>
<td>7/1/85 and 6/30/83</td>
<td>9,000</td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 626. FOR THE DEPARTMENT OF GAME
Acquire Hedi property, approximately 1.50 acres. Asotin County. No moneys appropriated in this section may be expended without first selling owned lands of equal or greater value.

<table>
<thead>
<tr>
<th>Game Fund</th>
<th>Project</th>
<th>Estimated Costs</th>
<th>Reappropriation Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Through</td>
<td>7/1/85 and 6/30/83</td>
<td>300,000</td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 627. FOR THE DEPARTMENT OF GAME
Acquire approximately 578 acres along the Okanogan River. No moneys appropriated in this section may be expended without first selling owned lands of equal or greater value.

<table>
<thead>
<tr>
<th>Game Fund</th>
<th>Project</th>
<th>Estimated Costs</th>
<th>Reappropriation Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Through</td>
<td>7/1/85 and 6/30/83</td>
<td>350,000</td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 628. FOR THE DEPARTMENT OF GAME
Acquire approximately 250 acres. Pipestone Canyon—Okanogan County. No moneys appropriated in this section may be expended without first selling owned lands of equal or greater value.

<table>
<thead>
<tr>
<th>Game Fund</th>
<th>Project</th>
<th>Estimated Costs</th>
<th>Reappropriation Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Through</td>
<td>7/1/85 and 6/30/83</td>
<td>132,000</td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 629. FOR THE DEPARTMENT OF GAME
Acquire approximately 2,000 acres for big game winter range—Yakima County. No moneys appropriated in this section may be expended without first selling owned lands of equal or greater value.

<table>
<thead>
<tr>
<th>Game Fund</th>
<th>Project</th>
<th>Estimated Costs</th>
<th>Reappropriation Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Through</td>
<td>7/1/85 and 6/30/83</td>
<td>132,000</td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 630. FOR THE DEPARTMENT OF GAME
Acquire approximately 41.4 acres for Band-tailed Pigeon site—Skagit County. No moneys appropriated in this section may be expended without first selling owned lands of equal or greater value.

<table>
<thead>
<tr>
<th>Game Fund</th>
<th>Project</th>
<th>Estimated Costs</th>
<th>Reappropriation Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Through</td>
<td>7/1/85 and 6/30/83</td>
<td>98,000</td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 631. FOR THE DEPARTMENT OF GAME
Acquire approximately 500 acres of water fowl habitat—Snohomish and Island Counties. No moneys appropriated in this section may be expended without first selling owned lands of equal or greater value.

**Reappropriation Appropriation**

<table>
<thead>
<tr>
<th>Game Fund</th>
<th>Project</th>
<th>Estimated</th>
<th>Costs</th>
<th>Estimated</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Through</td>
<td>7/1/85</td>
<td>6/30/83</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**NEW SECTION. Sec. 632. FOR THE DEPARTMENT OF GAME**

Acquire approximately 500 acres for public use—Chehalis Valley, Grays Harbor County. No moneys appropriated in this section may be expended without first selling owned lands of equal or greater value.

**Reappropriation Appropriation**

<table>
<thead>
<tr>
<th>Game Fund</th>
<th>Project</th>
<th>Estimated</th>
<th>Costs</th>
<th>Estimated</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Through</td>
<td>7/1/85</td>
<td>6/30/83</td>
<td></td>
<td></td>
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</tbody>
</table>

**NEW SECTION. Sec. 633. FOR THE DEPARTMENT OF GAME**

Acquire access to stream bank—Mitigation for Wells dam, Okanogan County.

**Reappropriation Appropriation**

<table>
<thead>
<tr>
<th>Game Fund—Game Special Wildlife Account</th>
<th>Project</th>
<th>Estimated</th>
<th>Costs</th>
<th>Estimated</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Through</td>
<td>7/1/85</td>
<td>6/30/83</td>
<td></td>
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**NEW SECTION. Sec. 634. FOR THE DEPARTMENT OF GAME**

1-82 land acquisition in Yakima County—Phase II.

**Reappropriation Appropriation**

<table>
<thead>
<tr>
<th>GF. ORA—State</th>
<th>Project</th>
<th>Estimated</th>
<th>Costs</th>
<th>Estimated</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Through</td>
<td>7/1/85</td>
<td>6/30/83</td>
<td></td>
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</table>

**NEW SECTION. Sec. 635. FOR THE DEPARTMENT OF GAME**

Construct public access facilities—1-82, Yakima County.

**Reappropriation Appropriation**

<table>
<thead>
<tr>
<th>GF. ORA—State</th>
<th>Project</th>
<th>Estimated</th>
<th>Costs</th>
<th>Estimated</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Through</td>
<td>7/1/85</td>
<td>6/30/83</td>
<td></td>
<td></td>
<td></td>
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</table>

**NEW SECTION. Sec. 636. FOR THE DEPARTMENT OF GAME**

Acquire five acres on Mineral Lake for public access—Lewis County.

**Reappropriation Appropriation**

<table>
<thead>
<tr>
<th>GF. ORA—State</th>
<th>Project</th>
<th>Estimated</th>
<th>Costs</th>
<th>Estimated</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Through</td>
<td>7/1/85</td>
<td>6/30/83</td>
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**NEW SECTION. Sec. 637. FOR THE DEPARTMENT OF GAME**

Acquire public access—Cottage Lake, King County.

**Reappropriation Appropriation**

<table>
<thead>
<tr>
<th>GF. ORA—State</th>
<th>Project</th>
<th>Estimated</th>
<th>Costs</th>
<th>Estimated</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Through</td>
<td>7/1/85</td>
<td>6/30/83</td>
<td></td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>GF. ORA—State</th>
<th>Project</th>
<th>Estimated</th>
<th>Costs</th>
<th>Estimated</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Through</td>
<td>7/1/85</td>
<td>6/30/83</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>GF. ORA—State</th>
<th>Project</th>
<th>Estimated</th>
<th>Costs</th>
<th>Estimated</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Through</td>
<td>7/1/85</td>
<td>6/30/83</td>
<td></td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>GF. ORA—State</th>
<th>Project</th>
<th>Estimated</th>
<th>Costs</th>
<th>Estimated</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Through</td>
<td>7/1/85</td>
<td>6/30/83</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>GF. ORA—State</th>
<th>Project</th>
<th>Estimated</th>
<th>Costs</th>
<th>Estimated</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Through</td>
<td>7/1/85</td>
<td>6/30/83</td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>
NEW SECTION. Sec. 638. For the Department of Game
Construct public access facilities—Kress Lake, Cowlitz County.

| GF. ORA—State | Appropriation | Estimated Costs
<table>
<thead>
<tr>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
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<td>20,900</td>
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</tbody>
</table>

NEW SECTION. Sec. 639. For the Department of Game
Redevelop access areas—Aeneas Valley, Okanogan County.

| GF. ORA—State | Reappropriation | Estimated Costs
<table>
<thead>
<tr>
<th></th>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td></td>
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</table>

NEW SECTION. Sec. 640. For the Department of Game
Redevelop access areas—Amber Lake, Spokane County.

| GF. ORA—State | Appropriation | Estimated Costs
<table>
<thead>
<tr>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td></td>
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<td>42,000</td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 641. For the Department of Game
Acquire access to department property on Fern Lake—Kitsap County.

| GF. ORA—State | Reappropriation | Estimated Costs
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>23,500</td>
<td>23,500</td>
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</tbody>
</table>

NEW SECTION. Sec. 642. For the Department of Game
Construct facilities on Big and Little Green Lakes—Okanogan County.

| GF. ORA—State | Appropriation | Estimated Costs
<table>
<thead>
<tr>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td></td>
<td>46,600</td>
<td>46,600</td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 643. For the Department of Game
Construct public access—Stillaguamish River, Snohomish County.

| GF. ORA—State | Appropriation | Estimated Costs
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>33,500</td>
<td>33,500</td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 644. For the Department of Game
Redevelop public access—Diamond Lake, Pend Oreille County.

| GF. ORA—State | Appropriation | Estimated Costs
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>26,700</td>
<td>26,700</td>
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</tbody>
</table>
NEW SECTION. Sec. 645. FOR THE DEPARTMENT OF GAME
Construct public access—Munn Lake, Thurston County.

<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF. ORA—State</td>
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</tr>
<tr>
<td>GF. ORA—Federal</td>
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</tbody>
</table>

NEW SECTION. Sec. 646. FOR THE DEPARTMENT OF GAME
Redevelop public access—Jamison Lake, Douglas County.

<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
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PART VII
DEPARTMENT OF NATURAL RESOURCES

NEW SECTION. Sec. 701. FOR THE DEPARTMENT OF NATURAL RESOURCES
Construct and improve the Cedar Creek and Sherman Valley roads.

<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
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<tr>
<td>General Fund—ORV Account</td>
<td>80,000</td>
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<tr>
<td>GF. ORV</td>
<td>374,700</td>
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<tr>
<td>GF. ORA—State</td>
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</table>

NEW SECTION. Sec. 702. FOR THE DEPARTMENT OF NATURAL RESOURCES
Construct and improve campsites, roads, trails, and other recreation projects.

<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF. ORV</td>
<td>374,700</td>
</tr>
<tr>
<td>GF. ORA—State</td>
<td>234,600</td>
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</tbody>
</table>

NEW SECTION. Sec. 703. FOR THE DEPARTMENT OF NATURAL RESOURCES
The Department, together with the Office of Superintendent of Public Instruction, and in cooperation with any officials of political subdivisions of state government that are directly concerned, shall undertake a review (1) of the policies applicable to common schools, which may have constructed public facilities on any state trust lands; (2) procedures used to determine the fair market value of rental payments imposed or selling prices established; and (3) submit a report, along with any appropriate recommendations, to the Legislature by January, 1984.

NEW SECTION. Sec. 704. FOR THE DEPARTMENT OF NATURAL RESOURCES
Construct and improve campsites, roads and trails—State-wide.

NEW SECTION. Sec. 705. FOR THE DEPARTMENT OF NATURAL RESOURCES
Construct and improve roads and bridges.
<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated Costs</th>
<th>Total Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Through</td>
<td>7/1/85 and</td>
<td></td>
</tr>
<tr>
<td>6/30/83</td>
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<tr>
<td>724,000</td>
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**NEW SECTION. Sec. 706. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Prepare lands for income-producing agricultural leases by developing irrigation facilities.

<table>
<thead>
<tr>
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<th>Estimated Costs</th>
<th>Total Costs</th>
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</thead>
<tbody>
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<td>7/1/85 and</td>
<td></td>
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<tr>
<td>6/30/83</td>
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</tr>
<tr>
<td>3,117,700</td>
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<td>4,899,400</td>
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</table>

**NEW SECTION. Sec. 707. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Construct road access system to a large block of state-owned timber lands—Cavanaugh Block.

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated Costs</th>
<th>Total Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Through</td>
<td>7/1/85 and</td>
<td></td>
</tr>
<tr>
<td>6/30/83</td>
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</tbody>
</table>

**NEW SECTION. Sec. 708. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Construct bridge and access road to state timber lands—McDonald Mainline.

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated Costs</th>
<th>Total Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Through</td>
<td>7/1/85 and</td>
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<tr>
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</tbody>
</table>

**NEW SECTION. Sec. 709. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Increase seedling quality and production. Forest Nursery.

<table>
<thead>
<tr>
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<th>Estimated Costs</th>
<th>Total Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Through</td>
<td>7/1/85 and</td>
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<td>6/30/83</td>
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<tr>
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**NEW SECTION. Sec. 710. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Replace a forty-five year-old condemned bridge—Snohomish County.

<table>
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<tr>
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</thead>
<tbody>
<tr>
<td>Through</td>
<td>7/1/85 and</td>
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<td>6/30/83</td>
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</tbody>
</table>

**NEW SECTION. Sec. 711. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Acquire rights of way for land management.

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated Costs</th>
<th>Total Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Through</td>
<td>7/1/85 and</td>
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<td>6/30/83</td>
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</table>

**NEW SECTION. Sec. 712. FOR THE DEPARTMENT OF NATURAL RESOURCES**

Purchase land for resource management. Natural Resources Land Bank.
NEW SECTION. Sec. 713. FOR THE DEPARTMENT OF NATURAL RESOURCES
Construct and improve roads and bridges—State-wide.

6/30/83
3,000,000
Thereafter
3,000,000
9,000,000

NEW SECTION. Sec. 714. FOR THE DEPARTMENT OF NATURAL RESOURCES
Develop a rock pit to produce gravel for roadbeds. Tiger Mountain rock pit—King County.

NEW SECTION. Sec. 715. FOR THE DEPARTMENT OF NATURAL RESOURCES
Prepare site for commercial lease by developing water, sewer, streets, and drainage—Bucklin Hill—Silverdale—Kitsap County.

NEW SECTION. Sec. 716. FOR THE DEPARTMENT OF NATURAL RESOURCES

NEW SECTION. Sec. 717. FOR THE DEPARTMENT OF NATURAL RESOURCES
Prepare land for planned unit development and develop a sewer system—Ullahee U.L.I.D.—Kitsap County.

NEW SECTION. Sec. 718. FOR THE DEPARTMENT OF NATURAL RESOURCES
Improve lands for commercial development, construction of frontage roads—Kennewick 16—Benton County.

NEW SECTION. Sec. 719. FOR THE DEPARTMENT OF NATURAL RESOURCES
Maintenance of Milwaukee Railroad right of way, and a study of the potential use of this property.
<table>
<thead>
<tr>
<th>Project</th>
<th>Costs</th>
<th>Through 6/30/83</th>
<th>7/1/85 and</th>
<th>Thereafter</th>
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<tr>
<td>Fuel facility projects—State-wide.</td>
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<td>GF, Res Mgmt Cost Acct</td>
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<td>Through 6/30/83</td>
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<td>7/1/85 and</td>
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<td>To acquire Hawk Quarry—Mt. Si private lands acquisition. Phase II.</td>
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<tr>
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<td><strong>NEW SECTION. Sec. 722. FOR THE DEPARTMENT OF NATURAL RESOURCES</strong></td>
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<tr>
<td>Provide irrigation for development of state land, install pumps and mainlines—State-wide.</td>
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<tr>
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</tr>
<tr>
<td>Through 6/30/83</td>
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</tr>
<tr>
<td>7/1/85 and</td>
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<td>Thereafter</td>
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<tr>
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<td>2,049,800</td>
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</tr>
</tbody>
</table>
| **PART VIII**
| **EDUCATION FOR THE UNIVERSITY OF WASHINGTON** |         |                 |             |            |         |
| To renovate and remodel E and F wings, complete E court, and provide fire safety improvements for the health sciences building. |         |                 |             |            |         |
| Reappropriation                              | 200,000 |                 |             |            |         |
| Appropriation                                |         |                 |             |            |         |
| GF, H Ed Constr Acct                         |         |                 |             |            |         |
| Project                                      | Estimated|                 |             |             |         |
| Costs                                        |         |                 |             |            |         |
| Through 6/30/83                              |         |                 |             |            |         |
| 7/1/85 and                                   |         |                 |             |            |         |
| Thereafter                                   |         |                 |             |            |         |
| 1,340,000                                    |         |                 |             |            |         |
| 1,618,000                                    |         |                 |             |            |         |
| **NEW SECTION. Sec. 802. FOR THE UNIVERSITY OF WASHINGTON** |         |                 |             |            |         |
| To construct and equip and/or purchase an existing facility for a consolidated hospital laundry facility. |         |                 |             |            |         |
| Reappropriation                              | 4,190,000|                 |             |            |         |
| Appropriation                                |         |                 |             |            |         |
| GF, H Ed Constr Acct                         |         |                 |             |            |         |
| Project                                      | Estimated|                 |             |             |         |
| Costs                                        |         |                 |             |            |         |
| Through 6/30/83                              |         |                 |             |            |         |
| 7/1/85 and                                   |         |                 |             |            |         |
| Thereafter                                   |         |                 |             |            |         |
| 483,000                                      |         |                 |             |            |         |
| 4,673,000                                    |         |                 |             |            |         |
| **NEW SECTION. Sec. 803. FOR THE UNIVERSITY OF WASHINGTON** |         |                 |             |            |         |
| To acquire land, construct and equip a hospital general services facility. |         |                 |             |            |         |
| Reappropriation                              | 278,000 |                 |             |            |         |
| Appropriation                                |         |                 |             |            |         |
| GF, H Ed Constr Acct                         |         |                 |             |            |         |
| Project                                      | Estimated|                 |             |             |         |
| Costs                                        |         |                 |             |            |         |
| Through 6/30/83                              |         |                 |             |            |         |
| 7/1/85 and                                   |         |                 |             |            |         |
| Thereafter                                   |         |                 |             |            |         |
| 1,340,000                                    |         |                 |             |            |         |
| 1,618,000                                    |         |                 |             |            |         |
| **NEW SECTION. Sec. 804. FOR THE UNIVERSITY OF WASHINGTON** |         |                 |             |            |         |
| To construct and equip a building to house the institute of marine sciences. |         |                 |             |            |         |
| Reappropriation                              | 400,000 |                 |             |            |         |
| Appropriation                                |         |                 |             |            |         |
| GF, H Ed Constr Acct                         |         |                 |             |            |         |
| Project                                      | Estimated|                 |             |             |         |
| Costs                                        |         |                 |             |            |         |
| Through 6/30/83                              |         |                 |             |            |         |
| 7/1/85 and                                   |         |                 |             |            |         |
NEW SECTION. Sec. 805. FOR THE UNIVERSITY OF WASHINGTON
To provide for the expansion, renovation and equipping of the University hospital.

<table>
<thead>
<tr>
<th>Project</th>
<th>Costs</th>
<th>Through</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
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<td>Estimated Costs</td>
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</tr>
<tr>
<td>GF, UW Bldg Acct</td>
<td>Estimated Costs</td>
<td>7/1/85 and</td>
<td>484,000</td>
<td>484,000</td>
</tr>
<tr>
<td>GF, St H Ed Constr Acct</td>
<td>Estimated Costs</td>
<td>7/1/85 and</td>
<td>355,000</td>
<td>355,000</td>
</tr>
<tr>
<td>GF, UW Bldg Acct</td>
<td>Estimated Costs</td>
<td>7/1/85 and</td>
<td>553,000</td>
<td>13,190,000</td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 806. FOR THE UNIVERSITY OF WASHINGTON
To bring BB tower Health Sciences, RR wing Health Sciences, Atmospheric Sciences, Condon, Paddellord and Harborview Halls into compliance with the Seattle high-rise fire safety code requirements.

<table>
<thead>
<tr>
<th>Project</th>
<th>Costs</th>
<th>Through</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
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<td>Estimated Costs</td>
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<tr>
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<td>Estimated Costs</td>
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<td>484,000</td>
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<tr>
<td>GF, St H Ed Constr Acct</td>
<td>Estimated Costs</td>
<td>7/1/85 and</td>
<td>355,000</td>
<td>355,000</td>
</tr>
<tr>
<td>GF, UW Bldg Acct</td>
<td>Estimated Costs</td>
<td>7/1/85 and</td>
<td>553,000</td>
<td>553,000</td>
</tr>
<tr>
<td>GF, H Ed Constr Acct</td>
<td>Estimated Costs</td>
<td>7/1/85 and</td>
<td>3,660,000</td>
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</tr>
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</table>

NEW SECTION. Sec. 807. FOR THE UNIVERSITY OF WASHINGTON
To construct a hazardous waste handling facility on the J wing loading dock of the Health Sciences Building.

<table>
<thead>
<tr>
<th>Project</th>
<th>Costs</th>
<th>Through</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
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<td>13,190,000</td>
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NEW SECTION. Sec. 808. FOR THE UNIVERSITY OF WASHINGTON
To extend the emergency electrical power system to the west campus.

<table>
<thead>
<tr>
<th>Project</th>
<th>Costs</th>
<th>Through</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF, St H Ed Constr Acct</td>
<td>Estimated Costs</td>
<td>7/1/85 and</td>
<td>500,000</td>
<td>500,000</td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 809. FOR THE UNIVERSITY OF WASHINGTON
To provide general repairs and improvements for safety and ventilation.

<table>
<thead>
<tr>
<th>Project</th>
<th>Costs</th>
<th>Through</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF, St H Ed Constr Acct</td>
<td>Estimated Costs</td>
<td>7/1/85 and</td>
<td>553,000</td>
<td>553,000</td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 810. FOR THE UNIVERSITY OF WASHINGTON
To provide for minor repairs and improvements and real estate contract payments.

<table>
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<tr>
<th>Project</th>
<th>Costs</th>
<th>Through</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
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<td>GF, H Ed Constr Acct</td>
<td>Estimated Costs</td>
<td>7/1/85 and</td>
<td>3,660,000</td>
<td>3,660,000</td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 811. FOR THE UNIVERSITY OF WASHINGTON
To replace instructional and support equipment and the purchase of high technology equipment.

<table>
<thead>
<tr>
<th>Project</th>
<th>Costs</th>
<th>Through</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
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<td>GF, H Ed Constr Acct</td>
<td>Estimated Costs</td>
<td>7/1/85 and</td>
<td>309,000</td>
<td>309,000</td>
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</table>
### NEW SECTION. Sec. 812. FOR THE UNIVERSITY OF WASHINGTON

Various projects to improve energy conservation and reduce operating costs.

<table>
<thead>
<tr>
<th>GF, St H Ed Constr Acct</th>
<th>Project</th>
<th>Costs</th>
<th>Through</th>
<th>Estimated Costs</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
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<td></td>
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</table>

### NEW SECTION. Sec. 813. FOR THE UNIVERSITY OF WASHINGTON

To fund additional working drawings, renovation and construction for the ceramic engineering program at Roberts Hall.

<table>
<thead>
<tr>
<th>GF, H Ed Constr Acct</th>
<th>Project</th>
<th>Estimated Costs</th>
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<tbody>
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### NEW SECTION. Sec. 814. FOR THE UNIVERSITY OF WASHINGTON

To fund work on the power plant.

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### NEW SECTION. Sec. 815. FOR WASHINGTON STATE UNIVERSITY

To complete the construction of an animal holding facility for the College of Veterinary Medicine.

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### NEW SECTION. Sec. 816. FOR WASHINGTON STATE UNIVERSITY

To complete omnibus minor capital improvement projects.

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<tbody>
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</table>

### NEW SECTION. Sec. 817. FOR WASHINGTON STATE UNIVERSITY

To complete Phase II of the Fulmer Hall renovation for the chemistry department.

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### NEW SECTION. Sec. 818. FOR WASHINGTON STATE UNIVERSITY

To complete the design, renovation, and equipping of College Hall for the Anthropology Department.

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<th>GF, H Ed Constr Acct</th>
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### NEW SECTION. Sec. 819. FOR WASHINGTON STATE UNIVERSITY

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</table>
To complete the planning, construction, and equipping of the joint treatment plant with the City of Pullman.

**GF, WSU Bldg Acct**

<table>
<thead>
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<th>Appropriation</th>
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**NEW SECTION, Sec. 820. FOR WASHINGTON STATE UNIVERSITY**

To complete the design, renovation, and equipping of Science Hall.

**GF, H Ed Constr Acct**

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<th>Project</th>
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<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
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<td>6/30/83</td>
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<td>Total Costs</td>
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<tr>
<td>338,000</td>
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<td>4,237,000</td>
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**NEW SECTION, Sec. 821. FOR WASHINGTON STATE UNIVERSITY**

To design, construct, and equip a new facility for the department of electrical engineering and a portion of the department of mechanical engineering.

**GF, WSU Bldg Acct**

<table>
<thead>
<tr>
<th>Project</th>
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<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
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<tr>
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<tr>
<td>6/30/83</td>
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<td>Total Costs</td>
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<td>100,000</td>
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<td>13,876,000</td>
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**NEW SECTION, Sec. 822. FOR WASHINGTON STATE UNIVERSITY**

To design a new facility for the department of chemistry, the energy institute, and the biological chemistry institute.

**GF, WSU Bldg Acct**

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated Costs</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Through</td>
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<tr>
<td>6/30/83</td>
<td>Thereafter</td>
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<td>Total Costs</td>
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<tr>
<td>19,138,000</td>
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<td>20,199,000</td>
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</table>

**NEW SECTION, Sec. 823. FOR WASHINGTON STATE UNIVERSITY**

To provide for minor alterations, renovations, and improvements.

**GF, WSU Bldg Acct**

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated Costs</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
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<tr>
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<td>Thereafter</td>
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<td>Total Costs</td>
</tr>
<tr>
<td>3,308,000</td>
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<td>16,654,000</td>
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</table>

**NEW SECTION, Sec. 824. FOR WASHINGTON STATE UNIVERSITY**

To renovate Fulmer Hall Phase III including expansion and replacement of major portions of the service and utility systems.

**GF, WSU Bldg Acct**

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated Costs</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
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<tr>
<td>6/30/83</td>
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<td>Total Costs</td>
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<tr>
<td>1,856,000</td>
<td></td>
<td>4,566,000</td>
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</table>

**NEW SECTION, Sec. 825. FOR WASHINGTON STATE UNIVERSITY**

To design the remodeling of McCoy Hall for the department of veterinary clinical medicine and surgery. The appropriation is contingent upon the receipt of $1,448,000 in federal funds.

**GF, WSU Bldg Acct**

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated Costs</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
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<tr>
<td>6/30/83</td>
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<td>Total Costs</td>
</tr>
<tr>
<td>160,000</td>
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</table>

**NEW SECTION, Sec. 826. FOR EASTERN WASHINGTON UNIVERSITY**

The funds provided in sections 827 through 834 are subject to the following conditions and limitations:
(1) Not more than $389,000 of the amount provided in section 828 may be used solely for payment on the lease of the Spokane facility and in that event only with the prior approval of the director, office of financial management.

(2) No other funds may be used for any other purpose or purposes at or on such Spokane facility without the prior and specific approval of the director, office of financial management.

NEW SECTION. Sec. 827. FOR EASTERN WASHINGTON UNIVERSITY

Minor capital improvements and energy conservation projects—Omnibus.

<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
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<td>GF, EWU Cap Proj Acct</td>
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<tr>
<td>Project</td>
<td>Estimated Costs Through 6/30/83 1,065,000</td>
</tr>
<tr>
<td></td>
<td>Estimated Costs 7/1/85 and Thereafter 1,325,000</td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 828. FOR EASTERN WASHINGTON UNIVERSITY

Provide for minor capital improvements and a one-year lease for the Spokane Center: PROVIDED, That not more than $389,000 may be expended in connection with the Spokane Center and said amount solely for payment of a one-year lease.

<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
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<tbody>
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<td>GF, EWU Cap Proj Acct</td>
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<td>Estimated Costs Through 6/30/83 4,781,000</td>
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<td>Estimated Costs 7/1/85 and Thereafter 8,325,200</td>
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NEW SECTION. Sec. 829. FOR EASTERN WASHINGTON UNIVERSITY

Complete the design, renovation, and equipping of the manual arts building and Sutton Hall.

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<th>Reappropriation</th>
<th>Appropriation</th>
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<tr>
<td>GF, H Ed Constr Acct</td>
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<tr>
<td>Project</td>
<td>Estimated Costs Through 6/30/83 4,781,000</td>
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<tr>
<td></td>
<td>Estimated Costs 7/1/85 and Thereafter 8,325,200</td>
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</table>

NEW SECTION. Sec. 830. FOR EASTERN WASHINGTON UNIVERSITY

Continue work on Martin Hall.

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<th>Appropriation</th>
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<td>Project</td>
<td>Estimated Costs Through 6/30/83 400,000</td>
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<tr>
<td></td>
<td>Estimated Costs 7/1/85 and Thereafter 8,534,200</td>
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</table>

NEW SECTION. Sec. 831. FOR EASTERN WASHINGTON UNIVERSITY

Provide planning and design funds through working drawings for the remodeling of and addition to the science building.

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<th>Appropriation</th>
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</thead>
<tbody>
<tr>
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<td>Project</td>
<td>Estimated Costs Through 6/30/83 400,000</td>
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<td>Estimated Costs 7/1/85 and Thereafter 8,534,200</td>
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NEW SECTION. Sec. 832. FOR EASTERN WASHINGTON UNIVERSITY

Handicap access.

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<th>Appropriation</th>
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<tbody>
<tr>
<td>GF, EWU Cap Proj Acct</td>
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<tr>
<td>Project</td>
<td>Estimated Costs Through 6/30/83 400,000</td>
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<td>Estimated Costs 7/1/85 and Thereafter 8,534,200</td>
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</table>
### TWENTY-EIGHTH DAY, MAY 22, 1983

<table>
<thead>
<tr>
<th>NEW SECTION</th>
<th>Sec. 834. FOR EASTERN WASHINGTON UNIVERSITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>To complete the construction of HPERA Fieldhouse.</td>
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**Reappropriation** 25,000  
**Appropriation** 50,000

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<th>Through</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>7/1/85 and</td>
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<th>NEW SECTION</th>
<th>Sec. 835. FOR CENTRAL WASHINGTON UNIVERSITY</th>
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</thead>
<tbody>
<tr>
<td>Complete the modifications of existing campus buildings to comply with handicapped access standards.</td>
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**Reappropriation** 165,450  
**Appropriation** 586,350

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<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>7/1/85 and</td>
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<th>NEW SECTION</th>
<th>Sec. 836. FOR CENTRAL WASHINGTON UNIVERSITY</th>
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</thead>
<tbody>
<tr>
<td>Complete the removal of asbestos from places of public occupancy.</td>
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**Reappropriation** 86,000  
**Appropriation** 226,000

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<td>671,266</td>
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<table>
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<tr>
<th>NEW SECTION</th>
<th>Sec. 837. FOR CENTRAL WASHINGTON UNIVERSITY</th>
</tr>
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<tbody>
<tr>
<td>Provide computer equipment and systems.</td>
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**Reappropriation** 27,900  
**Appropriation** 699,166

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<td>890,426</td>
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<table>
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<tr>
<th>NEW SECTION</th>
<th>Sec. 838. FOR CENTRAL WASHINGTON UNIVERSITY</th>
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</thead>
<tbody>
<tr>
<td>Provide for utilities improvements.</td>
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**Reappropriation** 218,000  
**Appropriation** 890,426

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<tbody>
<tr>
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<td></td>
<td>7/1/85 and</td>
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<td></td>
<td></td>
<td></td>
<td>2,665,000</td>
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<table>
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<tr>
<th>NEW SECTION</th>
<th>Sec. 839. FOR CENTRAL WASHINGTON UNIVERSITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provide for minor capital improvements and land acquisition to upgrade university buildings and facilities.</td>
<td></td>
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**Reappropriation** 235,000  
**Appropriation** 2,665,000

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<td>7/1/85 and</td>
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<td></td>
</tr>
<tr>
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<td></td>
<td></td>
<td></td>
<td>2,665,000</td>
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</table>

<table>
<thead>
<tr>
<th>NEW SECTION</th>
<th>Sec. 840. FOR CENTRAL WASHINGTON UNIVERSITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complete renovation and remodeling, including the addition of a multiform theatre and associated components and the remodeling of Wildcat Shop for computer services.</td>
<td></td>
</tr>
</tbody>
</table>

**Reappropriation** 50,000  
**Appropriation** 3,496,000

<table>
<thead>
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<td>7/1/85 and</td>
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<td></td>
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<tr>
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<td></td>
<td></td>
<td>3,496,000</td>
<td></td>
</tr>
</tbody>
</table>
NEW SECTION. Sec. 842. FOR CENTRAL WASHINGTON UNIVERSITY
Complete the improvement, extension, and modification of the underground utilities and services.

NEW SECTION. Sec. 843. FOR CENTRAL WASHINGTON UNIVERSITY
Complete the installation of energy economizers, monitoring equipment, fuel atomizers, and insulation.

NEW SECTION. Sec. 844. FOR CENTRAL WASHINGTON UNIVERSITY
Complete the expansion of the control system throughout the campus to achieve energy savings.

NEW SECTION. Sec. 845. FOR CENTRAL WASHINGTON UNIVERSITY
Improve campus utilities.

NEW SECTION. Sec. 846. FOR CENTRAL WASHINGTON UNIVERSITY
Omnibus projects to renovate and remodel campus facilities.

NEW SECTION. Sec. 847. FOR CENTRAL WASHINGTON UNIVERSITY
Restore and remodel Barge Hall for student services and administration.

NEW SECTION. Sec. 848. FOR CENTRAL WASHINGTON UNIVERSITY
Construct and equip computer applications laboratory—Hogue Technology Building and renovate Hebeler Building.
NEW SECTION. Sec. 849. FOR CENTRAL WASHINGTON UNIVERSITY
Upgrade the existing computer hardware.

<table>
<thead>
<tr>
<th>Project</th>
<th>Costs Through 6/30/83</th>
<th>Costs 7/1/85 and Thereafter</th>
<th>Reappropriation</th>
<th>Appropriation</th>
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</thead>
<tbody>
<tr>
<td>GF. CWU Cap Proj Acct</td>
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<td></td>
<td></td>
<td>475,000</td>
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</table>

NEW SECTION. Sec. 850. FOR CENTRAL WASHINGTON UNIVERSITY
Provide for additional staff space—Computer center.

<table>
<thead>
<tr>
<th>Project</th>
<th>Costs Through 6/30/83</th>
<th>Costs 7/1/85 and Thereafter</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF. CWU Cap Proj Acct</td>
<td></td>
<td></td>
<td></td>
<td>182,800</td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 851. FOR CENTRAL WASHINGTON UNIVERSITY
Provide for the physical improvement of buildings and facilities—Omnibus.

<table>
<thead>
<tr>
<th>Project</th>
<th>Costs Through 6/30/83</th>
<th>Costs 7/1/85 and Thereafter</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF. CWU Cap Proj Acct</td>
<td></td>
<td></td>
<td></td>
<td>1,509,000</td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 852. FOR CENTRAL WASHINGTON UNIVERSITY
Replace the rooting membrane on Bouillon Hall.

<table>
<thead>
<tr>
<th>Project</th>
<th>Costs Through 6/30/83</th>
<th>Costs 7/1/85 and Thereafter</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF. CWU Cap Proj Acct</td>
<td></td>
<td></td>
<td></td>
<td>515,000</td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 853. FOR THE EVERGREEN STATE COLLEGE
For replacement of the academic computer.

<table>
<thead>
<tr>
<th>Project</th>
<th>Costs Through 6/30/83</th>
<th>Costs 7/1/85 and Thereafter</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF. Cap Purch &amp; Dev Acct</td>
<td></td>
<td></td>
<td></td>
<td>405,000</td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 854. FOR THE EVERGREEN STATE COLLEGE
Modifications to bring buildings into code compliance.

<table>
<thead>
<tr>
<th>Project</th>
<th>Costs Through 6/30/83</th>
<th>Costs 7/1/85 and Thereafter</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF. TESC Cap Proj Acct</td>
<td></td>
<td></td>
<td></td>
<td>152,000</td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 855. FOR THE EVERGREEN STATE COLLEGE
Roof repairs to three buildings.

<table>
<thead>
<tr>
<th>Project</th>
<th>Costs Through 6/30/83</th>
<th>Costs 7/1/85 and Thereafter</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF. St H Ed Constr Acct</td>
<td></td>
<td></td>
<td></td>
<td>381,000</td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 856. FOR THE EVERGREEN STATE COLLEGE
Minor capital projects—Omnibus.

<table>
<thead>
<tr>
<th>Project</th>
<th>Costs Through 6/30/83</th>
<th>Costs 7/1/85 and Thereafter</th>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>397,000</td>
</tr>
</tbody>
</table>
NEW SECTION. Sec. 857. FOR THE EVERGREEN STATE COLLEGE
Instructional equipment replacement.

Reappropriation 120,000
Appropriation 50,000

GF. TESC Cap Proj Acct
Project Estimated
Costs Estimated
Through 7/1/85 and
6/30/83
Thereafter 685,200

NEW SECTION. Sec. 858. FOR THE EVERGREEN STATE COLLEGE
Modifications and improvements to buildings to reduce energy consumption.

Reappropriation 117,000
Appropriation 447,300

GF. TESC Cap Proj Acct
Project Estimated
Costs Estimated
Through 7/1/85 and
6/30/83
Thereafter 330,300

NEW SECTION. Sec. 859. FOR WESTERN WASHINGTON UNIVERSITY
Minor capital improvements—Omnibus.

Reappropriation 950,000
Appropriation 1,833,000

GF. WWU Cap Proj Acct
Project Estimated
Costs Estimated
Through 7/1/85 and
6/30/83
Thereafter 6,202,000

NEW SECTION. Sec. 860. FOR WESTERN WASHINGTON UNIVERSITY
For the South Academic Building.

Reappropriation 150,000
Appropriation 6,131,000

GF. WWU Cap Proj Acct
Project Estimated
Costs Estimated
Through 7/1/85 and
6/30/83
Thereafter 9,401,000

NEW SECTION. Sec. 861. FOR WESTERN WASHINGTON UNIVERSITY
Design an addition to and remodel the existing arts technology building.

Reappropriation 120,000
Appropriation 572,000

GF. WWU Cap Proj Acct
Project Estimated
Costs Estimated
Through 7/1/85 and
6/30/83
Thereafter 9,973,000

NEW SECTION. Sec. 862. FOR WESTERN WASHINGTON UNIVERSITY
Preplanning funds for a new solid waste fuel power plant.

Reappropriation 120,000
Appropriation 120,000

GF. WWU Cap Proj Acct
Project Estimated
Costs Estimated
Through 7/1/85 and
6/30/83
Thereafter 332,000

NEW SECTION. Sec. 863. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
SCCC Main parking facility.

Reappropriation 332,000
Appropriation 332,000

General Fund. State
Project Estimated
Costs Estimated
Through 7/1/85 and
6/30/83
Thereafter 332,000
NEW SECTION. Sec. 864. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
Reappropriation for section 504 handicapped access building modifications.

<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF. St H Ed Constr Acct</td>
<td></td>
</tr>
<tr>
<td>Project</td>
<td>Estimated</td>
</tr>
<tr>
<td>Through 7/1/85 and 6/30/83</td>
<td>726,976</td>
</tr>
<tr>
<td>726,976</td>
<td></td>
</tr>
<tr>
<td>726,976</td>
<td></td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 865. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
Reappropriation for emergency repairs at various campuses.

<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF. St H Ed Constr Acct</td>
<td></td>
</tr>
<tr>
<td>Project</td>
<td>Estimated</td>
</tr>
<tr>
<td>Through 7/1/85 and 6/30/83</td>
<td>1,690,000</td>
</tr>
<tr>
<td>Estimated Total Costs</td>
<td>726,976</td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 866. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
Reappropriation for nondeferrable repair projects at various campuses.

<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF. St H Ed Constr Acct</td>
<td></td>
</tr>
<tr>
<td>Project</td>
<td>Estimated</td>
</tr>
<tr>
<td>Through 7/1/85 and 6/30/83</td>
<td>2,744,000</td>
</tr>
<tr>
<td>Estimated Total Costs</td>
<td>196,859</td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 867. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
Nondeferrable projects

<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF. St H Ed Constr Acct</td>
<td></td>
</tr>
<tr>
<td>Project</td>
<td>Estimated</td>
</tr>
<tr>
<td>Through 7/1/85 and 6/30/83</td>
<td>409,000</td>
</tr>
<tr>
<td>Estimated Total Costs</td>
<td>43,876</td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 868. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
Reappropriation to modify facilities for code compliance at various campuses.

<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF. St H Ed Constr Acct</td>
<td></td>
</tr>
<tr>
<td>Project</td>
<td>Estimated</td>
</tr>
<tr>
<td>Through 7/1/85 and 6/30/83</td>
<td>452,876</td>
</tr>
<tr>
<td>Estimated Total Costs</td>
<td>62,982</td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 869. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
Reappropriations for minor repair and improvement projects at twenty campuses.

<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF. Com Col Cap Constr Acct</td>
<td></td>
</tr>
<tr>
<td>Project</td>
<td>Estimated</td>
</tr>
<tr>
<td>Through 7/1/85 and 6/30/83</td>
<td>2,547,816</td>
</tr>
<tr>
<td>Estimated Total Costs</td>
<td>630,408</td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 870. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
Reappropriation for vocational facility at Lower Columbia college.

<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF. St H Ed Constr Acct</td>
<td></td>
</tr>
<tr>
<td>Project</td>
<td>Estimated</td>
</tr>
<tr>
<td>Through 7/1/85 and 6/30/83</td>
<td>493,000</td>
</tr>
<tr>
<td>Estimated Total Costs</td>
<td>235,000</td>
</tr>
</tbody>
</table>

NEW SECTION. Sec. 871. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
Reappropriations for projects approved in prior biennia.

<table>
<thead>
<tr>
<th>Reappropriation</th>
<th>Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF. Com Col Cap Impvmt Acct</td>
<td></td>
</tr>
<tr>
<td>Project</td>
<td>Estimated</td>
</tr>
<tr>
<td>Through 7/1/85 and 6/30/83</td>
<td>493,000</td>
</tr>
<tr>
<td>Estimated Total Costs</td>
<td>38,144</td>
</tr>
</tbody>
</table>

GF. Com Col Cap Proj Acct | 81,566
GF. Com Col Cap Constr Acct | 185,984
NEW SECTION. Sec. 872. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
Reappropriation for two minor improvement projects at two campuses.

GF, Com Col Cap Impvmt Acct
Project Costs Estimated 107,405
Costs Through 7/1/85 and Estimated 59,000
6/30/83 Thereafter Total 166,405

NEW SECTION. Sec. 873. FOR THE STATE BOARD FOR COMMUNITY COLLEGE
Code requirement repairs at Bellevue and Centralia Community College.

GF, H Ed Constr Acct
Project Costs Estimated 57,000
Costs Through 7/1/85 and Estimated 396,000
6/30/83 Thereafter Total 396,000

NEW SECTION. Sec. 874. FOR THE STATE BOARD FOR COMMUNITY COLLEGE
Heat system repairs at Clark College.

GF, H Ed Constr Acct
Project Costs Estimated 62,439
Costs Through 7/1/85 and Estimated 2,189,002
6/30/83 Thereafter Total 2,189,002

NEW SECTION. Sec. 875. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
Reappropriation for remodeling and minor improvement funds allocated to the districts.

GF, Com Col Cap Constr Acct
Project Costs Estimated 2,189,002
Costs Through 7/1/85 and Estimated 479,627
6/30/83 Thereafter Total 479,627
1,500,000

NEW SECTION. Sec. 876. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
Reappropriation of emergency funds allocated by the state board for community college education.

GF, Com Col Cap Constr Acct
Project Costs Estimated 79,627
Costs Through 7/1/85 and Estimated 1,279,141
6/30/83 Thereafter Total 1,279,141
400,000

NEW SECTION. Sec. 877. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
Reappropriation for minor improvements at various campuses.

GF, Com Col Cap Constr Acct
Project Costs Estimated 443,141
Costs Through 7/1/85 and Estimated 836,000
6/30/83 Thereafter Total 1,279,141

NEW SECTION. Sec. 879. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
Reappropriation for six minor improvement projects at five campuses.

### Project 1: Minor Improvement Projects
- **GF. Com Col Cap Constr Acct**
- **Reappropriation:** 141,503
- **Appropriation:**
  - **Costs Through 7/1/83:**
  - **512,497**
  - **Thereafter:**

### Project 2: Minor Capital Improvements
- **GF. St H Ed Constr Acct**
- **Reappropriation:**
  - **Costs Through 6/30/83:**
  - **2,900,000**
  - **Thereafter:**

### Project 3: Unforeseen Emergency Capital Repairs
- **GF. St H Ed Constr Acct**
- **Reappropriation:**
  - **Costs Through 6/30/83:**
  - **500,000**
  - **Thereafter:**

### Project 4: Roof Repairs
- **GF. St H Ed Constr Acct**
- **Reappropriation:**
  - **Costs Through 6/30/83:**
  - **2,050,600**
  - **Thereafter:**

### Project 5: Electrical System Repairs
- **GF. St H Ed Constr Acct**
- **Reappropriation:**
  - **Costs Through 6/30/83:**
  - **707,500**
  - **Thereafter:**

### Project 6: Building Repairs
- **GF. St H Ed Constr Acct**
- **Reappropriation:**
  - **Costs Through 6/30/83:**
  - **734,600**
  - **Thereafter:**

### Project 7: Heating/ventilating/air-conditioning Systems
- **GF. St H Ed Constr Acct**
- **Reappropriation:**
  - **Costs Through 6/30/83:**
  - **1,091,900**
  - **Thereafter:**
NEW SECTION. Sec. 886. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
To fund payments toward the purchase from the Department of Natural Resources the land upon which Grays Harbor, Highline, and Green River Colleges are located.

Reappropriation  Appropriation
GF. St H Ed Constr Acct  25,000
Project  Estimated  Estimated
Costs  Costs  Total
Through  7/1/85 and  Costs
6/30/83  Thereafter

NEW SECTION. Sec. 887. FOR THE STATE BOARD OF EDUCATION—SUPERINTENDENT OF
PUBLIC INSTRUCTION
To provide for planning, construction, modernization, and demolition of public school facilities: PROVIDED, That a maximum of $115,400,000 may be disbursed during the 1983–85 biennium: PROVIDED FURTHER, That a maximum of $910,000 may be expended by the Superintendent of Public Instruction for costs of administering this program.

Reappropriation  Appropriation
Common school construction fund  50,000,000  123,900,000
Project  Estimated  Estimated
Costs  Costs  Total
Through  7/1/85 and  Costs
6/30/83  Thereafter
1,854,922,000

NEW SECTION. Sec. 888. FOR THE COMMISSION FOR VOCATIONAL EDUCATION
To plan, design, and construct a tire service training center, to include a marine tire training structure.

Reappropriation  Appropriation
GF. Fire Tng Constr Acct  5,600,000
Project  Estimated  Estimated
Costs  Costs  Total
Through  7/1/85 and  Costs
6/30/83  Thereafter
1,353,000

PART IX
MISCELLANEOUS

NEW SECTION. Sec. 901. FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT OR SUCCESSOR AGENCY—PUBLIC FACILITIES CONSTRUCTION LOAN REVOLVING FUND
For public works financing through the community economic revitalization board.
Ten percent of the appropriation in this section shall be used to fund projects certified by the planning and community affairs agency or successor agency in the community block grant program and approved by the community economic revitalization board.

If Substitute House Bill No. 245 is not enacted before July 1, 1983, the appropriation in this section shall lapse.

Reappropriation  Appropriation
GF. St Bldg Constr Acct  20,000,000
Project  Estimated  Estimated
Costs  Costs  Total
Through  7/1/85 and  Costs
6/30/83  Thereafter

NEW SECTION. Sec. 902. STATE TREASURER—REAPPROPRIATION OF BOND PROCEEDS
To repay advances made in anticipation of receipt of bond proceeds.

Reappropriation  Appropriation
GF. H Ed Constr Acct  9,104,000
GF. St H Ed Constr Acct  1,431,000
GF. State Bldg Constr Acct  1,689,000
GF. ORA  5,076,000

NEW SECTION. Sec. 903. FOR THE ARTS COMMISSION—ART WORK ALLOWANCE
One-half of one percent of moneys appropriated in this act shall be spent as provided in RCW 28A.58.055, 28B.10(9) (section 9, chapter __, Laws of 1983 (Engrossed House Bill No. 867)), or 43.17.200.

NEW SECTION. Sec. 904. The director of the Department of General Administration, upon completion of energy audits, technical assistance studies and/or energy retrofit projects of state facilities, shall submit to the Office of Financial Management executive summaries which shall include, but not be limited to, the following information by project:

Estimated costs, estimated pay-back period, and a five-year projection of the estimated operating expenditure savings based on constant rates, to be realized through the completion of said projects.
The Department shall update the summaries on an annual basis. The Director of the Office of Financial Management shall submit status reports to the Legislature on or before January 1, 1984, and January 1, 1985.

NEW SECTION. Sec. 905. To effectively carry out the provisions of this act, the governor may assign responsibility for planning, engineering, construction, and other related activities to any appropriate agency.

NEW SECTION. Sec. 906. Reappropriations shall be limited to the unexpended balances remaining June 30, 1983, in the current appropriation for each project.

NEW SECTION. Sec. 907. If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys with any moneys available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the committees on ways and means of the senate and house of representatives.

NEW SECTION. Sec. 908. Notwithstanding any other provisions of law, for the 1983-85 biennium, state treasurer transfers of reimbursement to the general fund from the community college capital projects account for debt service payments made under the provisions of Title 28B RCW shall occur only after such debt service payment has been made and only to the extent that funds are actually available in the account. Any unpaid reimbursements shall be a continuing obligation against the community college capital projects account until paid. The state board for community college education need not accumulate any specific balance in the community college capital projects account in anticipation of transfers to reimburse the general fund.

NEW SECTION. Sec. 909. Any capital improvements or capital project involving construction or major expansion of a state office facility, including district headquarters, detachment offices, and off-campus faculty offices, shall be reviewed by the department of general administration for possible consolidation and compliance with state office standards prior to allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while ensuring proper service to the public.

NEW SECTION. Sec. 910. The governor, through the director of financial management, may authorize a transfer of appropriation authority provided for a capital project which is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer shall be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects which are funded from the same fund or account.

A report of any transfer effected under this section shall be filed with the legislative auditor by the director of financial management within thirty days of the date the transfer is effected. The legislative auditor shall review and compile these filings and periodically report thereon to the legislative budget committee and the appropriate standing committees of the senate and house of representatives.

NEW SECTION. Sec. 911. To effectively, efficiently, and economically carry out the provisions of this act, each agency shall establish a start date and completion date on each project which has an estimated total cost which exceeds two hundred thousand dollars and for which a start or completion date is not specified in this act. This information shall be furnished to the office of financial management and the legislative auditor no later than the date the allotment request is filed with the office of financial management. If a project cannot start on or before the indicated start date or be completed by the indicated completion date, the director of the agency shall document and file with the office of financial management and the legislative budget committee the reason for the delay and indicate the new start and/or completion date(s). The legislative auditor shall review these filings and report thereon to the legislative budget committee and the appropriate standing committees of the senate and house of representatives.

NEW SECTION. Sec. 912. 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. 913. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1983.

Signed by: Senators McDermott, Thompson and Lee; Representatives Grimm, Braddock and Fiske.
On motion of Senator Bottiger, the Report of the Conference Committee on Engrossed Substitute House Bill No. 55 was adopted and the powers of Free Conference were granted.

MESSAGE FROM THE HOUSE

May 22, 1983

Mr. President:

The House receded from its amendments to SUBSTITUTE SENATE BILL NO. 3248 and passed the bill without said amendments, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 3248.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 3244,

SUBSTITUTE SENATE BILL NO. 4007,

SUBSTITUTE SENATE BILL NO. 4059.

MESSAGE FROM THE HOUSE

May 22, 1983

Mr. President:

The House adopted the revised Report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 3434 and granted the powers of Free Conference, and the revised Report of the Conference Committee is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

May 22, 1983

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred, ENGROSSED SUBSTITUTE SENATE BILL NO. 3434, modifying definition of †member‖ for gambling enforcement purposes, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following: *Sec. 1. Section 1, chapter 139, Laws of 1981 and RCW 9.46.020 are each amended to read as follows:

(1) †Amusement game‖ means a game played for entertainment in which:

(a) The contestant actively participates;
(b) The outcome depends in a material degree upon the skill of the contestant;
(c) Only merchandise prizes are awarded;
(d) The outcome is not in the control of the operator;
(e) The wagers are placed, the winners are determined, and a distribution of prizes or property is made in the presence of all persons placing wagers at such game; and
(f) Said game is conducted or operated by any agricultural fair, person, association, or organization in such manner and at such locations as may be authorized by rules and regulations adopted by the commission pursuant to this chapter as now or hereafter amended.

Cake walks as commonly known and fish ponds as commonly known shall be treated as amusement games for all purposes under this chapter.

The legislature hereby authorizes the wagering on the outcome of the roll of dice or the flipping of or matching of coins on the premises of an establishment engaged in the business of selling food or beverages for consumption on the premises to determine which of the participants will pay for certain items of food or beverages served or sold by such establishment and therein consumed. Such establishments are hereby authorized to possess dice and dice cups on their premises, but only for use in such limited wagering. Persons engaged in such limited form of wagering shall not be subject to the criminal or civil penalties otherwise provided for in this
chapter. PROVIDED. That minors shall be barred from engaging in the wagering activities allowed by this chapter.

(2) "Bingo" means a game conducted only in the county within which the organization is principally located in which prizes are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols selected at random and in which no cards are sold except at the time and place of said game, when said game is conducted by a bona fide charitable or nonprofit organization which does not conduct or allow its premises to be used for conducting bingo on more than three occasions per week and which does not conduct bingo in any location which is used for conducting bingo on more than three occasions per week, or if an agricultural fair authorized under chapters 15.76 and 36.37 RCW, which does not conduct bingo on more than twelve consecutive days in any calendar year, and except in the case of any agricultural fair as authorized under chapters 15.76 and 36.37 RCW, no person other than a bona fide member or an employee of said organization takes any part in the management or operation of said game. and no person who takes any part in the management or operation of said game takes any part in the management or operation of any game conducted by any other organization or any other branch of the same organization, unless approved by the commission, and no part of the proceeds thereof inure to the benefit of any person other than the organization conducting said game. For the purposes of this subsection the organization shall be deemed to be principally located in the county within which it has its primary business office. If the organization has no business office, the organization shall be deemed to be located in the county of principal residence of its chief executive officer: PROVIDED. That any organization which is conducting any licensed and established bingo game in any locale as of January 1. 1981 shall be exempt from the requirement that such game be conducted in the county in which the organization is principally located.

(3) "Bona fide charitable or nonprofit organization" means: (a) any organization duly existing under the provisions of chapters 24.12, 24.20, or 24.28 RCW, any agricultural fair authorized under the provisions of chapters 15.76 or 36.37 RCW, or any nonprofit corporation duly existing under the provisions of chapter 24.03 RCW for charitable, benevolent, eleemosynary, educational, civic, patriotic, political, social, fraternal, athletic or agricultural purposes only, or any nonprofit organization, whether incorporated or otherwise, when found by the commission to be organized and operating for one or more of the aforesaid purposes only, all of which in the opinion of the commission have been organized and are operated primarily for purposes other than the operation of gambling activities authorized under this chapter; or (b) any corporation which has been incorporated under Title 36 U.S.C. and whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same. Such an organization must have been organized and continuously operating for at least twelve calendar months immediately preceding making application for any license to operate a gambling activity, or the operation of any gambling activity authorized by this chapter for which no license is required. It must have not less than fifteen bona fide active members each with the right to an equal vote in the election of the officers, and board members, if any, who determine the policies of the organization in order to receive a gambling license. An organization must demonstrate to the commission that it has made significant progress toward the accomplishment of the purposes of the organization during the twelve consecutive month period preceding the date of application for a license or license renewal. The fact that contributions to an organization do not qualify for charitable contribution deduction purposes or that the organization is not otherwise exempt from payment of federal income taxes pursuant to the Internal Revenue Code of 1954, as amended, shall constitute prima facie evidence that the organization is not a bona fide charitable or nonprofit organization for the purposes of this section.

Any person, association or organization which pays its employees, including members, compensation other than is reasonable thereto under the local prevailing wage scale shall be deemed paying compensation based in part or whole upon receipt relating to gambling activities authorized under this chapter and shall not be a bona fide charitable or nonprofit organization for the purposes of this chapter.

(4) "Bookmaking" means accepting bets as a business, rather than in a casual or personal fashion, upon the outcome of future contingent events.

(5) "Commercial stimulant". An activity is operated as a commercial stimulant, for the purposes of this chapter, only when it is an incidental activity operated in connection with, and incidental to, an established business, with the primary purpose of increasing the volume of sales of food or drink for consumption on that business premises. The commission may by rule establish guidelines and criteria for applying this definition to its applicants and licensees for gambling activities authorized by this chapter as commercial stimulants.

(6) "Commission" means the Washington state gambling commission created in RCW 9.46.040.
(7) "Contest of chance" means any contest, game, gaming scheme, or gaming device in which the outcome depends in a material degree upon an element of chance, notwithstanding that skill of the contestants may also be a factor therein.

(8) "Fishing derby" means a fishing contest, with or without the payment or giving of an entry fee or other consideration by some or all of the contestants wherein prizes are awarded for the species, size, weight, or quality of fish caught in a bona fide fishing or recreational event.

(9) "Gambling". A person engages in gambling if he stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under his control or influence, upon an agreement or understanding that he or someone else will receive something of value in the event of a certain outcome. Gambling does not include fishing derbies as defined by this chapter, pari-mutuel betting as authorized by chapter 67.16 RCW, bona fide business transactions valid under the law of contracts, including, but not limited to, contracts for the purchase or sale at a future date of securities or commodities, and agreements to compensate for loss caused by the happening of chance, including, but not limited to, contracts of indemnity or guarantee and life, health or accident insurance. In addition, a contest of chance which is specifically excluded from the definition of lottery under subsection (14) of this section shall not constitute gambling.

(10) "Gambling device" means: (a) Any device or mechanism the operation of which a right to money, credits, deposits or other things of value may be created, in return for a consideration, as the result of the operation of an element of chance; (b) any device or mechanism which, when operated for a consideration, does not return the same value or thing of value for the same consideration upon each operation thereof; (c) any device, mechanism, fixture, construction or installation designed primarily for use in connection with professional gambling; and (d) any subassembly or essential part designed or intended for use in connection with any such device, mechanism, fixture, construction or installation. But in the application of this definition, a pinball machine or similar mechanical amusement device which contains only an immediate and unrecorded right of replay on players thereof, which does not contain any mechanism which varies the chance of winning free games or the number of free games which may be won or a mechanism or a chute for dispensing coins or a facsimile thereof, and which prohibits multiple winnings depending upon the number of coins inserted and requires the playing of five balls individually upon the insertion of a nickel or dime, as the case may be, to complete any one operation thereof, shall not be deemed a gambling device: PROVIDED FURTHER, That owning, possessing, buying, selling, renting, leasing, financing, holding a security interest in, storing, repairing and transporting such pinball machines or similar mechanical amusement devices shall have no relation to the use to which such machines are put, but be commensurate with the cost of labor and other expenses incurred in such storing, repairing and transporting.

(11) "Gambling information" means any wager made in the course of and any information intended to be used for professional gambling. In the application of this definition information as to wagers, betting odds and changes in betting odds shall be presumed to be intended for use in professional gambling; PROVIDED, HOWEVER, That this subsection shall not apply to newspapers of general circulation or commercial radio and television stations licensed by the federal communications commission.

(12) "Gambling premises" means any building, room, enclosure, vehicle, vessel or other place used or intended to be used for professional gambling. In the application of this definition, any place where a gambling device is found, shall be presumed to be intended to be used for professional gambling.

(13) "Gambling record" means any record, receipt, ticket, certificate, token, slip or notation given, made, used or intended to be used in connection with professional gambling.

(14) "Lottery" means a scheme for the distribution of money or property by chance, among persons who have paid or agreed to pay a valuable consideration for the chance. For the purpose of this chapter, the following activities do not constitute "valuable consideration" as an element of a lottery:

(a) Listening to or watching a television or radio program or subscribing to a cable television service;

(b) Filling out and returning a coupon or entry blank or facsimile which is received through the mail or published in a bona fide newspaper or magazine, or in a program sold in conjunction with and at a regularly scheduled sporting event, or the purchase of such a newspaper, magazine or program;

(c) Sending a coupon or entry blank by United States mail to a designated address in connection with a promotion conducted in this state;

(d) Visitation to any business establishment to obtain a coupon, or entry blank;

(e) Visitation to any business establishment to obtain a coupon, or entry blank;
(b) Members of a bona fide auxiliary to a principal organization may be considered inviting persons to play, permitting the use of premises therefor, and supplying cards or other material assistance to the establishment, conduct or operation thereof by performing, without receive or become entitled to receive any profit therefrom other than personal gambling win.

Membership is to become, or continue to be, a participant in, or an operator or manager of, any gambling activity or activities.

A natural person who gambles at a social game of chance on equal terms with the other participants therein does not otherwise render membership status in the organization for a period of not less than twelve consecutive months prior to participating in the management or operation of any gambling activity. Such membership must in no way be dependent upon, or in any way related to, the payment of consideration to participate in any gambling activity.

For purposes of this chapter, radio and television broadcasting is hereby declared to be preempted by applicable federal statutes and the rules applicable thereto by the federal communications commission. Broadcast programming, including advertising and promotion, that complies with said federal statutes and regulations is hereby authorized.

(15) "Member" and "bona fide member". As used in this chapter, member and bona fide member each mean a person accepted for membership in an organization eligible to be licensed by the commission under this chapter upon application, with such action being recorded in the official minutes of a regular meeting or who has held membership status in the organization for a period of not less than twelve consecutive months prior to participating in the management or operation of any gambling activity. Such membership must in no way be dependent upon, or in any way related to, the payment of consideration to participate in any gambling activity.

No person shall be a member of any organization if that person's primary purpose for membership is to become, or continue to be, a participant in, or an operator or manager of, any gambling activity or activities.

(16) "Player" means a natural person who engages, on equal terms with the other participants, and solely as a contestant or bettor, in any form of gambling in which no person may receive or become entitled to receive any profit therefrom other than personal gambling winnings, and without otherwise rendering any material assistance to the establishment, conduct or operation of a particular gambling activity. A natural person who gambles at a social game of chance on equal terms with the other participants therein does not otherwise render material assistance to the establishment, conduct or operation thereof by performing, without fee or remuneration, acts directed toward the arrangement or facilitation of the game, such as inviting persons to play, permitting the use of premises therefor, and supplying cards or other
equipment used therein. A person who engages in "bookmaking" as defined in this section is not a "player".

(17) A person is engaged in "professional gambling" when:

(a) Acting other than as a player or in the manner set forth in RCW 9.46.030 as now or hereafter amended, he knowingly engages in conduct which materially aids any other form of gambling activity; or

(b) Acting other than as a player, or in the manner set forth in RCW 9.46.030 as now or hereafter amended, he knowingly accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he participates or is to participate in the proceeds of gambling activity;

(c) He engages in bookmaking; or

(d) He conducts a lottery as defined in subsection (14) of this section.

Conduct under subparagraph (a), except as exempted under RCW 9.46.030 as now or hereafter amended, includes but is not limited to conduct directed toward the creation or establishment of the particular game, contest, scheme, device or activity involved, toward the acquisition or maintenance of premises, paraphernalia, equipment or apparatus therefor, toward the solicitation or inducement of persons to participate therein, toward the actual conduct of the playing phases thereof, toward the arrangement of any of its financial or recording phases, or toward any other phase of its operation. If a person having substantial proprietary or other authoritative control over any premises shall permit said premises to be used with the person's knowledge for the purpose of conducting gambling activity other than gambling activities as set forth in RCW 9.46.030 as now or hereafter amended, and acting other than as a player, and said person permits such to occur or continue or makes no effort to prevent its occurrence or continuation, he shall be considered as being engaged in professional gambling: PROVIDED, That the proprietor of a bowling establishment who awards prizes obtained from player contributions, to players successfully knocking down pins upon the contingency of identifiable pins being placed in a specified position or combination of positions, as designated by the posted rules of the bowling establishment, where the proprietor does not participate in the proceeds of the "prize fund" shall not be construed to be engaging in "professional gambling" within the meaning of this chapter: PROVIDED, FURTHER, That the books and records of the games shall be open to public inspection.

(18) "Punch boards" and "pull-tabs" shall be given their usual and ordinary meaning as of July 16, 1973, except that such definition may be revised by the commission pursuant to rules and regulations promulgated pursuant to this chapter.

(19) "Raffle" means a game in which tickets bearing an individual number are sold for not more than one dollar each and in which a prize or prizes are awarded on the basis of a drawing from said tickets by the person or persons conducting the game, when said game is conducted by a bona fide charitable or nonprofit organization, no person other than a bona fide member of said organization takes any part in the management or operation of said game, and no part of the proceeds thereof inure to the benefit of any person other than the organization conducting said game.

(20) "Social card game" means a card game, including but not limited to the game commonly known as "Mah Jongg", which constitutes gambling and contains each of the following characteristics:

(a) There are two or more participants and each of them are players; and

(b) A player's success at winning money or other thing of value by overcoming chance is in the long run largely determined by the skill of the player; and

(c) No organization, corporation or person collects or obtains or charges any percentage of or collects or obtains any portion of the money or thing of value wagered or won by any of the players: PROVIDED, That this item (c) shall not preclude a player from collecting or obtaining his winnings; and

(d) No organization or corporation, or person collects or obtains any money or thing of value from, or charges or imposes any fee upon, any person which either enables him to play or results in or from his playing in excess of one dollar per half hour of playing time by that person collected in advance: PROVIDED, That a fee may also be charged for entry into a tournament for prizes, which fee shall not exceed twenty-five dollars, including all separate fees which might be paid by a player for various phases or events of the tournament: PROVIDED FURTHER, That this item (d) shall not apply to the membership fee in any bona fide charitable or nonprofit organization; and

(e) The type of card game is one specifically approved by the commission pursuant to RCW 9.46.070; and

(f) The extent of wagers, money or other thing of value which may be wagered or contributed by any player does not exceed the amount or value specified by the commission pursuant to RCW 9.46.070.

(21) "Thing of value" means any money or property, any token, object or article exchangeable for money or property, or any form of credit or promise, directly or indirectly, contemplating transfer of money or property or of any interest therein, or involving extension of a service, entertainment or a privilege of playing at a game or scheme without charge.
(22) "Whoever" and "person" include natural persons, corporations and partnerships and associations of persons; and when any corporate officer, director or stockholder or any partner authorizes, participates in, or knowingly accepts benefits from any violation of this chapter committed by his corporation or partnership, he shall be punishable for such violation as if it had been directly committed by him.

(23) "Fund raising event" means a fund raising event conducted during any seventy-two consecutive hours but exceeding twenty-four consecutive hours and not more than once in any calendar year or a fund raising event conducted not more than twice each calendar year for not more than twenty-four consecutive hours each time by a bona fide charitable or nonprofit organization as defined in subsection (3) of this section other than any agricultural fair referred to thereunder, upon authorization therefor by the commission, which the legislature hereby authorizes to issue a license therefor, with or without fee, permitting the following activities, or any of them, during such event: Bingo, amusement games, contests of chance, lotteries and raffles: PROVIDED, That (a) gross wagers and bets received by the organization less the amount of money paid by the organization as winnings, taxes, license fees, and for the purchase cost of prizes given as winnings do not exceed ((five)) ten thousand dollars during the total calendar days of such fund raising event in the calendar year; (b) such activities shall not include any mechanical gambling or lottery device activated by the insertion of a coin or by the insertion of any object purchased by any person taking a chance by gambling in respect to the device; (c) only bona fide members of the organization who are not paid for such service shall participate in the management or operation of the activities, and all income therefrom, after deducting the cost of prizes and other expenses, shall be devoted solely to the lawful purposes of the organization, as defined in RCW 66.20.160, more than four calendar days per calendar month; and (e) such organization shall notify the appropriate local law enforcement agency of the time and place where such activities shall be conducted. The commission shall require an annual information report setting forth in detail the expenses incurred and the revenue received relative to the activities permitted.

Sec. 2. Section 2, chapter 139, Laws of 1981 and RCW 9.46.030 are each amended to read as follows:

(1) The legislature hereby authorizes bona fide charitable or nonprofit organizations to conduct bingo games, raffles, amusement games, and fund raising events, and to utilize punch boards and pull-tabs and to allow their premises and facilities to be used by only members ((and)), their guests, and members of a chapter or unit organized under the same state, regional, or national charter or constitution, to play social card games authorized by the commission, when licensed, conducted or operated pursuant to the provisions of this chapter and rules and regulations adopted pursuant thereto.

(2) Bona fide charitable or bona fide nonprofit organizations organized primarily for purposes other than the conduct of raffles, are hereby authorized to conduct raffles without obtaining a license to do so from the commission when such raffles are held in accordance with all other requirements of chapter 9.46 RCW, other applicable laws, and rules of the commission; when gross revenues from all such raffles held by the organization during the calendar year do not exceed ((five)) ten thousand dollars; and when tickets to such raffles are sold only to, and winners are determined only from among, the regular members of the organization conducting the raffle: PROVIDED, That the term members for this purpose shall mean only those persons who have become members prior to the commencement of the raffle and whose qualification for membership was not dependent upon, or in any way related to, the purchase of a ticket, or tickets, for such raffles.

(3) Bona fide charitable or bona fide nonprofit organizations organized primarily for purposes other than the conduct of such activities are hereby authorized to conduct bingo, raffles, and amusement games, without obtaining a license to do so from the commission but only when:

(a) Such activities are held in accordance with all other requirements of chapter 9.46 RCW as now or hereafter amended, other applicable laws, and rules of the commission; and

(b) Said activities are, alone or in any combination, conducted no more than twice each calendar year and over a period of no more than twelve consecutive days each time, notwithstanding the limitations of RCW 9.46.020(2) as now or hereafter amended: PROVIDED, That a raffle conducted under this subsection may be conducted for a period longer than twelve days; and

(c) Only bona fide members of that organization, who are not paid for such services, participate in the management or operation of the activities; and

(d) Gross revenues to the organization from all the activities together ((does)) do not exceed ((five)) ten thousand dollars during any calendar year; and

(e) All revenue therefrom, after deducting the cost of prizes and other expenses of the activity, is devoted solely to the purposes for which the organization qualifies as a bona fide charitable or nonprofit organization: and
(f) The establishment shall conduct the activity primarily as winners proceeds, except moneys used to defray the expenses of such activities, details of the expenses of conducting the activities, and details of the uses to which the gross revenue therefrom is put.

(4) The legislature hereby authorizes any person, association or organization operating an established business primarily engaged in the selling of food or drink for consumption on the premises to conduct social card games and to utilize punch boards and pull-tabs as a commercial stimulant to such business when licensed and utilized or operated pursuant to the provisions of this chapter and rules and regulations adopted pursuant thereto.

(5) The legislature hereby authorizes any person to conduct or operate amusement games when licensed and operated pursuant to the provisions of this chapter and rules and regulations adopted by the commission at such locations as the commission may authorize.

(6) The legislature hereby authorizes any person, association, or organization to conduct sports pools without a license to do so from the commission but only when the outcome of which is dependent upon the score, or scores, of a certain athletic contest and which is conducted only in the following manner:

(a) A board or piece of paper is divided into one hundred equal squares, each of which constitutes a chance to win in the sports pool and each of which is offered directly to prospective contestants at one dollar or less; and

(b) The purchaser of each chance or square signs his or her name on the face of each square or chance he or she purchases; and

(c) At some time not later than prior to the start of the subject athletic contest the pool is closed and no further chances in the pool are sold; and

(d) After the pool is closed a prospective score is assigned by random drawing to each square; and

(e) All money paid by entrants to enter the pool less taxes is paid out as the prize or prizes to those persons holding squares assigned the winning score or scores from the subject athletic contest; and

(f) The sports pool board is available for inspection by any person purchasing a chance thereon, the commission, or by any law enforcement agency upon demand at all times prior to the payment of the prize; and

(g) The person or organization conducting the pool is conducting no other sports pool on the same athletic event; and

(h) The sports pool conforms to any rules and regulations of the commission applicable thereto.

(7) The legislature hereby authorizes bona fide charitable or nonprofit organizations to conduct, without the necessity of obtaining a permit or license to do so from the commission, golfing sweepstakes permitting wagers of money, and the same shall not constitute such gambling or lottery as otherwise in this chapter prohibited, or be subject to civil or criminal penalties thereunder, but this only when the outcome of such golfing sweepstakes is dependent upon the score, or scores, or the playing ability, or abilities, of a golfing contest between individual players or teams of such players, conducted in the following manner:

(a) Wagers are placed by buying tickets on any players in a golfing contest to "win", "place" or "show" and those holding tickets on the three winners may receive a payoff similar to the system of betting identified as parimutuel, such moneys placed as wagers to be used primarily as winners proceeds, except moneys used to defray the expenses of such golfing sweepstakes or otherwise used to carry out the purposes of such organization; or

(b) Participants in any golfing contest(s) pay a like sum of money into a common fund on the basis of attaining a stated number of points ascertainable from the score of such participants, and those participants attaining such stated number of points share equally in the moneys in the common fund, without any percentage of such moneys going to the sponsoring organization; and

(c) Participation is limited to members of the sponsoring organization and their bona fide guests.

(8) The legislature hereby authorizes bowling establishments to conduct, without the necessity of obtaining a permit or license to do so, as a commercial stimulant, a bowling activity which permits bowlers to purchase tickets from the establishment for a predetermined and posted amount of money which tickets are then selected by the luck of the draw and the holder of the matching ticket so drawn has an opportunity to bowl a strike and if successful receives a predetermined and posted monetary prize: PROVIDED, That all sums collected by the establishment from the sale of tickets shall be returned to purchasers of tickets and no part of the proceeds shall inure to any person other than the participants winning in the game or a recognized charity. The tickets shall be sold, and accounted for, separately from all other sales of the establishment. The price of any single ticket shall not exceed one dollar. Accounting
records shall be available for inspection during business hours by any person purchasing a chance thereon, by the commission or its representatives, or by any law enforcement agency.

(9) (a) The legislature hereby authorizes any bona fide charitable or nonprofit organization which is licensed pursuant to RCW 66.24.400, and its officers and employees, to allow the use of the premises, furnishings, and other facilities not gambling devices of such organization by members of the organization, and members of a chapter or unit organized under the same state, regional, or national charter or constitution, who engage as players in the following types of gambling activities only:

(i) Social card games as defined in RCW 9.46.020(20)(a), (b), (c), and (d); and

(ii) Social dice games, which shall be limited to contests of chance, the outcome of which are determined by one or more rolls of dice.

(b) Bona fide charitable or nonprofit organizations shall not be required to be licensed by the commission in order to allow use of their premises in accordance with this subsection; however, the following conditions must be met:

(i) No organization, corporation, or person shall collect or obtain or charge any percentage of or shall collect or obtain any portion of the money or thing of value wagered or won by any of the players: PROVIDED, That a player may collect his or her winnings; and

(ii) No organization, corporation, or person shall collect or obtain any money or thing of value from, or charge or impose any fee upon, any person which either enables him or her to play or results in or from his or her playing: PROVIDED, That this subparagraph (ii) shall not preclude collection of a membership fee which is unrelated to participation in gambling activities authorized under this subsection.

The penalties provided for professional gambling in this chapter shall not apply to the activities authorized by this section when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations of the commission.

Sec. 3. 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 are each amended to read as follows:

The legislative authority of any county, city-county, city, or town, by local law and ordinance, and in accordance with the provisions of this chapter and rules and regulations promulgated hereunder, may provide for the taxing of any gambling activity authorized in RCW 9.46.030 as now or hereafter amended within its jurisdiction, the tax receipts to go to the county, city-county, city, or town so taxing the same: PROVIDED, That any such tax imposed by a county alone shall not apply to any gambling activity within a city or town located therein but the tax rate established by a county, if any, shall constitute the tax rate throughout such county including both incorporated and unincorporated areas, except for any city located therein with a population of twenty thousand or more persons as of the most recent decennial census taken by the federal government: PROVIDED FURTHER, That (1) punch boards and pull-tabs, chances on which shall only be sold to adults, shall have a twenty-five cent limit on a single chance thereon, shall be taxed on a basis which shall reflect only the gross receipts from such punch boards and pull-tabs; and (2) no punch board or pull-tab may award as a prize upon a winning number or symbol being drawn the opportunity of taking a chance upon any other punch board or pull-tab; and (3) all prizes for punch boards and pull-tabs must be on display within the immediate area of the premises wherein any such punch board or pull-tab is located and upon a winning number or symbol being drawn, such prize must be immediately removed therefrom, or such omission shall be deemed a fraud for the purposes of this chapter; and (4) when any person shall win over twenty dollars in money or merchandise from any punch board or pull-tab, every licensee hereunder shall keep a public record thereof for at least ninety days thereafter containing such information as the commission shall deem necessary: AND PROVIDED FURTHER, That taxation of bingo and raffles shall never be in an amount greater than ten percent of the gross revenue received therefrom less the amount paid for or as prizes. Taxation of amusement games shall only be in an amount sufficient to pay the actual costs of enforcement of the provisions of this chapter by the county, city or town law enforcement agency and in no event shall such taxation exceed two percent of the gross revenue therefrom less the amount paid for as prizes: PROVIDED FURTHER, That no tax shall be imposed under the authority of this chapter on bingo, raffles or amusement games when such activities or any combination thereof are conducted by any bona fide charitable or nonprofit organization as defined in RCW 9.46.020(3), which does not discriminate in full membership on the basis of sex and race, and which organization has no paid operating or management personnel and has gross income from bingo, raffles or amusement games, or combination thereof, not exceeding (five) ten thousand dollars per year less the amount paid for as prizes. Taxation of punch boards and pull-tabs shall not exceed five percent of gross receipts, nor shall taxation of social card games exceed twenty percent of the gross revenue from such games.

On page 1, line 1 of the title after "gambling;" insert "modifying the definition of membership, the eligibility for exemption from the gambling tax, the maximum allowable gross receipts for nonprofit organizations engaged in gambling activities, and retail outlets' contests of chance;".
Signed by: Senators Vognild, Sellar and Williams; Representatives Appelwick, Barrett and Niemi.

MOTION

On motion of Senator Vognild, the revised Report of the Conference Committee on Engrossed Substitute Senate Bill No. 3434 was adopted and the powers of Free Conference were granted.

MESSAGE FROM THE HOUSE

May 22, 1983

Mr. President:

The House had adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 55 and has granted said committee the powers of Free Conference, and the Report of the Free Conference Committee is herewith transmitted.

DEAN R. FOSTER. Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

May 22, 1983

Mr. President:
Mr. Speaker:

We, of your Free Conference Committee, to whom was referred, ENGROSSED SUBSTITUTE HOUSE BILL NO. 55, adopting a capital budget, have had the same under consideration, and we recommend that the bill be amended as follows and that the amended bill do pass.

(See Report of Conference Committee on Engrossed Substitute House Bill No. 55, read in earlier today)

Signed by: Senators McDermott, Lee and Thompson; Representatives Grimm, Braddock and Fiske.

MOTIONS

On motion of Senator Bluechei, Senators Quigg and Pullen were excused.
On motion of Senator Vognild, Senator Rasmussen was excused.

Senator McDermott moved that the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 55 be adopted.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator McDermott to adopt the Report of the Free Conference Committee.

The motion by Senator McDermott carried and the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 55 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 55, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 55, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 29; nays, 16; excused, 4.


Voting nay: Senators Barr, Benitz, Clarke, Craswell, Gaspard, Guess, Haley, Hayner, Jones, McCaslin, Metcalf, Moore, Newhouse, Sellar, Warnke, Wojahn - 16.

Excused: Senators Pullen, Quigg, Rasmussen, von Reichbauer - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 55, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.
MOTION

At 12:39 a.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Monday, May 23, 1983.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.
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 Barr, Bauer, Bottiger, Craswell, Decio, Fuller, Gaspard, Haley, Hughes, Lee, McDermott, Patterson, Pullen, Quigg, Rasmussen, Thompson, von Reichbauer and Williams. On motion of Senator Vognild, Senators McDermott and Rasmussen were excused. On motion of Senator Zimmerman, Senators Pullen and von Reichbauer were excused. On motion of Senator McCaslin, Senator Craswell was excused.

The Sergeant at Arms Color Guard, consisting of Pages Barbara Hettinger and Mike Rogers, presented the Colors. Reverend James H. Blundell, rector of St. John’s Episcopal Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

GUBERNATORIAL APPOINTMENTS

GA 28  
EDWARD E. CARLSON, to the position of Member of the Board of Regents for the University of Washington, appointed by the Governor on October 1, 1982, for the term ending September 30, 1988, succeeding Dr. Taul Watanabe. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinhardt, Vice Chairman; Bender, Benitz, Craswell, Fleming, Goltz, Guess, Hemstad, Hughes, Kiskaddon, Lee, McDermott, Patterson, Warnke.

Passed to Committee on Rules.

GA 61  
ANNE M. WADE, to the position of Member of the Board of Trustees for Tacoma Community College, District No. 22, appointed by the Governor on November 1, 1982, for the term ending September 30, 1987, succeeding Barbara A. Wesley. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinhardt, Vice Chairman; Bender, Benitz, Craswell, Fleming, Goltz, Guess, Hemstad, Hughes, Kiskaddon, Lee, McDermott, Patterson.

Passed to Committee on Rules.

GA 77  
SUSAN E. GOULD, to the position of Member of the Board of Trustees for Central Washington University, appointed by the Governor on January 6, 1983, for the term ending September 30, 1988, succeeding Thomas Galbraith. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinhardt, Vice Chairman; Bender, Benitz, Craswell, Fleming, Goltz, Guess, Hemstad, Hughes, Kiskaddon, Lee, McDermott, Patterson.

Passed to Committee on Rules.
May 22, 1983

GA 79  MARDITH A. KORTEN, to the position of Member of the Board of Trustees for Lower Columbia Community College, District No. 13, appointed by the Governor on January 11, 1983, for the term ending September 30, 1987, succeeding Rosemary Smith. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Benitz, Craswell, Fleming, Goltz, Guess, Hemstad, Hughes, Kiskaddon, Lee, McDermott, Patterson.

Passed to Committee on Rules.

GA 88  MARLISS M. SWAYZE, to the position of Member of the Board of Trustees for Tacoma Community College District No. 22, appointed by the Governor on January 17, 1983, for the term ending September 30, 1985, succeeding Lawrence J. Faulk. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Benitz, Craswell, Fleming, Goltz, Guess, Hemstad, Hughes, Kiskaddon, Lee, McDermott, Patterson.

Passed to Committee on Rules.

MOTIONS

On motion of Senator Shinpoch, the rules were suspended, Gubernatorial Appointment Nos. 28, 61, 77, 79 and 88 were advanced to second reading and placed on the second reading calendar.

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

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Rinehart, the appointment of Edward E. Carlson as a member of the Board of Regents for the University of Washington was confirmed.

APPOINTMENT OF EDWARD E. CARLSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 30; absent, 14; excused, 5.


Absent: Senators Barr, Bauer, Bottiger, Deccio, Fuller, Gaspard, Haley, Hughes, Lee, McCall, Patterson, Quigg, Thompson, Williams - 14.

Excused: Senators Craswell, McDermott, Pullen, Rasmussen, von Reichbauer - 5.

MOTIONS

On motion of Senator Zimmerman, Senators BluecheL Deccio, Fuller, Haley, Lee, McCall, Patterson, Quigg and Patterson were excused.

On motion of Senator Vognild, Senators Hughes and Thompson were excused.

MOTION

On motion of Senator Rinehart, the appointment of Anne M. Wade as a member of the Board of Trustees for Tacoma Community College, District No. 22 was confirmed.

APPOINTMENT OF ANNE M. WADE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 36; absent, 2; excused, 11.

Voting yea: Senators Barr, Bender, Benitz, BluecheL Clarke, Conner, Craswell, Fleming, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hurley, Jones, Kiskaddon,
Absent: Senators Bauer, Bottiger - 2.
Excused: Senators Deccio, Fuller, Haley, Hughes, Lee, Patterson, Pullen, Quigg, Rasmussen, Thompson, von Reichbauer - 11.

MOTION

On motion of Senator Gaspard, the appointment of Susan E. Gould as a member of the Board of Trustees for Central Washington University was confirmed.

APPOINTMENT OF SUSAN E. GOULD

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 37; nays, 1; absent, 2; excused, 9.


Voting nay: Senator Moore - 1.

Absent: Senators Bauer, Bottiger - 2.

Excused: Senators Fuller, Haley, Hughes, Lee, Patterson, Pullen, Quigg, Thompson, von Reichbauer - 9.

MOTION

At 10:22 a.m., on motion of Senator Shinpoch, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

MOTION

At 2:02 p.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President called the Senate to order at 2:30 p.m.

MOTION

On motion of Senator Vognild, Senator Bauer was excused.

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Gaspard, the appointment of Mardith A. Korten as a member of the Board of Trustees for Lower Columbia Community College, District No. 13 was confirmed.

APPOINTMENT OF MARDITH A. KORTEN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 39; absent, 8; excused, 2.

Voting yea: Senators Bender, Bluechel, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Jones, Kiskaddon, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 39.


Excused: Senators Bauer, Lee - 2.

MOTION

On motion of Senator Bluechel, Senator Deccio was excused.

MOTION

On motion of Senator Granlund, the appointment of Marliss M. Swayze as a member of the Board of Trustees for Tacoma Community College, District No. 22 was confirmed.
APPOINTMENT OF MARLISS M. SWAYZE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent, 2; excused, 3.

Voting yea: Senators Barr, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, McCaslin, McDermott, McManus, Melcall, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogtild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 44.

Absent: Senators Quigg, Zimmerman - 2.

Excused: Senators Bauer, Deccio, Lee - 3.

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

MESSAGE FROM THE HOUSE

May 20, 1983

Mr. President:
The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 240 and has granted said committee the powers of Free Conference. and the Report of the Conference Committee is here- with transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

May 20, 1983

Mr. President:
Mr. Speaker:
We, of your Free Conference Committee, to whom was referred, ENGROSSED SUBSTITUTE HOUSE BILL NO. 240, revising procedures for mail voting, have had the same under consideration, and we recommend that the bill be amended as follow:
(See Report of Conference Committee on Engrossed Substitute House Bill No. 240 read in on May 20, 1983)
Signed by: Senators Talmadge, Pullen and Rinehart; Representatives Pruitt, Tanner and Barnes.

MOTION

Senator Talmadge moved that the Senate do adopt the Report of the Free Conference Committee on Engrossed Substitute House Bill No. 240.
Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, on page two of the Free Conference Report, it says 'the county auditor may honor the request or may determine that the election is not be conducted by mail ballot. The decision of the county auditor in this regard is final.' My understanding is that you do not have that system in King County. You have a superintendent of elections that makes those determinations. I know in our county the auditor is going to be under the executive and the executive makes the determination. This is kind of giving a little bit more power and I imagine in the majority of the counties, the county auditor is still handling it. I don't think they are doing that in King County."

Senator Talmadge: "Senator, in King County, the elections officer there is considered to be the functional equivalent of an elected auditor. The only difference is the title and the fact that the elections officer there is not, in fact, elected. Nevertheless, they are to make that same kind of decision. They are subject to appointment under the home rule charter in King County as I suspect they will be in Pierce County and subject to the approval of the county council in that county."

The President declared the question before the Senate to be adoption of the Free Conference Report on Engrossed Substitute House Bill No. 240.
The motion by Senator Talmadge carried and the Report of the Free Conference Committee was adopted.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 240, as amended by the Free Conference Committee.
Debate ensued.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 240, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 25; nays, 23; excused, 1.

Voting yea: Senators Bender, Bluechel, Bottiger, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Kiskaddon, McDermott, McManus, Owen, Peterson, Quitag, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Wojahn, Zimmerman - 25.


Excused: Senator Bauer - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 240, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 3:15 p.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President called the Senate to order at 3:37 p.m.

MESSAGES FROM THE HOUSE

May 22, 1983

Mr. President:
The Speaker has signed:
SUBSTITUTE SENATE BILL NO. 3244,
SUBSTITUTE SENATE BILL NO. 3248,
SUBSTITUTE SENATE BILL NO. 4007,
SUBSTITUTE SENATE BILL NO. 4059, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

May 22, 1983

Mr. President:
The House has passed:
REENGROSSED HOUSE BILL NO. 56,
REENGROSSED SUBSTITUTE HOUSE BILL NO. 57,
REENGROSSED HOUSE BILL NO 58, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

May 22, 1983

Mr. President:
The House has adopted the Report of the Free Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 55 and has passed the bill as amended by the Free Conference Committee.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Shinpoch, the Senate advanced to the fifth order of business.
INTRODUCTION AND FIRST READING OF HOUSE BILLS

ReEHB 56  by Representatives Grimm, Cantu, Powers and Chamley (by Governor Spellman request)

Authorizing bonds for capital improvements for institutions of higher education.

ReEHB 57  by Committee on Ways and Means (originally sponsored by Representatives Grimm and Cantu) (by Governor Spellman request)

Authorizing bonds for state buildings and facilities, land acquisitions and grants and loans.

ReEHB 58  by Representatives Grimm, Cantu, Isaacson and Chamley (by Governor Spellman request)

Authorizing bonds for fisheries facilities.

ESHB 466  by Committee on Ways and Means (originally sponsored by Representatives McClure, Fisch, Haugen and Egger)

Modifying provisions on the taxation of business inventories.

MOTION

On motion of Senator Shinpoch, the rules were suspended, Reengrossed House Bill No. 56, Reengrossed Substitute House Bill No. 57, Reengrossed House Bill No. 58 and Engrossed Substitute House Bill No. 466 were advanced to second reading and placed on the second reading calendar.

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

SECOND READING

REENGROSSED HOUSE BILL NO. 56, by Representatives Grimm, Cantu, Powers and Chamley (by Governor Spellman request)

Authorizing bonds for capital improvements for institutions of higher education.

The bill was read the second time.

MOTION

On motion of Senator McDermott, the rules were suspended, Reengrossed House Bill No. 56 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Zimmerman: "We have asked to build here—and we do have a moment. We are in a sense passing the tax part of what was the authorization—yesterday the appropriation—and today the taxes. Is that what we're doing, Senator McDermott? Voting for taxes today, I guess?"

Senator McDermott: "Yes. If you want to have the building built, you have to authorize the bonds to get it."

Senator Zimmerman: "That's all right. We just wanted to be sure that we knew whether we were voting for taxes, at this point."

Further debate ensued.

POINT OF INQUIRY

Senator Patterson: "Senator Shinpoch, as I understand, some few years ago—particularly in the case of the community colleges of this state—did not have the same permanent funds that some of the universities had. In order to do a better job in construction in community colleges, we took all of their tuition money and put it into one fund and that fund is what's used to pay back the bonds that would be authorized under this. Is that true?"

Senator Shinpoch: "I can't really answer for how it's working today, but how it worked then—the answer would be no. There was not sufficient tuition money to satisfy the bonds for the construction that was going into the community college system. We had exhausted all of the ability to finance it out of the tuition money and we were using general fund money. I really can't answer today whether that's
true or not but I can’t imagine that we quit building in the community college sys-
tem and we caught up. I suspect that the answer that was correct then is the
answer that is correct now—that it takes general fund money in addition to the tui-
tion money in order to finance the community college capital construction bonds.”

Senator Patterson: “But there is the source of tuition that will be collected this
year and next year in the community college system that would be used for the
purpose of retiring these bonds?”

Senator Shinpoch: “Some portion, certainly.”

Further debate ensued.

The President declared the question before the Senate to be the roll call on
final passage of Reengrossed House Bill No. 56.

ROLL CALL

The Secretary called the roll on final passage of Reengrossed House Bill No. 56,
and the bill, having received the constitutional 60% majority, passed by the follow-

ing vote: Yeas, 32; nays, 17.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Fleming, Fuller,
Gaspard, Goltz, Granlund, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, McDermott,
McManus, Moore, Owen, Patterson, Peterson, Rinehart, Shinpoch, Talmadge, Thompson,
Vognild, Warnke, Williams, Woody, Zimmerman - 32.

Voting nay: Senators Barr, Benitz, Craswell, Deccio, Guess, Haley, Hemstad, Lee, McCaslin,
Metcalf, Newhouse, Pullen, Quigg, Rasmussen, Sellar, von Reichbauer, Wojahn - 17.

REENGROSSED HOUSE BILL NO. 56, having received the constitutional 60%

majority, was declared passed. having received the constitutional majority, was

declared passed. There being no objection, the title of the bill was ordered to stand
as the title of the act.

SECOND READING

REENGROSSED SUBSTITUTE HOUSE BILL NO. 57, by Committee on Ways and

Means (originally sponsored by Representatives Grimm and Cantu (by Governor

Spellman request)

Authorizing bonds for state buildings and facilities, land acquisitions and

grants and loans.

The bill was read the second time.

MOTION

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

On page 4, line 25, strike “forty million one hundred forty-five thousand” and insert

one hundred eighty-seven million four hundred twenty-five thousand

MOTION

On motion of Senator McDermott, the rules were suspended, Reengrossed Sub-

stitute House Bill No. 57, as amended by the Senate, was advanced to third read-
ing, the second reading considered the third, and the bill was placed on final

passage.

POINT OF INQUIRY

Senator Vognild: “Senator McDermott, I’m reading through the bill here and I

see section 7, on page 3, and we’ve also made rather a drastic change in the

matching money in regards to the people’s lodge, I believe, being built in Seattle.

Could you explain to me why that was reduced from $2,700,000 in matching

money to $115,000?”

Senator McDermott: “In the capital budget, these same figures appear. The

group that had gotten this bill originally had asked that the money be given on the

receipt of $2,700,000 and they were unable to get that, but they did get this amount

of money and have purchased the building and they are asking the amount be

changed.”

Debate ensued.

POINT OF INQUIRY

Senator Patterson: “Senator McDermott. I’m looking at this worksheet which

identifies the various projects as funded under the bill and I notice 3.8 million to
acquire McNeil Island. Could you refresh my memory on what kind of arrangement that we entered into with the federal government on the acquisition of McNeil?"

Senator McDermott: "Senator Patterson, I don't remember the precise details but originally it was a lease. Now, when we first got it back in 1981, it was a lease and now we are purchasing the entire island—or most of it."

Senator Patterson: "Is this the amount that was established by the federal government's general administration in order to purchase it?"

Senator McDermott: "Yes."

Senator Patterson: "But we have to buy in order to acquire it totally? There will be no further payments being made for acquisition later on or is this the total bill?"

Senator McDermott: "As far as I know, this is the total bill."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Reengrossed Substitute House Bill No. 57, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Reengrossed Substitute House Bill No. 57, as amended by the Senate, and the bill, having received the constitutional 60% majority, passed by the following vote: Yeas, 30; nays, 19.

Voting yea: Senators Bauer, Bender, Bluechel, Bottger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hayner, Hughes, Jones, Kiskaddon, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Shimpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman – 30.


REENGROSSED SUBSTITUTE HOUSE BILL NO. 57, as amended by the Senate, having received the constitutional 60% majority, 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. 58, by Representatives Grimm, Cantu, Isaacson and Charnley (by Governor Spellman request)

Authorizing bonds for fisheries facilities.

The bill was read the second time.

MOTION

On motion of Senator McDermott, the rules were suspended, Reengrossed House Bill No. 58 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Reengrossed House Bill No. 58.

ROLL CALL

The Secretary called the roll on final passage of Reengrossed House Bill No. 58 and the bill, having received the constitutional 60% majority, passed by the following vote: Yeas, 30; nays, 18; absent, 1.

Voting yea: Senators Bauer, Bender, Bluechel, Bottger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hughes, Jones, Kiskaddon, McDermott, McManus, Moore, Owen, Patterson, Peterson, Rinehart, Shimpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Woody, Zimmerman – 30.


Absent: Senator Lee – 1.

REENGROSSED HOUSE BILL NO. 58, having received the constitutional 60% majority, 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. 466, by Committee on Ways and Means (originally sponsored by Representatives McClure, Fisch, Haugen and Egger)

Modifying provisions on the taxation of business inventories.

The bill was read the second time.

MOTION

Senator McDermott moved that the following amendments be considered and adopted simultaneously:

On page 2, line 5, after "(c)" insert "Persons who purchased timber on public lands on or before August 1, 1982, are required to continue to pay property tax on those timber inventories, including taxes levied in 1983 and payable in 1984, and thereafter."

(d)

On page 2, line 28, after "land" strike "and which is sold under a contract entered into after August 1, 1982"

On page 4, line 20, after "limber" strike "standing on public land" and insert "which is standing on public land and which is sold under a contract entered into after August 1, 1982"

On page 4, line 33, after "that" insert "with respect to timber sold under a contract entered into after August 1, 1982."

POINT OF INQUIRY

Senator Newhouse: "Senator McDermott, it would appear that these people who bought this timber prior to August 1, 1982, would have anticipated that it would not be subject to the tax because according to the statutes at that time--at the time of the sale--the inventory tax was to phase out and it would not be subject to any tax. Is that not right? So you're adding a tax that they did not anticipate when they bought state timber?"

Senator McDermott: "When they bought this timber, they anticipated cutting it in '84, they would have thought there would be no tax. They, however, didn't know what was going to happen. They were betting on--if they bought it then--they could also cut it in '83 and pay the tax. It's really a question of what year they choose to cut it."

Senator Newhouse: "True, but there was a three year contract--they could cut it anytime in three years?"

Senator McDermott: "That's correct."

POINT OF INQUIRY

Senator Bluechel: "Senator McDermott, does this tax in your amendment apply to just standing timber or would it apply to timber in a cold deck?"

Senator McDermott: "It is timber that was bought prior to August 1, 1984."

Senator Bluechel: "All right, Senator McDermott, suppose it's cut next year and then it sits in a cold deck for say three or four years before it's used. Would the inventory tax apply to that timber?"

Senator McDermott: "The property tax?"

Senator Bluechel: "The inventory tax."

Senator McDermott: "It should if it's cut next year--they're supposed to pay property taxes on it for the year '83--not in '84. In the fiscal year '84, they would not pay taxes on it. They would pay no property taxes--no excise tax."

Senator Bluechel: "Under your amendment, there would be no taxes after the fiscal year 1984 on the timber, even if it's not cut or if it is cut--either way?"

Senator McDermott: "I need to check the answer to that question. My understanding is that we're closing a loophole on the single year--fiscal year '84."

Senator Bluechel: "But aren't you adding quite a tax to--the timber could be in two forms. It could be standing and it could be in a cold deck, which is the stored timber but not yet cut up in the mill and that why I'm inquiring. Is there a tax on the timber that is stored in a yard in what is called a cold deck, but not yet cut up into and sold as individual lumber?"
Senator McDermott: "My impression is that this affects standing timber that was sold prior to August 1, 1982. I do not know the Department of Revenue's interpretation of when it's been cut and it's laying in a cold deck—whatever it is—if that's somehow exempted from the tax. I'm not aware of that."

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 adoption of the amendments by Senator McDermott.

ROLL CALL

The Secretary called the roll and the motion by Senator McDermott carried and the amendments were adopted by the following vote: Yeas, 25; nays, 23; absent, 1.


Voting nay: Senators Barr, Bauer, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Hayner, Hemstad, Jones, McCaslin, McManus, Metcalf, Newhouse, Owen, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 23.

Absent: Senator Haley - 1.

MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute House Bill No. 466, 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.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 466, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 466, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 25; nays, 23; absent, 1.


Voting nay: Senators Benitz, Clarke, Craswell, Deccio, Fleming, Fuller, Guess, Hayner, Hemstad, Jones, Kiskadden, Lee, McCaslin, McDermott, Metcalf, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Sellar, von Reichbauer, Zimmerman - 23.

Absent: Senator Haley - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 466, 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. 588, by Representatives Zellinsky, Smitherman, Egger, Schmidt, Isaacson, Hankins, McClure, Fisch, Miller, Vekich, Sayan, Powers and Holland

Providing funds for jail improvement and construction.

The bill was read the second time.

MOTIONS

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

On page 1, line 14, after "forty" strike "million five and insert "four million three"

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

NEW SECTION. Sec. 3. There is appropriated to the State Jail Commission for the biennium ending June 30, 1983, from the local jail improvement and construction account in the general fund the sum of 3.8 million dollars, or so much thereof as may be necessary, for the specific purpose of constructing an additional floor to the state funded Spokane County Jail project which will house state prisoners under an agreement between the County and the Department of Corrections.

There is reappropriated from the local jail improvement and construction account of the general fund to the corrections standard board for the biennium ending June 30, 1985, any sum
remaining from the foregoing appropriation that was not spent in the biennium ending June 30, 1983.

Renumber the remaining sections consecutively.

MOTION

On motion of Senator Granlund, the rules were suspended. Engrossed House Bill No. 588, 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 Zimmerman: "Senator Hughes, did Senate Bill 3539 have the same amendment that we just added?"

Senator Hughes: "Yes, Senator, the exact language. The House chose to remove that—the reasons—I'm not sure yet, but they did remove that."

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 588, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 588, as amended by the Senate, and the bill, having received the constitutional 60% majority, passed the Senate by the following vote: Yeas, 44; nays, 4; absent, 1.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 44.

Voting nay: Senators Bluechel, Hemstad, Quigg, Zimmerman - 4.

Absent: Senator Haley - 1.

ENGROSSED HOUSE BILL NO. 588, as amended by the Senate, having received the constitutional 60% 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 President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

May 22, 1983

Mr. President:
The House voted to immediately transmit SUBSTITUTE SENATE BILL NO. 4245 to the Senate, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Shinpoch, further consideration of Substitute Senate Bill No. 4245 was deferred.

MESSAGE FROM THE HOUSE

May 23, 1983

Mr. President:
The House has adopted the Report of the Free Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 3434 and has passed the bill as amended by the Free Conference Committee, and said report together with the bill are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

May 20, 1983

Mr. President:
Mr. Speaker:
We, of your Free Conference Committee, to whom was referred, ENGROSSED SUBSTITUTE SENATE BILL NO. 3434, modifying definition of "member" for gambling enforcement purposes, have had the same under consideration, and we recommend that the bill be amended as follows and that the amended bill do pass:
TWENTY-NINTH DAY, MAY 23, 1983

(See Report of Conference Committee on Engrossed Substitute Senate Bill No. 3434 read in on May 22, 1983)

Signed by: Senators Vognild, Sellar and Williams; Representatives Appelwick, Barrett and Niemi.

MOTION

Senator Vognild moved that the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 3434 be adopted.

PARLIAMENTARY INQUIRY

Senator Metcalf: "A point of parliamentary inquiry. The amendment on page 32, lines 27, 28, 29 and 30 has been ruled, at least once and maybe twice, beyond the scope and object of this bill as it came before the Senate and I'm wondering if a question of scope and object would be a legitimate point at this time?"

POINT OF ORDER

Senator Pullen: "Mr. President, to help out Senator Metcalf, I would raise the question of scope and object that the Free Conference Committee Report does expand the scope and object of the bill.

"I would draw the President's attention to some of his prior rulings in which the President has indicated that a Free Conference Committee Report can be challenged on scope and object if the title of the act is broadened. I draw the President's attention to the Free Conference Committee Report on page 33 where we do have a title amendment that does significantly expand the scope and object of the bill and expands the title, as well. Therefore, that's consistent with the President's prior rulings where the President has indicated that a Free Conference Committee Report can be challenged on scope and object."

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Vognild: "Mr. President, I would like to inquire of the President if Engrossed Substitute Senate Bill No. 3434 carrying a title—An Act Relating to Gambling—if any title amendment here would not be considered a tightening amendment and not expanding?"

President Pro Tempore Goltz assumed the chair.

There being no objection, the Senate resumed consideration of the Message from the House regarding Substitute Senate Bill No. 4245, transmitting the bill to the Senate, read in earlier today.

THIRD READING

SUBSTITUTE SENATE BILL NO. 4245, by Committee on Parks and Ecology (originally sponsored by Senators Goltz, Kiskaddon, Hurley and Williams

Revising provisions relating to hazardous waste management.

MOTION

Senator Hughes moved that the rules be suspended and Substitute Senate Bill No. 4245 be returned to second reading.

PARLIAMENTARY INQUIRY

Senator Clarke: "We need to take a look at that before we know if there's an objection to putting it down. The question is, according to our data, that this has been referred to a conference committee and I suggest the proper order would seem to be that we would hear the Report of the Conference Committee. We would like a little more information as to the status of this bill."

REMARKS BY SENATOR HUGHES

Senator Hughes: "Prior to moving the amendment, Senator Clarke, you are absolutely right. This was in conference. The House insisted on the rule of five signatures and we were unable to gain the fifth signature. This is the bill that has passed previously in the Senate. The only change is that there is a general fund
appropriation of $50,000, which is found on page 5 of the vertical amendment. There's a horizontal amendment and a vertical and they are identical. I prefer to work off the vertical because that's what my notes are on, but I'll choose either one and the only change from the original House version is the appropriation of $50,000 in general funds. Senator Haley was on the conference committee, perhaps he would like to respond.”

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "I'm advised, Senator Clarke, that there is no Conference Committee Report before us and that the House did refer Substitute Senate Bill No. 4245 back to the Senate."

The President Pro Tempore declared the question before the Senate to be the motion by Senator Hughes to return Substitute Senate Bill No. 4245 to second reading. The motion by Senator Hughes carried and Substitute Senate Bill No. 4245 was returned to second reading and read the second time.

MOTION

Senator Hughes moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. There is added to chapter 70.105 RCW a new section to read as follows:

The legislature hereby declares that:

(1) The health and welfare of the people of the state depend on clean and pure environmental resources unaffected by hazardous waste contamination. Management and regulation of hazardous waste disposal should encourage practices which result in the least amount of waste being produced. Towards that end, the legislature finds that the following priorities in the management of hazardous waste are necessary and should be followed in order of descending priority as applicable:

(a) Waste reduction;
(b) Waste recycling;
(c) Physical, chemical, and biological treatment;
(d) Incineration;
(e) Solidification/stabilization treatment;
(f) Landfill.

(2) As used in this section:

(a) "Waste reduction" means reducing waste so that hazardous byproducts are not produced;
(b) "Waste recycling" means reusing waste materials and extracting valuable materials from a waste stream;
(c) "Physical, chemical, and biological treatment" means processing the waste to render it completely innocuous, produce a recyclable byproduct, reduce toxicity, or substantially reduce the volume of material requiring disposal;
(d) "Incineration" means reducing the volume or toxicity of wastes by use of an enclosed device using controlled flame combustion;
(e) "Solidification/stabilization treatment" means the use of encapsulation techniques to solidify wastes and make them less permeable or leachable; and
(f) "Landfill" means a disposal facility, or part of a facility, at which waste is placed in or on land and which is not a land treatment facility, surface impoundment, or injection well.

NEW SECTION. Sec. 2. There is added to chapter 70.105 RCW a new section to read as follows:

The department shall conduct a study to determine the best management practices for categories of waste for the priority waste management methods established in section 1 of this act, with due consideration in the course of the study to sound environmental management and available technology. As an element of the study, the department shall review methods that will help achieve the priority of section 1(1)(a) of this act, waste reduction. After conducting the study, the department shall prepare new rules or modify existing rules as appropriate to promote implementation of the priorities established in section 1 of this act for management practices which assure use of sound environmental management techniques and available technology. The preliminary study shall be completed by July 1, 1986, and the rules shall be adopted by July 1, 1987. The solid waste advisory committee shall review the studies and the new or modified rules and submit recommendations to the legislature by January 1, 1988, regarding policy options (such as fee incentives, disposal bans, etc.) that will be used to reduce the production of dangerous and extremely hazardous waste in Washington state.

NEW SECTION. Sec. 3. There is added to chapter 70.105 RCW a new section to read as follows:

...
Consistent with the purposes of sections 1 and 2 of this act, the department is authorized to promote the priority waste management methods listed in section 1 of this act by establishing or assisting in the establishment of: (1) Consultative services which, in conjunction with any business or industry requesting such service, study and recommend alternative waste management practices; and (2) technical assistance, such as a toll-free telephone service, to persons interested in waste management alternatives. Any person receiving such service or assistance may, in accordance with state law, request confidential treatment of information about their manufacturing or business practices.

NEW SECTION. Sec. 4. There is added to chapter 70.105 RCW a new section to read as follows:

All fines and penalties collected under this chapter shall be deposited in the hazardous waste control and elimination account, which is hereby created in the state general fund. Moneys in the account collected from fines and penalties shall be expended exclusively by the department of ecology for the purposes of this act, subject to legislative appropriation. Other sources of funds deposited in this account may also be used for the purposes of this act.

NEW SECTION. Sec. 5. (1) There is appropriated to the department of ecology from the hazardous waste control and elimination account in the general fund for the biennium ending June 30, 1985, the sum of one hundred thousand dollars, or so much thereof as may be necessary, for the purposes of section 2 of this act.

(2) There is appropriated to the department of ecology from the general fund for the biennium ending June 30, 1985, the sum of fifty thousand dollars, or so much thereof as may be necessary, for the purposes of section 2 of this act.*

POINT OF INQUIRY

Senator Hansen: “Senator Hughes, in this bill now, is animal waste in the class of hazardous waste?”

Senator Hansen: “No, Senator. I think you offered that amendment in committee that we adopted and I believe you’ll find that in the bill. I know it was my knowledge that it was in the bill.”

Senator Hansen: “I just read the bill and I don’t find it there.”

Senator Hughes: “I guess I would ask for a moment or two to look it over. It was my thought that it had been included. That’s the way the amendment came out of committee, and I would certainly like to check that for Senator Hansen.”

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator Hughes.

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

MOTION

On motion of Senator Bottiger, further consideration of Substitute Senate Bill No. 4245 was deferred.

MESSAGE FROM THE HOUSE

May 23, 1983

Mr. President:

The House insists on its position regarding ENGROSSED SENATE BILL NO. 3750 and asks for a conference thereon, and the Speaker has appointed the following members as conferees: Representatives Sommers, J. King and Hastings

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Shinpoch, the request of the House for a conference on Engrossed Senate Bill No. 3750 was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President Pro Tempore appointed as members of the Conference Committee on Engrossed Senate Bill No. 3750 and the House amendments thereto: Senators McDermott, Benitz and Owen.

MOTION

On motion of Senator Shinpoch, the Conference Committee appointments were confirmed.
MESSAGE FROM THE HOUSE

May 23, 1983

Mr. President:
The House has granted the request of the Senate for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 3226, and the Speaker has appointed the following members as conferees: Representatives Monohon, Ellis and Vander Stoep.

DEAN R. FOSTER, Chief Clerk

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

MESSAGE FROM THE GOVERNOR

May 23, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on May 23, 1983, Governor Spellman approved the following Senate Bills entitled:

Senate Bill No. 3760
Relating to local economic development.

Substitute Senate Bill No. 4137
Relating to adult corrections.

Sincerely,

MARILYN SHOWALTER, Counsel to the Governor

MOTION

At 6:04 p.m., on motion of Senator Bottiger, the Senate adjourned until 10:00 a.m., Tuesday, May 24, 1983.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.
THIRTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, May 24, 1983

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 Lee and Quigg.

The Sergeant at Arms Color Guard, consisting of Pages Zhon Marie Johnson and Doug Vaughn, presented the Colors. Reverend James H. Blundell, rector of St. John's Episcopal Church of Olympia, offered the prayer.

MOTION

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

MOTIONS

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

On motion of Senator Shinpoch, the Committee on Rules was relieved of further consideration of Senate Resolution No. 1983-30.

On motion of Senator Shinpoch, the rules were suspended. Senate Resolution 1983-30 was placed on second reading and read the second time.

MOTION

On motion of Senator Pullen the following resolution was adopted:

SENATE RESOLUTION 1983-30

By Senators Pullen, Owen, Lee, von Reichbauer, Talmadge, Kiskaddon, Moore and Shinpoch

WHEREAS, The King County Outdoor Sports Council is celebrating its fiftieth year as is the state game department in promoting good sportsmanship, wildlife management, and conservation practices to ensure that future generations will continue to enjoy our beautiful outdoor areas; and

WHEREAS, The King County Outdoor Sports Council fosters family activities, comradeship, and safe practices in the enjoyment of the great outdoors; and

WHEREAS, The unselfish and persevering efforts of dedicated sportsmen organizations including the King County Outdoor Sports Council together with the state game department and commission have made possible a fish and game program in this state that is dedicated to preserving our state's precious heritage of wildlife; and

WHEREAS, An organization can only function effectively if it has dedicated members such as Ken McLeod; and

WHEREAS, Ken McLeod, born in 1898 in a modest house in Seattle, is known as Mr. Sportsman and has been actively involved in every movement in this state enhancing the organization of sportsmen; and

WHEREAS, From fighting for the passage of the state game control initiative in 1932 and the passage of a state pollution control bill in 1945, to vigorous concern about the future of steelhead fishing in the aftermath of the Boldt decision since 1974, the King County Outdoor Sports Council, other sportsmen organizations, and the citizens of this state have benefited from Ken McLeod's vigilant service as the unofficial watchman over the inherent rights of the sportsmen of this state;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That the King County Outdoor Sports Council be honored for the contributions of its member organizations in enhancing and preserving the quality of life in our evergreen state; and

BE IT FURTHER RESOLVED, That Ken McLeod be honored for his outstanding contributions to the state as "Mr. Sportsman"; and
BE IT FURTHER RESOLVED, That copies of this resolution be transmitted to Gene Tabaka, secretary for the King County Outdoor Sports Council, Ken McLeod, and the state game department and commission.

MOTION

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

SENATE RESOLUTION 1983–103

By Senators Rinehart, Gaspard, Kiskaddon and Hemstad

WHEREAS, The community colleges of Washington employ a large number of part-time faculty members; and

WHEREAS, Some part-time faculty members have been employed in that status for as many as ten years; and

WHEREAS, Community college salary plans established through professional negotiations typically do not compensate part-time faculty members on the same basis as their full-time counterparts; and

WHEREAS, Benefit plan eligibility requirements are such that part-time faculty members frequently are denied the opportunity to participate in said programs;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That the Senate Education Committee conduct a study of part-time faculty employment in community colleges to include, but not be limited to, compensation eligibility, the effects of professional negotiations on part-time faculty compensation, and the degree to which part-time faculty depend upon community college employment for their livelihood; and

BE IT FURTHER RESOLVED, That the Senate Education Committee may establish an advisory committee composed of representatives of the State Board for Community College Education, college district trustees, administrators and both part-time and full-time faculty members; and

BE IT FURTHER RESOLVED, That the Senate Education Committee shall report its findings to the President of the Senate during the regular legislative session commencing January, 1984.

MOTION

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

SENATE RESOLUTION 1983–109

By Senators Goltz, Gaspard, Rinehart, Patterson, Guess and Hansen

WHEREAS, The enrollment patterns, student mix and program offerings in Washington's public higher education institutions are rapidly changing; and

WHEREAS, The percentage of allocated state revenue available to public higher education is in a reduction mode; and

WHEREAS, A growing concern is developing regarding the appropriateness and applicability of the existing method of funding higher education in the current environment; and

WHEREAS, The current instructional formula budgeting method has been used for Washington State public institutions of higher education since 1968; and

WHEREAS, The main priorities in the development of a budget for higher education should be the assurance of quality education and an equitable distribution of the funds;

NOW, THEREFORE, BE IT RESOLVED, That the Senate Ways and Means Committee and the Senate Education Committee together undertake an interim study of the existing method of funding the public higher education institutions in Washington State. This study shall be comprehensive and shall include all formula and non-formula areas. Consideration shall be given to the separate mission of each institution and the historical construction of each base budget for the purpose of locating any fiscal imbalances and, if necessary, recommending alternative budget methods to rectify them; and

BE IT FURTHER RESOLVED, That the study shall recommend a funding method for higher education which is equitable to all four year institutions and community colleges and provides sufficient flexibility for the institutions to develop and maintain quality educational programs; and
BE IT FURTHER RESOLVED. That the Senate Ways and Means Committee and the Senate Education Committee shall appoint an advisory committee which shall consist of one representative from each of the state's four year institutions and one representative from the State Board of Community Colleges and any other representation which the Committees deem to be appropriate; and

BE IT FURTHER RESOLVED: That the Committees complete the study and report their findings and recommendations to the 1985 regular session of the Legislature before January 20, 1985.

MOTION


MOTION

At 10:12 a.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President called the Senate to order at 10:14 a.m.

MOTION

At 10:14 a.m., on motion of Senator Shinpoch, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

MOTION

At 2:00 p.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President called the Senate to order at 4:11 p.m.

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

MESSAGES FROM THE HOUSE

May 24, 1983

Mr. President:
The House concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 588 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

May 24, 1983

Mr. President:
The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 712 and passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

May 24, 1983

Mr. President:
The House has adopted the Report of the Free Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 240 and has passed the bill as amended by the Free Conference Committee.

DEAN R. FOSTER, Chief Clerk

May 22, 1983

Mr. President:
The House failed to pass SENATE BILL NO. 3985, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

May 24, 1983

Mr. President:
The Speaker has signed:
HOUSE BILL NO. 1079, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk
Mr. President:
The Speaker has signed:
HOUSE BILL NO. 56.
HOUSE BILL NO. 58, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk
May 24, 1983

Mr. President:
The Speaker has signed:
SUBSTITUTE HOUSE BILL NO. 55, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk
May 24, 1983

Mr. President:
The Speaker has signed:
SUBSTITUTE HOUSE BILL NO. 796, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk
May 23, 1983

Mr. President:
The House has passed:
SUBSTITUTE HOUSE BILL NO. 72, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk
May 24, 1983

Mr. President:
The House has passed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 983, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk
May 24, 1983

Mr. President:
The House has passed:
SUBSTITUTE HOUSE BILL NO. 996, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk
May 24, 1983

Mr. President:
The House has adopted:
ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 120, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk
May 24, 1983

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 55,
HOUSE BILL NO. 56,
HOUSE BILL NO. 58,
SUBSTITUTE HOUSE BILL NO. 796,
HOUSE BILL NO. 1079.

MOMENT OF SILENT PRAYER

The members of the Senate stood for a moment of silent prayer in memory of former State Representative Chet Hatfield who passed away May 23, 1983.

MESSAGE FROM THE HOUSE

May 24, 1983

Mr. President:
The House adopted the Report of the Conference Committee on ENGROSSED SENATE BILL NO. 3858 and passed the bill as originally passed by the Senate, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk
THIRTIETH DAY, MAY 24, 1983

REPORT OF CONFERENCE COMMITTEE

May 23, 1983

Mr. President:
Mr. Speaker:

We, of your Conference Committee, to whom was referred, ENGROSSED SENATE BILL NO. 3858, authorizing the annexation of areas outside cities and towns upon consent of the property owners, have had the same under consideration, and we recommend that the House recede from its amendments and that the bill pass as originally approved by the Senate.

Signed by: Senators Thompson, Benitz and Woody; Representatives Moon, Charnley and Van Dyken.

MOTION

On motion of Senator Thompson, the Report of the Conference Committee on Engrossed Senate Bill No. 3858 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3858, as amended by the Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3858, as amended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 45; absent, 4.


Absent: Senators Deccio, Granlund, Owen, Pullen - 4.

ENGROSSED SENATE BILL NO. 3858, as amended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

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

On page 1, line 1 of the title, after "wastes;" strike the remainder of the title and insert "adding new sections to chapter 70.105 RCW; and making appropriations."

On motion of Senator Hughes, the rules were suspended, Engrossed Substitute Senate Bill No. 4245 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

the President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4245.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4245, and the bill passed the Senate by the following vote: Yeas, 40; nays, 8; absent, 1.


Absent: Senator Pullen - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4245, having received the 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 President reverted the Senate to the fifth order of business.

**INTRODUCTION AND FIRST READING OF HOUSE BILL**

**ESHB 983** by Committee on Transportation (originally sponsored by Representative Martinis)

Modifying provisions on motor vehicle excise taxes.

**MOTION**

On motion of Senator Shinpoch, the rules were suspended and Engrossed Substitute House Bill No. 983 was advanced to second reading and read the second time.

**MOTION**

Senator Rinehart moved that the following amendment be adopted:

On page 3, line 12, after "by" strike "uniformed officers" and insert "personnel"

Debate ensued.

**POINT OF INQUIRY**

Senator Shinpoch: "Senator Fuller, would you read 'personnel' as prohibiting the state patrol from using uniformed personnel?"

Senator Fuller: "I do not read it as prohibiting, but I think it gives them an option of sending anybody that is in their employ—whether it's a uniformed person or a desk worker—whatever they happen to be."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Rinehart.

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

**MOTIONS**

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

On page 8, line 27, after "act." insert "Three million dollars of this appropriation shall be used by the department of agriculture for noxious weed control."

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

On page 8, line 33, after "rhe" strike "one-tenth" and insert "one hundred twenty-five one thousandths"

On motion of Senator McDermott, the rules were suspended. Engrossed Substitute House Bill No. 983, 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.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 983, as amended by the Senate.

**ROLL CALL**

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 983, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 25; nays, 22; absent, 2.


Voting nay: Senators Bender, Benitz, Clarke, Craswell, Guess, Haley, Hayner, Hemstad, Hughes, Hurley, McCasin, Metcalf, Moore, Newhouse, Owen, Patterson, Quigg, Rasmussen, Sellar, Thompson, von Reichbauer, Zimmerman - 22.

Absent: Senators Deccio, Pullen - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 983, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.
INTRODUCTION AND FIRST READING OF HOUSE BILL

SHB 72 by Committee on Ways and Means (originally sponsored by Representatives Grimm and Tilly (by Department of Revenue request)

Modifying miscellaneous tax provisions.

MOTION

On motion of Senator McDermott, the rules were suspended and Substitute House Bill No. 72 was advanced to second reading and read the second time. Debate ensued.

PARLIAMENTARY INQUIRY

Senator Newhouse: "Was this a suspension of the rules that was requested? This bill has passed the Senate with substantial amendments and now we find it back here without amendments and I would think it would be on a concurrence calendar."

REPLY BY THE PRESIDENT

President Cherberg: "Senator Newhouse, the secretary advises that the House reworked the bill and sent it back to the Senate. They scoped it, whatever that means."

Senator Newhouse: "What happened to our amendments? I think we spent about twelve or fifteen hours on those wonderful Christmas tree ornaments we put on it—and now we go through all that process again? I think the bill should be back here with our amendments."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, when the bill arrived at the House, the question of scope and object was raised. The House has a similar rule as the Senate. It was referred to committee to quote 'take the ordinary course of a bill.' In that process, the amendments were discussed, debated, adopted or not adopted and a base of the House Bill passed in the form of an original bill through the House and it's back over here."

PERSONAL PRIVILEGE

Senator Moore: "Mr. President and fellow members, I am not going to move this amendment. I am withdrawing it, but I would like to make a short statement. I think the behavior of the House was something between outrageous and ludicrous. We did spend the time, as Senator Newhouse has pointed out, getting a bill that took care of a particular problem of a majority here—and a substantial majority—favors, namely, the bullion and coin dealers sales tax problems. Now, if I have ever seen an outrage put on a single group, it is that group of dealers who are forced to compete with out-of-state dealers—for advertising in the phone book, advertising on the radio and television—'phone us out of state and we'll do business with you with no sales tax.' We are hurling a very important small business sector and I am very irritated, nonetheless, in the interest of seeing that this bill passed without any further amendments, at least on my part. I want to insure safe and speedy passage for those good things that are in the bill."

PARLIAMENTARY INQUIRY

Senator Metcalf: "I don't understand—and the question is—how is the bill before us in the present form? We passed it over with some amendments and it is now back without those amendments. Did they refuse to concur? Specifically, explain the parliamentary steps by which the bill is before us at the present time—in the form in which it is."

REPLY BY THE PRESIDENT

President Cherberg: "The Secretary advises that the action took place in the House when someone raised the point of order that certain amendments violated the scope and object of the bill. They reworked the bill—evidently the bill was referred back to committee—they reworked the bill and had the bill take the course of a new bill. The House, in its wisdom, passed the bill over to the Senate."
Senator Metcalf: "Mr. President, is this parliamentary proper? I never really heard of this process before. Is that a new process that we're inaugurating or is this something that is legitimate? Has this been done before? It seems rather unclear to me—I don't believe I've ever seen this before."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President and Senator Metcalf, the answer is yes. It has been done several times when we were considering the question of the SeaFirst bill. The point of order was raised, the bill was sent to committee. We found precedence in 1975—1971. I can't remember the other sessions where this process had been utilized and we brought those to the floor's attention at that time."

POINT OF INFORMATION

Senator Sellar: "A point of clarification. However, in the SeaFirst case, when it came back out, it did not take the course of a new bill."

MOTION

Senator Fuller moved that the following amendments be considered and adopted simultaneously:

On page 4, after line 28, insert:

"Sec. 3. Section 82.04.250, Chapter 15, Laws of 1961 as last amended by Section 2, Chapter 172, Laws of 1981 and RCW 82.04.250 are each amended as follows:

Upon every person except persons taxable under RCW 82.04.260(8) and (14) engaging within this state in the business of making sales at retail, as to such persons, the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the business, multiplied by the rate of forty-four one-hundredths of one percent."

On page 7, after line 28, insert:

"(14) Upon every person engaging in the business of selling at retail perishable meat products which are exempt from sales tax pursuant to RCW 82.08.0293 and which have been slaughtered, broken and/or processed by such person, the amount of such tax with respect to such business shall be equal to the gross proceeds derived from such sales multiplied by the rate of thirty-three one-hundredths of one percent."

Debate ensued.

POINT OF INQUIRY

Senator Zimmerman: "Senator Lee referred to an issue I'd like to ask if she would elaborate briefly. Simply, that I understand that you said that this measure—if we do not pass this floor amendment—would have the effect of a double taxation on every outlet such as Kentucky Fried Chicken or such similar chicken outlets and others who would be in a sense processing meat in the state of Washington. They would have a double taxation if we do not pass this amendment, therefore, is that what you said? Is that what I understood you to say?"

Senator Lee: "That is what would happen. Now it is possible, I suppose, either that or they have to set themselves up as a separate taxing group. In other words, they're usually taxed as retailers for business and occupation tax purposes. This is a different rate than what retailers would pay, so if they're in the process of cutting meat even though they're retailers--now that we've established this new rate—they've got a separate category as now being meat processors as well as being retailers, and that's where the problem arises."

Further debate ensued.

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

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

ROLL CALL

The Secretary called the roll and the motion by Senator Fuller failed and the amendments were not adopted by the following vote: Yeas, 22; nays, 25; absent, 2.


Absent: Senators BluecheL Pullen - 2.

MOTION

On motion of Senator McDermott, the rules were suspended, Substitute House Bill No. 72 was advanced to third reading, the second reading considered the third, and the bill was 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. 72.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 72, and the bill passed the Senate by the following vote: Yeas, 35; nays, 10; absent, 4.


Voting nay: Senators Fleming, Guess, Hughes, Hurley, Metcalu, Patterson, Shinpoch, Talmadge, Williams, Wojahn - 10.

Absent: Senators Bolliger, Gaspard, Jones, Pullen - 4.

SUBSTITUTE HOUSE BILL NO. 72, having received the 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 President reverted the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

GUBERNATORIAL APPOINTMENTS

May 24, 1983

GA 7 PHILIP S. HAYES, to the position of Member of the State Board for Community College Education, appointed by the Governor on April 4, 1982, for the term ending April 3, 1986. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Croswell, Fleming, Goltz, Guess, Hemstad, Hughes, Lee, McDermott, von Reichbauer, Warnke.

Passed to Committee on Rules.

GA 23 CYNTHIA MAISEL, to the position of Member of the Council for Postsecondary Education, appointed by the Governor on October 2, 1981, for the term ending June 30, 1987, succeeding Marianne Craft Norton. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Guess, Hemstad, Hughes, Lee, McDermott, von Reichbauer, Warnke.

Passed to Committee on Rules.

GA 62 MAJEL A. WILSON, to the position of Member of the Board of Trustees for Edmonds Community College District No. 23, appointed by the Governor on November 8, 1982, for the term ending September 30, 1987, succeeding Karen Miller. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Guess, Hemstad, Hughes, Lee, McDermott, von Reichbauer, Warnke.
Passed to Committee on Rules.  

GA 73  TOMIO MORIGUCHI, to the position of Member of the Board of Trustees for Seattle Community College District No. 6, appointed by the Governor on October 1, 1982, for the term ending September 30, 1987, succeeding Aurelia L del Fierro. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Guess, Hemstad, Hughes, Lee, McDermott, von Reichbauer, Warnke.

Passed to Committee on Rules.

GA 75  F. GEORGE WARREN, to the position of Member of the State Board for Community College Education, appointed by the Governor on October 1, 1982, for the term ending April 3, 1986. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Guess, Hemstad, Hughes, Lee, McDermott, von Reichbauer, Warnke.

Passed to Committee on Rules.

GA 80  MABEL E. "MICKEY" ROBERTS, to the position of Member of the Board of Trustees for Whatcom Community College District No. 21, appointed by the Governor on January 4, 1983, for the term ending September 30, 1987, succeeding Richard Langabeer. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Guess, Hemstad, Hughes, Lee, McDermott, von Reichbauer, Warnke.

Passed to Committee on Rules.

GA 85  DAVID JUSTICE, to the position of Member of the Board of Trustees for Walla Walla Community College District No. 20, appointed by the Governor on February 11, 1982, for the term ending September 30, 1986, succeeding Charles W. Votaw. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Guess, Hemstad, Hughes, Lee, McDermott, von Reichbauer, Warnke.

Passed to Committee on Rules.

GA 93  CHERRY A. McGEE BANKS, to the position of Member of the Board of Trustees for Shoreline Community College District No. 7, appointed by the Governor on February 1, 1983, for the term ending September 30, 1984, succeeding Dr. Samuel E. Kelly. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Guess, Hemstad, Hughes, Lee, McDermott, von Reichbauer, Warnke.

Passed to Committee on Rules.
FRED C. ENLOW, to the position of Member of the Board of Trustees for Eastern Washington University, appointed by the Governor on February 10, 1983, for the term ending September 30, 1988. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Guess, Hemstad, Hughes, Lee, McDermott, von Reichbauer, Warnke.

Passed to Committee on Rules.

MOTION

On motion of Senator Shinpoch, the rules were suspended and Gubernatorial Appointment Nos. 7, 23, 62, 73, 75, 80, 85, 93 and 95 were advanced to second reading and placed on the second reading calendar.

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

SIGNET BY THE PRESIDENT

SENATE BILL NO. 3858.

MESSAGE FROM THE HOUSE

May 24, 1983

Mr. President:
The House has adopted SENATE CONCURRENT RESOLUTION NO. 130 with the following amendment:

On page 3, beginning on line 16, strike all of subsection (16) and insert:

"(16) City, county and state transportation needs, revenue sources presently available to meet those needs, and alternatives for providing adequate, stable funding sources to meet long-term needs for all transportation modes;",

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Peterson, the Senate concurred in the House amendment to Senate Concurrent Resolution No. 130.

The President declared the question before the Senate to be the roll call on final passage of Senate Concurrent Resolution No. 130, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Senate Concurrent Resolution No. 130, as amended by the House, and the resolution passed the Senate by the following vote: Yeas, 42; absent, 7.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalfe, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Williams, Wojahn, Woody, Zimmerman - 42.

Absent: Senators Bluechel, Bottiger, Granlund, Jones, Pullen, von Reichbauer, Warnke - 7.

SENATE CONCURRENT RESOLUTION NO. 130, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 3434 and the point of order raised on the amendments contained in the Report of the Free Conference Committee, read in on May 23, 1983.

MOTION

On motion of Senator Vognild, and there being no objection, his motion to adopt the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 3434 was withdrawn.
On motion of Senator Vognild, Engrossed Substitute Senate Bill No. 3434 was returned to the House with the request that the Conference Committee reconsider the bill.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3780 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 4, chapter 177, Laws of 1980 and RCW 74.46.040 are each amended to read as follows:

(1) Not later than March 31, 1982, and each year thereafter, each contractor shall submit to the department an annual cost report, and such financial statements as are required by this chapter, for the period from January 1st through December 31st of the preceding year.

(2) Not later than one hundred twenty days following the termination of a contract, the contractor shall submit to the department a cost report, and financial statements as are required by this chapter, for the period from January 1st through the date the contract terminated.

(3) Two extensions of not more than thirty days each (after March 31st) may be granted by the department upon receipt of a written request setting forth the circumstances which prohibit the contractor from compliance with (such a report due date: except that the secretary shall establish the grounds for extension in rule and regulation. Such request must be received by the department at least ten days prior to the due date.

(4) Not later than one hundred and twenty days following the termination of a contract, the contractor shall submit to the department a cost report, and such financial statements as are required by this chapter, for the period from January 1st through the date the contract terminated.)

Sec. 2. Section 6, chapter 177, Laws of 1980 and RCW 74.46.060 are each amended to read as follows:

(1) Cost reports shall be prepared in a standard manner and form, as determined (pursuant to RCW 74.46.070) by the department, which shall provide for financial statements, an itemized list of allowable costs, and a preliminary settlement report. Costs reported shall be determined in accordance with generally accepted accounting principles, the provisions of this chapter, and such additional rules and regulations as are established by the secretary.

(2) All financial statements of a contractor must be prepared in accordance with generally accepted accounting principles, (such additional regulatory requirements developed pursuant to RCW 74.46.070) the provisions of this chapter, and such additional rules and regulations as are established by the secretary.

(3) The records shall be maintained on the accrual method of accounting and agree with or be reconcilable to the cost report and the financial statements.

Sec. 3. Section 8, chapter 177, Laws of 1980 and RCW 74.46.080 are each amended to read as follows:

(1) All records supporting the required cost reports and financial statements, as well as trust funds established by RCW 74.46.700, shall be retained by the contractor for a period of four years following the filing of such reports at a location in the state of Washington specified by the contractor. The department may direct such records to be retained for a longer period if there remain unresolved questions on the cost reports and financial statements. All such records shall be made available upon demand to authorized representatives of the department, the office of the state auditor, and the United States department of health((education)) and ((welfare)) human services.

(2) When a contract is terminated, all payments due will be withheld until accessibility and preservation of the records within the state of Washington are assured.

Sec. 4. Section 10, chapter 177, Laws of 1980 and RCW 74.46.100 are each amended to read as follows:

The principles inherent within (RCW 74.46.110 through 74.46.140)) section 5 of this 1983 act and RCW 74.46.130 are:

(1) To ascertain, through ((certified)) department audits that the costs for each year are accurately reported, thereby providing a valid basis for future rate determination.

(2) To ascertain, through ((certified)) department audits of the cost reports, that cost reports properly reflect the financial statements of the contractor, particularly as they pertain to related organizations and beneficial ownership, thereby providing a valid basis for the determination of return as specified in this chapter.

(3) To ascertain, through ((the certified)) department audit ((and the oversight of the office of the state auditor)) that compliance with the accounting and auditing provisions of this chapter and the rules and regulations of the department as they pertain to these accounting and auditing provisions is proper and consistent; and
The designated individual or individuals shall have sufficient knowledge of the issue or function to respond to questions and requests for information from auditors. The owner or administrator of a facility shall designate and make available an individual or individuals to provide accurate information.

Department audits of the cost reports and patient trust accounts shall be conducted as follows:

1. Each year the department will provide for field audit of the cost report, financial and statistical reports, and patient trust funds, as established by RCW 74.46.700. of all or a sample of reporting facilities selected by profiles of costs, exceptions, contract terminations, upon special requests or other factors determined by the department.

2. Beginning with audits for calendar year 1983, up to one hundred percent of contractors cost reports and patient care trust fund accounts shall be audited: PROVIDED, That each contractor shall be audited at least once in every three-year period.

3. Facilities shall be selected for sample audits within one hundred twenty days of submission of a correct and complete cost report, and shall be so informed of the department's intent to audit. Audits so scheduled shall be completed within one year of selection.

4. Where an audit for a recent reporting or trust fund period discloses material discrepancies, undocumented costs or mishandling of patient trust funds, auditors may examine prior unaudited periods, for indication of similar material discrepancies, undocumented costs or mishandling of patient trust funds for not more than two reporting periods preceding the facility reporting period selected in the sample.

The audit will result in a schedule summarizing appropriate adjustments to the contractor's cost report. These adjustments will include an explanation for the adjustment, the general ledger account or account group, and the dollar amount. Patient trust fund audits shall be reported separately and in accordance with RCW 74.46.700.

Audits shall meet generally accepted auditing standards as promulgated by the American institute of certified public accountants and the standards for audit of governmental organizations, programs, activities and functions as published by the comptroller general of the United States. Audits shall be supervised or reviewed by a certified public accountant.

No auditor under contract with or employed by the department to perform audits in accordance with the provisions of this chapter shall:

(a) Have had direct or indirect financial interest in the ownership, financing or operation of a nursing home in this state during the period covered by the audits;

(b) Acquire or commit to acquire any direct or indirect financial interest in the ownership, financing or operation of a nursing home in this state during said auditor's employment or contract with the department;

(c) Accept as a client any nursing home in this state during or within two years of termination of said auditor's contract or employment with the department;

8. Audits shall be conducted by auditors who are otherwise independent as determined by the standards of independence established by the American Institute of certified public accountants.

9. All audit rules adopted after March 31, 1984, shall be published before the beginning of the cost report year to which they apply.

NEW SECTION. Sec. 6. There is added to chapter 74.46 RCW a new section to read as follows:

The office of the state auditor shall annually review the performance of the department to ensure that departmental audits are conducted in accordance with generally accepted accounting principles and auditing standards.

Sec. 7. Section 13, chapter 177, Laws of 1980 and RCW 74.46.130 are each amended to read as follows:

1. For the requirements of RCW 74.46.120(1) section 5 of this 1983 act, the contractor shall be notified by the department at least ten working days in advance of the engagement. Upon such notification, the contractor shall:

(a) Provide access to the facility, all records, and all working papers which are in support of the cost report, financial statements, and patient trust funds; and

(b) Prepare reconciliation of the cost report and financial statements with (i) applicable federal income and federal and state payroll tax returns and (ii) the records for the period covered by the cost report and financial statements.

2. For the requirements of RCW 74.46.120(2), the contractor shall provide access to the facility and supply all records as required in subsection (1) of this section.) To facilitate department audit, the owner or administrator of a facility shall designate and make available an individual or individuals to respond to questions and requests for information from auditors. The designated individual or individuals shall have sufficient knowledge of the issue or function to provide accurate information.
Sec. 8. Section 15, chapter 177, Laws of 1980 and RCW 74.46.150 are each amended to read as follows:

(1) For each cost center, payments to contractors shall not exceed the lower of prospective reimbursement rates or audited allowable costs, except as otherwise provided in this chapter.

(2) The settlement process shall consist of:
(a) The evaluation of the proposed preliminary settlement [(report)] by cost center contained within the cost report and preparation of the preliminary settlement report;
(b) The evaluation of the audit results, if an audit is conducted, including disallowed costs and preparation of the final settlement report; and
(c) The process of scheduling payment [(as to such)] of underpayments or overpayments determined by preliminary or final settlement.

Sec. 9. Section 16, chapter 177, Laws of 1980 and RCW 74.46.160 are each amended to read as follows:

(1) [(Within one hundred twenty days after receipt of the proposed preliminary settlement [(report)], the department shall verify the accuracy of [(such report)] the proposal and shall issue a preliminary settlement report by cost center to the contractor which fully substantiates disallowed costs, refunds, underpayments, or adjustments to the proposed preliminary settlement.

(2) [(Within thirty days)] After [(receipt)] completion of the [(audited reports by the secretary)] audit process, including exhaustion or mutual termination of reviews and appeals of audit findings or determinations, the department will submit a [(proposed)] final settlement report by cost center to the contractor which [(rules on questioned costs, and)] fully substantiates disallowed costs, refunds, underpayments, [(and/or)] or adjustments to the [(proposed settlement)] contractor's financial statements and cost report. Where the contractor is pursuing judicial or administrative review or appeal in good faith regarding audit findings or determinations, the department may issue a partial final settlement to recover overpayments based on audit adjustments not in dispute.

Sec. 10. Section 17, chapter 177, Laws of 1980 and RCW 74.46.170 are each amended to read as follows:

(1) [(The settlement will become final)] A contractor shall have thirty days after the date the [(proposed)] preliminary or final settlement report is submitted to the contractor[(unless the contractor)] to contest([the]) a settlement determination under RCW 74.46.780. [(In the event of)] Such action, the contractor has thirty days after the date the proposed final settlement report has been submitted to notify the department of such contesting pursuant to the provisions of RCW 74.46.170. After the thirty-day period has expired, a preliminary or final settlement will not be subject to review.

(2) A preliminary settlement report as issued by the department will become the final settlement report if no audit has been scheduled within twelve calendar months following the department's issuance of a preliminary settlement report to the contractor.

(3) Settlement will be reopened if necessary to make adjustments for findings resulting from an audit performed pursuant to [(this chapter)] section 5(4) of this 1983 act.

Sec. 11. Section 18, chapter 177, Laws of 1980 and RCW 74.46.180 are each amended to read as follows:

(1) [(Within one hundred twenty days after receipt of the proposed preliminary settlement [(report)],)] The state shall make payment of any underpayments within [(fifteen)] thirty days [(of)] after the date the preliminary or final settlement [(becomes final)] report is submitted to the contractor.

(2) [(The)] A contractor found to have received either overpayments [(and/or)] or erroneous payments under a preliminary or final settlement shall refund such payments to the state within thirty days [(of)] after the date the preliminary or final settlement [(becomes final)] report is submitted to the contractor, subject to the provisions of subsections (3), (4), (and (5)), and (7) of this section.

(3) Within the cost centers of nursing services and food, all savings resulting from the respective [(audited)] allowable costs being lower than the respective reimbursement rate paid to the contractor during the report period shall be refunded. In computing a preliminary or final settlement, savings in a cost center may be shifted to cover a deficit in another cost center up to the amount of any savings: PROVIDED, That not more than twenty percent of the rate in a cost center may be shifted into that cost center and no shifting may be made into the property cost center.

(4) Within the cost centers of administration and operations and property, the contractor shall retain at least fifty percent, but not more than seventy-five percent, of any savings resulting from the respective, audited, allowable costs being lower than the respective reimbursement rates paid to the contractor during the report period multiplied by the number of
authorized medical care client days in which said rates were in effect. The secretary, by rule and regulation, shall establish the basis for the specific percentages of savings to the contractors. Such rules and regulations may provide for differences in the percentages allowed for each cost center to individual facilities based on performance measures related to administrative efficiency.

(5) ((All allowances provided by RCW 74.46.530 shall be retained by the contractor.)) Any industrial insurance dividend or premium discount under RCW 51.16.035 shall be retained by the contractor.

(6) In the event the contractor fails to make repayment in the time provided in subsection (2) of this section, the department shall either:
   (a) Deduct the amount of refund due plus assessment of interest, as determined by the secretary, from payment amounts due the contractor; or
   (b) In the instance the contract has been terminated, (i) deduct the amount of refund due plus an assessment of interest, determined by the secretary, from any payments due; or (ii) assess the amount due plus interest, as determined by the secretary, on the amount due.

(7) Where the facility is pursuing timely-filed judicial or administrative remedies in good faith regarding settlement issues, the contractor need not refund nor shall the department ((shall not)) withhold from the facility current payment amounts the department claims to be due from the facility but which are specifically disputed by the contractor. If the judicial or administrative remedy sought by the facility is not granted after all appeals are exhausted or mutually terminated, the facility shall make payment of such amounts due plus interest accrued from the date of filing of the appeal, as payable on judgments, within sixty days of the date such decision is made.

Sec. 12. Section 19, chapter 177, Laws of 1980 and RCW 74.46.190 are each amended to read as follows:

(1) The substance of a transaction will prevail over its form.
(2) All documented costs which are ordinary, necessary, related to care of medical care recipients, and not expressly (nonallowable) unallowable, are to be allowable.
(3) Costs applicable to services, facilities, and supplies furnished to the provider by related organizations are allowable but at the cost to the related organization, provided they do not exceed the price of comparable services, facilities, or supplies that could be purchased elsewhere.

(4) The payment for property usage is to be independent of ownership structure and financing arrangements.

Sec. 13. Section 27, chapter 177, Laws of 1980 and RCW 74.46.270 are each amended to read as follows:

(1) The contractor shall disclose to the department:
   (a) The nature and purpose of all costs which represent allocations of joint facility costs:
   and
   (b) The methodology of the allocation utilized.
(2) Such disclosure shall demonstrate that:
   (a) The services involved are necessary and nonduplicative; and
   (b) Costs are allocated in accordance with benefits received from the resources represented by those costs.
(3) Such disclosure shall be made not later than September 30, 1980, for the following year and not later than September 30th for each year thereafter; except that a new contractor shall submit the first year's disclosure together with the submissions required by RCW 74.46.670. Where a contractor will make neither a change in the joint costs to be incurred nor in the allocation methodology, the contractor may certify that no change will be made in lieu of the disclosure required in subsection (1) of this section.

(4) The department shall approve such methodology not later than December 31, 1980, and not later than December 31st for each year thereafter. ((Such approval shall include, but not be limited to, the assurance that:
   (a) The services involved are necessary and nonduplicative; and
   (b) Costs are allocated in accordance with benefits received from the resources represented by those costs:
   (5) An approved methodology may be revised or amended subject to approval as provided in (subsection (3) of this section and)) rules and regulations adopted by the department.

NEW SECTION. Sec. 14. There is added to chapter 74.46 RCW a new section to read as follows:

(1) The contractor's necessary and ordinary interest for working capital and capital indebtedness will be allowable.
(a) To be necessary, interest must be incurred in connection with a loan which satisfies a financial need of the contractor and be for a purpose related to patient care. Interest expense relating to business opportunity or goodwill will not be allowed.
(b) To be ordinary, interest must be at a rate which is not in excess of what a prudent borrower would have to pay at the time of the loan in an arm's-length transaction in the money market.

(c) Interest expense shall include amortization of bond discounts and expenses related to the bond issue. Amortization shall be over the period from the date of sale to the date of maturity or, if earlier, the date of extinguishment of the bonds.

(2) Interest paid to or for the benefit of a related organization will be allowed only to the extent the interest does not exceed the actual cost to the related organization of obtaining the use of funds in an arm's-length transaction.

(3) In computing allowable costs, interest income from the investment or lending of nonrestricted funds shall be deducted from allowable expense.

(4) Interest income from the investment or lending of restricted funds shall not be deducted from allowable interest expense.

NEW SECTION. Sec. 15. There is added to chapter 74.46 RCW a new section to read as follows:

Rental or lease costs of land, building or equipment under arm's-length operating leases or depreciation and interest costs of land, building or equipment under arm's-length leases to be capitalized according to generally accepted accounting principles shall be allowable, to the extent the cost is necessary, ordinary, and related to patient care.

Sec. 16. Section 31. chapter 177, Laws of 1980 and RCW 74.46.310 are each amended to read as follows:

The following costs shall be capitalized:

(1) Expenses for facilities or equipment with historical cost in excess of $7,500 per unit and a useful life of more than one year from the date of purchase: and

(2) Expenses for equipment with historical cost of $5,000 or less per unit if either:

(a) The item was acquired in a group purchase where the total cost exceeded $7,500; or

(b) The item was part of the initial stock of the facility.

(3) Dollar limits in this section may be adjusted for economic trends and conditions by the department as established by rule and regulation.

Sec. 17. Section 41. chapter 177, Laws of 1980 and RCW 74.46.410 are each amended to read as follows:

Costs will be unallowable if they are not documented, necessary, ordinary, and related to the provision of care services to authorized patients.

(2) Unallowable costs include, but are not limited to, the following:

(a) Costs of items or services not covered by the medical care program. Costs of such items or services will be unallowable even if they are indirectly reimbursed by the department as the result of an authorized reduction in patient contribution;

(b) Costs of services and items provided to recipients which are covered by the department's medical care program but not included in care services established by the department under this chapter;

(c) Costs associated with a capital expenditure subject to section 1122 approval (part 100, Title 42 C.F.R.) if the department found it was not consistent with applicable standards, criteria, or plans. If the department was not given timely notice of a proposed capital expenditure, all associated costs will be unallowable up to the date they are determined to be reimbursable under applicable federal regulations;

(d) Costs associated with a construction or acquisition project requiring certificate of need approval pursuant to chapter 70.38 RCW if such approval was not obtained;

(e) (Interest costs other than those provided by RCW 14.46.290;

(f) Salaries or other compensation of owners, officers, directors, stockholders, and others associated with the contractor or home office, except compensation paid for service related to patient care;

(2) Costs resulting from transactions or the application of accounting methods which circumvent the principles of the cost-related reimbursement system set forth in this chapter;

(3) Costs applicable to services, facilities, and supplies furnished by a related organization in excess of the lower of the cost to the related organization or the price of comparable services, facilities, or supplies purchased elsewhere;

(4) Bad debts of non-Title XIX recipients. Bad debts of Title XIX recipients are allowable if the debt is related to covered services. It arises from the recipient's required contribution toward the cost of care, the recipient can establish that reasonable collection efforts were made, the debt was actually uncollectible when claimed as worthless, and sound business judgment established that there was no likelihood of recovery at any time in the future;

(5) Charity and courtesy allowances;
Cash assessments, or other contributions, excluding dues, to charitable organizations, professional organizations, trade associations, or political parties, and costs incurred to improve community or public relations;

(2) Vending machine expenses;

(3) Expenses for barber or beautician services not included in routine care;

(4) Funeral and burial expenses;

(5) Costs of gift shop operations and inventory;

(6) Personal items such as cosmetics, smoking materials, newspapers and magazines, and clothing, except those used in patient activity programs;

(7) Fund-raising expenses, except those directly related to the patient activity program;

(8) Penalties and fines;

(9) Expenses related to telephones, televisions, radios, and similar appliances in patients' private accommodations;

(10) Federal, state, and other income taxes;

(11) Costs of special care services except where authorized by the department;

(12) Expenses of key-man insurance and other insurance or retirement plans not made available to all employees;

(13) Expenses of profit-sharing plans;

(14) Expenses related to the purchase and/or use of private or commercial airplanes which are in excess of what a prudent contractor would expend for the ordinary and economic provision of such a transportation need related to patient care;

(15) Personal expenses and allowances of owners or relatives;

(16) All expenses of maintaining professional licenses or membership in professional organizations;

(17) Costs related to agreements not to compete;

(18) Amortization of goodwill;

(19) Expenses related to vehicles which are in excess of what a prudent contractor would expend for the ordinary and economic provision of transportation needs related to patient care;

(20) Legal and consultant fees in connection with a fair hearing against the department where a decision is rendered in favor of the department or where otherwise the determination of the department stands;

(21) Legal and consultant fees of a contractor or contractors in connection with a lawsuit against the department; and

(22) Lease acquisition costs and other intangibles not related to patient care((; and

Audit costs incurred pursuant to RCW 74.46.120(1)).

Sec. 18. Section 42. chapter 177. Laws of 1980 and RCW 74.46.420 are each amended to read as follows:

The following principles are inherent in RCW 74.46.430 through 74.46.590:

(1) Reimbursement rates will be set prospectively on a per patient day basis;

(2) Rates (will be) established (not lower than the level which is reasonably expected to be) in accordance with this chapter shall be reasonable and adequate to (reimburse in full the actual, allowable) meet the costs (of a facility which is) that must be incurred by economically and efficiently operated (and) facilities to provide (care) services which meet(s) the needs of a medical care recipient in compliance with applicable standards; and

(3) The rates so established will (take into account) be adjusted for economic conditions and trends (during) in accordance with appropriations made by the legislature as consistent with federal requirements for the period to be covered by such rates.

Sec. 19. Section 43. chapter 177. Laws of 1980 and RCW 74.46.430 are each amended to read as follows:

(1) The department, as provided by this chapter, will determine prospective cost-related reimbursement rates for services provided to medical care recipients. Each rate so determined shall represent the contractor's maximum compensation within each cost center for each patient day for such medical care recipient.

(2) As required, the department may modify such maximum per patient day rates pursuant to the administrative review provisions of RCW 74.46.780.

(3) The maximum prospective reimbursement rates for the administration and operations and the property cost centers and the return on investment allowance shall be established based upon a minimum facility occupancy level of eighty-five percent;() The maximum prospective reimbursement rates for the administration and operations and the property cost centers shall be established based upon a minimum facility occupancy level of eighty-five percent.

Sec. 20. Section 45. chapter 177. Laws of 1980 and RCW 74.46.450 are each amended to read as follows:

(1) Prospective reimbursement rates for a new contractor will be established within sixty days following receipt by the department of the property completed projected budget
required by RCW 74.46.670. Such reimbursement rates will become effective as of the effective date of the contract and shall remain in effect until rates can be established under RCW 74.46.460 based on a contractor's cost report including at least six months of cost data.

(2) Such reimbursement rates will be based on the contractor's projected cost of operations ((through December 31st of the year the contract becomes effective)) and on costs and payment rates of the prior contractor. If any, ((and/or)) or of other contractors in comparable circumstances.

(3) If a properly completed budget is not received at least sixty days prior to the effective date of the contract, the department will establish preliminary rates based on the other factors specified in subsection (2) of this section. These preliminary rates will remain in effect until a determination is made pursuant to RCW 74.46.460.

Sec. 21. Section 46, chapter 177, Laws of 1980 as amended by section 5, chapter 2. Laws of 1981 1st ex. sess. and RCW 74.46.460 are each amended to read as follows:

(1) Each contractor's reimbursement rates will be determined prospectively at least once each calendar year, to be effective July 1st.

(2) Rates may be adjusted as determined by the department to take into account variations of more than ten percent in the distribution of patient classifications or changes in patient characteristics from the prior reporting year, program changes, changes in staffing levels at a facility required by the department, economic trends and conditions, and/or administrative review provided by RCW 74.46.780 and shall be adjusted for any capitalized additions or replacements made as a condition for licensure or certification.


(4) All prospective reimbursement rates for (1985) 1984 and thereafter shall be determined utilizing the prior year's (audited) desk-reviewed cost reports.

Sec. 22. Section 47, chapter 177, Laws of 1980 and RCW 74.46.470 are each amended to read as follows:

A contractor's reimbursement rates for medical care recipients will be determined utilizing (audited) desk-reviewed cost report data within the following cost centers:

(1) Nursing services;
(2) Food;
(3) Administration and operations; and
(4) Property.

NEW SECTION  Sec. 23. There is added to chapter 74.46 RCW a new section to read as follows:

(1) The department shall analyze the submitted cost report and financial statements of each contractor to determine if the information is correct, complete, and reported in accordance with generally accepted accounting principles, the requirements of this chapter and such rules and regulations as the secretary may adopt. If the analysis finds that the cost report or financial statements are incorrect or incomplete, the department may make adjustments to the reported information for purposes of establishing reimbursement rates. A schedule of such adjustments shall be provided to contractors and shall include an explanation for the adjustment and the dollar amount of the adjustment. Adjustments shall be subject to review and appeal as provided in this chapter.

(2) The department shall accumulate data from properly completed cost reports and financial statements for use in:

(a) Exception profiling; and
(b) Establishing rates.

(3) The department may further utilize such accumulated data for analytical, statistical, or informational purposes as necessary.

NEW SECTION  Sec. 24. There is added to chapter 74.46 RCW a new section to read as follows:

(1) The nursing services cost center shall include all costs related to the direct provision of nursing and related care, including fringe benefits and payroll taxes for the nursing and related care personnel. For rates effective for state fiscal year 1984, the department shall adopt by administrative rule a definition of "related care" which shall incorporate, but not exceed services reimbursable as of June 30, 1983. For rates effective for state fiscal year 1985, the definition of related care shall include ancillary care.

(2) The department shall adopt by administrative rules a method for establishing a nursing services cost center rate consistent with the principles stated in this section.

(3) Utilizing regression or other statistical technique, the department shall determine a reasonable limit on facility nursing staff taking into account facility patient characteristics. For purposes of this section, facility nursing staff refers to registered nurses, licensed practical nurses and nursing assistants employed by the facility or obtained through temporary labor contract arrangements. In selecting a measure of patient characteristics, the department shall take into account:
(a) The correlation between alternative measures and facility nursing staff; and
(b) The cost of collecting information for and computation of a measure.

If regression is used, the limit shall be set at predicted nursing staff plus 1.75 regression standard errors. If another statistical method is utilized, the limit shall be set at a level corresponding to 1.75 standard errors above predicted staffing computed according to a regression procedure.

(4) No facility shall receive reimbursement for nursing staff levels in excess of the limit, except that, if a facility was reimbursed for a nursing staff level in excess of the limit as of June 30, 1983, the facility may chose to continue to receive its June, 1983 nursing services rate plus any adjustments in rates, such as adjustments for economic trends, made available to all facilities. The reasonableness limit established pursuant to this subsection shall remain in effect for the period July 1, 1983 through June 30, 1985. At that time the department may revise the measure of patient characteristics or method used to establish the limit.

(5) The department shall select an index of cost increase relevant to the nursing and related services cost area. In the absence of a more representative index, the department shall use the medical care component index as maintained by the United States bureau of labor statistics.

(6) If a facility's nursing staff level is below the limit specified in subsection (3) of this section, the department shall determine the percentage increase for all items included in the nursing services cost center between the facility's most recent cost reporting period and the next prior cost reporting period.

(a) If the percentage cost increase for a facility is below the increase in the selected index for the same time period, the facility's reimbursement rate in the nursing services cost center shall equal the facility's cost from the most recent cost reporting period plus any allowance for inflation provided by legislative appropriation.

(b) If the percentage cost increase for a facility exceeds the increase in the selected index, the department shall limit the cost used for setting the facility's rate in the nursing services cost area to a level reflecting the increase in the selected index.

(7) If the facility's nursing staff level exceeds the reasonableness limit established in subsection (3) of this section, the department shall determine the increase for all items included in the nursing services cost center between the facility's most recent cost reporting period and the next prior cost reporting period.

(a) If the percentage cost increase for a facility is below the increase in the index selected pursuant to subsection (5) of this section, the facility's reimbursement rate in the nursing cost center shall equal the facility's cost from the most recent cost reporting period adjusted downward to reflect the limit on nursing staff, plus any allowance for inflation provided by legislative appropriation subject to the provisions of subsection (4) of this section.

(b) If the percentage cost increase for a facility exceeds the increase in the selected index, the department shall limit the cost used for setting the facility's rate in the nursing services cost center to a level reflecting the nursing staff limit and the cost increase limit, subject to the provisions of subsection (4) of this section, plus any allowance for inflation provided by legislative appropriation.

(8) The department is authorized to determine on a systematic basis facilities with unmet patient care service needs. The department may increase the nursing services cost center prospective rate for a facility beyond the level determined in accordance with subsection (6) of this section if the facility's actual and reported nursing staffing is one standard error or more below predicted staffing as determined according to the method selected pursuant to subsection (3) of this section and the facility has unmet patient care service needs: PROVIDED, That prospective rate increases authorized by this subsection shall be funded only from legislative appropriations made for this purpose and the increases shall be conditioned on specified improvements in patient care at such facilities.

(9) The department shall establish a method for identifying patients with exceptional care requirements and a method for establishing or negotiating on a consistent basis rates for such patients.

Sec. 25. Section 49, chapter 177, Laws of 1980 as amended by section 6, chapter 2, Laws of 1981 1st ex. sess. and RCW 74.46.490 are each amended to read as follows:

(3) Unless extended by law for an additional period of time, on and after July 1, 1986, the food-cost reimbursement rate for each facility shall be computed as follows:

\[
FR = \frac{TFC}{TPD}\times 1.15, \text{ where}
\]

FR = the facility food-cost center reimbursement rate;
TFC = the total of all reporting facilities' food-cost center costs; and
TPD = the total patient days for the prior year of all reporting facilities.

(3) ◼
TPD = the total patient days for the prior year of all reporting facilities;)

Reimbursement for the food cost center shall be at the January 1, 1983, reimbursement rate, adjusted annually for inflation.

Sec. 26. Section 50, chapter 177, Laws of 1980 and RCW 74.46.500 are each amended to read as follows:

1. The administration and operations cost center shall include all items not included in the cost centers of nursing services, food, and property.

2. The administration and operations cost center reimbursement rate for each facility shall be based on the computation in this subsection and shall not exceed the eighty-fifth percentile of (a) the rates of all reporting facilities derived from the computation below, or (b) reporting facilities grouped in accordance with subsection (3) of this section:

AR = TAC/TPD, where

AR = the administration and operations cost center reimbursement rate for a facility;

TAC = the total costs of the administration and operations cost center (plus the retained savings from such cost center as provided in RCW 74.46.180 of a facility); and

TPD = the total patient days for a facility for the prior year.

3. The secretary may group facilities based on factors which could reasonably influence cost requirements of this cost center, other than ownership or legal organization characteristics.

NEW SECTION. Sec. 27. There is added to chapter 74.46 RCW a new section to read as follows:

1. The property cost center rate shall include costs of depreciation, interest for working capital and capital indebtedness, and leases.

2. Total per patient day property cost center cost for each facility shall be determined by dividing the sum of the reported allowable prior period actual depreciation, interest and lease costs, subject to RCW 74.46.310 through 74.46.390, adjusted for any capitalized additions or replacements approved by the department, by the total patient days for the facility in the prior period. If a capitalized addition or retirement of an asset will result in a different licensed bed capacity during the ensuing period, the prior period total patient days used in computing the property cost center cost shall be adjusted to the anticipated patient day level.

3. The department shall compute the net invested funds for each facility. In computing the net book value of tangible fixed assets, the same assets, depreciation bases, lives, and methods referred to in RCW 74.46.310 through 74.46.390, including owned and leased assets, shall be utilized, except that the capitalized cost of land upon which the facility is located and such other contiguous land which is reasonable and necessary for use in the regular course of providing patient care shall also be included. In the case of leased facilities where the net invested funds are unknown or the contractor is unable to provide necessary information to determine net invested funds, the secretary shall have the authority to determine an amount for net invested funds based on an appraisal conducted according to RCW 74.46.360.

4. The sum of net invested funds shall then be multiplied by .15. To this product shall be added allowable depreciation for both owned and leased assets computed according to the provisions of RCW 74.46.310 through 74.46.390. This amount shall be divided by prior period patient days, except that if a capitalized addition or retirement of an asset will result in a different licensed bed capacity during the ensuing period, the prior period total patient days used in computing the property cost center cost shall be adjusted to the anticipated patient day level. The amount determined in this subsection shall be the maximum property cost center reimbursement for a facility, whether owner operated or leased.

5. A facility shall receive as a property cost center reimbursement rate the lesser of allowable cost per patient day computed in accordance with subsection (2) of this section or the maximum reimbursement under subsection (4) of this section.

6. In the case of a facility which was leased by the contractor as of January 1, 1983, in an arm's-length agreement, which continues to be leased under the same lease agreement, and for which the annualized lease payment, plus any interest and depreciation expenses associated with contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total patient days, is more than the maximum reimbursement determined according to subsection (4) of this section, the following shall apply:

(a) Net asset value shall be recomputed substituting the fair market value of the assets as of January 1, 1983, as determined by the department of general administration through an appraisal procedure. This recomputed net asset value shall be substituted in the computation of net invested funds for the facility. A determination by the department of general administration of fair market value shall be final unless the procedure used to make such determination is shown to be arbitrary and capricious.

(b) The facility shall receive the lesser of allowable depreciation, interest and lease expense, or the maximum reimbursement computed according to subsection (4) of this section utilizing net invested funds determined according to subsection (b)(a) of this section.

(c) The appraisals required by subsection (6)(a) of this section shall be conducted as soon as practical after the effective date of this act. Until such time as the appraisal procedure has
been completed, net asset values recomputed, and the maximum reimbursement rate established, the contractor shall receive as a property cost center reimbursement rate the contractor’s property reimbursement rate as of June 30, 1983. At such time as the maximum reimbursement rate is determined and a rate according to subsection (6)(b) of this section can be established, the provider shall receive an adjustment in the property cost center rate retroactive to July 1, 1983.

(7) When a certificate of need is requested for a new facility or for an addition to an existing facility, the department shall establish a maximum reimbursable land, building construction, and equipment cost.

NEW SECTION. Sec. 28. There is added to chapter 74.46 RCW a new section to read as follows:

The department shall provide all interested members of the public with an opportunity to review and comment on the proposed rate-setting factors, indices, measures, and guidelines.

Sec. 30. Section 56, chapter 177, Laws of 1980 and RCW 74.46.560 are each amended to read as follows:

(RCW 74.46.560) The reimbursement rates shall not exceed the contractor’s customary charges to the general public for comparable services.

Sec. 31. Section 57, chapter 177, Laws of 1980 and RCW 74.46.570 are each amended to read as follows:

The department will notify each contractor in writing of its prospective reimbursement rates (at least thirty days in advance of) by the effective date of the rates. Unless otherwise specified at the time it is issued, the rate will be effective from the first day of the month in which it is issued until a new rate becomes effective. If a rate is changed as the result of an appeal in accordance with RCW 74.46.780, it will be effective as of the date the appealed rate became effective.

Sec. 32. Section 58, chapter 177, Laws of 1980 and RCW 74.46.580 are each amended to read as follows:

Prospective rates are subject to adjustment by the department as a result of errors or omissions by the department or by the contractor. The department will notify the contractor in writing of each adjustment and of the effective date of the adjustment, and of any amount due to the department or to the contractor as a result of the rate adjustment.

(2) If a contractor claims an error or omission based upon incorrect cost reporting, amended cost report pages shall be prepared and submitted by the contractor. Amended pages shall be accompanied by a certification signed by the licensed administrator of the nursing facility and a written justification explaining why the amendment is necessary. The certification and justification shall meet such criteria as are adopted by the department. Such amendments may be used to revise a prospective rate but shall not be used to revise a settlement if submitted after commencement of the field audit. All changes determined to be material by the department shall be subject to field audit. If changes are found to be incorrect or otherwise unacceptable, any rate adjustment based thereon shall be null and void and resulting payments or payment increases shall be subject to refund.

(3) The contractor shall pay an amount (if owes) owed the department resulting from an error or omission, or commence repayment in accordance with a schedule determined by the department, within sixty days after receipt of notification of the rate adjustment, unless the contractor contests the department’s determination in accordance with the procedures set forth in RCW 74.46.780. If the determination is contested, the contractor shall pay or commence repayment within sixty days after completion of these proceedings. If a refund is not paid when due, the amount thereof may be deducted from current payments by the department.

(4) The department shall pay any amount (if owes) owed the contractor as a result of a rate adjustment within thirty days after (if notified) the contractor is notified of the rate adjustment.

(5) No adjustments will be made to a rate more than one hundred twenty days after the final (settlement) audit narrative and summary for the period the rate was effective is sent to the contractor or, if no audit is held, more than one hundred twenty days after the preliminary settlement becomes the final settlement, except when a settlement is reopened as provided in RCW 74.46.170((4))((3)).

Sec. 33. Section 61, chapter 177, Laws of 1980 and RCW 74.46.610 are each amended to read as follows:

The department shall provide all interested members of the public with an opportunity to review and comment on the proposed rate-setting factors, indices, measures, and guidelines (not later than May 15th of each year prior to their being used to set rates), consistent with federal requirements.
1. A contractor shall bill the department each month by completing and returning a facility billing statement as provided by the department which shall include, but not be limited to:
   a. Billing by cost center;
   b. Total patient days; and
   c. Patient days for medical care recipients.

The statement shall be completed and filed in accordance with rules and regulations established by the secretary.

2. A contractor shall not bill the department for service provided to a recipient until an award letter of eligibility of such recipient under rules established under chapter 74.09 RCW has been received by the facility. However, a facility may bill and shall be reimbursed for all medical care recipients referred to the facility by the department prior to the receipt of the award letter of eligibility or the denial of such eligibility.

3. Billing shall cover the patient days of care.

Sec. 34. Section 64, chapter 177, Laws of 1980 and RCW 74.46.640 are each amended to read as follows:

1. Payments to a contractor may be withheld by the department in each of the following circumstances:
   a. A required report is not properly completed and filed by the contractor within the appropriate time period, including any approved extension. Payments will be released as soon as a properly completed report is received;
   b. State auditors, department auditors, or authorized personnel in the course of their duties are refused access to a nursing home or are not provided with existing appropriate records. Payments will be released as soon as such access or records are provided;
   c. A refund in connection with a settlement or rate adjustment is not paid by the contractor when due. The amount withheld will be limited to the unpaid amount of the refund; and
   d. Payment for the final thirty days of service under a contract will be held pending final settlement when the contract is terminated.

Sec. 35. Section 67, chapter 177, Laws of 1980 and RCW 74.46.670 are each amended to read as follows:

1. Each new contractor shall submit a projected budget to the department at least sixty days before its contract becomes effective.

2. The projected budget shall cover the contractor's first twelve months of operation from the date the contractor will enter the program. It shall be prepared on forms and in accordance with rules and regulations established by the secretary.

Sec. 36. Section 69, chapter 177, Laws of 1980 and RCW 74.46.690 are each amended to read as follows:

1. When a facility contract is terminated for any reason, the old contractor shall submit final reports as required by RCW 74.46.040. Payment for care provided during the final thirty days of service under a contract will be held until the contractor has filed a properly completed final cost report. An audit has been completed by the department, and final settlement has been determined, such settlement not to exceed ninety days following completion of the audit process.

2. Following final settlement, a payment withheld pursuant to subsection (1) of this section will be sent to the contractor after any overpayment determined in connection with final settlement has been deducted. If the contractor contests the settlement determination in accordance with RCW 74.46.170, the department will hold the amount in dispute pending completion of the appeal process, but will release the balance of such payment to the contractor.

3. The department will release a payment which would be withheld pursuant to subsection (1) of this section, provided a bond issued by a bonding company acceptable to the department is filed by the contractor. The bond shall:
   a. Be in an amount equal to the released payment;
   b. Be for a term sufficient to ensure effectiveness after final settlement and the exhaustion of administrative and judicial remedies;
   c. Provide that the full amount of the bond shall be paid to the department if a properly completed final cost report is not filed in accordance with this chapter, or if financial records supporting this record are not preserved and made available to the auditor; and
   d. Provide that an amount equal to any recovery the department determines is due from the contractor at settlement, but not exceeding the amount of the bond, shall be paid to the department in the event the contractor does not pay the refund within sixty days following receipt of written demand or the conclusion of administrative or judicial proceedings to contest settlement issues.
If a contract is terminated solely in order for the same owner to contract with the department to deliver services to another classification of medical care recipients at the same facility, the contractor is not required to submit final cost reports, and payment for the final thirty days will not be withheld.

Sec. 37. Section 71, chapter 177, Laws of 1980 and RCW 74.46.710 are each amended to read as follows:

(1) The contractor shall maintain a subsidiary ledger with an account for each recipient for whom the contractor has money in trust.

(2) Each account and related supporting records shall:
   (a) Be kept current;
   (b) Be balanced each month; and
   (c) Show in detail, with supporting verification, all moneys received on behalf of the recipient and the disposition of all moneys so received.

(3) Records of each account shall be available for audit pursuant to ((RCW 74.46.140)) section 5 of this 1983 act and shall be retained for a minimum of four years. When an account has attained the maximum limit established by rules and regulations promulgated by the secretary, the contractor will notify the department within five days.

(4) Any charge for medical services otherwise properly made to a recipient’s trust account must be supported by a written denial of such services from the department.

Sec. 38. Section 72, chapter 177, Laws of 1980 and RCW 74.46.720 are each amended to read as follows:

(1) The contractor may maintain a petty cash fund originating from trust moneys of an amount determined by the department which shall be reasonable and necessary for the size of a facility and the needs of the recipients.

(2) Such petty cash fund shall be maintained as an imprest fund. All moneys over and above the trust fund petty cash amount shall be deposited intact, within twenty-four hours, in a trust fund checking account, separate and apart from any other bank account or accounts of the facility or other facilities.

(3) Cash deposits of recipient allowances from any source must be made intact to the trust account within one week from the time that payment of such allowances are received.

(4) Any related bankbooks, bank statements, checkbook, check register, and all voided and canceled checks, shall be made available for audit pursuant to ((RCW 74.46.140)) section 5 of this 1983 act and shall be retained by the facility for not less than four years.

(5) No service charges for such checking account shall be paid from recipient trust moneys.

(6) The trust account per bank shall be reconciled monthly to the trust account per patient ledgers.

Sec. 39. Section 77, chapter 177, Laws of 1980 and RCW 74.46.770 are each amended to read as follows:

(1) If a contractor wishes to contest the way in which a rule or contract provision relating to the prospective cost-related reimbursement system was applied to the contractor by the department, it shall first pursue the administrative review process set forth in RCW 74.46.780.

(2) The administrative review and fair hearing process in RCW 74.46.780 need not be exhausted if a contractor wishes to challenge the legal validity of a statute, rule, or contract provision.

Sec. 40. Section 78, chapter 177, Laws of 1980 and RCW 74.46.780 are each amended to read as follows:

(1) Within thirty days after a contractor is notified of an action or determination it wishes to challenge, the contractor shall request in writing that the secretary review such determination. The request shall be signed by the contractor or the licensed administrator of the facility, shall identify the challenged determination and the date thereof, and shall state as specifically as practicable the grounds for its contention that the determination was erroneous. Copies of any documentation on which the contractor intends to rely to support its position shall be included with the request.

(2) After receiving a request meeting the above criteria, the secretary or his designee will contact the contractor to schedule a conference for the earliest mutually convenient time. The conference shall be scheduled for no later than (thirty) ninety days after a properly completed request is received unless both parties agree in writing to a specified later date.

(3) The contractor and appropriate representatives of the department shall attend the conference. In addition, representatives selected by the contractor may attend and participate. The contractor shall ((bring to the conference, or)) provide to the department in advance of the conference, any documentation on which it intends to rely to support its contentions. The parties shall clarify and attempt to resolve the issues at the conference. If additional documentation is needed to resolve the issues, a second session of the conference shall be scheduled for not later than thirty days after the initial session unless both parties agree in writing to a specific later date.
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 st1eh rules intermediate care facilities for the mentally retarded. The depariment shall department shall health, habilitative, or rehabilitative services and twenty-four hour supervision for mentally administration, general and special dietary programs, the disbursement of drugs and methods system.

The department may purchase care in institutions for the mentally retarded, also known as intermediate care facilities for the mentally retarded. The department shall purchase necessary physician and dentist services by contract or secured by contract. 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 develop rules for reasonable accounting and reimbursement systems for such care and report such rules to the next regular session of the legislature for review prior to implementation.

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
THIRTIETH DAY, MAY 24, 1983

retarded individuals or persons with related conditions and includes in the program "active treatment" as federally defined.

Sec. 45. Section 16, chapter 2, Laws of 1981 1st ex. sess. and RCW 18.51.145 are each amended to read as follows:

Inspections of nursing homes by local authorities shall be consistent with the requirements of chapter 19.27 RCW, the state building code. Findings of a serious nature shall be coordinated with the department and the state fire marshal for determination of appropriate actions to ensure a safe environment for nursing home residents. The state fire marshal shall have exclusive authority to determine appropriate corrective action under this section.

NEW SECTION. Sec. 46. (1) In administering the nursing home payment system under chapter 74.09 RCW, the department of social and health services shall calculate preliminary settlements for the 1978 and 1979 cost reporting periods. The preliminary settlements shall be computed by comparing the rates paid to a contractor with that contractor's reported or audited allowable costs, as available. For 1978 reporting periods, the department shall on preliminary settlements permit providers the option of: (a) Retaining cost savings in the administration and operations and property cost centers as computed according to department regulations in effect for 1978; or (b) receiving a return on owner's net invested equity as computed according to procedures established by the department. For 1979 reporting periods, pending final disposition of litigation concerning retention of cost savings in the administration and operations and property cost centers for June 1979, the department shall not recover such cost savings for the calendar year.

(2) Contractors shall make repayment of overpayments identified through this process within thirty days of receipt of written notice from the department of the amount of overpayments.

(3) Where deemed appropriate by the department, repayment of overpayments may be made according to a schedule determined by the department.

(4) 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 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.

(5) 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.

(6) Interest expense incurred by a contractor in making repayment of overpayments for 1978 and 1979 reporting periods shall not be reimbursable by the state as an allowable cost.

(7) Nothing in this section prejudices the rights of contractors or the department regarding audit adjustments or revised settlements which may be promulgated by the department from time to time in individual contractor cases.

NEW SECTION. Sec. 47. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 260, Laws of 1977 ex. sess. and RCW 74.09.550;
(2) Section 2, chapter 260, Laws of 1977 ex. sess. and RCW 74.09.560;
(3) Section 3, chapter 260, Laws of 1977 ex. sess. and RCW 74.09.570;
(6) Section 5, chapter 19, Laws of 1982 1st ex. sess. and RCW 74.09.620;
(7) Section 11, chapter 177, Laws of 1980 and RCW 74.46.110;
(8) Section 12, chapter 177, Laws of 1980. section 4, chapter 2, Laws of 1981 1st ex. sess. and RCW 74.46.120;
(9) Section 14, chapter 177, Laws of 1980 and RCW 74.46.140;
(10) Section 30, chapter 177, Laws of 1980 and RCW 74.46.300;
(11) Section 40, chapter 177, Laws of 1980 and RCW 74.46.400;
(12) Section 48, chapter 177, Laws of 1980 and RCW 74.46.480;
(13) Section 51, chapter 177, Laws of 1980 and RCW 74.46.510;
(14) Section 53, chapter 177, Laws of 1980, section 7, chapter 2, Laws of 1981 1st ex. sess. and RCW 74.46.530;
(15) Section 81, chapter 177, Laws of 1980, section 8, chapter 2, Laws of 1981 1st ex. sess. and RCW 74.46.810;
(16) Section 13, chapter 2, Laws of 1981 1st ex. sess. and RCW 74.46.850; and
(17) Section 84, chapter 177, Laws of 1980.
Sec. 48. Section 94, chapter 177, Laws of 1980 as amended by section 10, chapter 2, Laws of 1981 1st ex. sess. and RCW 74.46.901 are each amended to read as follows:

(1) Sections 2, 7, 83, 85, 88, and 91 of chapter 177. Laws of 1980 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 on April 1, 1980.

(2) Section 27 of chapter 177. Laws of 1980 shall take effect on July 1, 1980.

(3) ((Sections 3, 4, 5, 6, 9, 11, and 12 of chapter 177. Laws of 1980 shall take effect on July 1, 1983.)

(4) All other sections of chapter 177. Laws of 1980 shall take effect on July 1, 1984.) All other sections of chapter 74.46 RCW, except those which took effect before July 1, 1983, shall take effect on July 1, 1983, which shall be "the effective date of this act" where that term is used in chapter 177. Laws of 1980.

NEW SECTION. Sec. 49. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions and shall take effect on July 1, 1983.*


and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk
MOTION
On motion of Senator Fleming, the Senate did not concur in the House amendments to Engrossed Substitute Senate Bill No. 3780 and asks the House to recede therefrom.

SIGNED BY THE PRESIDENT
The President signed:
SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 120.

MOTION
At 5:30 p.m., on motion of Senator Shinpoch, the Senate recessed until 7:30 p.m.

EVENING SESSION
The Senate was called to order at 7:30 p.m. by President Cherberg.

MOTION
At 7:30 p.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President called the Senate to order at 8:09 p.m.

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

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION
On motion of Senator Gaspard, 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, 42; absent, 7.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hughes, Hurley, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Shinpoch, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 42.


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

MESSAGES FROM THE HOUSE

Mr. President:
The Speaker has signed:
SENATE BILL NO. 3858, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

May 24, 1983

Mr. President:
The Speaker has signed:
SUBSTITUTE HOUSE BILL NO. 240,
HOUSE BILL NO. 588,
SUBSTITUTE HOUSE BILL NO. 712, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

May 24, 1983

SIGNED BY THE PRESIDENT
The President signed:
SUBSTITUTE HOUSE BILL NO. 240,
HOUSE BILL NO. 588,
SUBSTITUTE HOUSE BILL NO. 712.
The President signed:
SENATE CONCURRENT RESOLUTION NO. 130.

MESSAGE FROM THE HOUSE

May 24, 1983

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 466 and asks the Senate to recede therefrom, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

Senator McDermott moved that the Senate insist on its position and asks the House to concur in the Senate amendments to Engrossed Substitute House Bill No. 466.

Debate ensued.

MOTION

Senator Bottiger moved that the Senate do recede from its amendments to Engrossed Substitute House Bill No. 466.

Debate ensued.

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 Bottiger to recede from the Senate amendments to Engrossed Substitute House Bill No. 466.

ROLL CALL

The Secretary called the roll and the motion by Senator Bottiger carried and the Senate receded from the amendments by the following vote: Yeas, 34; nays, 14; absent, 1.

Voting yea: Senators Barr, Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Jones, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Sellar, Thompson, von Reichbauer, Woody, Zimmerman – 34.


Absent: Senator Pullen – 1.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 466, without the Senate amendments.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 466 without the Senate amendments, and the bill failed to pass the Senate by the following vote: Yeas, 18; nays, 29; absent, 1; excused, 1.

Voting yea: Senators Bender, Bluechel, Bottiger, Conner, Craswell, Gaspard, Goltz, Granlund, McManus, Metcalf, Moore, Peterson, Rinehart, Shimpoch, Talmadge, Thompson, Warnke, Woody – 18.


Absent: Senator Hemstad – 1.

Excused: Senator Pullen – 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 466, without the Senate amendments, having failed to receive the constitutional majority, was declared lost.
THIRTIETH DAY, MAY 24, 1983

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Vognild moved that the Senate immediately reconsider the vote by which Engrossed Substitute House Bill No. 466, without the Senate amendments, failed to pass the Senate. Debate ensued.

MOTION

On motion of Senator Bottiger, further consideration on Engrossed Substitute House Bill No. 466 was deferred.

MESSAGE FROM THE HOUSE

May 24, 1983

Mr. President:
The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 983 and asks the Senate to recede therefrom and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

Senator Bottiger moved that the Senate recede from the amendments to Engrossed Substitute House Bill No. 983. 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 Bottiger that the Senate recede from the amendments to Engrossed Substitute House Bill No. 983.

ROLL CALL

The Secretary called the roll and the motion by Senator Bottiger failed and the Senate did not recede from the amendments by the following vote: Yeas, 12; nays, 36; excused, 1.


Voting nay: Senators Barr, Bender, Benitz, Conner, Craswell, Deccio, Fleming, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hughes, Jones, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Seliar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Zimmerman - 36.

Excused: Senator Pullen - 1.

MOTION

On motion of Senator Hansen, the Senate insisted on its position and asks the House to concur in the Senate amendments to Engrossed Substitute House Bill No. 983. There being no objection, the President reverted the Senate to the first order of business.

REPORT OF STANDING COMMITTEE

May 7, 1983

E2SHB 245  Prime Sponsor, Representative J. King: Modifying provisions relating to economic development. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman, Bauer, Bluechel, Bottiger, Fleming, Talmadge, Thompson, Warnke, Woody, Zimmerman.

MOTION

On motion of Senator McDermott, the rules were suspended. Engrossed Second Substitute House Bill No. 245 was advanced to second reading and read the second time.
MOTIONS

On motion of Senator McDermott, the following Committee on Ways and Means amendment was adopted:

On page 4, line 30, after "board," strike the remainder of the bill.

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

On page 4, after line 30, insert the following:

"Sec. 6. Section 8, chapter 40, Laws of 1982 1st ex. sess. and RCW 43.160.080 are each amended to read as follows:

There shall be a fund known as the public facilities construction loan revolving fund, which shall consist of all moneys collected under this chapter and any moneys appropriated to it by law. PROVIDED, That seventy-five percent of all principal and interest payments on loans made with the proceeds deposited in the fund under section 901, chapter ... (ESHB 55), Laws of 1983 1st ex. sess. shall be deposited in the general fund as reimbursement for debt service payments on the bonds authorized in RCW 43.83 ... (section 1, chapter ... (ESHB 57), Laws of 1983 1st ex. sess.). (Funds remaining in any accounts created under RCW 43.91A.320 shall be automatically transferred to the public facilities construction loan revolving fund when the economic assistance authority is terminated.) The state treasurer shall be custodian of the revolving fund. Disbursements from the revolving fund shall be on authorization of the board. In order to maintain an effective expenditure and revenue control, the public facilities construction loan 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. Moneys in this fund not needed to meet the current expenses and obligations of the board shall be invested in the manner authorized for moneys in revolving funds. Any interest earned shall be deposited in this fund and shall be used for the purposes specified in this chapter. The state treasurer shall render reports to the board advising of the status of any funds invested, the market value of the assets as of the date the statement is rendered, and the income received from the investments during the period covered by the report."

Renumber the sections consecutively.

MOTIONS

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

On page 1, line 6 of the title, after "43.160.070;" insert "amending section 8, chapter 40, Laws of 1982 1st ex. sess. and RCW 43.160.080;"

On page 1, line 6, after "43.160 Ren cured," strike "; and making an appropriation

On motion of Senator McDermott, the rules were suspended, Engrossed Second Substitute House Bill No. 245, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute House Bill No. 245, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute House Bill No. 245, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 32; nays, 16; excused, 1.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottger, Conner, Fleming, Fuller, Gaspar, Goltz, Granlund, Haley, Hansen, Jones, Kiskaddon, McDermott, McManus, Moore, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 32.

Voting nay: Senators Benitz, Clarke, Craswell, Deccio, Guess, Hayner, Hemstad, Hughes, Hurley, Lee, McCaslin, McCall, Newhouse, Owen, Quigg, von Reichbauer - 16.

Excused: Senator Pullen - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 245, 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:

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 127.

There being no objection, the President advanced the sixth order of business.
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Gaspard, the appointment of Cynthia Maisel as a member of the Council for Postsecondary Education was confirmed.

APPOINTMENT OF CYNTHIA MAISEL

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 39; absent, 9; excused, 1.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Clarke, Conner, Craswell, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hughes, Hurley, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 39.


Excused: Senator Pullen - 1.

MOTION

On motion of Senator Gaspard, the appointment of Majel A. Wilson as a member of the Board of Trustees for Edmonds Community College District No. 23 was confirmed.

APPOINTMENT OF MAJEL A. WILSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; absent, 5; excused, 1.


Absent: Senators Benitz, Bottiger, Deccio, Fleming, Hurley - 5.

Excused: Senator Pullen - 1.

MOTION

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

MOTION

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

SENATE RESOLUTION 1983-111

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

WHEREAS, The Province of British Columbia and the City of Vancouver, B.C., will host EXPO 86, a world-class fair between May and October, 1986; and

WHEREAS, The United States of America and the State of Washington will be participants in this event of world-wide significance; and

WHEREAS, The border crossing at Blaine, Washington will be a primary crossing point for visitors coming and going to and from EXPO 86, symbolic of its theme: “Man in Motion, Transportation and Communication”; and

WHEREAS, The Peace Arch at the Blaine border crossing has stood for many years as another symbol — that of 168 years of trust and peace between “children of a common mother”; and

WHEREAS, The Bellingham Stamp Club has designed a stamp proposal to the United States Postal System in Washington, D.C. to commemorate this open border as the “Gateway to EXPO 86”;
NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate endorses the postage stamp proposal and recommends to the Citizens Stamp Advisory Committee that such a stamp be issued to commemorate EXPO 86 and to reaffirm our pledge that the Peace Arch gates at Blaine, Washington shall never be closed; and
BE IT FURTHER RESOLVED, That copies of this resolution be sent to the Citizens Stamp Advisory Committee, United States Postal Service, c/o Stamp Development Board, 475 L-Enfant Plaza S.W., Washington, D.C. 20260, and to each member of the Washington State Congressional Delegation, and to the officials of EXPO 86.

MOTION
On motion of Senator Goltz, all members and the Lieutenant Governor will be added as additional sponsors of Senate Resolution 1983-111.

MOTION
Senator McDermott moved that the Committee on Rules be relieved of further consideration of Engrossed Substitute House Bill No. 605 and that the rules be suspended and the bill be advanced to second reading.
Debate ensued.

POINT OF INQUIRY
Senator Goltz: 'Senator McDermott, I am referring to section 8 of the bill, where there is a reappropriation of $93,750,000 to carry on the purposes of this chapter and the question is—if this bill does not pass or more precisely if a reappropriation is not made, what effect does that have upon the planning design and construction of the center?'

Senator McDermott: 'Senator Goltz, I have not spoken to the chairman of the convention center board, Mr. Carins, directly but it's been reported to me that it is his intention to close down the project because there will be no money to operate. They need this appropriation to continue the planning process and doing the environmental impact statement and the other parts of the site preparation that will be necessary to begin the project, so to the best of my understanding, if this bill does not pass, the project will wait for six months until we come back in January.'

Senator Goltz: 'A further question, Senator McDermott, to the best of your knowledge, are there any contracts with architectural engineers at the present time which are dependent upon the reappropriation?'

Senator McDermott: 'Senator Goltz, I am not aware of any contracts, but I would admit my knowledge is not complete on this issue.'
Further debate ensued.

POINT OF INQUIRY
Senator Bluechel: 'Senator McDermott, to ask the question as Senator Shinpoch stated, we did not, as usual, reappropriate the funds in either the capital or the general fund budget. What is the effect of not having a no-reappropriation for the bonds? Would this next preclude them from going ahead for this year? Would this stop the project?'

Senator McDermott: 'Senator Bluechel, it was my understanding, originally when we wrote the state budget, there was an appropriation in it for the convention center. It was taken out because the appropriation was in House Bill 605, and it is my understanding that if there is no appropriation made, they have no funds with which to operate for the next six months—until we get back here in January.'
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 McDermott to relieve the Committee on Rules of further consideration of Engrossed Substitute House Bill No. 605 and that the bill be advanced to second reading.

ROLL CALL
The Secretary called the roll and the motion by Senator McDermott to relieve the Committee on Rules of further consideration of Engrossed Substitute House Bill No. 605 failed by the following vote: Yeas, 22; nays, 24; absent, 2; excused, 1.
Voting yea: Senators Barr, Bauer, Bender, Bluechel, Clarke, Fleming, Fuller, Guess, Hayner, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McDermott, McManus, Moore, Quigg, von Reichbauer, Williams, Zimmerman - 22.
Absent: Senators Talmadge, Warnke - 2.
Excused: Senator Pullen - 1.

MOTION

Senator Granlund moved that the following resolution be adopted:

SENATE RESOLUTION 1983-113

By Senators Granlund, Talmadge, Owen and McDermott

WHEREAS, There is a need for community-based adult correctional centers for the housing and rehabilitation of persons who have been convicted of crimes but who, in the judgment of the courts and appropriate corrections personnel, can best be rehabilitated without substantial danger to the community in local community facilities rather than in state correctional institutions; and

WHEREAS, The sentencing guidelines enacted in chapter 115, Laws of 1983, will require judges to give priority to available alternatives to total confinement; and
WHEREAS, There is a need for less costly alternatives to incarceration in local jails for certain nonviolent offenders; and
WHEREAS, The sentencing guidelines will have an as yet undetermined impact on local jails, which could be alleviated by the increased use of community correctional facilities; and
WHEREAS, There is a need for community-based facilities to supervise persons granted early release into the community under chapter 228, Laws of 1982; and
WHEREAS, The citizens of the state must be assured that community correctional facilities will be effective in ensuring cost-effective and successful correctional efforts for persons who have been convicted of crimes, while maximizing public safety and control; and
WHEREAS, The state must explore means to enable localities to develop, establish, and maintain community-based corrections programs for the detention or confinement, care, and treatment of certain state and local nonviolent offenders who require less than institutional custody but more than probation supervision;
NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That the Senate Institutions Committee and the Senate Ways and Means Committee jointly undertake, in cooperation with relevant state agencies and local officials, a study of the need for legislation relating to the establishment of a community corrections program; and

BE IT FURTHER RESOLVED, That this study shall address at least the following:

1. The types of offenders, state and/or local, to be included in community correctional centers;
2. The types of programs, such as work release, community services projects, and drug/alcohol treatment, to be included in such centers;
3. Model legislation from other jurisdictions and problems encountered in implementation;
4. Successful public and private sector programs in Washington and other states as possible models for community corrections centers;
5. The relationship between these centers and existing Department of Corrections programs;
6. The relationship between these centers and existing local public and private sector programs;
7. Procedures for remanding unsuccessful state prisoners into state correctional facilities and unsuccessful prisoners into local jails;
8. The potential number of inmates from state correctional facilities who might be placed in such centers as an alternative to jails; and
9. The potential costs of such centers; and
BE IT FURTHER RESOLVED, That the results and recommendations of the joint study and any proposed legislation therefrom be reported to the Legislature no later than January 1, 1984.

POINT OF INQUIRY

Senator Deccio: "Senator Granlund, the way I read the resolution there is a need for community-based adult corrections centers for the housing through rehabilitation, et cetera. Would you explain exactly what you mean in terms of what those are going to be?"

Senator Granlund: "Senator Deccio, many people think that community-based centers or community-based corrections is a mechanism to save the state money—to bring our standards closer to their community and their family—and to have some shared responsibility with the local community, and we certainly don't know what the impact of the sentencing guidelines commission bill is going to be on local jails. This is something where we certainly can't put our heads in the sand and say that there is not going to be a need for this type of corrections."

Senator Deccio: "May I continue, Mr. President? Senator Granlund, are these community-based correction centers—these will be correctional facilities spread around the state close to the communities where the prisoners would come from?"

Senator Granlund: "This is precisely what we intend to study."

Further debate ensued.

The President declared the question before the Senate to be adoption of Senate Resolution 1983-113.

The motion by Senator Granlund carried on a rising vote and Senate Resolution 1983-113 was adopted.

MOTION

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

SENATE RESOLUTION 1983-115

By Senators Talmadge and Hughes
WHEREAS, Seattle-First National Bank suffered staggering losses in 1982 and in the first quarter of this year; and
WHEREAS, A bank failure of Seattle-First may have been narrowly avoided by the proposed sale of the bank to the Bank of America; and
WHEREAS, These occurrences led to the passage of Senate Bill No. 3182, which significantly changed Washington state banking laws and authorized this sale; and
WHEREAS, The circumstances surrounding the bank's troubles and the passage of Senate Bill No. 3182 raised many questions which were never adequately addressed;
NOW, THEREFORE, BE IT RESOLVED, That there is hereby created a Senate select committee on the Seattle-First National Bank crisis to investigate the causes of and all circumstances surrounding the sale or potential sale of Seattle-First National Bank. The committee shall consist of six members, not more than three members shall be from the same political party and shall be appointed by the President of the Senate; and
BE IT FURTHER RESOLVED, That the committee shall have the powers of subpoena pursuant to Senate rule 43 and shall report its findings to the legislature by March 1, 1984.

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

MESSAGES FROM THE HOUSE

May 24, 1983

Mr. President:
The House concurred in the Senate amendment to REENGROSSED SUBSTITUTE HOUSE BILL NO. 57 and passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk
May 24, 1983
Mr. President:
The House had adopted ENGROSSED SENATE CONCURRENT RESOLUTION NO. 127, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

May 24, 1983
Mr. President:
The Speaker has signed:
SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 120, and the same is here­with transmitted.

DEAN R. FOSTER, Chief Clerk

May 24, 1983
Mr. President:
The Speaker has signed:
SENATE CONCURRENT RESOLUTION NO. 127, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

May 24, 1983
Mr. President:
The Speaker has signed:
SENATE CONCURRENT RESOLUTION NO. 130, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

May 24, 1983
Mr. President:
The Speaker has signed:
SUBSTITUTE HOUSE BILL NO. 72, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

Signed by the President
May 24, 1983
The President signed:
SUBSTITUTE HOUSE BILL NO. 72.

MOTION
At 9:39 p.m., on motion of Senator Shinpoch, the Senate recessed until 10:00 p.m.

SECOND EVENING SESSION
The President called the Senate to order at 10:30 p.m.

MESSAGE FROM THE HOUSE
May 24, 1983
Mr. President:
The House has passed SECOND SUBSTITUTE SENATE BILL NO. 4102 with the following amendments:

On page 1, line 14, after "equivalent", insert "and demonstrates achievement of 3.0 grade point average for each academic year."

On page 2, line 6, after "less" insert ", and the total amount of such loans to an eligible student shall not exceed ten thousand dollars"

On page 2, line 26, after "section" insert "shall be pursued using the full extent of the law, including wage garnishment if necessary, and"

On page 3, line 11, add the following new section:
"NEW SECTION. Sec. 4. No loans shall be made after 6 years of the effective date of this act until the program is reviewed by the Legislative Budget Committee and is re-enacted by the Legislature."

Renumber the remaining sections consecutively and correct internal references accordingly

On page 3, line 16, after "act" insert "No more than fifty thousand dollars may be used for administrative costs by the council for postsecondary education."

On page 3, line 21, strike "3" and insert "4".
and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

Senator Gaspard moved that the Senate do concur in the House amendments to Second Substitute Senate Bill No. 4102.

POINT OF INQUIRY

Senator Patterson: "Senator Gaspard, you expressed the thought that there was one of them you didn’t care for too much. Could you elaborate a little bit on which one that bothers you?"

Senator Gaspard: “To my knowledge, the first amendment requires a 3.0 grade point average. We have no other loan program offered either on the state level or even on the federal level that I am aware of in this fashion that calls for a grade point average. That’s the one that I think is inconsistent with what our policies have been, at least that I know of what state loans have been.”

Senator Patterson: “Then, if this amendment prevails, in the event you get someone in the program for two years and then they falter a bit and fall below a 3 point for one year—or is that accumulative as you read it—a 3 point average?”

Senator Gaspard: “In reading the language, I can only say that for the language in front of me, because I wasn’t there for the House discussion on the bill for this amendment, but it is for each academic year—so it would be contingent upon year after year.”

Senator Patterson: “So one year you might be 2.5 and the next you go 3.5—your 3 point average over each year would prevail?”

Senator Gaspard: “I would hope it could be interpreted that way.”

Senator Patterson: “I just thought we ought to get that into the question and answer.”

Senator Gaspard: “In that case, I agree.”

Senator Patterson: “Thank you.”

The President declared the question before the Senate to be the motion by Senator Gaspard to concur in the House amendments to Second Substitute Senate Bill No. 4102.

The motion by Senator Gaspard carried and the Senate concurred in the House amendments to Second Substitute Senate Bill No. 4102.

The President declared the question before the Senate to be the roll call on final passage of Second Substitute Senate Bill No. 4102, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Second Substitute Senate Bill No. 4102, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; absent, 4; excused, 1.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Jones, Kiskaddon, Lee, McCasin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talchildge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman – 44.


Excused: Senator Pullen – 1.

SECOND SUBSTITUTE SENATE BILL NO. 4102, 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 Vognild, the Senate resumed consideration of Engrossed Substitute House Bill No. 466, and his motion for reconsideration of the vote by which the bill, without the Senate amendments, failed to passed the Senate, deferred earlier today.

The President declared the question before the Senate to be the motion by Senator Vognild to reconsider the vote by which Engrossed Substitute House Bill No. 466, without the Senate amendments, failed to pass the Senate earlier today.
The motion by Senator Vognild carried and the Senate reconsidered Engrossed Substitute House Bill No. 466, without the Senate amendments.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 466, without the Senate amendments, on reconsideration.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 466, without the Senate amendments, on reconsideration, and the bill passed the Senate by the following vote: Yeas, 31: nays, 17; excused, 1.


Excused: Senator Pullen - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 466, without the Senate amendments, on reconsideration, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

May 24, 1983

Mr. President:
The House adheres to its position regarding ENGROSSED SUBSTITUTE HOUSE BILL NO. 983 and once again asks the Senate to recede from its amendments, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

Senator McDermott moved that the Senate insist on its position and once again asks the House to concur in the Senate amendments to Engrossed Substitute House Bill No. 983.

POINT OF INQUIRY

Senator Guess: “Senator McDermott, you know, even on the best of tennis balls the fuzz wears off. Don’t you think the fuzz is about worn off of this one? Shouldn’t we just forget it?”

Senator McDermott: “Senator Guess, we’re only in first set.”

Senator Guess: “First set?”

Senator McDermott: “Yes. I’ve watched at Wimbledon and they can play five games in an hour, so I am sure we have plenty of time left.”

The President declared the question before the Senate to be adoption of the motion by Senator McDermott that the Senate insist on its position and once again asks the House to concur in the Senate amendments to Engrossed House Bill No. 983.

The motion by Senator McDermott carried and the Senate insists on its position in regard to Engrossed Substitute House Bill No. 983.

MESSAGE FROM THE HOUSE

May 24, 1983

Mr. President:
The House has adopted the Report of the Conference Committee on SECOND SUBSTITUTE SENATE BILL NO. 3155 and has granted said committee the powers of Free Conference, and the Report of the Conference Committee is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

May 24, 1983

Mr. President:
Mr. Speaker:
We, of your Conference Committee, to whom was referred, SECOND SUBSTITUTE SENATE BILL NO. 3155, requiring a high technology education training program, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

AN ACT Relating to high-technology education and training; adding new sections to chapter 223, Laws of 1969 ex. sess. as a new chapter in Title 28B RCW; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.20 RCW; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.30 RCW; creating a new section: repealing section 1, chapter 4, Laws of 1974 ex. sess. and RCW 28B.80.130; repealing section 2, chapter 4, Laws of 1974 ex. sess. and RCW 28B.80.140; making appropriations; providing an effective date; and declaring an emergency.

NEW SECTION, Sec. 1. This act may be known and cited as the Washington high-technology education and training act.

NEW SECTION, Sec. 2. The legislature finds that:
(1) A coordinated state policy is needed to stimulate the education and training of individuals in high-technology fields, in order to improve productivity, strengthen the state's competitive position, and reindustrialize declining areas;
(2) The Washington high-technology education and training program will give persons from all backgrounds opportunities to pursue training and education programs leading to baccalaureate and graduate degrees consistent with present and future needs of high-technology industries;
(3) Incentives to stimulate increased collaboration between community colleges, regional universities, and the state universities and private-sector industrial, commercial, and labor interests are essential to the development of a pool of skilled high-technology workers; and
(4) Investment in education is the most feasible method for state assistance to the high-technology industry.

NEW SECTION, Sec. 3. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:
(1) "Board" means the high-technology coordinating board.
(2) "High technology" or "technology" includes but is not limited to the modernization, miniaturization, integration, and computerization of electronic, hydraulic, pneumatic, laser, mechanical, robotics, nuclear, chemical, telecommunication, and other technological applications to enhance productivity in areas including but not limited to manufacturing, communications, medicine, bioengineering, and commerce.

NEW SECTION, Sec. 4. A Washington state high-technology education and training program is hereby established. The program shall be designed to:
(1) Develop the competence needed to make Washington state a leader in high-technology fields, to increase the productivity of state industries, and to improve the state's competitiveness in regional, national, and international trade;
(2) Develop degree programs to enable students to be productive in new and emerging high-technology fields by using the resources of the state's two-year community colleges, regional universities, the University of Washington, Washington State University, and The Evergreen State College; and
(3) Provide industries in the state with a highly-skilled work force capable of producing, operating, and servicing the advancing technology needed to modernize the state's industries and to revitalize the state's economy.

NEW SECTION, Sec. 5. (1) The Washington high-technology coordinating board is hereby created.
(2) The board shall be composed of fourteen members as follows:
(a) Eight shall be citizen members appointed by the governor, with the consent of the senate, for four-year terms. In making the appointments the governor shall ensure that a balanced geographical representation of the state is achieved and shall attempt to choose persons experienced in high-technology fields, including at least one representative of labor. Any person appointed to fill a vacancy occurring before a term expires shall be appointed only for the remainder of that term; and
(b) Six of the members shall be as follows: One representative from each of the state's two research universities, one representative of the state college and regional universities, the director for the state system of community colleges or the director's designee, the superintendent of public instruction or the superintendent's designee, and a representative of the council for postsecondary education.
(3) Members of the board shall not receive any salary for their services, but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060 for each day actually spent in attending to duties as a member of the board.
(4) A citizen member of the board shall not be, during the term of office, a member of the governing board of any public or private educational institution, or an employee of any state or local agency.

NEW SECTION, Sec. 6. (1) The board shall oversee and coordinate the high-technology education and training program.
The board shall:

(a) Determine the specific high-technology occupational fields in which technical training is needed and advise the institutions of higher education and the council for postsecondary education on their findings;

(b) Identify economic areas with high-technology industries in need of technical training critical to economic renewal or economic development and advise the institutions of higher education and the council for postsecondary education on their findings;

(c) Oversee and coordinate the Washington high-technology education and training program to insure high standards, efficiency, and effectiveness;

(d) Work cooperatively with the superintendent of public instruction to identify the skills prerequisite to the high-technology programs in the institutions of higher education;

(e) Work cooperatively with and provide any information or advice which may be requested by the council for postsecondary education during the council’s review of new baccalaureate degree program proposals which are submitted under this chapter. Nothing in this chapter shall be construed as altering or superseding the powers or prerogatives of the council for postsecondary education over the review of new degree programs as established in RCW 28B.80.035.

(f) Prepare and submit a report to the 1984 legislature on whether or not high-technology education and training consortiums should be established between the state’s community colleges and four-year colleges and universities pursuant to section 9 of this act, including their geographic division and the pattern of cooperation between the community colleges and the four-year colleges and universities and shall investigate the establishment of such consortiums within existing resources; and

(g) Prepare and submit to the legislature before the first day of each regular session an annual report on the Washington high-technology education and training program including, but not limited to:

(i) An evaluation of the program;

(ii) A determination of the feasibility of expanding the program; and

(iii) Recommendations, including recommendations for further legislation as the board deems necessary;

(3) The board may adopt rules under chapter 28B.19 RCW as it deems necessary to carry out the purposes of this chapter.

(4) The board shall cease to exist on June 30, 1987, unless extended by law for an additional fixed period of time.

NEW SECTION. Sec. 7. Staff support for the high-technology coordinating board shall be provided by the council for postsecondary education.

NEW SECTION. Sec. 8. The board may solicit gifts, grants, conveyances, bequests and devises, whether real or personal property, or both, in trust or otherwise, to be directed to institutions of higher education for the use or benefit of the high-technology education and training program. The board shall actively solicit support from business and industry and from the federal government for the high-technology education program.

NEW SECTION. Sec. 9. (1) The high-technology coordinating board shall make recommendations regarding:

(a) The establishment of regional consortiums for the establishment and development of high-technology education and training;

(b) The establishment of baccalaureate degree training programs in high-technology fields; and

(c) The offering of high-technology education and training programs at both community college facilities and at state colleges and regional universities.

(2) If the program is approved, the first two years of the baccalaureate degree program offered by the respective state colleges and regional universities at community college facilities shall be administered and operated by the respective community colleges. The third and fourth years of the baccalaureate degree program offered at the community college facilities shall be administered and operated by the respective state colleges and regional universities.

Each community college participating in the program shall offer two-year associate degrees in high-technology fields which shall be transferable to and accepted by the state colleges and regional universities.

(3) The high-technology coordinating board shall oversee and coordinate the operation of the consortiums.

(4) Any such consortia shall be implemented upon approval by the high-technology coordinating board. PROVIDED. That if the fiscal impact of any program recommendations exceeds existing resources plus the two hundred fifty thousand dollars appropriated in section 15 of this act, such programs shall require legislative approval.

NEW SECTION. Sec. 10. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B 20 RCW a new section to read as follows:

The board of regents of the University of Washington may offer masters level and doctorate level degrees in technology subject to review and approval by the council for postsecondary education.

NEW SECTION. Sec. 11. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B 20 RCW a new section to read as follows:
A Washington high-technology center is created at the University of Washington. The Washington high-technology center shall provide: (1) An interdisciplinary program to support major high-technology education and research initiatives within the state; (2) the resources necessary for research and development programs in high technology; (3) quality training for advanced undergraduate and graduate students in high technology; and (4) interdisciplinary approaches to instruction and research in high-technology fields.

The Washington high-technology center shall be administered by the board of regents with the advice of the high-technology coordinating board. The University of Washington shall make the facilities of the Washington high-technology center available to other institutions of higher education when specific program needs so require.

NEW SECTION. Sec. 12. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.30 RCW a new section to read as follows:

The board of regents of Washington State University may offer masters level and doctorate level degrees in technology subject to review and approval by the council for postsecondary education.

NEW SECTION. Sec. 13. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.30 RCW a new section to read as follows:

The board of regents of Washington State University, in cooperation with the board of trustees of Clark Community College, is hereby authorized to establish a Southwest Washington joint center for education to provide graduate and continuing education in high-technology fields on the information and telecommunications technology coordinating board. The Southwest Washington joint center for education shall be administered by Washington State University with the advice of the high-technology coordinating board. Washington State University shall make the facilities of the Southwest Washington joint center for education available to other institutions of higher education when specific program needs so require.

NEW SECTION. Sec. 14. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.30 RCW a new section to read as follows:

The board of regents of Washington State University is hereby authorized to establish a state-wide off-campus telecommunications system to provide for graduate and continuing education in high-technology fields to citizens of the state of Washington. The state-wide telecommunications system shall be administered by Washington State University with the advice of the high-technology coordinating board. Washington State University shall make the facilities of the state-wide telecommunications system available to other institutions of higher education when specific program needs so require.

NEW SECTION. Sec. 15. The following amounts. or so much thereof as may be necessary, are appropriated from the general fund for the biennium ending June 30, 1985:

(1) $1,589,000 is appropriated to the University of Washington for specialized technology educational programs and for planning for a permanent center for technology to be located in the Seattle area pursuant to section 11 of this act. No more than $200,000 of this appropriation shall be expended for planning for a permanent center for technology. It is the intent of the legislature that all program requirements and a plan for ongoing maintenance, operations and provision of equipment using public and private sources be developed prior to consideration of physical space requirements. To this end, a plan detailing such program requirements shall be provided to the council for postsecondary education prior to expenditure of moneys on physical plant planning.

(2) $1,000,000 is appropriated to Washington State University to provide for administrative support and specialized technology education programs at the Southwest Washington Joint Center for education under section 13 of this act.

(3) $1,496,000 is appropriated to Washington State University for the purposes of the state-wide off-campus telecommunications system under section 14 of this act.

(4) $320,000 is appropriated to the University of Washington to provide telecommunications services in conjunction with the state-wide off-campus telecommunications system under section 14 of this act.

(5) $3,500,000 is appropriated to the state board for community college education to establish demonstration programs for training technicians needed by industries most affected by rapid technological change. To this end, the board shall select no more than four projects for demonstration purposes. In its selection of demonstration projects, the state board shall consider cooperation and matching efforts with technology development industries as a primary criteria in making final awards. The proposed projects shall be submitted to the high-technology coordinating board for review and comment.

(6) $2,236,000 is appropriated to the superintendent of public instruction to establish the following programs:

(a) $1,600,000 for the establishment of regional computer demonstration centers in the educational service districts.

(b) $236,000 to administer and coordinate these technology programs and coordinate regional computer centers. No more than three full time equivalent staff may be added to provide these services.

(c) $400,000 to contract with the Pacific science center for the purchase of computer, science, and mathematics education services.
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(7) $166,750 is provided to the council for postsecondary education to serve as financial agent for the board and its staff.

(8) $250,000 is appropriated to the high-technology coordinating board to carry out the purposes of this act.

NEW SECTION. Sec. 16. The following acts or parts of acts are each repealed:
(1) Section 1, chapter 4, Laws of 1974 ex. sess. and RCW 28B.80.130; and
(2) Section 2, chapter 4, Laws of 1974 ex. sess. and RCW 28B.80.140.

NEW SECTION. Sec. 17. Sections 2 through 9 of this act are each added to chapter 223, Laws of 1969 ex. sess. as a new chapter in Title 28B RCW.

NEW SECTION. Sec. 18. This act is necessary for the immediate preservation of the public peace, health, and safety; the support of the state government and its existing public institutions; and shall take effect July 1, 1983.

Signed by: Senators Gaspard, Talmadge and Patterson; Representatives Heck, Sommers and McDonald.

MOTION

On motion of Senator Gaspard, the Report of the Conference Committee on Second Substitute Senate Bill No. 3155 was adopted and the powers of Free Conference were granted.

MESSAGES FROM THE HOUSE

May 24, 1983

Mr. President:
The Speaker has signed:
SUBSTITUTE HOUSE BILL NO. 57, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

May 24, 1983

Mr. President:
The House has passed:
ENGROSSED SUBSTITUTE SENATE BILL NO. 4245, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MESSAGE FROM THE HOUSE

May 24, 1983

Mr. President:
The House has adopted the revised Report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 3434, and has granted the committee the powers of Free Conference, and the Report of the Conference Committee is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REVISED REPORT OF CONFERENCE COMMITTEE

May 24, 1983

Mr. President:
Mr. Speaker:
We, of your Conference Committee, to whom was referred, ENGROSSED SUBSTITUTE SENATE BILL NO. 3434, modifying definition of “member” for gambling enforcement purposes, have had the same under consideration, and we recommend that the bill be amended as follows and that the amended bill do pass as revised:

Strike everything after the enacting clause and insert the following:

Sec. 1. Section 1, chapter 139, Laws of 1981 and RCW 9.46.020 are each amended to read as follows:

(a) “Amusement game” means a game played for entertainment in which:

The contestant actively participates;

(b) The outcome depends in a material degree upon the skill of the contestant;

(c) Only merchandise prizes are awarded;

(d) The outcome is not in the control of the operator;

(e) The wagers are placed, the winners are determined, and a distribution of prizes or property is made in the presence of all persons placing wagers at such game; and
Said game is conducted or operated by any agricultural fair, person, association, or organization in such manner and at such locations as may be authorized by rules and regulations adopted by the commission pursuant to this chapter as now or hereafter amended.

Cake walks as commonly known and fish ponds as commonly known shall be treated as amusement games for all purposes under this chapter.

The legislature hereby authorizes the wagering on the outcome of the roll of dice or the flipping of or matching of coins on the premises of an establishment engaged in the business of selling food or beverages for consumption on the premises to determine which of the participants will pay for certain items of food or beverages served or sold by such establishment and therein consumed. Such establishments are hereby authorized to possess dice and dice cups on their premises, but only for use in such limited wagering. Persons engaged in such limited form of wagering shall not be subject to the criminal or civil penalties otherwise provided for in this chapter. PROVIDED, That minors shall be barred from engaging in the wagering activities allowed by this chapter.

(2) "Bingo" means a game conducted only in the county within which the organization is principally located in which prizes are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols selected at random and in which no cards are sold except at the time and place of said game, when said game is conducted by a bona fide charitable or nonprofit organization which does not conduct or allow its premises to be used for conducting bingo on more than three occasions per week and which does not conduct bingo in any location which is used for conducting bingo on more than three occasions per week, or if an agricultural fair authorized under chapters 15.76 and 36.37 RCW, which does not conduct bingo on more than twelve consecutive days in any calendar year, and except in the case of any agricultural fair as authorized under chapters 15.76 and 36.37 RCW, no person other than a bona fide member or an employee of said organization takes any part in the management or operation of said game, and no person who takes any part in the management or operation of said game takes any part in the management or operation of any game conducted by any other organization or any other branch of the same organization, unless approved by the commission, and no part of the proceeds thereof inure to the benefit of any person other than the organization conducting said game. For the purposes of this subsection, the organization shall be deemed to be principally located in the county within which it has its primary business office. If the organization has no business office, the organization shall be deemed to be located in the county of principal residence of its chief executive officer. PROVIDED, That any organization which is conducting any licensed and established bingo game in any locale as of January 1, 1981 shall be exempt from the requirement that such game be conducted in the county in which the organization is principally located.

(3) "Bona fide charitable or nonprofit organization" means: (a) any organization duly existing under the provisions of chapters 24.12, 24.20, or 24.28 RCW, any agricultural fair authorized under the provisions of chapters 15.76 or 36.37 RCW, or any nonprofit corporation duly existing under the provisions of chapter 24.03 RCW for charitable, benevolent, eleemosynary, educational, civic, patriotic, political, social, fraternal, athletic or agricultural purposes only, or any nonprofit organization, whether incorporated or otherwise, when found by the commission to be organized and operating for one or more of the aforesaid purposes only, all of which in the opinion of the commission have been organized and are operated primarily for purposes other than the operation of gambling activities authorized under this chapter; or (b) any corporation which has been incorporated under Title 36 U.S.C. and whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same. Such an organization must have been organized and continuously operating for at least twelve calendar months immediately preceding making application for any license to operate a gambling activity, or the operation of any gambling activity authorized by this chapter for which no license is required. It must have not less than fifteen bona fide active members each with the right to an equal vote in the election of the officers, and board members, if any, who determine the policies of the organization in order to receive a gambling license. An organization must demonstrate to the commission that it has made significant progress toward the accomplishment of the purposes of the organization during the twelve consecutive month period preceding the date of application for a license or license renewal. The fact that contributions to an organization do not qualify for charitable contribution deduction purposes or that the organization is not otherwise exempt from payment of federal income taxes pursuant to the Internal Revenue Code of 1954, as amended, shall constitute prima facie evidence that the organization is not a bona fide charitable or nonprofit organization for the purposes of this section.

Any person, association or organization which pays its employees, including members, compensation other than is reasonable therefor under the local prevailing wage scale shall be deemed paying compensation based in part or whole upon receipts relating to gambling activities authorized under this chapter and shall not be a bona fide charitable or nonprofit organization for the purposes of this chapter.
(4) "Bookmaking" means accepting bets as a business, rather than in a casual or personal fashion, upon the outcome of future contingent events.

(5) "Commercial stimulant". An activity is operated as a commercial stimulant, for the purposes of this chapter, only when it is an incidental activity operated in connection with, and incidental to, an established business, with the primary purpose of increasing the volume of sales of food or drink for consumption on that business premises. The commission may by rule establish guidelines and criteria for applying this definition to its applicants and licensees for gambling activities authorized by this chapter as commercial stimulants.

(6) "Commission" means the Washington state gambling commission created in RCW 9.46.040.

(7) "Contest of chance" means any contest, game, gaming scheme, or gambling device in which the outcome depends in a material degree upon an element of chance, notwithstanding that skill of the contestants may also be a factor therein.

(8) "Fishing derby" means a fishing contest, with or without the payment or giving of an entry fee or other consideration by some or all of the contestants wherein prizes are awarded for the species, size, weight, or quality of fish caught in a bona fide fishing or recreational event.

(9) "Gambling". A person engages in gambling if he stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under his control or influence, upon an agreement or understanding that he or someone else will receive something of value in the event of a certain outcome. Gambling does not include fishing derbies as defined by this chapter, parimutuel betting as authorized by chapter 67.16 RCW, bona fide business transactions valid under the law of contracts, including, but not limited to, contracts for the purchase or sale at a future date of securities or commodities, and agreements to compensate for loss caused by the happening of chance, including, but not limited to, contracts of indemnity or guarantee and life, health or accident insurance. In addition, a contest of chance which is specifically excluded from the definition of lottery under subsection (14) of this section shall not constitute gambling.

(10) "Gambling device" means: (a) Any device or mechanism the operation of which a right to money, credits, deposits or other things of value may be created, in return for a consideration, as the result of the operation of an element of chance; (b) any device or mechanism which, when operated for a consideration, does not return the same value or thing of value for the same consideration upon each operation thereof; (c) any device, mechanism, furniture, fixture, construction or installation designed primarily for use in connection with professional gambling; and (d) any subassembly or essential part designed or intended for use in connection with any such device, mechanism, furniture, fixture, construction or installation. But in the application of this definition, a pinball machine or similar mechanical amusement device which contains only an immediate and unrecorded right of replay on players thereof, which does not contain any mechanism which varies the chance of winning free games or the number of free games which may be won or a mechanism or a chute for dispensing coins or a facsimile thereof, and which prohibits multiple winnings depending upon the number of coins inserted and requires the playing of five balls individually upon the insertion of a nickel or dime, as the case may be, to complete any one operation thereof, shall not be deemed a gambling device: PROVIDED FURTHER, That owning, possessing, buying, selling, renting, leasing, financing, holding a security interest in, storing, repairing and transporting such pinball machines or similar mechanical amusement devices shall not be deemed engaging in professional gambling for the purposes of this chapter and shall not be a violation of this chapter: PROVIDED FURTHER, That any fee for the purchase or rental of any such pinball machines or similar amusement devices shall not have no relation to the use to which such machines are put but be based only upon the market value of any such machine, regardless of the location of or type of premises where used, and any fee for the storing, repairing and transporting thereof shall have no relation to the use to which such machines are put but be commensurate with the cost of labor and other expenses incurred in any such storing, repairing and transporting.

(11) "Gambling information" means any wager made in the course of and any information intended to be used for professional gambling. In the application of this definition information as to wagers, betting odds and changes in betting odds shall be presumed to be intended for use in professional gambling: PROVIDED, HOWEVER, That this subsection shall not apply to newspapers of general circulation or commercial radio and television stations licensed by the federal communications commission.

(12) "Gambling premises" means any building, room, enclosure, vehicle, vessel or other place used or intended to be used for professional gambling. In the application of this definition, any place where a gambling device is found, shall be presumed to be intended to be used for professional gambling.

(13) "Gambling record" means any record, receipt, ticket, certificate, token, slip or notation given, made, used or intended to be used in connection with professional gambling.

(14) "Lottery" means a scheme for the distribution of money or property by chance, among persons who have paid or agreed to pay a valuable consideration for the chance.
For the purpose of this chapter, the following activities do not constitute "valuable consideration" as an element of a lottery:

(a) Listening to or watching a television or radio program or subscribing to a cable television service;

(b) Filling out and returning a coupon or entry blank or facsimile which is received through the mail or published in a bona fide newspaper or magazine, or in a program sold in conjunction with and at a regularly scheduled sporting event, or the purchase of such a newspaper, magazine or program;

(c) Sending a coupon or entry blank by United States mail to a designated address in connection with a promotion conducted in this state;

(d) Visitation to any business establishment to obtain a coupon, or entry blank;

(e) Mere registration without purchase of goods or services;

(f) Expenditure of time, thought, attention and energy in perusing promotional material;

(g) Placing or answering a telephone call in a prescribed manner or otherwise making a prescribed response or answer;

(h) Furnishing the container of any product as packaged by the manufacturer, or a particular portion thereof but only if furnishing a plain piece of paper or card with the name of the manufacturer or product handwritten on it is acceptable in lieu thereof; PROVIDED, That where any drawing is held by or on behalf of in-state retail outlets in connection with business promotions authorized under subsections (d) and (e) hereof, no such in-state retail outlet may conduct more than one such drawing during each calendar year and the period of the drawing and its promotion shall not extend for more than seven consecutive days; PROVIDED FURTHER, That if the sponsoring organization has more than one outlet in the state such drawings must be held in all such outlets at the same time except that a sponsoring organization with more than one outlet may conduct a separate drawing in connection with the initial opening of any such outlet);

(i) The payment of an admission fee to gain admission to any agricultural fair authorized under chapters 15.76 or 36.37 RCW where (i) the scheme is conducted for promotional or advertising purposes, not including the promotion or advertisement of the scheme itself; and (ii) the person or organization conducting the scheme receives no portion of the admission fee either directly or indirectly and receives no other money for conducting the scheme either directly or indirectly, other than what might be received indirectly as a result of the success of the promotional or advertising aspect of the scheme.

Notwithstanding any other provision of this subsection (14), where any contest of chance is held by or on behalf of in-state retail grocery outlets in connection with business promotions authorized under subsections (d) and (e) hereof, no such in-state retail grocery outlet may conduct more than one such contest of chance during each calendar year and the period of the contest of chance and its promotion shall not extend for more than seven consecutive days; PROVIDED, That if the sponsoring organization has more than one outlet in the state such contests of chance must be held in all such outlets at the same time except that a sponsoring organization with more than one outlet may conduct a separate contest of chance in connection with the initial opening of any such outlet; PROVIDED FURTHER, That such contests of chance may be conducted on an ongoing basis if the prizes awarded or accumulated to award do not exceed thirty dollars a day or five thousand dollars a year in the aggregate for all outlets of the sponsoring organizations.

For purposes of this chapter, radio and television broadcasting is hereby declared to be preempted by applicable federal statutes and the rules applicable thereto by the federal communications commission. Broadcast programming, including advertising and promotion, that complies with said federal statutes and regulations is hereby authorized.

(15) "Member" and "bona fide member." As used in this chapter, member and bona fide member each mean a person accepted for membership in an organization eligible to be licensed by the commission under this chapter upon application, with such action being recorded in the official minutes of a regular meeting or who has held full and regular membership status in the organization for a period of not less than twelve consecutive months prior to participating in the management or operation of any gambling activity. Such membership must in no way be dependent upon, or in any way related to, the payment of consideration to participate in any gambling activity.

Member or bona fide member shall include only members of an organization's specific chapter or unit licensed by the commission or otherwise actively conducting the gambling activity; PROVIDED, That

(a) Members of chapters or local units of a state, regional or national organization may be considered members of the parent organization for the purpose of a gambling activity conducted by the parent organization, if the rules of the parent organization so permit; and

(b) Members of a bona fide auxiliary to a principal organization may be considered members of the principal organization for the purpose of a gambling activity conducted by the principal organization. Members of the principal organization may also be considered members of its auxiliary for the purpose of a gambling activity conducted by the auxiliary.
No person shall be a member of any organization if that person's primary purpose for membership is to become, or continue to be, a participant in, or an operator or manager of, any gambling activity or activities.

(16) "Player" means a natural person who engages, on equal terms with the other participants, and solely as a contestant or bettor, in any form of gambling in which no person may receive or become entitled to receive any profit other than personal gambling winnings, and without otherwise rendering any material assistance to the establishment, conduct or operation of a particular gambling activity. A natural person who gambles at a social game of chance on equal terms with the other participants therein does not otherwise render material assistance to the establishment, conduct or operation thereof by performing, without fee or remuneration, acts directed toward the arrangement or facilitation of the game, such as inviting persons to play, permitting the use of premises therefor, and supplying cards or other equipment used therein. A person who engages in "bookmaking" as defined in this section is not a "player".

(17) A person is engaged in "professional gambling" when:

(a) Acting other than as a player or in the manner set forth in RCW 9.46.030 as now or hereafter amended, he knowingly engages in conduct which materially aids any other form of gambling activity; or

(b) Acting other than as a player, or in the manner set forth in RCW 9.46.030 as now or hereafter amended, he knowingly accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he participates or is to participate in the proceeds of gambling activity;

(c) He engages in bookmaking; or

(d) He conducts a lottery as defined in subsection (14) of this section.

Conduct under subparagraph (a), except as exempted under RCW 9.46.030 as now or hereafter amended, includes but is not limited to conduct directed toward the creation or establishment of the particular game, contest, scheme, device or activity involved, toward the acquisition or maintenance of premises, paraphernalia, equipment or apparatus therefor, toward the solicitation or inducement of persons to participate therein, toward the actual conduct of the playing phases thereof, toward the arrangement of any of its financial or recording phases, or toward any other phase of its operation. If a person having substantial proprietary or other authoritative control over any premises shall permit said premises to be used with the person's knowledge for the purpose of conducting gambling activity other than gambling activities as set forth in RCW 9.46.030 as now or hereafter amended, and acting other than as a player, and said person permits such to occur or continue or makes no effort to prevent its occurrence or continuation, he shall be considered as being engaged in professional gambling: PROVIDED, That the proprietor of a bowling establishment who awards prizes obtained from player contributions, to players successfully knocking down pins upon the contingency of identifiable pins being placed in a specified position or combination of positions, as designated by the posted rules of the bowling establishment, where the proprietor does not participate in the proceeds of the "prize fund" shall not be construed to be engaging in "professional gambling" within the meaning of this chapter: PROVIDED, FURTHER, That the books and records of the games shall be open to public inspection.

(18) "Punch boards" and "pull-tabs" shall be given their usual and ordinary meaning as of July 16, 1973, except that such definition may be revised by the commission pursuant to rules and regulations promulgated pursuant to this chapter.

(19) "Raffle" means a game in which tickets bearing an individual number are sold for not more than one dollar each and in which a prize or prizes are awarded on the basis of a drawing from said tickets by the person or persons conducting the game, when said game is conducted by a bona fide charitable or nonprofit organization, no person other than a bona fide member of said organization takes any part in the management or operation of said game, and no part of the proceeds thereof inure to the benefit of any person other than the organization conducting said game.

(20) "Social card game" means a card game, including but not limited to the game commonly known as "Mah Jongg", which constitutes gambling and contains each of the following characteristics:

(a) There are two or more participants and each of them are players; and

(b) A player's success at winning money or other thing of value by overcoming chance is in the long run largely determined by the skill of the player; and

(c) No organization, corporation or person collects or obtains or charges any percentage of or collects or obtains any portion of the money or thing of value wagered or won by any of the players: PROVIDED, That this item (c) shall not preclude a player from collecting or obtaining his winnings; and

(d) No organization or corporation, or person collects or obtains any money or thing of value from, or charges or imposes any fee upon, any person which either enables him to play or results in or from his playing in excess of one dollar per half hour of playing time by that person collected in advance: PROVIDED, That a fee may also be charged for entry into a tournament for prizes, which fee shall not exceed twenty-five dollars, including all separate fees.
which might be paid by a player for various phases or events of the tournament: PROVIDED 
FURTHER. That this item (d) shall not apply to the membership fee in any bona fide charitable 
or nonprofit organization; and 
(e) The type of card game is one specifically approved by the commission pursuant to 
RCW 9.46.070; and 
(f) The extent of wagers, money or other thing of value which may be wagered or con-
tributed by any player does not exceed the amount or value specified by the commission pur-
suant to RCW 9.46.070. 

(21) "Thing of value" means any money or property, any token, object or article 
exchangeable for money or property, or any form of credit or promise, directly or indirectly, 
contemplating transfer of money or property or of any interest therein, or involving extension of 
a service, entertainment or a privilege of playing at a game or scheme without charge. 

(22) "Whoever" and "person" include natural persons, corporations and partnerships 
and associations of persons: and when any corporate officer, director or stockholder or any partner 
authorizes, participates in, or knowingly accepts benefits from any violation of this chapter 
committed by his corporation or partnership, he shall be punishable for such violation as if it 
had been directly committed by him. 

(23) "Fund raising event" means a fund raising event conducted during any seventy-two 
consecutive hours but exceeding twenty-four consecutive hours and not more than once in any 
calendar year or a fund raising event conducted not more than twice each calendar year 
for not more than twenty-four consecutive hours each time by a bona fide charitable or non-
profit organization as defined in subsection (3) of this section other than any agricultural fair 
referred to thereunder, upon authorization therefor by the commission, which the legislature 
hereby authorizes to issue a license thereto, with or without fee, permitting the following 
activities, or any of them, during such event: Bingo, amusement games, contests of chance, lot-
teries and raffles: PROVIDED, That (a) gross wagers and bets received by the organization less 
the amount of money paid by the organization as winnings, taxes, license fees, and for the 
purchase cost of prizes given as winnings do not exceed 

((five)) ten thousand dollars during the 
total calendar days of such fund raising event in the calendar year; (b) such activities shall not include any mechanical gambling or lottery device activated by the insertion of a coin or by 
the insertion of any object purchased by any person taking a chance by gambling in respect 
to the device; (c) only bona fide members of the organization who are not paid for such serv-
ice shall participate in the management or operation of the activities, and all income there-
from, after deducting the cost of prizes and other expenses, shall be devoted solely to the 
lawful purposes of the organization: ((and)) (d) such event shall not be held on the premises of 
a licensee, as defined in RCW 66.20.160, more than four calendar days per calendar month; and 
(e) such organization shall notify the appropriate local law enforcement agency of the 
time and place where such activities shall be conducted. The commission shall require an 
annual information report setting forth in detail the expenses incurred and the revenue 
received relative to the activities permitted. 

Sec. 2. Section 2. chapter 139, Laws of 1981 and RCW 9.46.030 are each amended to read 
as follows: 

(1) The legislature hereby authorizes bona fide charitable or nonprofit organizations to 
conduct bingo games, raffles, amusement games, and fund raising events, and to utilize punch 
boards and pull-tabs and to allow their premises and facilities to be used by only members 
((and)), their guests, and members of a chapter or unit organized under the same state, 
regional, or national charter or constitution, to play social card games authorized by the com-
mission, when licensed, conducted or operated pursuant to the provisions of this chapter and 
rules and regulations adopted pursuant thereto. 

(2) Bona fide charitable or bona fide nonprofit organizations organized primarily for pur-
poses other than the conduct of raffles, are hereby authorized to conduct raffles without 
obtaining a license to do so from the commission when such raffles are held in accordance 
with all other requirements of chapter 9.46 RCW, other applicable laws, and rules of the com-
mission: when gross revenues from all such raffles held by the organization during the calen-
dar year do not exceed 

((five)) ten thousand dollars; and when tickets to such raffles are sold 
only to, and winners are determined only from among, the regular members of the organization 
conducting the raffle: PROVIDED, That the term members for this purpose shall mean only 
those persons who have become members prior to the commencement of the raffle and whose 
qualifications for membership were not dependent upon, or in any way related to, the purchase 
of a ticket, or tickets, for such raffles. 

(3) Bona fide charitable or bona fide nonprofit organizations organized primarily for pur-
poses other than the conduct of such activities are hereby authorized to conduct bingo, raffles, 
and amusement games, without obtaining a license to do so from the commission but only when 

(a) Such activities are held in accordance with all other requirements of chapter 9.46 RCW 
as now or hereafter amended, other applicable laws, and rules of the commission; and
(b) Said activities are, alone or in any combination, conducted no more than twice each calendar year and over a period of no more than twelve consecutive days each time, notwithstanding the limitations of RCW 9.46.020(2) as now or hereafter amended: PROVIDED, That any raffle conducted under this subsection may be conducted for a period longer than twelve days; and

(c) Only bona fide members of that organization, who are not paid for such services, participate in the management or operation of the activities; and

(d) Gross revenues to the organization from all the activities together (does) do not exceed (five) ten thousand dollars during any calendar year; and

(e) All revenue therefrom, after deducting the cost of prizes and other expenses of the activity, is devoted solely to the purposes for which the organization qualifies as a bona fide charitable or nonprofit organization; and

(f) The organization gives notice at least five days in advance of the conduct of any of the activities to the local police agency of the jurisdiction within which the activities are to be conducted of the organization's intent to conduct the activities, the location of the activities, and the date or dates they will be conducted; and

(g) The organization conducting the activities maintains records for a period of one year from the date of the event which accurately show at a minimum the gross revenue from each activity, details of the expenses of conducting the activities, and details of the uses to which the gross revenue therefrom is put.

(4) The legislature hereby authorizes any person, association or organization operating an established business primarily engaged in the selling of food or drink for consumption on the premises to conduct social card games and to utilize punch boards and pull-tabs as a commercial stimulant to such business when licensed and utilized or operated pursuant to the provisions of this chapter and rules and regulations adopted pursuant thereto.

(5) The legislature hereby authorizes any person to conduct or operate amusement games when licensed and operated pursuant to the provisions of this chapter and rules and regulations adopted by the commission at such locations as the commission may authorize.

(6) The legislature hereby authorizes any person, association, or organization to conduct sports pools without a license to do so from the commission but only when the outcome of which is dependent upon the score, or scores, of a certain athletic contest and which is conducted only in the following manner:

(a) A board or piece of paper is divided into one hundred equal squares, each of which constitutes a chance to win in the sports pool and each of which is offered directly to prospective contestants at one dollar or less; and

(b) The purchaser of each chance or square signs his or her name on the face of each square or chance he or she purchases; and

(c) At some time not later than prior to the start of the subject athletic contest the pool is closed and no further chances in the pool are sold; and

(d) After the pool is closed a prospective score is assigned by random drawing to each square; and

(e) All money paid by entrants to enter the pool less taxes is paid out as the prize or prizes to those persons holding squares assigned the winning score or scores from the subject athletic contest; and

(f) The sports pool board is available for inspection by any person purchasing a chance thereon, the commission, or by any law enforcement agency upon demand at all times prior to the payment of the prize; and

(g) The person or organization conducting the pool is conducting no other sports pool on the same athletic event; and

(h) The sports pool conforms to any rules and regulations of the commission applicable thereto.

(7) The legislature hereby authorizes bona fide charitable or nonprofit organizations to conduct, without the necessity of obtaining a permit or license to do so from the commission, golting sweepstakes permitting wagers of money, and the same shall not constitute such gam­bling or lottery as otherwise in this chapter prohibited, or be subject to civil or criminal penalties thereunder, but this only when the outcome of such golting sweepstakes is dependent upon the score, or scores, or the playing ability, or abilities, of a golting contest between individual players or teams of such players, conducted in the following manner:

(a) Wagers are placed by buying tickets on any players in a golting contest to "win", "place" or "show" and those holding tickets on the three winners may receive a payoff similar to the system of betting identified as parimutuel, such moneys placed as wagers to be used primarily as winners proceeds, except moneys used to defray the expenses of such golting sweepstakes or otherwise used to carry out the purposes of such organization; or

(b) Participants in any golting contest(s) pay a like sum of money into a common fund on the basis of attaining a stated number of points ascertainable from the score of such participants, and those participants attaining such stated number of points share equally in the mon­eys in the common fund, without any percentage of such moneys going to the sponsoring organization; and
(c) Participation is limited to members of the sponsoring organization and their bona fide guests.

(8) The legislature hereby authorizes bowling establishments to conduct, without the necessity of obtaining a permit or license to do so, as a commercial stimulant, a bowling activity which permits bowlers to purchase tickets from the establishment for a predetermined and posted amount of money which tickets are then selected by the luck of the draw and the holder of the matching ticket so drawn has an opportunity to bowl a strike and if successful receives a predetermined and posted monetary prize. PROVIDED, That all sums collected by the establishment from the sale of tickets shall be returned to purchasers of tickets and no part of the proceeds shall inure to any person other than the participants winning in the game or a recognized charity. The tickets shall be sold, and accounted for, separately from all other sales of the establishment. The price of any single ticket shall not exceed one dollar. Accounting records shall be available for inspection during business hours by any person purchasing a chance thereon, by the commission or its representatives, or by any law enforcement agency.

(9) (a) The legislature hereby authorizes any bona fide charitable or nonprofit organization which is licensed pursuant to RCW 66.24.400, and its officers and to allow the use of the premises, furnishings, and other facilities not gambling devices of such organization by members of the organization, and members of a chapter or unit organized under the same state, regional, or national charter or constitution, who engage as players in the following types of gambling activities only:

(i) Social card games as defined in RCW 9.46.020(20)(a), (b), (c), and (d); and

(ii) Social dice games, which shall be limited to contests of chance, the outcome of which are determined by one or more rolls of dice.

(b) Bona fide charitable or nonprofit organizations shall not be required to be licensed by the commission in order to allow use of their premises in accordance with this subsection; however, the following conditions must be met:

(i) No organization, corporation, or person shall collect or obtain any percentage of or shall collect or obtain any portion of the money or thing of value wagered or won by any of the players: PROVIDED, That a player may collect his or her winnings; and

(ii) No organization, corporation, or person shall collect or obtain any money or thing of value from, or charge or impose any fee upon, any person which either enables him or her to play or results in or from his or her playing: PROVIDED, That this subparagraph (ii) shall not preclude collection of a membership fee which is unrelated to participation in gambling activities authorized under this subsection.

The penalties provided for professional gambling in this chapter shall not apply to the activities authorized by this section when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations of the commission.

Sec. 3. 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 are each amended to read as follows:

The legislative authority of any county, city-county, city, or town, by local law and ordinance, and in accordance with the provisions of this chapter and rules and regulations promulgated hereunder, may provide for the taxing of any gambling activity authorized in RCW 9.46.030 as now or hereafter amended within its jurisdiction, the tax receipts to go to the county, city-county, city, or town so taxing the same: PROVIDED, That any such tax imposed by a county alone shall not apply to any gambling activity authorized within a city or town located therein but the tax rate established by a county, if any, shall constitute the tax rate throughout such county including both incorporated and unincorporated areas, except for any city located therein with a population of twenty thousand or more persons as of the most recent decennial census taken by the federal government: PROVIDED FURTHER, That (1) punch boards and pull-tabs, chances on which shall only be sold to adults, which shall have a twenty-five cent limit on a single chance thereon, shall be taxed on a basis which shall reflect only the gross receipts from such punch boards and pull-tabs; and (2) no punch board or pull-tab may award as a prize upon a winning number or symbol being drawn the opportunity of taking a chance upon any other punch board or pull-tab; and (3) all prizes for punch boards and pull-tabs must be on display within the immediate area of the premises wherein any such punch board or pull-tab is located and upon a winning number or symbol being drawn, such prize must be immediately removed therefrom, or such omission shall be deemed a fraud for the purposes of the chapter; and (4) when any person shall win over twenty dollars in money or merchandise from any punch board or pull-tab, every licensee hereunder shall keep a public record thereof for at least ninety days thereafter containing such information as the commission shall deem necessary: AND PROVIDED FURTHER, That the taxation of bingo and raffles shall never be in an amount greater than ten percent of the gross revenue received therefrom less the amount paid for or as prizes. Taxation of amusement games shall only be in an amount sufficient to pay the actual costs of enforcement of the provisions of this chapter by the county, city or town law enforcement agency and in no event shall such taxation exceed two percent of the gross revenue therefrom less the amount paid for as prizes: PROVIDED FURTHER, That no tax shall be imposed under the authority of this chapter on bingo, raffles or amusement games when such activities or any combination thereof are conducted by any bona fide charitable or nonprofit organizations or any combination thereof are conducted by any bona fide charitable or nonprofit organizations.
organization as defined in RCW 9.46.020(3), which does not discriminate in full membership on the basis of sex and race, and which organization has no paid operating or management personnel and has gross income from bingo, raffles or amusement games, or any combination thereof, not exceeding ((five)) ten thousand dollars per year less the amount paid for as prizes. Taxation of punch boards and pull-tabs shall not exceed five percent of gross receipts, nor shall taxation of social card games exceed twenty percent of the gross revenue from such games."

Signed by: Senators Vognild, Sellar and Williams: Representatives Appelwick, Barrett and Niemi.

MOTION

Senator Vognild moved that the revised Report of the Conference Committee on Engrossed Substitute Senate Bill No. 3434 be adopted and the powers of Free Conference be granted.

PARLIAMENTARY INQUIRY

Senator Rasmussen: "I have a parliamentary inquiry, Mr. President. Inasmuch as it will be a Free Conference Report, is it required to be laid on the desks for twenty-four hours prior to the adoption?"

REPLY BY THE PRESIDENT

President Cherberg: "Your point is well taken, Senator. It would require a suspension of the rules."

Senator Rasmussen: "Thank you, Mr. President. I will reserve my raising scope and object and two subjects in one bill until a later period."

The President declared the question before the Senate to be the motion by Senator Vognild to adopt the revised Report of the Conference Committee on Engrossed Substitute Senate Bill No. 3434 and that the powers of free conference be granted.

The motion by Senator Vognild carried and the revised Report of the Conference Committee on Engrossed Substitute Senate Bill No. 3434 was adopted and the powers of free conference were granted.

MOTION

On motion of Senator Vognild, the revised Report of the Conference Committee on Engrossed Substitute Senate Bill No. 3434 was ordered immediately transmitted to the House.

MESSAGE FROM THE HOUSE

May 24, 1983

Mr. President:

The House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 245 and passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 57.

MESSAGE FROM THE HOUSE

May 24, 1983

Mr. President:

The House refuses to recede from its amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 3780 and asks for a conference thereon. The Speaker appoints Representatives Brekke, Fiske and Kreidler as conferees.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator McDermott, the rules were suspended and Engrossed Substitute Senate Bill No. 3780 was returned to second reading and read the second time.
MOTION

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

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 4, chapter 177. Laws of 1980 and RCW 74.46.040 are each amended to read as follows:

(1) Not later than March 31, 1982, and each year thereafter, each contractor shall submit to the department an annual cost report, and such financial statements as are required by this chapter, for the period from January 1st through December 31st of the preceding year.

(2) Not later than one hundred twenty days following the termination of a contract, the contractor shall submit to the department a cost report, and financial statements as are required by this chapter, for the period from January 1st through the date the contract terminated.

(3) Two extensions of not more than thirty days each ((after March 31st)) may be granted by the department upon receipt of a written request setting forth the circumstances which prohibit the contractor from compliance with ((such)) a report due date, except that the secretary shall establish the grounds for extension in rule and regulation. Such request must be received by the department at least ten days prior to the due date.

(((6) Not later than one hundred and twenty days following the termination of a contract, the contractor shall submit to the department a cost report, and such financial statements as are required by this chapter, for the period from January 1st through the date the contract terminated:))

Sec. 2. Section 6, chapter 177. Laws of 1980 and RCW 74.46.060 are each amended to read as follows:

(1) Cost reports shall be prepared in a standard manner and form, as determined ((pursuant to RCW 74.46.070)) by the department, which shall provide for financial statements, an itemized list of allowable costs, and a preliminary settlement report. Costs reported shall be determined in accordance with generally accepted accounting principles, the provisions of this chapter, and such additional rules and regulations as are established by the secretary.

(2) All financial statements of a contractor must be prepared in accordance with generally accepted accounting principles, ((such additional regulatory requirements developed pursuant to RCW 74.46.070)) the provisions of this chapter, and such additional rules and regulations as are established by the secretary.

(3) The records shall be maintained on the accrual method of accounting and agree with or be reconcilable to the cost report and the financial statements.

Sec. 3. Section 8, chapter 177. Laws of 1980 and RCW 74.46.080 are each amended to read as follows:

(1) All records supporting the required cost reports and financial statements, as well as trust funds established by RCW 74.46.700, shall be retained by the contractor for a period of four years following the filing of such reports at a location in the state of Washington specified by the contractor. The department may direct such records to be retained for a longer period if there remain unresolved questions on the cost reports and financial statements. All such records shall be made available upon demand to authorized representatives of the department, the office of the state auditor, and the United States department of health((education)) and ((welfare)) human services.

(2) When a contract is terminated, all payments due will be withheld until accessibility and preservation of the records within the state of Washington are assured.

Sec. 4. Section 10, chapter 177. Laws of 1980 and RCW 74.46.100 are each amended to read as follows:

The principles inherent within ((RCW 74.46.110 through 74.46.140)) section 5 of this 1983 act and RCW 74.46.130 are:

(1) To ascertain, through ((certified)) department audit, that the costs for each year are accurately reported, thereby providing a valid basis for future rate determination;

(2) To ascertain, through ((certified)) department audits of the cost reports, that cost reports properly reflect the financial statements of the contractor, particularly as they pertain to related organizations and beneficial ownership, thereby providing a valid basis for the determination of return as specified by this chapter;

(3) To ascertain, through ((certified)) department audit ((and the oversight of the office of the state auditor)) that compliance with the accounting and auditing provisions of this chapter and the rules and regulations of the department as they pertain to these accounting and auditing provisions is proper and consistent; and

(4) To ascertain, through ((certified)) department audits, that the responsibility of the contractor has been met in the maintenance of patient trust funds.

NEW SECTION Sec. 5. There is added to chapter 74.46 RCW a new section to read as follows:

Cost reports, financial and statistical records, and patient trust accounts of contractors shall be field audited by the department, either by department staff or by auditors under contract to the department, in accordance with the provisions of this chapter. The department shall have the authority to accept or reject audits which fail to satisfy the requirements of this section or
The designated individual or individuals shall have sufficient knowledge of the issue or function to respond to questions and requests for information from auditors. Facilities shall be selected for sample audits within one hundred twenty days of submission of a correct and complete cost report, and shall be so informed of the department's intent to audit. Audits so scheduled shall be completed within one year of selection.

Where an audit for a recent reporting or trust fund period discloses material discrepancies, undocumented costs or mishandling of patient trust funds, auditors may examine prior unaudited periods, for indication of similar material discrepancies, undocumented costs or mishandling of patient trust funds for not more than two reporting periods preceding the facility reporting period selected in the sample.

The audit will result in a schedule summarizing appropriate adjustments to the contractor's cost report. These adjustments will include an explanation for the adjustment, the general ledger account or account group, and the dollar amount. Patient trust fund audits shall be reported separately and in accordance with RCW 74.46.700.

Audits shall meet generally accepted auditing standards as promulgated by the American institute of certified public accountants and the standards for audit of governmental organizations, programs, activities and functions as published by the comptroller general of the United States. Audits shall be supervised or reviewed by a certified public accountant.

No auditor under contract with or employed by the department to perform audits in accordance with the provisions of this chapter shall:

(a) Have had direct or indirect financial interest in the ownership, financing or operation of a nursing home in this state during the period covered by the audits;
(b) Acquire or commit to acquire any direct or indirect financial interest in the ownership, financing or operation of a nursing home in this state during said auditor's employment or contract with the department;
(c) Acquire as a client any nursing home in this state during or within two years of termination of said auditor's contract or employment with the department.

Audits shall be conducted by auditors who are otherwise independent as determined by the standards of independence established by the American institute of certified public accountants.

All audit rules adopted after March 31, 1984, shall be published before the beginning of the cost report year to which they apply.

NEW SECTION. Sec. 6. There is added to chapter 74.46 RCW a new section to read as follows:

The office of the state auditor shall annually review the performance of the department to ensure that departmental audits are conducted in accordance with generally accepted accounting principles and auditing standards. Sec. 7. Section 13. chapter 177, Laws of 1980 and RCW 74.46.130 are each amended to read as follows:

For the requirements of RCW 74.46.130(1), the contractor shall be notified by the (accountant) department at least ten working days in advance of the engagement. Upon such notification, the contractor shall:

(a) Provide access to the facility, all records, and all working papers which are in support of the cost report, financial statements, and patient trust funds; and,
(b) Prepare reconciliation of the cost report and financial statements with (i) applicable federal income and federal and state payroll tax returns and (ii) the records for the period covered by the cost report and financial statements.

For the requirements of RCW 74.46.130(2), the contractor shall provide access to the facility and supply all records as required in subsection (1) of this section. To facilitate department audit, the owner or administrator of a facility shall designate and make available an individual or individuals to respond to questions and requests for information from auditors. The designated individual or individuals shall have sufficient knowledge of the issue or function to provide accurate information.

Sec. 8. Section 15. chapter 177, Laws of 1980 and RCW 74.46.150 are each amended to read as follows:

(1) For each cost center, payments to contractors shall not exceed the lower of prospective reimbursement rates or audited allowable costs, except as otherwise provided in this chapter.

(2) The settlement process shall consist of:

(a) The evaluation of the proposed preliminary settlement (report) by cost center contained within the cost report and preparation of the preliminary settlement report:
(b) The evaluation of the audit results, if an audit is conducted, including disallowed costs and preparation of the final settlement report; and
(c) The process of scheduling payment (as to such) of underpayments or overpayments determined by preliminary or final settlement.

((2) in:
(a) Rulings on questioned costs; or
(b) Interpretations resulting in payment of the whole or a portion of a disallowed cost.
the department shall prepare and maintain such rulings and interpretations with full justification and explanation for the respective contractor and the appropriate standing committees of the legislature.)

Sec. 9. Section 16, chapter 177, Laws of 1980 and RCW 74.46.160 are each amended to read as follows:
(1) [(Upon)] Within one hundred twenty days after receipt of the proposed preliminary settlement ([(report)]), the department shall verify the accuracy of [(such report)] the proposal and shall issue a preliminary settlement report by cost center to the contractor which fully substantiates disallowed costs, refunds, underpayments, or adjustments to the proposed preliminary settlement.

(2) [(Within thirty days)] After [(receipt)] completion of the [(audited reports by the secretary)] audit process, including exhaustion or mutual termination of reviews and appeals of audit findings or determinations, the department will submit a [(proposed)] final settlement report by cost center to the contractor which [(rules on questioned costs; and)] fully substantiates disallowed costs, refunds, underpayments, [(and/or)] or adjustments to the [(preliminary settlement)] contractor's financial statements and cost report. Where the contractor is pursuing judicial or administrative review or appeal in good faith regarding audit findings or determinations, the department may issue a partial final settlement to recover overpayments based on audit adjustments not in dispute.

Sec. 10. Section 17, chapter 177, Laws of 1980 and RCW 74.46.170 are each amended to read as follows:
(1) [(The settlement will become final)] A contractor shall have thirty days after the date the [(proposed)] preliminary or final settlement report is submitted to the contractor [(unless the contractor)] to contest [(the)] a settlement determination under RCW 74.46.780. [(In the event of such contest, the contractor has thirty days after the date the proposed final settlement report has been submitted to notify the department of such contesting pursuant to the provisions of RCW 74.46.786.)] After the thirty-day period has expired, a preliminary or final settlement will not be subject to review.

(2) A preliminary settlement report as issued by the department will become the final settlement report if no audit has been scheduled within twelve calendar months following the department's issuance of a preliminary settlement report to the contractor.

(3) A settlement will be reopened if necessary to make adjustments for findings resulting from an audit performed pursuant to [(this chapter)] section 5(4) of this 1983 act.

Sec. 11. Section 18, chapter 177, Laws of 1980 and RCW 74.46.180 are each amended to read as follows:
(1) The state shall make payment of any underpayments within [(fifteen)] thirty days [(of)] after the date the preliminary or final settlement [(becomes final)] report is submitted to the contractor.

(2) [(The)] A contractor found to have received either overpayments [(and/or)] or erroneous payments under a preliminary or final settlement shall refund such payments to the state within thirty days [(of)] after the date the preliminary or final settlement [(becomes final)] report is submitted to the contractor, subject to the provisions of subsections (3), (4)([(and (5))], and (7) of this section.

(3) Within the cost centers of nursing services and food, all savings resulting from the respective [(audited)] allowable costs being lower than the respective reimbursement rate paid to the contractor during the report period shall be refunded. In computing a preliminary or final settlement, savings in a cost center may be shifted to cover a deficit in another cost center up to the amount of any savings: PROVIDED, That not more than twenty percent of the rate in a cost center may be shifted into that cost center and no shifting may be made into the property cost center.

(4) Within the cost centers of administration and operations and property, the contractor shall retain at least fifty percent, but not more than seventy-five percent, of any savings resulting from the respective, audited, allowable costs being lower than the respective reimbursement rates paid to the contractor during the report period multiplied by the number of authorized medical care client days in which said rates were in effect. The secretary, by rule and regulation, shall establish the basis for the specific percentages of savings to the contractors. Such rules and regulations may provide for differences in the percentages allowed for each cost center to individual facilities based on performance measures related to administrative efficiency.

(5) All allowances provided by section 27(2) of this 1983 act and RCW 74.46.530 shall be retained by the contractor. Any industrial insurance dividend or premium discount under RCW
51.16.035 shall be retained by the contractor to the extent that such dividend or premium dis-
count is attributable to the contractor's private patients.

(6) In the event the contractor fails to make repayment in the time provided in subsection
(2) of this section, the department shall either:
(a) Deduct the amount of refund due plus assessment of interest, as determined by the secre-
tary, from payment amounts due the contractor; or
(b) In the instance the contract has been terminated, (i) deduct the amount of refund due
plus an assessment of interest, determined by the secretary, from any payments due; or (ii)
assess the amount due plus interest, as determined by the secretary, on the amount due.

(7) Where the facility is pursuing timely-filed judicial or administrative remedies in good
faith regarding settlement issues, the contractor need not refund nor shall the department
shall not withhold from the facility current payment amounts the department claims to be
due from the facility but which are specifically disputed by the contractor. If the judicial or
administrative remedy sought by the facility is not granted after all appeals are exhausted or
mutually terminated, the facility shall make payment of such amounts due plus interest
accrued from the date of filing of the appeal, as payable on judgments, within sixty days of the
date such decision is made.

Sec. 12. Section 19, chapter 177, Laws of 1980 and RCW 74.46.190 are each amended to
read as follows:
(1) The substance of a transaction will prevail over its form.
(2) All documented costs which are ordinary, necessary, related to care of medical care
recipients, and not expressly (nonallowable) unallowable, are to be allowable.
(3) Costs applicable to services, facilities, and supplies furnished to the provider by related
organizations are allowable but at the cost to the related organization, provided they do not
exceed the price of comparable services, facilities, or supplies that could be purchased
elsewhere.
(4) Beginning January 1, 1985, the payment for property usage is to be independent of
ownership structure and financing arrangements.

Sec. 13. Section 27, chapter 177, Laws of 1980 and RCW 74.46.270 are each amended to
read as follows:
(1) The contractor shall disclose to the department:
(a) The nature and purpose of all costs which represent allocations of joint facility costs:
and
(b) The methodology of the allocation utilized.
(2) Such disclosure shall demonstrate that:
(a) The services involved are necessary and nonduplicative; and
(b) Costs are allocated in accordance with benefits received from the resources repre-
sented by those costs.
(3) Such disclosure shall be made not later than September 30, 1980, for the following year
and not later than September 30th for each year thereafter, except that a new contractor shall
submit the first year's disclosure together with the submissions required by RCW 74.46.670.

The department shall approve such methodology not later than December 31.

An approved methodology may be revised or amended subject to approval as
provided in (subsection (3) of this section and) rules and regulations adopted by the
department.

NEW SECTION. Sec. 14. There is added to chapter 74.46 RCW a new section to read as
follows:
(1) This section shall cease to be effective on the effective date of RCW 74.46.530.
(2) The contractor's necessary and ordinary interest for working capital and capital
indebtedness will be allowable.
(a) To be necessary, interest must be incurred in connection with a loan which satisfies a
financial need of the contractor and be for a purpose related to patient care. Interest expense
relating to business opportunity or goodwill will not be allowed.
(b) To be ordinary, interest must be at a rate which is not in excess of what a prudent bor-
rower would have to pay at the time of the loan in an arm's-length transaction in the money
market.
(c) Interest expense shall include amortization of bond discounts and expenses related to
the bond issue. Amortization shall be over the period from the date of sale to the date of matu-

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(3) Interest paid to or for the benefit of a related organization will be allowed only to the extent the interest does not exceed the actual cost to the related organization of obtaining the use of funds in an arm's-length transaction.

(4) In computing allowable costs, interest income from the investment or lending of non-restricted funds shall be deducted from allowable expense.

(5) Interest income from the investment or lending of restricted funds shall not be deducted from allowable interest expense.

NEW SECTION. Sec. 15. There is added to chapter 74.46 RCW a new section to read as follows:

This section shall cease to be effective on the effective date of RCW 74.46.510 and 74.46.530.

(2) Rental or lease costs of land, building or equipment under arm's-length operating leases or depreciation and interest costs of land, building or equipment under arm's-length leases to be capitalized according to generally accepted accounting principles shall be allowable, to the extent the cost is necessary, ordinary, and related to patient care.

Sec. 16. Section 31, chapter 177, Laws of 1980 and RCW 74.46.310 are each amended to read as follows:

The following costs shall be capitalized:

(1) Expenses for facilities or equipment with historical cost in excess of $(500,000) per unit and a useful life of more than one year from the date of purchase; and

(2) Expenses for equipment with historical cost of $(500,000) or less per unit if either:

(a) The item was acquired in a group purchase where the total cost exceeded $(500,000);

(b) The item was part of the initial stock of the facility.

(3) Dollar limits in this section may be adjusted for economic trends and conditions by the department as established by rule and regulation.

Sec. 17. Section 41, chapter 177, Laws of 1980 and RCW 74.46.410 are each amended to read as follows:

Costs will be unallowable if they are not documented, necessary, ordinary, and related to the provision of care services to authorized patients.

(2) Unallowable costs include, but are not limited to, the following:

(a) Costs of items or services not covered by the medical care program. Costs of such items or services will be unallowable even if they are indirectly reimbursed by the department as the result of an authorized reduction in patient contribution;

(b) Costs of services and items provided to recipients which are covered by the department's medical care program but not included in care services established by the department under this chapter;

(c) Costs associated with a capital expenditure subject to section 1122 approval (part 100, Title 42 C.F.R.) if the department found it was not consistent with applicable standards, criteria, or plans. If the department was not given timely notice of a proposed capital expenditure, all associated costs will be unallowable up to the date they are determined to be reimbursable under applicable federal regulations;

(d) Costs associated with a construction or acquisition project requiring certificate of need approval pursuant to chapter 70.38 RCW if such approval was not obtained;

(e) Interest costs other than those provided by RCW 74.46.290 on and after the effective date of RCW 74.46.530;

(f) Salaries or other compensation of owners, officers, directors, stockholders, and others associated with the contractor or home office, except compensation paid for service related to patient care;

(g) Costs in excess of limits or in violation of principles set forth in this chapter;

(h) Costs resulting from transactions or the application of accounting methods which circumvent the principles of the cost-related reimbursement system set forth in this chapter;

(i) Costs applicable to services, facilities, and supplies furnished by a related organization in excess of the lower of the cost to the related organization or the price of comparable services, facilities, or supplies purchased elsewhere;

(j) Bad debts of non-Title XIX recipients. Bad debts of Title XIX recipients are allowable if the debt is related to covered services, it arises from the recipient's required contribution toward the cost of care, the provider can establish that reasonable collection efforts were made, the debt was actually uncollectible when claimed as worthless, and sound business judgment established that there was no likelihood of recovery at any time in the future;

(k) Charity and courtesy allowances;

(l) Cash, assessments, or other contributions, excluding dues, to charitable organizations, professional organizations, trade associations, or political parties, and costs incurred to improve community or public relations;

(m) Vending machine expenses;

(n) Expenses for barber or beautician services not included in routine care;
The following principles are inherent in RCW 74.46.430 through 74.46.590:

1. Reimbursement rates will be set prospectively on a per patient day basis.

2. Rates (will be) established (not lower than the level which is reasonably expected to be) in accordance with this chapter shall be reasonable and adequate to (reimburse in full the actual, allowable) meet the costs (of a facility which is) that must be incurred by economically and efficiently operated (care) facilities to provide (care) services which meet(s) the needs of a medical care recipient in compliance with applicable standards; and

3. The rates so established will (take into account) be adjusted for economic conditions and trends (during) in accordance with appropriations made by the legislature as consistent with federal requirements for the period to be covered by such rates.

The department, as provided by this chapter, will determine prospective cost-related reimbursement rates for services provided to medical care recipients. Each rate so determined shall represent the contractor's maximum compensation within each cost center for each patient day for such medical care recipient.

As required, the department may modify such maximum per patient day rates pursuant to the administrative review provisions of RCW 74.46.780.

Until the effective date of RCW 74.46.510 and 74.46.530, the maximum prospective reimbursement rates for the administration and operations and the property cost centers shall be established based upon a minimum facility occupancy level of eighty-five percent.

On and after the effective date of RCW 74.46.510 and 74.46.530, the maximum prospective reimbursement rates for the administration and operations and the property cost centers and the return on investment allowance shall be established based upon a minimum facility occupancy level of eighty-five percent.

Prospective reimbursement rates for a new contractor will be established within sixty days following receipt by the department of the property completed projected budget required by RCW 74.46.670. Such reimbursement rates will become effective as of the effective date of the contract and shall remain in effect until rates can be established under RCW 74.46.460 based on a contractor's cost report including at least six months of cost data.
(2) Such reimbursement rates will be based on the contractor's projected cost of operations (through December 31st of the year the contract becomes effective)) and on costs and payment rates of the prior contractor, if any, (and/or) or of other contractors in comparable circumstances.

(3) If a properly completed budget is not received at least sixty days prior to the effective date of the contract, the department will establish preliminary rates based on the other factors specified in subsection (2) of this section. These preliminary rates will remain in effect until a determination is made pursuant to RCW 74.46.460.

Sec. 21. Section 46, chapter 177, Laws of 1980 as amended by section 5, chapter 2, Laws of 1981 1st ex. sess. and RCW 74.46.460 are each amended to read as follows:

(1) Each contractor's reimbursement rates will be determined prospectively at least once each calendar year, to be effective July 1st.

(2) Rates may be adjusted as determined by the department to take into account variations of more than ten percent in the distribution of patient classifi cations or changes in patient characteristics from the prior reporting year, program changes, changes in staffing levels at a facility required by the department, economic trends and conditions, and/or administrative review provided by RCW 74.46.780 and shall be adjusted for any capitalized additions or replacements made as a condition for licensure or certification.

(3) Where the contractor participated in the provisions of prospective cost-related reimbursement in effect prior to July 1, ((1984)) 1983, such contractor's prospective rate effective July 1, ((1984)) 1983, will be determined utilizing ((his reported)) the contractor's desk-reviewed allowable costs for calendar year ((1984)) 1982.

(4) All prospective reimbursement rates for ((1985)) 1984 and thereafter shall be determined utilizing the prior year's ((credited)) desk-reviewed cost reports.

Sec. 22. Section 47, chapter 177, Laws of 1980 and RCW 74.46.470 are each amended to read as follows:

A contractor’s reimbursement rates for medical care recipients will be determined utilizing ((credited)) desk-reviewed cost report data within the following cost centers:

(1) Nursing services;
(2) Food;
(3) Administration and operations; and
(4) Property.

NEW SECTION. Sec. 23. There is added to chapter 74.46 RCW a new section to read as follows:

(1) The department shall analyze the submitted cost report and financial statements of each contractor to determine if the information is correct, complete, and reported in accordance with generally accepted accounting principles, the requirements of this chapter and such rules and regulations as the secretary may adopt. If the analysis finds that the cost report or financial statements are incorrect or incomplete, the department may make adjustments to the reported information for purposes of establishing reimbursement rates. A schedule of such adjustments shall be provided to contractors and shall include an explanation for the adjustment and the dollar amount of the adjustment. Adjustments shall be subject to review and appeal as provided in this chapter.

(2) The department shall accumulate data from properly completed cost reports and financial statements for use in:

(a) Exception profiling; and
(b) Establishing rates.

(3) The department may further utilize such accumulated data for analytical, statistical, or informational purposes as necessary.

NEW SECTION. Sec. 24. There is added to chapter 74.46 RCW a new section to read as follows:

(1) The nursing services cost center shall include all costs related to the direct provision of nursing and related care, including fringe benefits and payroll taxes for the nursing and related care personnel. For rates effective for state fiscal year 1984, the department shall adopt by administrative rule a definition of "related care" which shall incorporate, but not exceed services reimbursable as of June 30, 1983. For rates effective for state fiscal year 1985, the definition of related care shall include ancillary care.

(2) The department shall adopt by administrative rules a method for establishing a nursing services cost center rate consistent with the principles stated in this section.

(3) Utilizing regression or other statistical technique, the department shall determine a reasonable limit on facility nursing staff taking into account facility patient characteristics. For purposes of this section, facility nursing staff refers to registered nurses, licensed practical nurses and nursing assistants employed by the facility or obtained through temporary, labor contract arrangements. In selecting a measure of patient characteristics, the department shall take into account:

(a) The correlation between alternative measures and facility nursing staff; and
(b) The cost of collecting information for and computation of a measure.

(2) The cost of collecting information for and computation of a measure.

If regression is used, the limit shall be set at predicted nursing staff plus 1.75 regression standard errors. If another statistical method is utilized, the limit shall be set at a level corresponding to 1.75 standard errors above predicted staffing computed according to a regression procedure.

(4) No facility shall receive reimbursement for nursing staff levels in excess of the limit, except that, if a facility was reimbursed for a nursing staff level in excess of the limit as of June 30, 1983, the facility may chose to continue to receive its June, 1983 nursing services rate plus any adjustments in rates, such as adjustments for economic trends, made available to all facilities. The reasonableness limit established pursuant to this subsection shall remain in effect for the period July 1, 1983 through June 30, 1985. At that time the department may revise the measure of patient characteristics or method used to establish the limit.

(5) The department shall select an index of cost increase relevant to the nursing and related services cost area. In the absence of a more representative index, the department shall use the medical care component index as maintained by the United States bureau of labor statistics.

If the facility's nursing staff level is below the limit specified in subsection (3) of this section, the department shall determine the percentage increase for all items included in the nursing services cost center between the facility's most recent cost reporting period and the next prior cost reporting period.

(a) If the percentage cost increase for a facility is below the increase in the selected index for the same time period, the facility's reimbursement rate in the nursing services cost center shall equal the facility's cost from the most recent cost reporting period plus any allowance for inflation provided by legislative appropriation.

(b) If the percentage cost increase for a facility exceeds the increase in the selected index, the department shall limit the cost used for setting the facility's rate in the nursing services cost area to a level reflecting the increase in the selected index.

(7) If the facility's nursing staff level exceeds the reasonableness limit established in subsection (3) of this section, the department shall determine the increase for all items included in the nursing services cost center between the facility's most recent cost reporting period and the next prior cost reporting period.

(a) If the percentage cost increase for a facility is below the increase in the index selected pursuant to subsection (5) of this section, the facility's reimbursement rate in the nursing cost center shall equal the facility's cost from the most recent cost reporting period adjusted downward to reflect the limit on nursing staff, plus any allowance for inflation provided by legislative appropriation subject to the provisions of subsection (4) of this section.

(b) If the percentage cost increase for a facility exceeds the increase in the selected index, the department shall limit the cost used for setting the facility's rate in the nursing services cost center to a level reflecting the nursing staff limit and the cost increase limit, subject to the provisions of subsection (4) of this section, plus any allowance for inflation provided by legislative appropriation.

(8) The department is authorized to determine on a systematic basis facilities with unmet patient care service needs. The department may increase the nursing services cost center prospective rate for a facility beyond the level determined in accordance with subsection (6) of this section if the facility's actual and reported nursing staffing is one standard error or more below predicted staffing as determined according to the method selected pursuant to subsection (3) of this section and the facility has unmet patient care service needs. PROVIDED. That prospective rate increases authorized by this subsection shall be funded only from legislative appropriations made for this purpose and the increases shall be conditioned on specified improvements in patient care at such facilities.

(9) The department shall establish a method for identifying patients with exceptional care requirements and a method for establishing or negotiating on a consistent basis rates for such patients.
Reimbursement for the food cost center shall be at the January 1, 1983, reimbursement rate, adjusted annually for inflation.

NEW SECTION. Sec. 26. There is added to chapter 74.46 RCW a new section to read as follows:

(1) References in RCW 74.46.490 and section 24 of this act to adjustments for inflation mean percentages determined by the legislature in the biennial budget act.

(2) Inflation adjustments shall be applied as follows:

(a) Where a prior period rate forms the basis for the next period rate, the adjustment in subsection (1) of this section shall be applied to that prior period rate.

(b) In the nursing services cost center rates beginning July 1, 1984, and the administration and operations cost center, the adjustments in subsection (1) of this section shall be applied to prior period annual costs in establishing July rates. Where a July rate is based upon a cost report covering less than twelve months, the department shall reduce the inflation adjustment factor in subsection (1) of this section proportionately.

NEW SECTION. Sec. 27. There is added to chapter 74.46 RCW a new section to read as follows:

(1) This section shall apply for rate setting beginning July 1, 1983, and shall cease to be effective on December 31, 1984.

(2) The department shall pay a return on net equity, as defined in federal medicare rules and regulations, at the annual rate of twelve percent, except that this return shall not exceed two dollars per patient day.

(3) Property cost center reimbursement for both leased and owner-operated facilities shall not exceed the predicted cost plus 1.75 standard deviation of the necessary and ordinary prior period allowable annual cost report 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 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, adjusted to meet any discrepancies as determined by the federal government between the reimbursements made and the approved state medicaid plan, the reimbursement rate payable July 1, 1979 or the regression formula rate, whichever is higher, and adjusted for any approved capitalized additions or replacements.

Sec. 28. Section 53, chapter 177, Laws of 1980 as amended by section 7, chapter 2, Laws of 1981 1st ex. sess. and RCW 74.46.530 are each amended to read as follows:

(1) ((The department shall first establish a total state-wide return on investment pool for use in determining individual facility return on investment allowances:

(a) in establishing the total state-wide return on investment pool the department shall determine the sum of net invested funds as of the end of the most recent reporting period of all facilities participating in the medical care program:

(b) in computing the portion of net invested funds representing the net book value of tangible fixed assets, the same assets, depreciation bases, lives, and methods referred to in RCW 74.46.330, 74.46.350, 74.46.360, and 74.46.370, including owned and leased assets, shall be utilized, except that the capitalized cost of land upon which the facility is located and such other contiguous land which is reasonable and necessary for use in the regular course of providing patient care shall also be included.

(c) The sum of net invested funds shall then be multiplied by 1.4 times the average of the rates of interest on special issues of public debt obligations issued to the federal hospital insurance trust fund for the last completed calendar quarter prior to rate-setting to establish the total state-wide return on investment pool:

(2)) The department shall establish for individual facilities return on investment allowances composed of two parts: A financing allowance and a variable return allowance.

(a) The financing allowance shall be determined by multiplying the net invested funds of each facility by ((1.07 times the average of the rates of interest on special issues of public debt obligations issued to the federal hospital insurance trust fund for the last completed quarter prior to rate-setting)), and dividing by the contractor's total patient days. If a capitalized addition or retirement of an asset will result in a different licensed bed capacity during the ensuing period, the prior period total patient days used in computing the financing and variable return allowances shall be adjusted to the anticipated patient day level.

(b) In computing the portion of net invested funds representing the net book value of tangible fixed assets, the same assets, depreciation bases, lives, and methods referred to in RCW 74.46.330, 74.46.350, 74.46.360, and 74.46.370, including owned and leased assets, shall be utilized, except that the capitalized cost of land upon which the facility is located and such other contiguous land which is reasonable and necessary for use in the regular course of providing
patient care shall also be included. In the case of leased facilities where the net invested funds are unknown or the contractor is unable to provide necessary information to determine net invested funds, the secretary shall have the authority to determine an amount for net invested funds based upon an appraisal conducted according to RCW 74.46.360(1).

(c) In determining the variable return allowances:

(i) The department will first rank all facilities in numerical order from highest to lowest according to the average per diem allowable costs for the sum of the administrative operations and property cost centers for the previous((reimbursement)) cost report period.

(ii) The department shall then calculate the variable return allowance by multiplying the appropriate percentage amounts which shall not be less than one percent and not greater than (((five))) four percent, by the total prospective rate for each facility, as determined in RCW 74.46.450 through 74.46.510. The percentage amounts will be based on groupings of facilities according to the rankings as established in subparagraph (2)(b)(i) of this section. Those groups of facilities with lower per diem costs shall receive higher percentage amounts than those with higher per diem costs.

(((The rate will be effective from the first day of the month in general public for comparable services.)))

(((The department shall then compute the variable return allowance by multiplying the appropriate percentage amounts, which shall not be less than one percent and not greater than (((five))) four percent, by the total prospective rate for each facility, as determined in RCW 74.46.450 through 74.46.510. The percentage amounts will be based on groupings of facilities according to the rankings as established in subparagraph (2)(b)(i) of this section. Those groups of facilities with lower per diem costs shall receive higher percentage amounts than those with higher per diem costs.))

(((c))) (d) The sum of the financing allowance and the variable return allowance shall be the return on investment for each facility, and shall be added to the prospective rates of each contractor as determined in RCW 74.46.450 through 74.46.510.

(((d))) (e) In the case of a facility which was leased by the contractor as of January 1, 1980, in an arm's-length agreement, which continues to be leased under the same lease agreement, and for which the annualized lease payment, plus any interest and depreciation expenses associated with contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total patient days, minus the property cost center determined according to RCW 74.46.510, is more than the return on investment allowance determined according to (((RCW 74.46.530(2)(c))))) subsection (1)(d) of this section, the following shall apply:

(i) The financing allowance shall be recomputed substituting the fair market value of the assets as of January 1, 1982, as determined by the department of general administration through an appraisal procedure, for the net book value of the assets in determining net invested funds for the facility. A determination by the department of general administration of fair market value shall be final unless the procedure used to make such determination is shown to be arbitrary and capricious.

(ii) The sum of the financing allowance computed under (((subparagraph (2)(d)(i))))) subparagraph (1)(e)(i) of this section and the variable allowance shall be compared to the annualized lease payment, plus any interest and depreciation expenses associated with contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total patient days, minus the property cost center rate determined according to RCW 74.46.510. The lesser of the two amounts shall be called the alternate return on investment allowance.

(iii) The return on investment allowance determined according to (((RCW 74.46.530(2)(c))) subsec­tion (1)(d) of this section or the alternate return on investment allowance, whichever is greater, shall be the return on investment allowance for the facility and shall be added to the prospective rates of the contractor as determined in RCW 74.46.450 through 74.46.510.

(((i))) (f) In the event that the department of health((education)) and ((welfare)) human services disallows the application of the return on investment allowances to nonprofit facilities, the department shall modify the measurements of net invested funds used for computing ((both total state­wide return on investment pool and)) individual facility return on investment allowances as follows: Net invested funds for each nonprofit facility shall be multiplied by one minus the ratio of equity funds to the net invested funds of all nonprofit facilities.

(((ii)))) (g) Each biennium, beginning in ((1984)) 1985, the secretary shall review the adequacy of return on investment allowances in relation to anticipated requirements for maintaining, reducing, or expanding nursing care capacity. The secretary shall report the results of such review to the legislature and make recommendations for adjustments in the return on investment rates utilized in this section, if appropriate.

Sec. 29. Section 55. Chapter 177. Laws of 1980 and RCW 74.46.550 are each amended to read as follows:

(((i)))) The reimbursement rates shall not exceed the contractor's customary charges to the general public for comparable services.

(((ii)))) Rates shall not exceed the limits set forth in 42 CFR 450.30(b)(6)).

Sec. 30. Section 56. Chapter 177. Laws of 1980 and RCW 74.46.560 are each amended to read as follows:

The department will notify each contractor in writing of its prospective reimbursement rates ((at least thirty days in advance of)) by the effective date of the rates. Unless otherwise specified at the time it is issued, the rate will be effective from the first day of the month in
which it is issued until a new rate becomes effective. If a rate is changed as the result of an appeal in accordance with RCW 74.46.780, it will be effective as of the date the appealed rate became effective.

Sec. 31. Section 57, chapter 177, Laws of 1980 and RCW 74.46.570 are each amended to read as follows:

(1) Prospective rates are subject to adjustment by the department as a result of errors or omissions by the department or by the contractor. The department will notify the contractor in writing of each adjustment and of the effective date of the adjustment, and of any amount due to the department or to the contractor as a result of the rate adjustment.

(2) If a contractor claims an error or omission based upon incorrect cost reporting, amended cost report pages shall be prepared and submitted by the contractor. Amended pages shall be accompanied by a certification signed by the licensed administrator of the nursing facility and a written justification explaining why the amendment is necessary. The certification and justification shall meet such criteria as are adopted by the department. Such amendments may be used to revise a prospective rate but shall not be used to revise a settlement if submitted after commencement of the field audit. All changes determined to be material by the department shall be subject to field audit. If changes are found to be incorrect or otherwise unacceptable, any rate adjustment based thereon shall be null and void and resulting payments or payment increases shall be subject to refund.

(3) The contractor shall pay an amount owed the department resulting from an error or omission, or commence repayment in accordance with a schedule determined by the department, within sixty days after receipt of notification of the rate adjustment, unless the contractor contests the department’s determination in accordance with the procedures set forth in RCW 74.46.780. If the determination is contested, the contractor shall pay or commence repayment within sixty days after completion of these proceedings. If a refund is not paid when due, the amount thereof may be deducted from current payments by the department.

(4) The department shall provide all interested members of the public with an opportunity to review and comment on the proposed rate-setting factors, indices, measures, and guidelines, consistent with federal requirements.

Sec. 32. Section 58, chapter 177, Laws of 1980 and RCW 74.46.580 are each amended to read as follows:

The department shall provide all interested members of the public with an opportunity to review and comment on the proposed rate-setting factors, indices, measures, and guidelines, consistent with federal requirements.

Sec. 33. Section 61, chapter 177, Laws of 1980 and RCW 74.46.610 are each amended to read as follows:

(1) A contractor shall bill the department each month by completing and returning a facility billing statement as provided by the department which shall include, but not be limited to:

(a) Billing by cost center;
(b) Total patient days; and
(c) Patient days for medical care recipients.

The statement shall be completed and filed in accordance with rules and regulations established by the secretary.

(2) A facility shall not bill the department for service provided to a recipient until an award letter of eligibility of such recipient is received by the department or, if no audit is held, more than one hundred twenty days after the preliminary settlement becomes the final settlement, except when a settlement is reopened.

(3) Billing shall cover the patient days of care.

Sec. 34. Section 64, chapter 177, Laws of 1980 and RCW 74.46.640 are each amended to read as follows:

(1) Payments to a contractor may be withheld by the department in each of the following circumstances:

(a) A required report is not properly completed and filed by the contractor within the appropriate time period, including any approved extension. Payments will be released as soon as a properly completed report is received.
(b) State auditors, department auditors, or authorized personnel in the course of their duties are refused access to a nursing home or are not provided with existing appropriate records. Payments will be released as soon as such access or records are provided:

(c) A refund in connection with (an amendment) a settlement or rate adjustment is not paid by the contractor when due. The amount withheld will be limited to the unpaid amount of the refund; and

(d) Payment for the final thirty days of service under a contract will be held pending final settlement when the contract is terminated.

(2) No payment will be withheld until written notification of the suspension is provided to the contractor, stating the reason therefor.

Sec. 35. Section 67, chapter 177, Laws of 1980 and RCW 74.46.670 are each amended to read as follows:

(1) Each new contractor shall submit a projected budget to the department at least sixty days before its contract will become effective.

(2) The projected budget shall cover the (period to December 31st) contractor's first twelve months of operation from the date the contractor will enter the program. It shall be prepared on forms and in accordance with rules and regulations established by the secretary.

Sec. 36. Section 69, chapter 177, Laws of 1980 and RCW 74.46.690 are each amended to read as follows:

(1) When a facility contract is terminated for any reason, the old contractor shall submit final reports as required by RCW 74.46.040. Payment for care provided during the final thirty days of service under a contract will be held until the contractor has filed a properly completed final (audited) cost report, an audit has been completed by the department, and final settlement has been determined. Such settlement not to exceed (fifty) ninety days following submission of the final audited cost report completion of the audit process.

(2) Following final settlement, a payment withheld pursuant to subsection (1) of this section will be sent to the contractor after any overpayment determined in connection with final settlement has been deducted. If the contractor contests the settlement determination in accordance with RCW 74.46.170, the department will hold the amount in dispute pending completion of the appeal process, but will release the balance of such payment to the contractor.

(3) The department will release a payment which would be withheld pursuant to subsection (1) of this section, provided a bond issued by a bonding company acceptable to the department is filed by the contractor. The bond shall:

(a) Be in an amount equal to the released payment;

(b) Be for a term sufficient to ensure effectiveness after final settlement and the exhaustion of administrative and judicial remedies;

(c) Provide that the full amount of the bond shall be paid to the department if a properly completed final audited cost report is not filed in accordance with this chapter, or if financial records supporting this record are not preserved and made available to the auditor; and

(d) Provide that an amount equal to any recovery the department determines is due from the contractor at settlement, but not exceeding the amount of the bond, shall be paid to the department in the event the contractor does not pay the refund within sixty days following receipt of written demand or the conclusion of administrative or judicial proceedings to contest settlement issues.

(4) If a contract is terminated solely in order for the same owner to contract with the department to deliver services to another classification of medical care recipients at the same facility, the contractor is not required to submit final cost reports, and payment for the final thirty days will not be withheld.

Sec. 37. Section 71, chapter 177, Laws of 1980 and RCW 74.46.710 are each amended to read as follows:

(1) The contractor shall maintain a subsidiary ledger with an account for each recipient for whom the contractor has money in trust.

(2) Each account and related supporting records shall:

(a) Be kept current;

(b) Be balanced each month; and

(c) Show in detail, with supporting verification, all moneys received on behalf of the recipient and the disposition of all moneys so received.

(3) Records of each account shall be available for audit pursuant to (RCW 74.46.140) section 5 of this 1983 act and shall be retained for a minimum of four years. When an account has attained the maximum limit established by rules and regulations promulgated by the secretary, the contractor will notify the department within five days.

(4) Any charge for medical services otherwise properly made to a recipient's trust account must be supported by a written denial of such services from the department.

Sec. 38. Section 72, chapter 177, Laws of 1980 and RCW 74.46.720 are each amended to read as follows:

(1) The contractor may maintain a petty cash fund originating from trust moneys of an amount determined by the department which shall be reasonable and necessary for the size of a facility and the needs of the recipients.
(2) Such petty cash fund shall be maintained as an imprest fund. All moneys over and above the trust fund petty cash amount shall be deposited intact, within twenty-four hours, in a trust fund checking account, separate and apart from any other bank account or accounts of the facility or other facilities.

(3) Cash deposits of recipient allowances from any source must be made intact to the trust account within one week from the time that payment of such allowances are received.

(4) Any related bankbooks, bank statements, checkbook, check register, and all voided and canceled checks, shall be made available for audit pursuant to ((RCW 74.46.140)) section 5 of this 1983 act and shall be retained by the facility for not less than four years.

(5) No service charges for such checking account shall be paid from recipient trust moneys.

(6) The trust account per bank shall be reconciled monthly to the trust account per patient ledgers.

Sec. 39. Section 77, chapter 177, Laws of 1980 and RCW 74.46.770 are each amended to read as follows:

(((A contractor or the licensed administrator of the facility, shall identify the challenged determination and the date thereof, and shall state as specifically as practicable the grounds for its contention that the determination was erroneous. Copies of any documentation on which the contractor intends to rely to support its position shall be included with the request.)))

(2) After receiving a request meeting the above criteria, the secretary or his designee will contact the contractor to schedule a conference for the earliest mutually convenient time. The conference shall be scheduled for no later than ((thirty)) ninety days after a properly completed request is received unless both parties agree in writing to a specified later date.

(3) The contractor and appropriate representatives of the department shall attend the conference. In addition, representatives selected by the contractor may attend and participate. The contractor shall ((bring to the conference, or)) provide to the department in advance of the conference any documentation on which it intends to rely to support its contentions. The parties shall clarify and attempt to resolve the issues at the conference. If additional documentation is needed to resolve the issues, a second session of the conference shall be scheduled for not later than thirty days after the initial session unless both parties agree in writing to a specific later date.

(4) A written decision by the secretary will be furnished to the contractor within ((thirty)) sixty days after the conclusion of the conference. ((The secretary shall prepare such decision for the fiscal and other appropriate standing committees of the legislature.)))

(5) If the contractor desires review of an adverse decision of the secretary, it shall within thirty days following receipt of such decision request a fair hearing in writing in accordance with the provisions of chapter 34.04 RCW. A request for fair hearing shall satisfy the criteria for a review request as set forth in subsection (1) of this section.

Sec. 41. Section 82, chapter 177, Laws of 1980 and RCW 74.46.820 are each amended to read as follows:

(1) Cost reports and their final audit reports ((with any accompanying schedule of questioned costs submitted to the secretary)) shall be subject to public disclosure pursuant to the requirements of chapter 42.17 RCW. Notwithstanding any other provision of law, financial statements and any accompanying schedules summarizing the adjustments to a contractor's financial records, reports on review of internal control and accounting procedures, and letters of comments or recommendations relating to suggested improvements in internal control or accounting procedures which are prepared pursuant to the requirements of this chapter shall be exempt from public disclosure.

(2) Regardless of whether any document or report submitted to the secretary pursuant to this chapter is subject to public disclosure, copies of such documents or reports shall be provided by the secretary, upon written request, to the legislature and to state agencies or state or local law enforcement officials who have an official interest in the contents thereof.

Sec. 42. Section 92, chapter 177, Laws of 1980 and RCW 74.46.840 are each amended to read as follows:

If any part of this ((act)) chapter and RCW 18.51.145 and 74.09.120 is found by an agency of the federal government to be in conflict with federal requirements which are a prescribed condition to the receipt of federal funds to the state, the conflicting part of this ((act)) chapter
and RCW 18.51.145 and 74.09.120 is hereby declared inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and such finding or determination shall not affect the operation of the remainder of this ((chapter)) chapter and RCW 18.51.145 and 74.09.120 in its application to the agencies concerned. In the event that any portion of this ((chapter)) chapter and RCW 18.51.145 and 74.09.120 is found to be in conflict with federal requirements which are a prescribed condition to the receipt of federal funds, the secretary, to the extent that the secretary finds it to be consistent with the general policies and intent of ((this)) chapters 18.51, 74.09, and 74.46 RCW, may adopt such rules as to resolve a specific conflict and which do meet minimum federal requirements. In addition, the secretary shall submit to the next regular session of the legislature a summary of the specific rule changes made and recommendations for statutory resolution of the conflict.

NEW SECTION. Sec. 43. There is added to chapter 74.46 RCW a new section to read as follows:

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.

Sec. 44. Section 74.09.120, chapter 26, Laws of 1959 as last amended by section 6, chapter 11, Laws of 1981 2nd 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 accounting and reimbursement systems for such care which do 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 which do meet minimum federal requirements. In addition, the department shall submit to the next regular session of the legislature a summary of the specific rule changes made and recommendations for statutory resolution of the conflict.

NEW SECTION. Sec. 46. (1) In administrating the nursing home payment system under chapter 74.09 RCW, the department of social and health services shall calculate preliminary settlements for the 1978 and 1979 cost reporting periods. The preliminary settlements shall be computed by comparing the rates paid to a contractor with that contractor's reported or audited allowable costs. As available. For 1978 reporting periods, the department shall not recover such cost savings for the calendar year.

(2) Contractors shall make repayment of overpayments identified through this process within thirty days of receipt of written notice from the department of the amount of overpayments.

(3) Where deemed appropriate by the department, repayment of overpayments may be made according to a schedule determined by the department.
(4) 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 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.

(5) 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.

(6) Interest expense incurred by a contractor in making repayment of overpayments for 1978 and 1979 reporting periods shall not be reimbursable by the state as an allowable cost.

(7) Nothing in this section prejudices the rights of contractors or the department regarding audit adjustments or revised settlements which may be promulgated by the department from time to time in individual contractor cases.

NEW SECTION. Sec. 47. There is appropriated from the general fund to the department of social and health services for the biennium ending June 30, 1985, the sum of $3,300,000, of which $1,650,000 is from federal funds, to carry out the purposes of section 24 of this act. Expenditures under this appropriation shall not exceed amounts recovered under section 46 of this act.

NEW SECTION. Sec. 48. The following acts or parts of acts are each repealed:

(1) Section I, chapter 260, Laws of 1977 ex. sess. and RCW 74.09.550;
(2) Section 2, chapter 260, Laws of 1977 ex. sess. and RCW 74.09.560;
(3) Section 3, chapter 260, Laws of 1977 ex. sess. and RCW 74.09.570;
(6) Section 5, chapter 19, Laws of 1982 1st ex. sess. and RCW 74.09.620;
(7) Section 7, chapter 177, Laws of 1980, section 3, chapter 2, Laws of 1981 1st ex. sess. and RCW 74.46.070;
(8) Section 11, chapter 177, Laws of 1980 and RCW 74.46.110;
(9) Section 12, chapter 177, Laws of 1980, section 4, chapter 2, Laws of 1981 1st ex. sess. and RCW 74.46.120;
(10) Section 14, chapter 177, Laws of 1980 and RCW 74.46.140;
(11) Section 40, chapter 177, Laws of 1980 and RCW 74.46.400;
(12) Section 48, chapter 177, Laws of 1980 and RCW 74.46.480;
(13) Section 81, chapter 177, Laws of 1980, section 8, chapter 2, Laws of 1981 1st ex. sess. and RCW 74.46.810;
(14) Section 13, chapter 2, Laws of 1981 1st ex. sess. and RCW 74.46.850; and
(15) Section 84, chapter 177, Laws of 1980.

Sec. 49. Section 94, chapter 177, Laws of 1980 as amended by section 10, chapter 2, Laws of 1981 1st ex. sess. and RCW 74.46.901 are each amended to read as follows:

(1) Sections 2, 7, 83, 85, 86, and 91 of chapter 177, Laws of 1980 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 on April 4, 1980.
(2) Section 27 of chapter 177, Laws of 1980 shall take effect on July 1, 1980.
(3) Sections 3, 4, 5, 6, 7, 8, 9, 11, and 12 of chapter 177, Laws of 1980 shall take effect on July 1, 1983.

(4) All other sections of chapter 177, Laws of 1980 shall take effect on July 1, 1984.) RCW 74.46.300, 74.46.360, 74.46.510, and 74.46.530 shall take effect on January 1, 1985.

(5) All other sections of chapter 74.46 RCW, except those which took effect before July 1, 1983, shall take effect on July 1, 1983, which shall be the effective date of this act where that term is used in chapter 177, Laws of 1980.

NEW SECTION. Sec. 50. There is appropriated for the biennium ending June 30, 1985, from the general fund to the office of the state auditor, the sum of sixty thousand dollars, or so much thereof as may be necessary, for the purposes of section 6 of this act.

NEW SECTION. Sec. 51. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions and shall take effect on July 1, 1983, with the exception of section 28 of this act, which shall take effect on January 1, 1985.

MOTION

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

**MOTION**

On motion of Senator McDermott, the rules were suspended. Reengrossed Senate Bill No. 3780 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

**POINT OF INQUIRY**

Senator Fleming: “Senator McDermott, one of the amendments that was put into the striking amendment was an amendment dealing with the Department reimbursing the dues of state associations under the State Medicare program? With this amendment, would they continue to do that?”

Senator McDermott: “Dues to state associations will continue to be allowable and reimbursed. However, the state will no longer participate in that portion of dues attributable to national associations. The Department will not pay the costs of national associations under this language.”

The President declared the question before the Senate to be roll call on final passage of Reengrossed Senate Bill No. 3780.
ROLL CALL

The Secretary called the roll on final passage of Reengrossed Senate Bill No. 3870 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.


Excused: Senator Pullen - 1.

REENGROSSED SENATE BILL NO. 3780, having received the 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 President advanced the Senate to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILL

ESHB 52 by Committee on Ways and Means (originally sponsored by Representatives Grimm and Cantu) (by Governor Spellman request)

Modifying various excise taxes.

MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute House Bill No. 52 was advanced to second reading and read the second time.

MOTION

Senator McDermott moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 3, chapter 65, Laws of 1970 ex. sess. as amended by section 1, chapter 9, Laws of 1983 and RCW 82.04.255 are each amended to read as follows:

Upon every person engaging within the state as a real estate broker; as to such persons, the amount of the tax with respect to such business shall be equal to the gross income of the business, multiplied by the rate of ((two)) 1.45 percent ((until and including June 30, 1983, and one percent thereafter)): PROVIDED, That this tax shall be imposed only if all of the amendments contained in sections 2 through 4 of this 1983 act become law.

The measure of the tax on real estate commissions earned by the real estate broker shall be the gross commission earned by the particular real estate brokerage office including that portion of the commission paid to salesmen or associate brokers in the same office on a particular transaction: PROVIDED, HOWEVER, That where a real estate commission is divided between an originating brokerage office and a cooperating brokerage office on a particular transaction, each brokerage office shall pay the tax only upon their respective shares of said commission: AND PROVIDED FURTHER, That where the brokerage office has paid the tax as provided herein, salesmen or associate brokers within the same brokerage office shall not be required to pay a similar tax upon the same transaction.

Sec. 2. Section 82.04.290, chapter 15, Laws of 1961 as last amended by section 2, chapter 9, Laws of 1983 and RCW 82.04.290 are each amended to read as follows:

Upon every person engaging within this state in any business activity other than or in addition to those enumerated in RCW 82.04.230, 82.04.240, 82.04.250, 82.04.255, 82.04.260, 82.04.270, and 82.04.280; as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of ((two)) 1.45 percent ((until and including June 30, 1983, and one percent thereafter)): PROVIDED, That this tax shall be imposed only if all of the amendments contained in sections 1, 3, and 4 of this 1983 act become law. This section includes, among others, and without limiting the scope hereof (whether or not title to materials used in the performance of such business passes to another by accession, confusion or other than by outright sale), persons engaged in the business of rendering any type of service which does not constitute a "sale at retail" or a "sale at wholesale." The value of advertising, demonstration, and promotional supplies and materials furnished to an agent by his principal or supplier to be used for informational, educational and promotional purposes shall not be considered a part of the agent's remuneration or commission and shall not be subject to taxation under this section.

Sec. 3. Section 3, chapter 9, Laws of 1983 and RCW 82.04.... are each amended to read as follows:

(1) There is levied and shall be collected from every person for the act privilege of engaging in business activities, as a part of the tax imposed under RCW 82.04.220 through 82.04.240, inclusive, and RCW 82.04.260 through 82.04.280, inclusive, an additional tax equal to
(1) Upon every person engaging within this state in the business of buying wheat, oats, dry peas, dry beans, lentils, triticale, corn, rye and barley, but not including any manufactured or processed products thereof, and selling the same at wholesale; the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of one-eighth of one percent.

(2) There is also levied and shall be collected from every person for the act or privilege of engaging in the business activity of making sales at retail which are exempt from the tax imposed under chapter 82.08 RCW by reason of RCW 82.08.0261 ((or)), 82.08.0262, or 82.08.0263, as a part of the tax imposed under RCW 82.04.250, an additional tax equal to ((thirty-two)) fifteen percent multiplied by the tax payable on those activities under RCW 82.04.250; PROVIDED, That this additional tax shall be imposed only if all of the amendments contained in sections 1, 2, and 4 of this 1983 act become law.

(3) To facilitate collection of these additional taxes, the department of revenue is authorized to adjust the basic rates of persons to which this section applies in such manner as to reflect the amount to the nearest one-thousandth of one percent of the additional tax hereby imposed, adjusting ten-thousandths equal to or greater than five ten-thousandths to the greater thousandth.

(4) This section shall expire July 1, ((1983)) 1985.

Sec. 4. Section 3, chapter 130, Laws of 1975-76 2nd ex. sess. as last amended by section 4, chapter 9, Laws of 1983 and RCW 82.04.2901 are each amended to read as follows:

((From and after the first day of April, 1982:)) Until and including the thirtieth day of June, ((1983)) 1985, there is levied and shall be collected from every person, other than persons taxed under RCW 82.04... (section 3 ((of this 1983 act)), chapter 9, Laws of 1983), for the act or privilege of engaging in business activities, as a part of the tax imposed by the provisions of RCW 82.04.250, an additional tax equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under the provisions of RCW 82.04.250; PROVIDED, That as to such persons making sales at retail in border counties other than retail sales of telephone services, as defined in section 26 of this 1983 act, such additional tax shall be levied and collected from such persons ((making sales at retail in border counties)) with respect to such sales in border counties in an amount equal to thirty-two percent multiplied by the tax payable under the provisions of RCW 82.04.250; PROVIDED FURTHER, That the additional tax under this section shall be imposed only if all of the amendments contained in sections 1 through 3 of this 1983 act become law.

To facilitate collection of this additional tax, the department of revenue is authorized to adjust the basic rates of persons to which this section applies in such manner as to reflect the amount to the nearest one-thousandth of one percent of the additional tax hereby imposed, adjusting ten-thousandths equal to or greater than five ten-thousandths to the greater thousandth.

Sec. 5. Section 16, chapter 10, Laws of 1982 as last amended by section 4, chapter ——, (SSB 3244), Laws of 1983 1st ex. sess. and RCW 82.04.260 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of buying wheat, oats, dry peas, dry beans, lentils, triticale, corn, rye and barley, but not including any manufactured or processed products thereof, and selling the same at wholesale; the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of one one-millionth of one percent.

(2) Upon every person engaging within this state in the business of manufacturing wheat into flour, soybeans into soybean oil, or sunflower seeds into sunflower oil, as to such persons the amount of tax with respect to such business shall be equal to the value of the flour or oil manufactured, multiplied by the rate of one-eighth of one percent.

(3) Upon every person engaging within this state in the business of splitting or processing dried peas, as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of one-quarter of one percent.

(4) Upon every person engaging within this state in the business of manufacturing seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross income derived from such activities multiplied by the rate of one-eighth of one percent.

(5) Upon every person engaging within this state in the business of manufacturing by canning, preserving, freezing or dehydrating fresh fruits and vegetables: as to such persons the amount of tax with respect to such business shall be equal to the value of the products canned, preserved, frozen or dehydrated multiplied by the rate of three-lenths of one percent.

(6) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of forty-four one-hundredths of one percent.

(7) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of thirty-three one-hundredths of one percent.
(8) Upon every person engaging within this state in the business of making sales, at retail or wholesale, of nuclear fuel assemblies manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the assemblies multiplied by the rate of twenty-five one-hundredths of one percent.

(9) Upon every person engaging within this state in the business of manufacturing nuclear fuel assemblies, as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of twenty-five one-hundredths of one percent.

(10) Upon every person engaging within this state in the business of acting as a travel agent; as to such persons the amount of the tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of twenty-five one-hundredths of one percent.

(11) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities shall be equal to the gross income derived from such activities multiplied by the rate of thirty-three one-hundredths of one percent.

(12) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds derived from such activities multiplied by the rate of thirty-three one-hundredths of one percent. Persons subject to taxation under this subsection shall be exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(13) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010, as to such persons the amount of the tax with respect to such business shall be equal to the gross income of the business, excluding any fees imposed under chapter 43.21F RCW, multiplied by the rate of thirty percent.

If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state shall be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(14) Upon every person engaging within this state in this state as an insurance agent, insurance broker, or insurance solicitor licensed under chapter 48.17 RCW, as to such persons, the amount of the tax with respect to such activities shall be equal to the gross income of such business multiplied by the rate of one percent.

Sec. 6. Section 31, chapter 35, Laws of 1982 1st ex. sess. as last amended by section 8, chapter 7, Laws of 1983 and RCW 82.02.030 are each amended to read as follows:

(1) The rate of the additional taxes under RCW 82.02.030(2), 82.04.200(2), 82.06.290(2), 82.09.200(2), 82.12.020(2), 82.20.010(2), 82.26.020(2), 82.27.020(5), 82.29A.030(2), 82.40.020(5), and 82.45.060(2) shall be seven percent ("Provided, That the additional tax imposed by RCW 82.44.020(5) shall be continued at the rate of three percent for the period July 1 through September 30, 1983.")

(2) The rate of the additional taxes under RCW 82.08.150(4) shall be fourteen percent.

(3) The rate of the additional taxes under RCW 82.24.020(2) shall be fifteen percent; and

(4) The rate of the additional taxes under RCW 48.14.020(3) shall be fourteen percent.

Sec. 7. Section 14.02, chapter 79, Laws of 1947 as last amended by section 1, chapter 10, Laws of 1982 2nd 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) (From and after the first day of April, 1982, until and including the thirtieth day of June, 1983.) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the taxes payable under subsections (1) ((and)), (2), and (4) of this section. All revenues from this additional tax shall be deposited in the state general fund.

(4) 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 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.

(5) 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.

(6) 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.

(7) This section shall be effective as to and shall govern the payment of all taxes due for calendar year 1982 and thereafter.
l. There is hereby imposed upon all wines sold to wine wholesalers and the Washington state liquor control board, within the state at the rate of twenty and one-fourth cents per liter: PROVIDED, HOWEVER, That wine sold or shipped in bulk from one winery to another winery shall not be subject to such tax. The tax provided for in this section may, if so prescribed by the board, be collected by means of stamps to be furnished by the board, or by direct payments based on wine purchased by wine wholesalers. Every person purchasing wine under the provisions of this section shall on or before the twentieth day of each month report to the board all purchases during the preceding calendar month in such manner and upon such forms as may be prescribed by the board, and with such report shall pay the tax due from the purchases covered by such report unless the same has previously been paid. Any such purchaser of wine whose applicable tax payment is not postmarked by the twentieth day following the month of purchase will be assessed a penalty at the rate of two percent a month or fraction thereof. If this tax is collected by means of stamps, every such person shall procure from the board revenue stamps representing the tax in such form as the board shall prescribe and shall affix the same to the package or container in such manner and in such denomination as required by the board and shall cancel the same prior to the delivery of the package or container containing the wine to the purchaser. If the tax is not collected by means of stamps, the board may require that every such person shall execute to and file with the board a bond to be approved by the board, in such amount as the board may fix, securing the payment of the tax. If any such person fails to pay the tax when due, the board may forthwith suspend or cancel the license until all taxes are paid.

(2) From and after the first day of May, 1982, until and including the thirtieth day of June, 1983: An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section. All revenues collected during any month from this additional tax shall be transferred to the state general fund by the twenty-fifth day of the following month.

Sec. 11. Section 24, chapter 62, Laws of 1933 ex. sess. as last amended by section 3, chapter 158, Laws of 1961 as last amended by section 3, chapter 158, Laws of 1982 1st ex. sess. and RCW 66.24.290 are each amended to read as follows:

(1) Any brewer or beer wholesaler licensed under this title may sell and deliver beer to holders of authorized licenses direct, but to no other person, other than the board; and every such brewer or beer wholesaler shall report all sales to the board monthly, pursuant to the regulations, and shall pay to the board as an added tax for the privilege of manufacturing and selling the beer within the state a tax of two dollars and sixty cents per barrel of thirty-one gallons on sales to licensees within the state and on sales to licensees within the state of bottled and canned beer shall pay a tax computed in gallons at the rate of two dollars and sixty cents per barrel of thirty-one gallons. Any brewer or beer wholesaler whose applicable tax payment is not postmarked by the twentieth day following the month of sale will be assessed a penalty at the rate of two percent per month or fraction thereof. Each such brewer or wholesaler shall procure from the board revenue stamps representing such tax in form prescribed by the board and shall affix the same to the barrel or package in such manner and in such denominations as required by the board, and shall cancel the same prior to commencing delivery from his place of business or warehouse of such barrels or packages. Beer shall be sold by brewers and wholesalers in sealed barrels or packages. The revenue stamps herein provided for need not be affixed and canceled in the making of resales of barrels or packages already taxed by the affixation and cancellation of stamps as provided in this section.

(2) From and after the first day of May, 1982, until and including the thirtieth day of June, 1983: An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section. All revenues collected during any month from this additional tax shall be transferred to the state general fund by the twenty-fifth day of the following month.

(3) The tax imposed under this section shall not apply to "strong beer" as defined in this title.
(4) ((From and after the first day of May, 1982, until and including the thirtieth day of June, 1983)) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the taxes payable under subsections (1), (2), and (3) of this section.

(5) The tax imposed in RCW 82.08.020, as now or hereafter amended, shall not apply to sales of spirits or strong beer in the original package.

(6) The taxes imposed in this section shall be paid by the buyer to the seller, and each seller shall collect from the buyer the full amount of the tax payable in respect to each taxable sale under this section. The taxes required by this section to be collected by the seller shall be stated separately from the selling price and for purposes of determining the tax due from the buyer to the seller, it shall be conclusively presumed that the selling price quoted in any price list does not include the taxes imposed by this section.

(7) As used in this section, the terms "spirits," "strong beer," and "package" shall have the meaning ascribed to them in chapter 66.04 RCW.

Sec. 13. Section 82.16.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 5, Laws of 1982 2nd ex. sess. and RCW 82.16.020 are each amended to read as follows:

(1) There is levied and there shall be collected from every person a tax for the act or privilege of engaging within this state in any one or more of the businesses herein mentioned. The tax shall be equal to the gross income of the business, multiplied by the rate set out after the business, as follows:

(a) Railroad, express, railroad car, water distribution, light and power, (telephonic) and telegraph businesses: Three and six-tenths percent;
(b) Gas distribution business: Three and six-tenths percent;
(c) Urban transportation business: Six-tenths of one percent;
(d) Vessels under sixty-five feet in length, except tugboats, operating upon the waters within the state: Six-tenths of one percent;
(e) Motor transportation and tugboat businesses, and all public service businesses other than ones mentioned above: One and eight-tenths of one percent.

(2) ((From and after the first day of April, 1982, until and including the thirtieth day of June, 1983;)) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.

Sec. 14. Section 82.20.010, chapter 15, Laws of 1961 as amended by section 7, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.20.010 are each amended to read as follows:

(1) There is levied and there shall be collected a tax upon conveyances as follows: On any deed, instrument, or writing (unless deposited in escrow before May 1, 1935), whereby any lands, tenements, or other realty sold shall be granted, assigned, transferred, or otherwise conveyed to, or vested in, the purchaser, or any other person by his direction, when the consideration or value of the interest or property conveyed, exclusive of the value of any lien or encumbrance remaining thereon at the time of sale, exceeds one hundred dollars and does not exceed five hundred dollars or fractional part thereof, fifty cents; and for each additional five hundred dollars or fractional part thereof, fifty cents.

(2) ((From and after the first day of May, 1982, until and including the thirtieth day of June, 1983;)) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.

(3) This section shall not apply to any instrument or writing, given to secure a debt, nor to any conveyance to the state.

Sec. 15. Section 82.24.020, chapter 15, Laws of 1961 as last amended by section 8, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.24.020 are each amended to read as follows:

(1) 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 (a) physical possession by the purchaser and, (b) 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.

(2) ((From and after the first day of May, 1982, until and including the thirtieth day of June, 1983;)) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section. RCW 82.24.025, and 28A.47.440.

Sec. 16. Section 82.26.020, chapter 15, Laws of 1961 as last amended by section 9, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.26.020 are each amended to read as follows:

(1) From and after June 1, 1971, there is levied and there shall be collected a tax upon the sale, use, consumption, handling, or distribution of all tobacco products in this state at the rate of forty-five percent of the wholesale sales price of such tobacco products. Such tax shall be imposed at the time the distributor (a) brings, or causes to be brought, into this state from without the state tobacco products for sale, (b) makes, manufactures, or fabricates tobacco products in this state for sale in this state, or (c) ships or transports tobacco products to retailers in this state, to be sold by those retailers.
An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.

Sec. 17. Section 2, chapter 98, Laws of 1980 as last amended by section 6, chapter 284, Laws of 1983 and RCW 82.27.020 are each amended to read as follows:

(1) In addition to all other taxes, licenses, or fees provided by law there is established an excise tax on the commercial possession of food fish, shellfish, and anadromous game fish as provided in this chapter. The tax is levied upon and shall be collected from the owner of the food fish, shellfish, or anadromous game fish whose possession constitutes the taxable event. The taxable event is the first possession by an owner after the food fish, shellfish, or anadromous game fish have been landed. Processing and handling of food fish, shellfish, and anadromous game fish by a person who is not the owner is not a taxable event to the processor or handler.

(2) A person in possession of food fish, shellfish, and anadromous game fish and liable to this tax may deduct from the price paid to the person from which the food fish, shellfish (except oysters), or anadromous game fish are purchased an amount equal to a tax at one-half the rate levied in this section upon these products.

(3) The measure of the tax is the price paid by the first person in possession of the food fish, shellfish, or anadromous game fish. If the food fish, shellfish, or anadromous game fish are acquired other than by purchase or are purchased under conditions where the purchase price does not represent the value of the food fish, shellfish, or anadromous game fish or these products are transferred outside the state without sale, the measure of the tax shall be determined as nearly as possible according to the selling price of similar products of like quality and character under rules adopted by the department of revenue.

(4) The tax shall be equal to the measure of the tax multiplied by the rates for food fish, shellfish, and anadromous game fish as follows:

(a) Chinook, coho, and chum salmon and anadromous game fish: Five percent.
(b) Pink and sockeye salmon: Three percent.
(c) Other food fish and shellfish, except oysters: Two percent.
(d) Oysters: Seven one-hundredths of one percent.

(5) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (4) of this section.

Sec. 18. Section 3, chapter 61, Laws of 1975-'76 2nd ex. sess. as amended by section 11, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.29A.030 are each amended to read as follows:

(1) There is hereby levied and shall be collected a leasehold excise tax on the act or privilege of occupying or using publicly owned real or personal property through a leasehold interest on and after January 1, 1976, at a rate of twelve percent of taxable rent: PROVIDED, That after the computation of the tax there shall be allowed credit for any tax collected pursuant to RCW 82.29A.040.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.

Sec. 19. Section 82.44.020, chapter 15, Laws of 1961 as last amended by section 2, chapter 14, Laws of 1982 2nd ex. sess. and RCW 82.44.020 are each amended to read as follows:

(1) An excise tax is imposed for the privilege of using in the state any motor vehicle, except those operated under reciprocal agreements, the provisions of RCW 46.16.160 as now or hereafter amended, or dealer's licenses. The annual amount of such excise tax shall be two percent of the fair market value of such vehicle.

(2) From and after August 1, 1978, and until August 1, 2008, an additional excise tax is imposed, in addition to any other tax imposed by this section, for the privilege of using in the state any such motor vehicle, and the annual amount of such additional excise shall be two-tenths of one percent of the fair market value of such vehicle.

(3) The department of licensing and county auditors shall collect the additional tax imposed by subsection (2) of this section for any registration year for the months of that registration year in which such additional tax is effective, and in the same manner and at the same time as the tax imposed by subsection (1) of this section.

(4) In no case shall the total tax be less than two dollars except for proportionally registered vehicles.

(5) An additional tax is imposed equal to the taxes payable under subsections (1) and (2) of this section multiplied by the rate specified in RCW 82.02.030.

Specified in RCW 82.02.030.
Sec. 20. Section 28A.45.060, chapter 223, Laws of 1969 ex. sess. as last amended by section 14, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.45.060 are each amended to read as follows:

1. There is imposed an excise tax upon each sale of real property at the rate of one percent of the selling price.

2. An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.

Sec. 21. Section 82.48.010, chapter 15, Laws of 1961 as last amended by section 239, chapter 158, Laws of 1979 and RCW 82.48.010 are each amended to read as follows:

For the purposes of this chapter, unless otherwise required by the context:

1. "Aircraft" means any weight-carrying device or structure for navigation of the air which is designed to be supported by the air but which is heavier than air;

2. "Director" means the director of licensing;

3. "Person" includes a firm, partnership or corporation;

4. "Small multi-engine fixed wing" means any piston-driven multi-engine fixed wing aircraft with a maximum gross weight as listed by the manufacturer of less than seventy-five hundred pounds.

5. "Large multi-engine fixed wing" means any piston-driven multi-engine fixed wing aircraft with a maximum gross weight as listed by the manufacturer of seventy-five hundred pounds or more.

Sec. 22. 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 are each amended to read as follows:

The amount of the tax imposed by this chapter for each calendar year shall be

<table>
<thead>
<tr>
<th>Type of aircraft</th>
<th>Registration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single engine fixed wing</td>
<td>$50</td>
</tr>
<tr>
<td>Small multi-engine fixed wing</td>
<td>65</td>
</tr>
<tr>
<td>Large multi-engine fixed wing</td>
<td>80</td>
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<tr>
<td>Turboprop multi-engine fixed wing</td>
<td>100</td>
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<tr>
<td>Turbojet multi-engine fixed wing</td>
<td>125</td>
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<td>Helicopter</td>
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<tr>
<td>Sailplane</td>
<td>20</td>
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<tr>
<td>Lighter than air</td>
<td>20</td>
</tr>
<tr>
<td>Home built</td>
<td>20</td>
</tr>
</tbody>
</table>

The amount of tax imposed under subsection (1) of this section for each calendar year shall be divided into twelve parts corresponding to the months of the calendar year and the excise tax upon an aircraft registered for the first time in this state after the last day of any month shall only be levied for the remaining months of the calendar year including the month in which the aircraft is being registered.

Sec. 23. Section 82.32.090, chapter 15, Laws of 1961 as last amended by section 32, chapter 7, Laws of 1983 and RCW 82.32.090 are each amended to read as follows:

If payment of any tax due is not received by the department of revenue by the due date, there shall be assessed a penalty of five percent of the amount of the tax; and if the tax is not received within thirty days after the due date, there shall be assessed a total penalty of ten percent of the amount of the tax; and if the tax is not received within sixty days after the due date, there shall be assessed a total penalty of twenty percent of the amount of the tax. No penalty so added shall be less than two dollars.

If payment of any tax is received within the first ten days of the month next succeeding the month in which the tax is payable, the amount of such payment shall be credited to, and shall be treated for all purposes as having been collected during, the fiscal year which includes the month preceding the month in which such due date falls.

Effective June 30, 1985, ((and thereafter)) if the payment of any tax is received during the first ((ten)) eighteen days in ((the month in which the tax is payable)) July, the amount of such payment shall be credited to, and shall be treated for all purposes as having been collected during, the preceding fiscal year. Effective June 30, 1987, and thereafter, if the payment of any tax is received during the first ten days in July, the amount of such payment shall be credited to, and shall be treated for all purposes as having been collected during, the preceding fiscal year.
If a warrant be issued by the department of revenue for the collection of taxes, increases, and penalties, there shall be added thereto a penalty of five percent of the amount of the tax, but not less than five dollars.

Notwithstanding the foregoing, the aggregate of penalties imposed under this chapter for failure to file a return, late payment of any tax, increase, or penalty, or issuance of a warrant shall not exceed twenty-five percent of the tax due, or seven dollars, whichever is greater.

Sec. 24. Section 6, chapter 40, Laws of 1973 2nd ex. sess. as amended by section 3, chapter 141, Laws of 1981 and RCW 84.36.800 are each amended to read as follows:

As used in RCW 84.36.020, 84.36.030, 84.36.040, 84.36.050, 84.36.060, 84.36.037, and 84.36.800 through 84.36.865:

(1) “Church purposes” means the use of real and personal property owned by a nonprofit religious organization for religious worship or related administrative, educational, eleemosynary, and social activities. This definition is to be broadly construed:

(2) “Convent” means a house or set of buildings occupied by a community of clergymen or nuns devoted to religious life under a superior;

(3) “Hospital” means any portion of a hospital building, or other buildings in connection therewith, used as a residence for persons engaged or employed in the operation of a hospital, or operated as a portion of the hospital unit;

(4) “Nonprofit” means an organization, association or corporation no part of the income of which is paid directly or indirectly to its members, stockholders, officers, directors or trustees except in the form of services rendered by the organization, association, or corporation in accordance with its purposes and bylaws and the salary or compensation paid to officers of such organization, association or corporation is for actual services rendered and compares to the salary or compensation of like positions within the public services of the state;

(5) “Parsonage” means a residence occupied by a clergyman who is designated for a particular congregation and who holds regular services therefor;

(6) “School or college” means any nonprofit organization, association, or corporation established and operated for general educational purposes, or to provide cultural or art education programs as defined in RCW 82.04.4328.

NEW SECTION. Sec. 25. There is added to chapter 82.04 RCW a new section to read as follows:

(1) “Competitive telephone service” means the providing by any person of telecommunications equipment or apparatus, or service related to that equipment or apparatus such as repair or maintenance service. If the equipment or apparatus is of a type which can be provided by persons that are not subject to regulation as telephone companies under Title 80 RCW and for which a separate charge is made.

(2) “Network telephone service” means the providing by any person of access to a local telephone network, local telephone network switching service, toll service, or coin telephone services, or the providing of telephonic, video, data, or similar communication or transmission service for hire, via a local telephone network, toll line or channel, cable, microwave, or similar communication or transmission system. “Network telephone service” includes interstate service, including toll service, originating from or received on telecommunications equipment or apparatus in this state if the charge for the service is billed to a person in this state. “Network telephone service” does not include the providing of competitive telephone service, the providing of cable television service, nor the providing of broadcast services by radio or television stations.

(3) “Telephone service” means competitive telephone service or network telephone service, or both, as defined in subsections (1) and (2) of this section.

(4) “Telephone business” means the business of providing network telephone service, as defined in subsection (2) of this section. It includes cooperative or farmer line telephone companies or associations operating an exchange.

Sec. 26. 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 are each amended to read as follows:

(1) “Sale at retail” or “retail sale” means every sale of tangible personal property (including articles produced, fabricated, or imprinted) to all persons irrespective of the nature of their business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than a sale to a person who (a) purchases for the purpose of resale as tangible personal property in the regular course of business without intervening use by such person, or (b) installs, repairs, cleans, alters, imprints, improves, constructs, or decorates real or personal property of or for consumers, if such tangible personal property becomes an ingredient or component of such real or personal property without intervening use by such person, or (c) purchases for the purpose of consuming the property purchased in producing for sale a new article of tangible personal property or substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale, or (d) purchases for the purpose of providing the property to consumers as part of competitive telephone service, as defined in ((RCW 82.16.010)) section 25.
of this 1983 act. The term shall include every sale of tangible personal property which is used or consumed or to be used or consumed in the performance of any activity classified as a "sale at retail" or "retail sale" even though such property is resold or utilized as provided in (a), (b), (c), or (d) above following such use. The term also means every sale of tangible personal property to persons engaged in any business which is taxable under RCW 82.04.280, subsections (2) and (7) and RCW 82.04.290.

(2) The term "sale at retail" or "retail sale" shall include the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following: (a) The installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers, including charges made for the mere use of facilities in respect thereto, but excluding charges made for the use of coin operated laundry facilities when such facilities are situated in an apartment house, hotel, motel, rooming house, trailer camp or tourist camp for the exclusive use of the tenants thereof, and also excluding sales of laundry service to members by nonprofit associations composed exclusively of nonprofit hospitals, and excluding services rendered in respect to live animals, birds and insects; (b) the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and shall also include the sale of services or charges made for the clearing of land and the moving of earth excepting the mere leveling of land used in commercial farming or agriculture; (c) the sale of or charge made for labor and services rendered in respect to the cleaning, fumigating, razing or moving of existing buildings or structures, but shall not include the charge made for janitorial services; and for purposes of this section the term "janitorial services" shall mean those cleaning and caretaking services ordinarily performed by commercial janitor service businesses including, but not limited to, wall and window washing, floor cleaning and waxing, and the cleaning in place of rugs, drapes and upholstery. The term "janitorial services" does not include painting, papering, repainting, furnace or septic tank cleaning, snow removal or sandblasting; (d) the sale of or charge made for labor and services rendered in respect to automobile towing and similar automotive transportation services, but not in respect to those required to report and pay taxes under chapter 82.16 RCW; (e) the sale of and charge made for the furnishing of lodging and all other services by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, and it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same; (f) the sale of or charge made for tangible personal property, labor and services to persons taxable under (a), (b), (c), (d), and (e) above when such sales or charges are for property, labor and services which are used or consumed in whole or in part by such persons in the performance of any activity defined as a "sale at retail" or "retail sale" even though such property, labor and services may be resold after such use or consumption. Nothing contained in this paragraph shall be construed to modify the first paragraph of this section and nothing contained in the first paragraph of this section shall be construed to modify this paragraph.

(3) The term "sale at retail" or "retail sale" shall include the sale of or charge made for personal business or professional services including amounts designated as interest, rents, fees, admission, and other service emoluments however designated, received by persons engaging in the following business activities: (a) Amusement and recreation businesses including but not limited to golf, pool, billiards, skating, bowling, ski lifts and tows and others; (b) abstract, title insurance and escrow businesses; (c) credit bureau businesses; (d) automobile parking and storage garage businesses.

(4) The term shall also include the renting or leasing of tangible personal property to consumers.

(5) The term shall also include the providing of ((competitive)) telephone service, as defined in (((RCW 82.16.010))) section 25 of this 1983 act, to consumers.

(6) The term shall not include the sale of or charge made for labor and services rendered in respect to the building, repairing, or improving of any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind, nor shall it include sales of feed, seed, fertilizer, and spray materials to persons for the purpose of producing for sale any agricultural product whatsoever, including milk, eggs, wool, fur, meat, honey, or other substances obtained from animals, birds, or insects but only when such production and subsequent sale are exempt from tax under RCW 82.04.330, nor shall it include sales of chemical sprays or washes to persons for the purposes of post-harvest treatment of fruit for the prevention of scald, fungus, mold, or decay.

(7) The term shall not include the sale of or charge made for labor and services rendered in respect to the constructing, repairing, decorating, or improving of new or existing buildings.
or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing, or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation. Nor shall the term include the sale of services or charges made for the clearing of land and the moving of earth of or for the United States, any instrumentality thereof, or a county or city housing authority.

Sec. 27. Section 82.04.060, chapter 15. Laws of 1961 and RCW 82.04.060 are each amended to read as follows:

"Sale at wholesale" or "wholesale sale" means any sale of tangible personal property, or any sale of telephone service as defined in section 25 of this 1983 act, which is not a sale at retail and means any charge made for labor and services rendered for persons who are not consumers, in respect to real or personal property. If such charge is expressly defined as a retail sale by RCW 82.04.050 when rendered to or for consumers; PROVIDED, That the term "real or personal property" as used in this section shall not include any natural products named in RCW 82.04.100.

Sec. 28. 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 are each amended to read as follows:

"Consumer" means the following:

(1) Any person who purchases, acquires, owns, holds, or uses any article of tangible personal property irrespective of the nature of (this) the person's business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than for the purpose (a) of resale as tangible personal property in the regular course of business or (b) of incorporating such property as an ingredient or component of real or personal property when installing, repairing, cleaning, altering, imprinting, improving, constructing, or decorating such real or personal property of or for consumers or (c) of consuming such property in producing for sale a new article of tangible personal property or a new substance, of which such property becomes an ingredient or component or as a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale.

(2) Any person engaged in any business activity taxable under RCW 82.04.290 and any person who purchases, acquires, or uses any telephone service as defined in section 25 of this 1983 act, other than for resale in the regular course of business.

(3) Any person engaged in the business of contracting for the building, repairing or improving of any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state of Washington or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind as defined in RCW 82.04.280, in respect to tangible personal property when such person incorporates such property as an ingredient or component of such publicly owned street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle by installing, placing or spreading the property in or upon the right of way of such street, place, road, highway, easement, bridge, tunnel, or trestle or in or upon the site of such mass public transportation terminal or parking facility.

(4) Any person who is an owner, lessee or has the right of possession to or an easement in real property which is being constructed, repaired, decorated, improved, or otherwise altered by a person engaged in business, excluding only (a) municipal corporations or political subdivisions of the state in respect to labor and services rendered to their real property which is used or held for public road purposes, and (b) the United States, instrumentalties thereof, and county and city housing authorities created pursuant to chapter 35.82 RCW in respect to labor and services rendered to their real property. Nothing contained in this or any other subsection of this definition shall be construed to modify any other definition of "consumer".

(5) Any person who is an owner, lessee, or has the right of possession to personal property which is being constructed, repaired, improved, cleaned, imprinted, or otherwise altered by a person engaged in business.

(6) Any person engaged in the business of constructing, repairing, decorating, or improving new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation. Any such person shall be a consumer within the meaning of this subsection in respect to tangible personal property incorporated into, installed in, or attached to such building or other structure by such person.

Sec. 29. 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 are each amended to read as follows:

(1) Any person rendering services taxable under RCW 82.04.290 and maintaining places of business both within and without this state which contribute to the rendition of such services
shall, for the purpose of computing tax liability under RCW 82.04.290, apportion to this state that portion of his gross income which is derived from services rendered within this state. Where such apportionment cannot be accurately made by separate accounting methods, the taxpayer shall apportion to this state that proportion of his total income which the cost of doing business within the state bears to the total cost of doing business both within and without the state.

(2) Notwithstanding the provision of subsection (1) of this section, persons doing business both within and without the state who receive gross income from service charges, as defined in RCW 63.14.010(8) (relating to amounts charged for granting the right or privilege to make deferred or installment payments) or who receive gross income from engaging in business as financial institutions within the scope of chapter 82.14A RCW (relating to city taxes on financial institutions) shall apportion or allocate gross income taxable under RCW 82.04.290 to this state pursuant to rules promulgated by the department consistent with uniform rules for apportionment or allocation developed by the states.

(3) The department shall by rule provide a method or methods of apportioning or allocating gross income derived from sales of telephone services taxed under this chapter, if the gross proceeds of sales subject to tax under this chapter do not fairly represent the extent of the taxpayer's income attributable to this state. The rules shall be, so far as feasible, consistent with the methods of apportionment contained in this section and shall require the consideration of those facts, circumstances, and apportionment factors as will result in an equitable and constitutionally permissible division of the services.

Sec. 30. 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 are each amended to read as follows:

Unless a seller has taken from the purchaser a resale certificate signed by, and bearing the name and address and registration number of the purchaser to the effect that the property or service was purchased for resale, or unless the nature of the transaction is clearly shown as a sale at wholesale by the books and records of the taxpayer in such other manner as the department of revenue shall by regulation provide, the burden of proving that a sale of tangible personal property, or of telephone service as defined in section 25 of this 1983 act, was not a sale at retail shall be upon the person who made it.

NEW SECTION. Sec. 31. There is added to chapter 82.08 RCW a new section to read as follows:

(1) The tax levied by RCW 82.08.020 shall not apply to sales of:
(a) Network telephone service, other than toll service, to residential customers.
(b) Network telephone service which is paid for by inserting coins in coin-operated telephones.

(2) As used in this section:
(a) "Network telephone service" has the meaning given in section 25 of this act.
(b) "Residential customer" means an individual subscribing to a residential class of telephone service.
(c) "Toll service" does not include customer access line charges for access to a toll calling network.

Sec. 32. Section 3, chapter 94, Laws of 1970 ex. sess. as last amended by section 1, chapter 211, Laws of 1982 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 82.14.010) section 25 of this 1983 act, 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;
"Tugboat business" means the business of operating tugboats, towboats, wharf boats or similar vessels in the towing or pushing of vessels, barges or rafts for hire.

"Gross income" means the value proceeding or accruing from the performance of the particular public service or transportation business involved, including operations incidental thereto, but without any deduction on account of the cost of the commodity furnished or sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other of the particular public service or transportation business involved, including operations incidental thereto, or any business herein defined as an urban transportation business.

"Telephone business" does not include the providing of competitive telephone service, nor the providing of cable television service.
expense whatsoever paid or accrued and without any deduction on account of losses: PROVIDED. That gross income of a light and power business means those amounts or value accruing to a taxpayer from the last distribution of electrical energy which is a taxable event within this state.

"((HJ)) (13) The meaning attributed. in chapter 82.04 RCW, to the term "tax year," "person," "value proceeding or accruing," "business," "engaging in business," "in this state," "within this state," "cash discount" and "successor" shall apply equally in the provisions of this chapter.

"((15)) "Competitive telephone service" means the providing by any person of telephone equipment, apparatus or service other than toll service, which is of a type which can be provided by persons that are not subject to regulation as telephone companies under Title 80 RCW and for which a separate charge is made.

Sec. 34. Section 6, chapter 134, Laws of 1972 ex. sess., as last amended by section 7, chapter 99, Laws of 1983 and RCW 35.21.710 are each amended to read as follows:

Any city which imposes a license fee or tax upon business activities consisting of the making of retail sales of tangible personal property which are measured by gross receipts or gross income from such sales, shall impose such tax at a single uniform rate upon all such business activities. The taxing authority granted to cities for taxes upon business activities measured by gross receipts or gross income from sales shall not exceed a rate of .0020; except that any city with an adopted ordinance at a higher rate, as of January 1, 1982 shall be limited to a maximum increase of ten percent of the January 1982 rate, not to exceed an annual incremental increase of two percent of current rate: PROVIDED, That any adopted ordinance which classifies according to different types of business or services shall be subject to both the ten percent and the two percent annual incremental increase limitation on each tax rate: PROVIDED FURTHER, That all surtaxes on business and occupation classifications in effect as of January 1, 1982, shall expire no later than December 31, 1982, or by expiration date established by local ordinance. Cities which impose a license fee or tax upon business activities consisting of the making of retail sales of tangible personal property which are measured by gross receipts or gross income from such sales shall be required to submit an annual report to the state auditor identifying the rate established and the revenues received from each fee or tax. This section shall not apply to any business activities subject to the tax imposed by chapter 82.16 RCW. For purposes of this section, the providing to consumers of competitive telephone service, as defined in ((RCW 62.16.010)) section 25 of this 1983 act, shall be deemed to be the retail sale of tangible personal property.

Sec. 35. Section 7, chapter 134, Laws of 1972 ex. sess., as amended by section 7, chapter 144, Laws of 1981 and RCW 35A.82.050 are each amended to read as follows:

Any code city which imposes a license fee or tax upon business activities consisting of the making of retail sales of tangible personal property which are measured by gross receipts or gross income from such sales shall be required to submit an annual report to the state auditor identifying the rate established and the revenues received from each fee or tax. This section shall not apply to any business activities subject to the tax imposed by chapter 82.16 RCW. For purposes of this section, the providing to consumers of competitive telephone service, as defined in ((RCW 62.16.010)) section 25 of this 1983 act, shall be deemed to be the retail sale of tangible personal property.

Sec. 36. Section 8, chapter 144, Laws of 1981 and RCW 35.21.712 are each amended to read as follows:

Any city which imposes a license fee or tax upon the business activity of engaging in the telephone business, as defined in ((RCW 62.16.010)) section 25 of this 1983 act, which is measured by gross receipts or gross income from the business shall impose the tax at a uniform rate on all persons engaged in the telephone business in the city. This section does not apply to the providing of competitive telephone service as defined in ((RCW 62.16.010)) section 25 of this 1983 act.

Sec. 37. Section 9, chapter 144, Laws of 1981 and RCW 35A.82.055 are each amended to read as follows:

Any code city which imposes a license fee or tax upon the business activity of engaging in the telephone business, as defined in ((RCW 62.16.010)) section 25 of this 1983 act, which is measured by gross receipts or gross income from the business shall impose the tax at a uniform rate on all persons engaged in the telephone business in the code city. This section does not apply to the providing of competitive telephone service as defined in ((RCW 62.16.010)) section 25 of this 1983 act.

Sec. 38. Section 10, chapter 144, Laws of 1981 and RCW 35.21.714 are each amended to read as follows:

Any city which imposes a license fee or tax upon the business activity of engaging in the telephone business, as defined in ((RCW 62.16.010)) section 25 of this 1983 act, which is measured by gross receipts or gross income may impose the fee or tax, if it desires, on one hundred percent of the total gross revenue derived from intrastate toll telephone services subject to the fee or tax: PROVIDED, That the city shall not impose the fee or tax on that portion of network telephone service, as defined in section 25 of this 1983 act, which represents access to, or charges for, interstate services for which rates are contained in tariffs filed with the federal communications commission.
Sec. 39. Section 11. chapter 144. Laws of 1981 and RCW 35A.82.060 are each amended to read as follows:

Any code city which imposes a license fee or tax upon the business activity of engaging in the telephone business, as defined in (RCW 82.16.010) section 25 of this 1983 act, which is measured by gross receipts or gross income may impose the fee or tax, if it desires, on one hundred percent of the total gross revenue derived from intrastate toll telephone services subject to the fee or tax: PROVIDED, That the city shall not impose the fee or tax on that portion of network telephone service, as defined in section 25 of this 1983 act, which represents access to, or charges for, interstate services for which rates are contained in tariffs filed with the federal communications commission.

Sec. 40. Section 2. chapter 49. Laws of 1982 1st ex. sess. and RCW 35.21.860 are each amended to read as follows:

(1) No city or town may impose a franchise fee or any other fee or charge of whatever nature or description upon the light and power, ((telephone)) or gas distribution businesses, as defined in RCW 82.16.010, or telephone business, as defined in section 25 of this 1983 act, except that (a) a tax authorized by RCW 35.21.865 may be imposed and (b) a fee may be charged to such businesses that recovers actual administrative expenses incurred by a city or town that are directly related to receiving and approving a permit, license, and franchise, to inspecting plans and construction, or to the preparation of a detailed statement pursuant to chapter 43.21C RCW.

(2) Subsection (1) of this section does not prohibit franchise fees imposed upon an electrical energy, natural gas, or telephone business, by contract existing on April 20, 1982, with a city or town, for the duration of the contract, but the franchise fees shall be considered taxes for the purposes of the limitations established in RCW 35.21.865 and 35.21.870 to the extent the fees exceed the costs allowable under subsection (1) of this section.

Sec. 41. Section 80.04.270, chapter 14. Laws of 1961 as amended by section 5, chapter 144. Laws of 1981 and RCW 80.04.270 are each amended to read as follows:

Any public service company engaging in the sale of merchandise or appliances or equipment shall keep separate accounts, as prescribed by the commission, of its capital employed in such business and of its revenues therefrom and operating expenses thereof. The capital employed in such business shall not constitute a part of the fair value of said company's property for rate making purposes, nor shall the revenues from or operating expenses of such business constitute a part of the operating revenues and expenses of said company as a public service company. For purposes of this section, the providing of competitive telephone service, as defined in (RCW 82.16.010) section 25 of this 1983 act, shall not constitute the sale of merchandise, appliances, or equipment, unless the commission determines that it would be in the public interest to hold otherwise.

Sec. 42. Section 82.08.020, chapter 15. Laws of 1961 as last amended by section 6, chapter 7. Laws of 1983 and RCW 82.08.020 are each amended to read as follows:

(1) There is levied and there shall be collected a tax on each retail sale in this state equal to six and five-tenths percent of the selling price; PROVIDED, That for retail sales other than retail sales of telephone services, as defined in section 25 of this 1983 act, such tax shall be levied and collected in border counties in an amount equal to five and four-tenths percent of the selling price.

(2) The tax imposed under this chapter shall apply to successive retail sales of the same property.

(3) The rate provided in this section applies to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

Sec. 43. Section 39. chapter 37. Laws of 1980 as amended by section 1, chapter 5. Laws of 1982 1st ex. sess. and RCW 82.08.0273 are each amended to read as follows:

The tax levied by RCW 82.08.020 shall not apply to sales to nonresidents of this state of tangible personal property for use outside this state when the purchaser has applied for and received from the department of revenue a permit certifying (1) that ((the)) the purchaser is a bona fide resident of a state or possession of Province of Canada other than the state of Washington, (2) that such state, possession, or Province of Canada does not impose a retail sales tax or use tax of three percent or more or, if imposing such a tax, permits Washington residents exemption from otherwise taxable sales by reason of their residence, and (3) that he or she does agree, when requested, to grant the department of revenue access to such records and other forms of verification at his or her place of residence to assure that such purchases are not first used substantially in the state of Washington.

Any person claiming exemption from retail sales tax under the provisions of this section must display a nonresident permit as herein provided, and any vendor making a sale to a nonresident without collecting the tax must examine such permit, identify the purchaser as the person to whom the nonresident permit was issued, and maintain records which shall show the permit number attributable to each non taxable sale.

Permits shall be personal and nontransferable, shall be renewable annually, and shall be issued by the department of revenue upon payment of a fee of ((five)) one dollar((s)). The department may in its discretion designate independent agents for the issuance of permits.
according to such standards and qualifications as the department may prescribe. Such agents
shall pay over and account to the department for all permit fees collected, after deducting as
a collection fee the sum of ((one-dollar)) fifty cents for each permit issued.

Any person making fraudulent statements in order to secure a permit shall be guilty of
perjury. Any person making tax exempt purchases by displaying a permit not his or her own,
or a counterfeit permit, with intent to violate the provisions of this section shall be guilty of a
misdemeanor and, in addition, may be subject to a penalty not to exceed the amount of the
taxe due on such purchases. Any vendor who makes sales without collecting the tax to a person
who does not hold a valid permit, and any vendor who fails to maintain records of permit
numbers as provided in this section shall be personally liable for the amount of tax due.

Sec. 44. Section 9. chapter 7. Laws of 1983 and RCW 82— are each amended to read as
follows:
An excise tax is imposed for the privilege of using a vessel ((for which registration is
required under chapter 88— RCW (sections 14 through 22 of this act)) upon the waters of this
state, except vessels ((covered by a dealer's registration number under this chapter)) exempt
under section 45 of this 1983 act. The annual amount of the excise tax is one-half of one percent
of fair market value. as determined under this chapter, or five dollars. whichever is greater.

The excise tax upon a vessel registered for the first time in this state shall be imposed for a
twelve-month period. including the month in which the vessel is registered, unless the director
of licensing extends or diminishes vessel registration periods for the purpose of staggered
renewal periods under RCW 88— (section 18 ((of this act)) chapter 7. Laws of 1983). A vessel
is registered for the first time in this state when the vessel was not registered in this state for the
immediately preceding registration year, or when the vessel was registered in another juris-
diction for the immediately preceding year. The excise tax on vessels required to be registered
in this state on the effective date of this section shall be paid by June 30, 1983.

NEW SECTION. Sec. 45. There is added to chapter 82— RCW (sections 9 through 13. chap-
ter 7. Laws of 1983) a new section to read as follows:
The following are exempt from the tax imposed under this chapter:
(1) Vessels exempt from the registration requirements of chapter 88— RCW (sections 14
through 22, chapter 7. Laws of 1983):
(2) Vessels used exclusively for commercial fishing purposes;
(3) Vessels owned and operated by the United States, a state of the United States, or any
municipality or political subdivision thereof;
(4) Vessels owned by a nonprofit organization or association engaged in character build-
ing of boys and girls under eighteen years of age and solely used for such purposes. as deter-
mined by the department for the purposes of RCW 84.36.030; and
(5) Vessels owned and held for sale by a dealer. but not rented on a regular commercial
basis.

Sec. 46. Section 16. chapter 7. Laws of 1983 and RCW 88— are each amended to read as
follows:
Vessel registration is required under this chapter except for the following:
(1) ((Vessels owned and operated by the United States. another state. or a political subdi-
vision thereof)) Military or public vessels of the United States. except recreational-type public
vessels;
(2) Vessels owned ((and operated by this state. or by any municipality or political subdivi-
dation thereof)) by a state or subdivision thereof. used principally for governmental purposes and
clearly identifiable as such;
(3) Vessels owned by a resident of a country other than the United States or Canada if the
vessel is not physically located upon the waters of this state for a period of more than sixty
days;
(4) Vessels owned by a resident of another state or a Canadian province if the vessel is
registered in accordance with the laws of the state or province in which the owner resides. but
only to the extent that a similar exemption or privilege is granted under the laws of that state or
province for vessels registered in this state: PROVIDED. That any vessel which is validly regis-
tered in another state or a Canadian province and which is physically located in this state for
a period of more than sixty days is subject to registration under this chapter;
(5) Vessels used as a ship's ((tender or)) lifeboat;
(6) Vessels equipped with propulsion machinery of less than ten horse power that:
(a) Are owned by the owner of a vessel for which a valid vessel number has been issued;
(b) Display the number of that numbered vessel followed by the suffix "1" in the manner
prescribed by the department; and
(c) Are used as a tender for direct transportation between that vessel and the shore and for
no other purpose;
(7) Vessels under sixteen feet in overall length ((or whose primary propulsion is human
power)) which have no propulsion machinery of any type;
(8) Vessels with no propulsion machinery of any type for which the primary mode of
propulsion is human power;
(9) Vessels which are temporarily in this state undergoing repair or alteration (((and vessels which are designed and used exclusively for racing)));

(10) Vessels primarily engaged in commerce which have or are required to have a valid marine document as a vessel of the United States (((and which are primarily engaged in commerce))); and

(11) Vessels primarily engaged in commerce which are owned by a resident of a country other than the United States.

Sec. 47. Section 18, chapter 7, Laws of 1983 and RCW 88.______ are each amended to read as follows:

Application for a vessel registration shall be made to the department or its authorized agent in the manner and upon forms prescribed by the department. The application shall state the name and address of each owner of the vessel and such other information as may be required by the department, shall be signed by at least one owner, and shall be accompanied by a vessel registration fee of six dollars per year and the excise tax imposed under chapter 82.____ RCW (sections 9 through 13 ((of this act)), chapter 7, Laws of 1983). Any fees required for licensing agents under RCW 46.01.140 shall be in addition to the six-dollar annual registration fee.

Upon receipt of the application and the registration fee, the department shall assign a registration number and issue a decal for each vessel. The registration number and decal shall be issued and affixed to the vessel in a manner prescribed by the department consistent with the standard numbering system for vessels set forth in volume 33, part 174, of the code of federal regulations. A valid decal affixed as prescribed shall indicate compliance with the annual registration requirements of this chapter.

The vessel registrations and decals are valid for a period of one year, except that the director of licensing may extend or diminish vessel registration periods, and the decals therefore, for the purpose of staggered renewal periods. For registration periods of more or less than one year, the department may collect prorated annual registration fees and excise taxes based upon the number of months in the registration period. Vessel registrations are renewable every year in a manner prescribed by the department upon payment of the vessel registration fee and excise tax. Upon renewing a vessel registration, the department shall issue a new decal to be affixed as prescribed by the department.

A person acquiring a vessel from a dealer or a vessel already validly registered under this chapter shall, within fifteen days of the acquisition or purchase of the vessel, apply to the department or its authorized agent for transfer of the vessel registration, and the application shall be accompanied by a transfer fee of one dollar.

NEW SECTION. Sec. 48. There is added to chapter 88.____ RCW (sections 14 through 22, chapter 7, Laws of 1983) a new section to read as follows:

(1) The department shall provide for the issuance of vessel certificates of title through the agency's computer under RCW 88.____ (section 17, chapter 7, Laws of 1983). The fee for a vessel certificate of title is five dollars. Fees for vessel certificates of title shall be deposited in the general fund. The provisions of chapters 46.12 and 46.16 RCW relating to motor vehicle certificates of registration, titles, certificate issuance, ownership transfer, and perfection of security interests, and other provisions which may be applied to vessels subject to this chapter, may be so applied by rule of the department if they are not inconsistent with this chapter.

(2) Whenever a vessel is to be registered for the first time as required by this chapter, application shall be made at the same time for a certificate of title. Any person who purchases or otherwise obtains majority ownership of any vessel subject to the provisions of this chapter shall, within fifteen days thereof apply for a new certificate of title which shows the vessel's change of ownership.

(3) Security interests may be released or acted upon as provided by the law under which they arose or were perfected. No new security interest or renewal or extension of an existing security interest is affected except as provided under the terms of this chapter and RCW 46.12.095.

(4) Notice shall be given to the issuing authority by the owner indicated on the certificate of registration within fifteen days of the occurrence of any of the following: Transfer of any part or all of the ownership of a vessel registered under this chapter; any change of address of owner; destruction, loss, abandonment, theft, or recovery of the vessel; or loss or destruction of a valid certificate of registration on the vessel.

Sec. 49. Section 15, chapter 7, Laws of 1983 and RCW 88.______ are each amended to read as follows:

(1) Except as provided in this chapter, no person may own or operate any vessel on the waters of this state unless the vessel has been registered and displays a registration number and a valid decal in accordance with this chapter, except that a vessel which has or is required to have a valid marine document as a vessel of the United States is only required to display a valid decal.

(2) No person may use any vessel to which this chapter applies:

(a) In a negligent manner so as to endanger the life, limb, or property of any person, or
States coast guard auxiliary; extent possible existing programs offered by the United States power squadron and the United States coast guard auxiliary.

NEW SECTION. Sec. 50. There is added to chapter 88—RCW (sections 14 through 22, chapter 7, Laws of 1983) a new section to read as follows:

(1) The operator of a vessel involved in a collision, accident, or other casualty, to the extent the operator can do so without serious danger to the operator’s own vessel or persons aboard, shall render all practical and necessary assistance to persons affected by the collision, accident, or casualty to save them from danger caused by the incident. Under no circumstances may the rendering of assistance or other compliance with this section be evidence of the liability of such operator for the collision, accident, or casualty. The operator shall also give his or her name, address, and the identification of the operator’s vessel to the commission and any person injured and to the owner of any property damaged. These duties are in addition to any duties otherwise imposed by law.

(2) Any person who complies with subsection (1) of this section or who gratuitously and in good faith renders assistance at the scene of a vessel collision, accident, or other casualty, without objection of the person assisted, shall not be held liable for any civil damages as a result of the rendering of assistance or for any act or omission in providing or arranging salvage, towage, medical treatment, or other assistance, where the assisting person acts as any reasonably prudent person would have acted under the same or similar circumstances.

NEW SECTION. Sec. 51. There is added to chapter 82—RCW (sections 9 through 13, chapter 7, Laws of 1983) a new section to read as follows:

(1) Any county may impose a tax, by ordinance or resolution, upon the privilege of using a vessel taxable under RCW 82— RCW (section 9, chapter 7, Laws of 1983) which is moored or stored in the county, if the population of the unincorporated area of the county together with the population of the cities which are parties to an interlocal agreement under chapter 39.34 RCW equal or exceed two-thirds of the total population of the county: PROVIDED, That such agreement shall take into consideration any marine patrols provided as of the effective date of this section. The annual amount of the tax shall be up to fifty cents per foot of the vessel per calendar year, or part thereof.

(2) The excise tax upon a vessel registered for the first time in this state shall be imposed for a twelve-month period, including the month in which the vessel is registered, unless the director of licensing extends or diminishes vessel registration periods for the purpose of staggered renewal periods under RCW 82— RCW (section 18, chapter 7, Laws of 1983). A vessel is registered for the first time in this state when the vessel was not registered in this state for the immediately preceding registration year, or when the vessel was registered in another jurisdiction for the immediately preceding year.

(3) The tax imposed under this section is due and payable to the department of licensing or its agents at the time of registration of a vessel.

(4) The moneys collected under this section shall be distributed by the county monthly to the parties to the interlocal agreement according to the terms of the agreement. Moneys collected under this section shall be used only for administration and enforcement of boating safety, search and rescue operations concerning boating, and boating patrols.

Sec. 52. Section 22, chapter 7, Laws of 1983 and RCW 82—RCW are each amended to read as follows:

(1) A violation of this chapter is a misdemeanor punishable only by a fine not to exceed one hundred dollars per vessel for the first violation. Subsequent violations in the same year are subject to the following fines:

(a) For the second violation, a fine of two hundred dollars per vessel;

(b) For the third and successive violations, a fine of four hundred dollars per vessel.

(2) After subtraction of court costs and administrative collection fees, moneys collected under this section shall be used by the jurisdiction collecting the fine exclusively for law enforcement purposes, credited to the current expense fund of the arresting jurisdiction.

(3) All law enforcement officers shall have the authority to enforce this chapter within their respective jurisdictions.

Sec. 53. Section 84.36.080, chapter 15, Laws of 1961 as amended by section 23, chapter 7, Laws of 1983 and RCW 84.36.080 are each amended to read as follows:

All ships and vessels which are exempt from excise tax under subsection ((a)(9) and (9) of section 16 of this 1963 act)) (2) of section 45 of this 1983 act and subsection (10) of RCW 88— RCW (section 46 of this 1983 act) shall be and are hereby made exempt from all ad valorem taxes, except taxes levied for any state purpose.

NEW SECTION. Sec. 54. There is added to chapter 43.51 RCW a new section to read as follows:

The state parks and recreation commission shall:

(1) Coordinate a state-wide program of boating safety education using to the maximum extent possible existing programs offered by the United States power squadron and the United States coast guard auxiliary;
(2) Adopt rules in accordance with chapter 34.04 RCW, consistent with United States coast guard regulations, standards, and precedents, as needed for the efficient administration and enforcement of this section;

(3) Develop by January 31, 1984, a state-wide inventory of marine state parks and recreational facilities operated by other state and local agencies that are available for marine-related use by persons owning boats in this state;

(4) Enter into agreements aiding the administration of this chapter:

(5) Coordinate with local and state agencies the development of biennial plans and programs for the enhancement of boating safety, safety education, and enforcement of safety rules and laws; allocate money appropriated to the commission for these programs as necessary; and accept and administer any public or private grants or federal funds which are obtained for these purposes under chapter 43.88 RCW; and

(7) Take additional actions necessary to gain acceptance of a program of boating safety for this state under the federal boating safety act of 1971.

NEW SECTION, Sec. 55. (1) One-half of the tax paid for a vessel under section 9, chapter 7, Laws of 1983, before its amendment under this act, shall be allowed as a credit against tax due for the vessel in 1984 under section 44 of this act.

(2) An owner of a vessel covered by a valid certificate of registration issued under federal law may continue to operate the vessel in this state under that federal registration until January 31, 1984. The provisions of chapter 82— RCW (sections 9 through 13, chapter 7, Laws of 1983) and chapter 88— RCW (sections 9 through 22, chapter 7, Laws of 1983) shall apply to all such vessels after January 31, 1984, except that the excise tax imposed under chapter 82— RCW (sections 9 through 13, chapter 7, Laws of 1983) shall be assessed as if such vessels had been required to be registered on June 30, 1983.

NEW SECTION, Sec. 56. There is added to chapter 39.64 RCW a new section to read as follows:

Nothing in this chapter may be deemed to grant to any operating agency organized under chapter 43.52 RCW, or a project of any such operating agency, the authority to levy any tax or assessment not otherwise authorized by law.

NEW SECTION, Sec. 57. There is added to chapter 82.02 RCW a new section to read as follows:

Nothing in this title may be deemed to grant to any operating agency organized under chapter 43.52 RCW, or a project of any such operating agency, the authority to levy any tax or assessment not otherwise authorized by law.

NEW SECTION, Sec. 58. There is added to chapter 84.09 RCW a new section to read as follows:

Nothing in this title may be deemed to grant to any operating agency organized under chapter 43.52 RCW, or a project of any such operating agency, the authority to levy any tax or assessment not otherwise authorized by law.

Sec. 59. Section 6, chapter 94, Laws of 1970 ex. sess. as last amended by section 10, chapter 4, Laws of 1981 2nd ex. sess. and RCW 82.14.050 are each amended to read as follows:

The counties, metropolitan municipal corporations and cities shall contract, prior to the effective date of a resolution or ordinance imposing a sales and use tax, the administration and collection to the state department of revenue, which shall deduct a percentage amount, as provided by contract, not to exceed ((two)) one and one-half percent of the taxes collected for administration and collection expenses incurred by the department. The remainder of any portion of any tax authorized by this chapter which is collected by the department of revenue shall be deposited by the state department of revenue in the local sales and use tax account hereby created in the general fund. Moneys in the local sales and use tax account may be spent only for distribution to counties, metropolitan municipal corporations, and cities imposing a sales and use tax. All administrative provisions in chapters 82.03, 82.08, 82.12, and 82.32 RCW, as they now exist or may hereafter be amended, shall, insofar as they are applicable to state sales and use taxes, be applicable to taxes imposed pursuant to this chapter.

Sec. 60. 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 are each amended to read as follows:

((Bimonthly)) Monthly the state treasurer shall make distribution from the local sales and use tax account to the counties, metropolitan municipal corporations and cities the amount of tax collected on behalf of each county, metropolitan municipal corporation or city, less the deduction provided for in RCW 82.14.050. The state treasurer shall make the distribution under this section without appropriation.

In the event that any ordinance or resolution imposes a sales and use tax at a rate in excess of the applicable limits contained herein, such ordinance or resolution shall not be considered void in toto, but only with respect to that portion of the rate which is in excess of the applicable limits contained herein.

Sec. 61. Section 33, chapter 7, Laws of 1983 and RCW 82.32— are each amended to read as follows:
The revenue accrual account is hereby created in the state general fund. At the close of each fiscal biennium, the state treasurer shall transfer the balance in the state general fund, other than amounts reappropriated for the next fiscal biennium, to this account. Moneys in this account may only be spent after appropriation by statute for the purpose of decreasing the unfunded liability of a state retirement system.

NEW SECTION. Sec. 62. Section 20, chapter 22, Laws of 1982 1st ex. sess. and RCW 35.21.285 are each repealed.

NEW SECTION. Sec. 63. Section 10, chapter 172, Laws of 1981 and RCW 82.04.265 are each repealed.

Sec. 64. Section 1, chapter 347, Laws of 1977 ex. sess. as last amended by section 2, chapter 4, Laws of 1982 2nd ex. sess. and RCW 84.33.071 are each amended to read as follows:

"(1) Upon every person engaging within this state in business as a harvester of timber, as to such persons the amount of tax imposed with respect to such business shall be equal to the stumpage value of timber harvested between July 1, 1983, through June 30, 1984, for sale or for commercial or industrial use multiplied by the (appropriate) rate (as follows: For timber harvested between October 1, 1974 and June 30, 1983, inclusive) of six and one-half percent.

(2) For purposes of this section:
(a) "Harvester" means every person who from his own land or from the land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services sells, cuts or takes timber for sale or for commercial or industrial use. It does not include persons performing under contract the necessary labor or mechanical services for a harvester.
(b) "Timber" means forest trees, standing or down, on privately or publicly owned land, except as provided in RCW 84.33.170 includes Christmas trees.
(c) "Stumpage value of timber" means the appropriate stumpage value shown on tables to be prepared by the department of revenue pursuant to subsection (3) of this section.

(3) Timber shall be considered harvested at the time when in the ordinary course of business the quantity thereof by species is first definitely determined. The amount harvested shall be determined by the Scribner Decimal C Scale or other prevalent measuring practice adjusted to arrive at substantially equivalent measurements, as approved by the department of revenue.

(4) The department of revenue shall designate areas containing timber having similar growing, harvesting and marketing conditions to be used as units for the preparation and application of stumpage values. Each year on or before December 31 for use the following January through June 30, and on or before June 30 for the following July through December 31, the department shall prepare tables of stumpage values of each species or subclassification of timber within such units, which values shall be the amount that each such species or subclassification would sell for at a voluntary sale made in the ordinary course of business for purposes of immediate harvest. Such stumpage values, expressed in terms of a dollar amount per thousand board feet or other unit measure, shall be determined from (a) gross proceeds from sales on the stump of similar timber of like quality and character at similar locations, and in similar quantities, or from (b) gross proceeds from sales of logs adjusted to reflect only the portion of such proceeds attributable to value on the stump immediately prior to harvest, or from a combination of (a) and (b), and shall be determined in a manner which makes reasonable and adequate allowances for age, size, quality, costs of removal, accessibility to point of conversion, market conditions and all other relevant factors. Upon application from any person who plans to harvest damaged timber, the stumpage values for which have been materially reduced from the values shown in the applicable tables due to damage resulting from fire, blow down, ice storm, flood or other sudden unforeseen cause, the department shall revise such tables for any area in which such timber is located and shall specify any additional accounting or other requirements to be complied with in reporting and paying such tax. The preliminary area designations and stumpage value tables and any revisions thereof shall be subject to review by the ways and means committees of the house and senate prior to finalization. Tables of stumpage values shall be signed by the director or his designee and authenticated by the official seal of the department. A copy thereof shall be mailed to anyone who has submitted to the department a written request therefor.

(5) On or before the sixtieth day after the date of final adoption of any stumpage value tables, any harvester may appeal to the board of tax appeals for a revision of stumpage values for an area determined pursuant to subsection (3) of this section.

There are hereby created in the state treasury a state timber tax account A and a state timber tax reserve account in the state general fund and any interest earned on the investment of cash balances shall be deposited in these accounts. The revenues from the tax imposed by subsection (1) of this section on timber harvested from privately owned land shall be deposited in state timber tax account A and state timber tax reserve account as follows:

<table>
<thead>
<tr>
<th>YEAR OF COLLECTION</th>
<th>ACCOUNT A</th>
<th>ACCOUNT RESERVE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1973 and thereafter</td>
<td>100%</td>
<td>0%</td>
</tr>
</tbody>
</table>
The revenues from the tax imposed by subsection (1) of this section on timber harvested from publicly owned land shall be deposited in the state general fund.

(6) The tax imposed under this section shall be computed with respect to timber harvested each calendar quarter and shall be due and payable in quarterly installments and remittance thereof shall be made on or before the last day of the month next succeeding the end of the quarterly period in which the tax accrued. The taxpayer on or before such date shall make out a return, upon such forms and setting forth such information as the department of revenue may require, showing the amount of the tax for which he is liable for the preceding quarterly period, and shall sign and transmit the same to the department of revenue, together with a remittance for such amount.

(7) The taxes imposed by this section shall be in addition to any taxes imposed upon the same persons pursuant to one or more of sections RCW 82.04.230 to 82.04.290, inclusive, and RCW 82.04.440, and none of such sections shall be construed to modify or interact with this section in any way, except RCW 82.04.450 and 82.32.045 shall not apply to the taxes imposed by this section.

(8) Any harvester incurring less than ten dollars tax liability under this section in any calendar quarter shall be excused from the payment of such tax, but may be required by the department of revenue to file a return even though no tax may be due.

NEW SECTION. Sec. 65. There is added to chapter 43.06 RCW a new section to read as follows:

Beginning in January, 1984, and in January of every even-numbered year thereafter, the department of revenue shall submit to the legislature prior to the regular session a listing of the amount of reduction for the current and next biennium in the revenues of the state or the revenues of local government collected by the state as a result of tax exemptions. The listing shall include an estimate of the revenue lost from the tax exemption, the purpose of the tax exemption, the persons, organizations, or parts of the population which benefit from the tax exemption, and whether or not the tax exemption conflicts with another state program. The listing shall include but not be limited to the following revenue sources:

(1) Real and personal property tax exemptions under Title 84 RCW;
(2) Business and occupation tax exemptions, deductions, and credits under chapter 82.04 RCW;
(3) Retail sales and use tax exemptions under chapters 82.08, 82.12, and 82.14 RCW;
(4) Public utility tax exemptions and deductions under chapter 82.16 RCW;
(5) Conveyance tax exemptions under chapter 82.20 RCW;
(6) Food fish and shellfish tax exemptions under chapter 82.27 RCW;
(7) Leasehold excise tax exemptions under chapter 82.29A RCW;
(8) Motor vehicle and special fuel tax exemptions and refunds under chapters 82.36 and 82.38 RCW;
(9) Aircraft fuel tax exemptions under chapter 82.42 RCW;
(10) Motor vehicle excise tax exclusions under chapter 82.44 RCW; and
(11) Insurance premiums tax exemptions under chapter 48.14 RCW.

The department of revenue shall prepare the listing required by this section with the assistance of any other agencies or departments as may be required.

The department of revenue shall present the listing to the ways and means committees of each house in public hearings.

Beginning in January, 1984, and every four years thereafter the governor is requested to review the report from the department of revenue and may submit recommendations to the legislature with respect to the repeal or modification of any tax exemption. The ways and means committees of each house and the appropriate standing committee of each house shall hold public hearings and take appropriate action on the recommendations submitted by the governor.

As used in this section, "tax exemption" means an exemption, exclusion, or deduction from the base of a tax; a credit against a tax; a deferral of a tax; or a preferential tax rate.

NEW SECTION. Sec. 66. There is appropriated from the general fund to the parks and recreation commission for the fiscal year ending June 30, 1984, the sum of seventy-nine thousand dollars, or so much thereof as may be necessary, for the operation of a boating safety and education program established under section 54 of this act.

NEW SECTION. Sec. 67. This act shall not be construed as affecting any existing right acquired or liability or obligation incurred under the sections amended or repealed in this act or under any rule, regulation, or order adopted under those sections, nor as affecting any proceeding instituted under those sections.

NEW SECTION. Sec. 68. 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. 69. (1) This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions and shall take effect July 1, 1983, except that:
(a) Sections 44 through 52, and 54, 55, 67, and 68 of this act shall take effect June 30, 1983;
Sections 1 through 4 of this act shall take effect July 1, 1983, except as provided in subsection (2) of this section.

Sections 21, 22, 24, and 53 of this act shall take effect January 1, 1984. Sections 24 and 53 of this act shall be effective for property taxes levied in 1983 and due in 1984, and thereafter;

The extension under this act of the retail sales tax to certain sales of telephone service shall apply to telephone service billed on or after July 1, 1983, whether or not such service was rendered before that date.

The legislature finds that the amendments contained in sections 1 through 4 of this act constitute an integrated and inseparable entity and if any one or more of those sections does not become law, the remaining sections shall not take effect. If sections 1 through 4 of this act do not become law, the governor shall in that event reduce approved allotments under RCW 43.88.10 for the 1983-85 biennium by four percent.

MOTION

On motion of Senator Lee, the following amendment to the McDermott amendment was adopted:

NEW SECTION 67. In the event that initiative 452 does not receive a favorable vote of the people, on or after January 1, 1984, whenever revenues derived from Revenue Act sources as projected by the office of financial management in the quarterly Economic and Revenue Forecast exceed by more than $100,000,000 the estimate upon which the 1983-85 biennial budget is based, the treasurer shall transfer 65 percent of all revenue in excess of $50,000,000 to the Law Enforcement Officers' and Firefighters' Retirement Fund and 35 percent of all revenue in excess of $50,000,000 to the Teachers' Retirement Fund. Transfers in the fourth quarter of the second year of the biennium shall be made in accordance with Section 33, chapter 7, Laws of 1983 and RCW 82.32...

Renumber the remaining sections consecutively.

MOTION

Senator Hayner moved the following amendments by Senators Hayner and Lee to the amendment be considered and adopted simultaneously:

NEW SECTION 68. Until and including June 30, 1985, and one percent thereafter

NEW SECTION 69. Until and including June 30, 1985, and one percent thereafter

NEW SECTION 70. Until and including June 30, 1985,

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senators Hayner and Lee to the McDermott amendment.

The motion by Senator Hayner carried and the amendments to the amendment were adopted.

The President declared the question before the Senate to be adoption of the McDermott amendment, as amended.
The motion by Senator McDermott carried and the amendment, as amended, was adopted.

**MOTION**

At 11:17 p.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President called the Senate to order at 11:24 p.m.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 52.

**MOTION**

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

chapter 37, Laws of 1980 as amended by section 1, chapter 5, Laws of 1982 1st ex. sess. and RCW 82.08.0273; amending section 9, chapter 7, Laws of 1983 and RCW 82._______; amending section 16, chapter 7, Laws of 1983 and RCW 88._______; amending section 18, chapter 7, Laws of 1983 and RCW 88._______; amending section 15, chapter 7, Laws of 1983 and RCW 88._______; amending section 22, chapter 7, Laws of 1983 and RCW 88.______; amending section 84.36.080, chapter 15, Laws of 1961 as amended by section 23, chapter 7, Laws of 1983 and RCW 84.36.080; amending section 6, chapter 94, Laws of 1970 ex. sess. as last amended by section 10, chapter 4, Laws of 1981 2nd ex. sess. and RCW 82.14.060, 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; amending section 33, chapter 7, Laws of 1983 and RCW 82.32______; amending section 1, chapter 347, Laws of 1977 ex. sess. as last amended by section 2, chapter 4, Laws of 1982 2nd ex. sess. and RCW 84.33.071; adding a new section to chapter 39.64 RCW; adding a new section to chapter 43.06 RCW; adding a new section to chapter 43.51 RCW; adding new sections to chapter 82.___ RCW (sections 9 through 13, chapter 7, Laws of 1983); adding new sections to chapter 82.___ RCW (sections 14 through 22, chapter 7, Laws of 1983); adding a new section to chapter 82.02 RCW; adding a new section to chapter 82.04 RCW; creating new sections; repealing section 20, chapter 22, Laws of 1982 1st ex. sess. and RCW 35.21.285; repealing section 10, chapter 172, Laws of 1981 and RCW 82.04.265; making an appropriation; providing effective dates; and declaring an emergency.

MOTION

On motion of Senator McDermott, the rules were suspended. Engrossed Substitute House Bill No. 52, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage. Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: Senator McDermott, in reading the bill, the $65,000,000 of new taxes on the telephone lines, I understand, is not going on residential lines.

Senator McDermott: That is correct.

Senator Rasmussen: And does that new tax apply to long distance and interstate?

Senator McDermott: No, it doesn't. It's prohibited by federal law.

Senator Rasmussen: So, it is applied only to commercial establishments within the state?

Senator McDermott: That is correct.

Senator Rasmussen: The other question I have on the bill, Senator McDermott, is Article II of the Constitution says that the single subject in a legislative bill shall be expressed in the title. This contains an appropriation in addition to revenue. Is that two subjects in one bill and should it be expressed in the title and if it was expressed in the title, would the Supreme Court throw it out?

Senator McDermott: Senator Rasmussen, the boat amendments, which are contained in this bill are all a part of a package of amendments relating to the taxation of boats. A part of the requirement for acceptance by the Coast Guard is a boat program which requires us to appropriate some of the money for that program which is in this bill. For that reason, I think it's a single subject within the bill and does not have to be expressed in a title nor will it lead to a court challenge.

Senator Rasmussen: Well they check. Senator McDermott. I can recall being called back into a special session because the Supreme Court did rule that when you have an appropriation in a tax package that you have two subjects. A number of years ago we had a special session.

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 52, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 52, as amended by the Senate, and the bill failed to pass the Senate by the following vote: Yeas, 22; nays, 25; absent, 1; excused, 1.

Voting nay: Senators Barr, Benitz, Clarke, Conner, Craswell, Deccio, Fuller, Goltz, Guess, Haley, Hayner, Hemstad, Kiskaddon, McCaslin, Metcalf, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, von Reichbauer, Wojahn, Zimmerman - 25.
Absent: Senator Woody - 1.
Excused: Senator Pullen - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 52, as amended by the Senate, having failed to receive the constitutional majority, was declared lost.

MESSAGE FROM THE HOUSE

May 24, 1983

Mr. President:
The House has passed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 50, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILL

ESHB 50 by Committee on State Government (originally sponsored by Representatives Grimm, Cantu and Kaiser) (by Governor Spellman request)

Modifying salaries of elected officials.

MOTION

On motion of Senator Shinpoch, the rules were suspended, Engrossed Substitute House Bill No. 50 was advanced to second reading and placed on the second reading calendar.

MOTION

At 11:39 p.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.
The President called the Senate to order at 11:49 p.m.

MESSAGE FROM THE HOUSE

May 24, 1983

Mr. President:
The House adopted the Report of the Free Conference Committee on SECOND SUBSTITUTE SENATE BILL NO. 3155 and passed the bill as amended by the Free Conference Committee, and the same is therewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

May 24, 1983

Mr. President:
Mr. Speaker:
We, of your Free Conference Committee, to whom was referred SECOND SUBSTITUTE SENATE BILL NO. 3155, requiring a high technology education training program, have had the same under consideration, and we recommend that the bill be amended as follow:
(See Report of Conference Committee on Second Substitute Senate Bill No. 3155, read in earlier today)
Signed by: Senators Gaspard, Patterson and Talmadge; Representatives Heck, Sommers and McDonald.

MOTION

On motion of Senator Gaspard, the Report of the Free Conference Committee on Second Substitute Senate Bill No. 3155 was adopted.
The President declared the question before the Senate to be the roll call on final passage of Second Substitute Senate Bill No. 3155, as amended by the Free Conference Committee.
ROLL CALL

The Secretary called the roll on final passage of Second Substitute Senate Bill No. 3155, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 43; nays, 4; absent, 1; excused, 1.


Voting nay: Senators Benitz, Croswell, Guess, McCaslin - 4.

Absent: Senator McDermott - 1.

Excused: Senator Pullen - 1.

SECOND SUBSTITUTE SENATE BILL NO. 3155, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Goltz moved that the Senate reconsider the vote by which Engrossed Substitute House Bill No. 52, as amended by the Senate, failed to pass the Senate.

PARLIAMENTARY INQUIRY

Senator Guess: "Mr. President, I raise the point of parliamentary inquiry that Rule 25 says that no bill shall embrace more than one subject and that shall be expressed in the title and I think that you will find that there is more than one subject in the bill."

REPLY BY THE PRESIDENT

President Cherberg: "Senator Guess, that is a constitutional question and the President has to respectfully decline to rule on that particular point."

Senator Guess: "May I respectfully request clarification then? Why is it in the Senate Rules?"

President Cherberg: "The President believes that it's in the Senate Rules to remind the Senators of the constitutional provision."

The President declared the question before the Senate to be the motion by Senator Goltz to reconsider the vote by which Engrossed Substitute House Bill No. 52, as amended by the Senate, failed to pass the Senate.

The motion by Senator Goltz carried and the Senate resumed consideration of Engrossed Substitute House Bill No. 52, as amended by the Senate, on reconsideration.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 52, as amended by the Senate, on reconsideration.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 52, as amended by the Senate, on reconsideration, and the bill passed the Senate by the following vote: Yeas, 27; nays, 21; excused, 1.


Voting nay: Senators Barr, Benitz, Clarke, Croswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, McCaslin, Metcall, Newhouse, Patterson, Quigg, Rasmussen, Sellar, von Reichbauer, Wojahn, Zimmerman - 21.

Excused: Senator Pullen - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 52, as amended by the Senate, on reconsideration, having received the constitutional 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 Zimmerman, Engrossed Substitute House Bill No. 52, as amended by the Senate, was ordered immediately transmitted to the House.

MOTION
Senator McDermott moved that the Committee on Rules be relieved of further consideration of Engrossed Substitute House Bill No. 605.

POINT OF ORDER
Senator Shinpoch: "Mr. President, I do not believe we're under the eighth order of business, which would be proper to make that motion."

REPLY BY THE PRESIDENT
President Cherberg: "Your remarks are well taken, Senator. Senator McDermott, your motion is not properly before the Senate."

MOTION
Senator McDermott moved that the Senate advance to the eighth order of business.
Senator Bolliger demanded a roll call and the demand was sustained. Debate ensued.

CALL OF THE SENATE
Senators Bolliger, Shinpoch and Patterson demanded a Call of the Senate and the demand was not sustained.

MOTION
On motion of Senator McDermott, and there being no objection, the motion to advance to the eighth order of business was withdrawn.

PARLIAMENTARY INQUIRY
Senator Rasmussen: "Mr. President, could I ask the President what time it is?"

REPLY BY THE PRESIDENT
President Cherberg: "It is 18, 19, 20 seconds after midnight, Senator."
Senator Rasmussen: "Mr. President, I would call your attention to the fact that under the constitutional provision that the thirty days of the special session has now ended by twenty seconds. I would ask the President--"
President Cherberg: "Twenty-five, thirty seconds--" Senator Rasmussen: "Thank you, Mr. President, you have a more accurate clock than mine. I've got to take it to the jeweler tomorrow."

MOTION
At 12:01 a.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.
The President called the Senate to order at 1:23 a.m.

MESSAGES FROM THE HOUSE
May 24, 1983
Mr. President:
The Speaker has signed:
SUBSTITUTE HOUSE BILL NO. 466, and the same is herewith transmitted.
DEAN R. FOSTER, Chief Clerk

May 24, 1983
Mr. President:
The Speaker has signed:
SECOND SUBSTITUTE HOUSE BILL NO. 245, and the same is herewith transmitted.
DEAN R. FOSTER, Chief Clerk

May 24, 1983
Mr. President:
The House has passed:
THIRTIETH DAY, MAY 24, 1983

REENGROSSED SUBSTITUTE SENATE BILL NO. 3780, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SECOND SUBSTITUTE SENATE BILL NO. 4102.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 3780.

SIGNED BY THE PRESIDENT

The President signed:
SECOND SUBSTITUTE HOUSE BILL NO. 245.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 466.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 4245.

SIGNED BY THE PRESIDENT

The President signed:
SECOND SUBSTITUTE SENATE BILL NO. 3155.

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

PROCLAMATION BY THE GOVERNOR

The Washington State Legislature has concluded the 1983 First Extraordinary Session without resolving the revenue needs of the state. It is therefore necessary for me to convene the legislature in a second extraordinary session for the purpose of addressing only the following:

RESB 3909
ESHB 52
SSB 3290
ESHB 605

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 a second extraordinary (special) session immediately for a period up to 4:00 p.m., on May 25, 1983, subject to agreement by both houses to the said time limitation and limitations of purposes. This Proclamation shall not remain in effect unless each house adopts said time and purposes limitations before proceeding with this business.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia at 1:08 a.m., this 25th day of May, A.D., nineteen hundred and eighty three.

John Spellman
Governor of Washington

(Seal)
By the Governor:
Ralph Munro
Secretary of State

There being no objection, the President advanced the Senate to the fourth order of business.
JOURNAL OF THE SENATE

MESSAGE FROM THE HOUSE

May 24, 1983

Mr. President:
The House has adopted:
HOUSE CONCURRENT RESOLUTION NO. 28, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 28 by Representatives Heck and G. Nelson

Returning all legislative measures to their house of origin.

MOTIONS

On motion of Senator Goltz, the rules were suspended, House Concurrent Resolution No. 28 was advanced to second reading and read the second time.
On motion of Senator Goltz, the rules were suspended, House Concurrent Resolution No. 28 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

MESSAGE FROM THE HOUSE

May 24, 1983

Mr. President:
The Speaker has signed:
SECOND SUBSTITUTE SENATE BILL NO. 3155,
SUBSTITUTE SENATE BILL NO. 3780,
SECOND SUBSTITUTE SENATE BILL NO. 4102,
SUBSTITUTE SENATE BILL NO. 4245, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MESSAGE FROM THE HOUSE

May 24, 1983

Mr. President:
The Speaker has signed:
HOUSE CONCURRENT RESOLUTION NO. 28, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
HOUSE CONCURRENT RESOLUTION NO. 28.

MESSAGE FROM THE HOUSE

May 24, 1983

Mr. President:
In accordance with the provisions of HOUSE CONCURRENT RESOLUTION NO. 28, the House herewith transmits to the Senate the following listed Senate measures:
ESB 3044
SB 3045
SSB 3074
SB 3083
ESB 3099
SSB 3158
SB 3169
SSB 3181
2SSB 3187
ESSB 3226
SB 3238
ESSB 3290
THIRTIETH DAY, MAY 24, 1983

ESB 3309
SB 3379
ESSB 3387
ESB 3475
SSB 3504
ESB 3507
SSB 3539
ESB 3647
2SSB 3722
ESB 3750
ESSB 3766
E2SSB 3768
SSB 3800
ESSB 3814
SB 3834
ESSB 3838
ESB 3850
ESB 3910
SSB 3982
ESSB 4055
SSB 4063
ESSB 4099
ESSB 4158
SSJM 112
SSCR 112
ESCR 116
ESCR 121
SCR 122
SCR 123
SCR 128
SCR 129
SCR 131
SCR 133
SCR 134
and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Fleming, the Senate Journal of the Thirtieth Day of the 1983 First Special Session of the Forty-eighth Legislature, was approved.

MOTION

At 1:43 a.m., on motion of Senator Goltz, the Senate of the 1983 First Special Session of the Forty-eighth Legislature adjourned SINE DIE.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.
The Senate was called to order at 1:44 a.m. by President Cherberg.

**PROCLAMATION BY THE GOVERNOR**

The Washington State Legislature has concluded the 1983 First Extraordinary Session without resolving the revenue needs of the state. It is therefore necessary for me to convene the legislature in a second extraordinary session for the purpose of addressing only the following:

- RESB 3909
- ESHB 52
- SSB 3290
- ESHB 605

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 a second extraordinary (special) session immediately for a period up to 4:00 p.m. on May 25, 1983, subject to agreement by both houses to the said time limitation and limitations of purposes. This Proclamation shall not remain in effect unless each house adopts said time and purposes limitations before proceeding with this business.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia at 1:08 a.m., this 25th day of May, A.D., nineteen hundred and eighty three.

John Spellman
Governor of Washington

(Seal)

By the Governor:
Ralph Munro
Secretary of State

**MOTION**

At 1:45 a.m., on motion of Senator Goltz, the Senate recessed until 9:00 a.m.

**SECOND MORNING SESSION**

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Benitz, Fuller, Gaspard, Guess, Haley, Hurley, McCaslin, Pullen, Rasmussen, Thompson and Woody. On motion of of Senator Bluecheel, Senators Benitz, Fuller, Guess, Haley and Pullen were excused.

**MOTIONS**

On motion of Senator Shinpoch, the Senate advanced to the eighth order of business.
On motion of Senator Shinpoch, the Committee on Rules was relieved of further consideration of Reengrossed Senate Bill No. 3909 and Engrossed Substitute Senate Bill No. 3290.

On motion of Senator Shinpoch, the rules were suspended. Reengrossed Senate Bill No. 3909 and Engrossed Substitute Senate Bill No. 3290 were advanced to second reading and placed on the second reading calendar.

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

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 3290, by Committee on Natural Resources (originally sponsored by Senators Moore, Barr, Goltz and Williams)

Modifying provisions relating to the lease of aquatic lands.

The bill was read the second time.

MOTION

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

On page 2, line 9, after "2." strike all material through "owner." on line 12 and insert "The abutting residential owner to state-owned shorelands, tidelands or related beds of navigable waters, other than harbor areas, may install and maintain without charge a dock on such areas if used exclusively for private recreational purposes and the area is not subject to prior rights. This permission is subject to applicable local regulations governing construction, size, and length of the dock. This permission may be revoked by the department upon finding of public necessity which is limited to the protection of waterward access or ingress rights of other landowners or public health and safety. The revocation may be appealed as a contested case under chapter 34.04 RCW. Nothing in this section prevents the abutting owner from obtaining a lease if otherwise provided by law."

MOTION

On motion of Senator Owen, the rules were suspended, Reengrossed Substitute Senate Bill No. 3290 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Reengrossed Substitute Senate Bill No. 3290.

ROLL CALL

The Secretary called the roll on final passage of Reengrossed Substitute Senate Bill No. 3290 and the bill passed the Senate by the following vote: Yeas, 33: nays, 5: absent, 6: excused, 5.

Voting yea: Senators Barr, Bauer, Bender, BluecheL Bolliger, Clarke, Conner, Craswell, Deccio, Goltz, Granlund, Hansen, Hayner, Hemstad, Jones, Kiskaadon, Lee, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rinheart, Sellar, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Zimmerman – 33.


Excused: Senators Benitz, Fuller, Guess, Haley, Pullen – 5.

REENGROSSED SUBSTITUTE SENATE BILL NO. 3290, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 9:25 a.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President called the Senate to order at 12:01 p.m.

MOTION

At 12:01 p.m., on motion of Senator Shinpoch, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.
MOTION
At 1:30 p.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.
The President called the Senate to order at 2:02 p.m.

MOTION
On motion of Senator Bottiger, the Senate began consideration of Reengrossed Senate Bill No. 3909.

SECOND READING
REENGROSSED SENATE BILL NO. 3909, by Senator McDermott
Relating to revenue and taxation.
The bill was read the second time.

MOTION
Senator McDermott moved adoption of the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 3, chapter 65, Laws of 1970 ex. sess. as amended by section 1, chapter 9, Laws of 1983 and RCW 82.04.255 are each amended to read as follows:

Upon every person engaging within the state as a real estate broker: as to such persons, the amount of the tax with respect to such business shall be equal to the gross income of the business, multiplied by the rate of ((two)) 1.50 percent ((tenth and including June 30, 1983, and one percent thereafter)); PROVIDED. That this tax shall be imposed only if all of the amendments contained in sections 2 through 4 of this 1983 act become law.

The measure of the tax on real estate commissions earned by the real estate broker shall be the gross commission earned by the particular real estate brokerage office including that portion of the commission paid to salesmen or associate brokers in the same office on a particular transaction: PROVIDED, HOWEVER, that where a real estate commission is divided between an originating brokerage office and a cooperating brokerage office on a particular transaction, each brokerage office shall pay the tax only upon their respective shares of said commission: AND PROVIDED FURTHER, that where the brokerage office has paid the tax as provided herein, salesmen or associate brokers within the same brokerage office shall not be required to pay a similar tax upon the same transaction.

Sec. 2. Section 82.04.290, chapter 15. Laws of 1961 as last amended by section 2, chapter 9, Laws of 1983 and RCW 82.04.290 are each amended to read as follows:

Upon every person engaging within this state in any business activity other than or in addition to those enumerated in RCW 82.04.230, 82.04.240, 82.04.250, 82.04.255, 82.04.260, 82.04.270, and 82.04.280: as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of ((two)) 1.50 percent ((tenth and including June 30, 1983, and one percent thereafter)); PROVIDED. That this tax shall be imposed only if all of the amendments contained in sections 1, 3, and 4 of this 1983 act become law. This section includes, among others, and without limiting the scope hereof (whether or not title to materials used in the performance of such business passes to another by accession, confusion or other than by outright sale), persons engaged in the business of rendering any type of service which does not constitute a "sale at retail" or a "sale at wholesale." The value of advertising, demonstration, and promotional supplies and materials furnished to an agent by his principal or supplier to be used for informational, educational and promotional purposes shall not be considered a part of the agent's remuneration or commission and shall not be subject to taxation under this section.

Sec. 3. Section 3, chapter 9, Laws of 1983 and RCW 82.04.... are each amended to read as follows:

(1) There is levied and shall be collected from every person for the act or privilege of engaging in business activities, as a part of the tax imposed under RCW 82.04.220 through 82.04.240. inclusive, and RCW 82.04.260 through 82.04.280. inclusive, an additional tax equal to ((thirty-two)) ten percent multiplied by the tax payable under RCW 82.04.220 through 82.04.240. inclusive, and RCW 82.04.260 through 82.04.280. inclusive; PROVIDED. That this additional tax shall be imposed only if all of the amendments contained in sections 1, 2, and 4 of this 1983 act become law.

(2) There is also levied and shall be collected from every person for the act or privilege of engaging in the business activity of making sales at retail which are exempt from the tax imposed under chapter 82.08 RCW by reason of RCW 82.08.0261 ((or)), 82.08.0262, or 82.08.0263, as a part of the tax imposed under RCW 82.04.250. an additional tax equal to ((thirty-two)) ten percent multiplied by the tax payable on those activities under RCW 82.04.250. PROVIDED. That this additional tax shall be imposed only if all of the amendments contained in sections 1, 2, and 4 of this 1983 act become law.
(3) To facilitate collection of these additional taxes, the department of revenue is authorized to adjust the basic rates of persons to which this section applies in such manner as to reflect the amount to the nearest one-thousandth of one percent of the additional tax hereby imposed, adjusting ten-thousandths equal to or greater than five ten-thousandths to the greater thousandth.

(4) This section shall expire July 1, (1983) 1985.

Sec. 4. Section 3, chapter 130, Laws of 1975-'76 2nd ex. sess. as last amended by section 4, chapter 9, Laws of 1983 and RCW 82.04.2901 are each amended to read as follows:

"From and after the first day of April, 1983; Until and including the thirtieth day of June, (1983) 1985, there is levied and shall be collected from every person, other than persons taxed under RCW 82.04........(section 3 (of this 1983 act), section 9, Laws of 1983), for the act or privilege of engaging in business activities, as a part of the tax imposed by the provisions of RCW 82.04.250, an additional tax equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under the provisions of RCW 82.04.250: PROVIDED, That as to such persons making sales at retail in border counties other than retail sales of telephone services, as defined in section 26 of this 1983 act, such additional tax shall be levied and collected from such persons (making sales of retail in border counties) with respect to such sales in border counties in an amount equal to thirty-two percent multiplied by the tax payable under the provisions of RCW 82.04.250: PROVIDED FURTHER, That the additional tax under this section shall be imposed only if all of the amendments contained in sections 1 through 3 of this 1983 act become law.

To facilitate collection of this additional tax, the department of revenue is authorized to adjust the basic rates of persons to which this section applies in such manner as to reflect the amount to the nearest one-thousandth of one percent of the additional tax hereby imposed, adjusting ten-thousandths equal to or greater than five ten-thousandths to the greater thousandth.

Sec. 5. Section 16, chapter 10, Laws of 1982 as last amended by section 4, chapter ____ (SSB 3244), Laws of 1983 1st ex. sess. and by section 4, chapter ____ (SHB 72). Laws of 1983 1st ex. sess. and RCW 82.04.260 are each reenacted and amended to read as follows:

(1) Upon every person engaging within this state in the business of buying wheat, oats, dry peas, dry beans, lentils, triticale, corn, rye and barley, but not including any manufactured or processed products thereof, and selling the same at wholesale; the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of one one-hundredth of one percent.

(2) Upon every person engaging within this state in the business of manufacturing wheat into flour, soybeans into soybean oil, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour or oil manufactured, multiplied by the rate of one-eighth of one percent.

(3) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of one-quarter of one percent.

(4) Upon every person engaging within this state in the business of manufacturing seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of one-eighth of one percent.

(5) Upon every person engaging within this state in the business of manufacturing by canning, preserving, freezing or dehydrating fresh fruits and vegetables; as to such persons the amount of tax with respect to such business shall be equal to the value of the products canned, preserved, frozen or dehydrated multiplied by the rate of three-tenths of one percent.

(6) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of forty-four one-hundredths of one percent.

(7) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail, as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of twenty-five one-hundredths of one percent.

(8) Upon every person engaging within this state in the business of making sales, at retail or wholesale, of nuclear fuel assemblies manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the assemblies multiplied by the rate of twenty-five one-hundredths of one percent.

(9) Upon every person engaging within this state in the business of manufacturing nuclear fuel assemblies, as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of twenty-five one-hundredths of one percent.

(10) Upon every person engaging within this state in the business of acting as a travel agent, as to such persons the amount of the tax with respect to such activities shall be equal to
the gross income derived from such activities multiplied by the rate of twenty-five one-hundredths of one percent.

(11) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent: as to such persons the amount of the tax with respect to only international activities shall be equal to the gross income derived from such activities multiplied by the rate of thirty-three one-hundredths of one percent.

(12) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce: as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds derived from such activities multiplied by the rate of thirty-three one hundredths of one percent. Persons subject to taxation under this subsection shall be exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stowed, unstowed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo, imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to DR/II: (0) and unplugging refrigeration service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(13) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.45.010; as to such persons the amount of the tax with respect to such business shall be equal to the gross income of the business, excluding any fees imposed under chapter 43.21F RCW, multiplied by the rate of thirty percent.

If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state shall be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(14) Upon every person engaging within this state as an insurance agent, insurance broker, or insurance solicitor licensed under chapter 48.17 RCW: as to such persons, the amount of the tax with respect to such licensed activities shall be equal to the gross income of such business multiplied by the rate of one percent.

Sec. 6. Section 31, chapter 35, Laws of 1982 1st ex. sess. as last amended by section 8, chapter 7. Laws of 1983 and RCW 82.02.030 are each amended to read as follows:

(1) The rate of the additional taxes under RCW 54.28.020(2), 54.28.025(2), 66.24.210(2), 66.24.290(2), 82.04.2901, 82.16.020(2), 82.20.010(2), 82.26.020(2), 82.27.020(5), 82.29A.030(2), 82.44.020(5), and 82.45.060(2) shall be seven percent((. PROVIDED THAT the additional tax imposed by RCW 82.44.020(5) shall be continued at the rate of three percent for the period July 1 through September 30, 1983));

(2) The rate of the additional taxes under RCW 82.08.150(4) shall be fourteen percent;

(3) The rate of the additional taxes under RCW 82.24.020(2) shall be fifteen percent; and

(4) The rate of the additional taxes under RCW 48.14.020(5) shall be four percent.

Sec. 7. Section 14.02, chapter 79, Laws of 1947 as last amended by section 1, chapter 10. Laws of 1982 2nd 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 pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stowed, unstowed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo, imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to DR/II: (0) and unplugging refrigeration service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(13) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.45.010; as to such persons the amount of the tax with respect to such business shall be equal to the gross income of the business, excluding any fees imposed under chapter 43.21F RCW, multiplied by the rate of thirty percent.

If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state shall be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(14) Upon every person engaging within this state as an insurance agent, insurance broker, or insurance solicitor licensed under chapter 48.17 RCW: as to such persons, the amount of the tax with respect to such licensed activities shall be equal to the gross income of such business multiplied by the rate of one percent.
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) ((From and after the first day of April, 1982, until and including the thirtieth day of June, 1983)) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the taxes payable under subsections (1) ((and)), (2), and (4) of this section. All revenues from this additional tax shall be deposited in the state general fund.

(4) 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 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.

(5) 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.

(6) 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.

(7) This section shall be effective as to and shall govern the payment of all taxes due for calendar year 1982 and thereafter.

Sec. 8. Section 2, chapter 278, Laws of 1957 as last amended by section 18, chapter 35, Laws of 1982 1st ex. sess. and RCW 54.28.020 are each amended to read as follows:

(1) There is hereby levied and there shall be collected from every district a tax for the act or privilege of engaging within this state in the business of generating electricity for use or sale, except for the generation, distribution and sale of electric energy. With respect to each such district, except with respect to thermal electric generating facilities taxed under RCW 54.28.025, such tax shall be the sum of the following amounts: (a) Two percent of the gross revenues derived by the district from the sale of all electric energy which it distributes to consumers who are served by a distribution system owned by the district; (b) five percent of the first four mills per kilowatt-hour of wholesale value of self-generated energy distributed to consumers by a district; (c) five percent of the first four mills per kilowatt-hour of revenue obtained by the district from the sale of self-generated energy for resale.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section ((for April, 1982, through June, 1983)).

Sec. 9. Section 6, chapter 366, Laws of 1977 ex. sess. as amended by section 19, chapter 35, Laws of 1982 1st ex. sess. and RCW 54.28.025 are each amended to read as follows:

(1) There is hereby levied and there shall be collected from every district operating a thermal electric generating facility, as defined in RCW 54.28.010 as now or hereafter amended, having a design capacity of two hundred fifty thousand kilowatts or more, located on a federal reservation, which is placed in operation after September 21, 1977, a tax for the act or privilege of engaging within the state in the business of generating electricity for use or sale, equal to one and one-half percent of wholesale value of energy produced for use or sale, except energy used in the operation of component parts of the power plant and associated transmission facilities under control of the person operating the power plant.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section ((for April, 1982, through June, 1983)).

Sec. 10. Section 24-A added to chapter 62, Laws of 1933 ex. sess. by section 3, chapter 158, Laws of 1935 as last amended by section 23, chapter 35, Laws of 1982 1st ex. sess. and RCW 66.24.210 are each amended to read as follows:

(1) There is hereby imposed upon all wines sold to wine wholesalers and the Washington state liquor control board, within the state a tax at the rate of twenty and one-fourth cents per liter: PROVIDED, HOWEVER, That wine sold or shipped in bulk from one winery to another winery shall not be subject to such tax. The tax provided for in this section may, if so prescribed by the board, be collected by means of stamps to be furnished by the board, or by direct payments based on wine purchased by wine wholesalers. Every person purchasing wine under the provisions of this section shall on or before the twentieth day of each month report to the board all purchases during the preceding calendar month in such manner and upon such
forms as may be prescribed by the board, and with such report shall pay the tax due from the purchases covered by such report unless the same has previously been paid. Any such purchaser of wine whose applicable tax payment is not postmarked by the twentieth day following the month of purchase will be assessed a penalty at the rate of two percent a month or fraction thereof. If this tax be collected by means of stamps, every such person shall procure from the board revenue stamps representing the tax in such form as the board shall prescribe and shall affix the same to the package or container in such manner and in such denomination as required by the board and shall cancel the same prior to the delivery of the package or container containing the wine to the purchaser. If the tax is not collected by means of stamps, the board may require that every such person shall execute to and file with the board a bond to be approved by the board, in such amount as the board may fix, securing the payment of the tax. If any such person fails to pay the tax when due, the board may forthwith suspend or cancel the license until all taxes are paid.

(2) ((From and after the first day of May, 1982, until and including the thirtieth day of June, 1983:)) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section. All revenues collected during any month from this additional tax shall be transferred to the state general fund by the twenty-fifth day of the following month.

Sec. 11. Section 24, chapter 62, Laws of 1933 ex. sess. as last amended by section 24, chapter 35. Laws of 1982 1st ex. sess. and RCW 66.24.290 are each amended to read as follows:

(1) Any brewer or beer wholesaler licensed under this title may sell and deliver beer to holders of authorized licenses direct, but to no other person, other than the board; and every such brewer or beer wholesaler shall report all sales to the board monthly, pursuant to the regulations, and shall pay to the board as an added tax for the privilege of manufacturing and selling the beer within the state a tax of two dollars and sixty cents per barrel of thirty-one gallons on sales to licensees within the state and on sales to licensees within the state of bottled and canned beer shall pay a tax computed in gallons at the rate of two dollars and sixty cents per barrel of thirty-one gallons. Any brewer or beer wholesaler whose applicable tax payment is not postmarked by the twentieth day following the month of sale will be assessed a penalty at the rate of two percent per month or fraction thereof. Each such brewer or wholesaler shall procure from the board revenue stamps representing such tax in form prescribed by the board and shall affix the same to the barrel or package in such manner and in such denominations as required by the board, and shall cancel the same prior to commencing delivery from his place of business or warehouse of such barrels or packages. Beer shall be sold by brewers and wholesalers in sealed barrels or packages. The revenue stamps herein provided for need not be affixed and canceled in the making of resales of barrels or packages already taxed by the affixation and cancellation of stamps as provided in this section.

(2) ((From and after the first day of May, 1982, until and including the thirtieth day of June, 1983:)) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section. All revenues collected during any month from this additional tax shall be transferred to the state general fund by the twenty-fifth day of the following month.

(3) The tax imposed under this section shall not apply to "strong beer" as defined in this title.

Sec. 12. Section 82.08.150, chapter 15, Laws of 1961 as last amended by section 3, chapter 35. Laws of 1982 1st ex. sess. and RCW 82.08.150 are each amended to read as follows:

(1) There is levied and shall be collected a tax upon each retail sale of spirits, or strong beer in the original package at the rate of fifteen percent of the selling price. The tax imposed in this subsection shall apply to all such sales including sales by the Washington state liquor stores and agencies, but excluding sales to class H licensees.

(2) There is levied and shall be collected a tax upon each retail sale of spirits, or strong beer in the original package at the rate of ten percent of the selling price on sales by Washington state liquor stores and agencies to class H licensees.

(3) There is levied and shall be collected an additional tax upon each retail sale of spirits in the original package at the rate of one dollar and seventy-two cents per liter. The additional tax imposed in this subsection shall apply to all such sales including sales by Washington state liquor stores and agencies, and including sales to class H licensees.

(4) ((From and after the first day of May, 1982, until and including the thirtieth day of June, 1983:)) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the taxes payable under subsections (1), (2), and (3) of this section.

(5) The tax imposed in RCW 82.08.020, as now or hereafter amended, shall not apply to sales of spirits or strong beer in the original package.

(6) The taxes imposed in this section shall be paid by the buyer to the seller, and each seller shall collect from the buyer the full amount of the tax payable in respect to each taxable sale under this section. The taxes required by this section to be collected by the seller shall be stated separately from the selling price and for purposes of determining the tax due from the buyer to the seller, it shall be conclusively presumed that the selling price quoted in any price list does not include the taxes imposed by this section.
Sec. 13. Section 82.16.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 5. Laws of 1982 2nd ex. sess. and RCW 82.16.020 are each amended to read as follows:

(1) There is levied and there shall be collected from every person a tax for the act or privilege of engaging within this state in any one or more of the businesses herein mentioned. The tax shall be equal to the gross income of the business, multiplied by the rate set out after the business, as follows:

(a) Railroad, express, railroad car, water distribution, light and power, telephone and telegraph businesses: Three and six-tenths percent;
(b) Gas distribution business: Three and six-tenths percent;
(c) Urban transportation business: Six-tenths of one percent;
(d) Vessels under sixty-five feet in length, except tugboats, operating upon the waters within the state: Six-tenths of one percent;
(e) Motor transportation and tugboat businesses, and all public service businesses other than ones mentioned: One and eight-tenths of one percent.

(2) (From and after the first day of May, 1982, until and including the thirtieth day of June, 1983) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.

Sec. 14. Section 82.20.010, chapter 15, Laws of 1961 as amended by section 7, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.20.010 are each amended to read as follows:

(1) There is levied and there shall be collected a tax upon conveyances as follows: On any deed, instrument, or writing (unless deposited in escrow before May 1, 1935), whereby any lands, tenements, or other realty sold shall be granted, assigned, transferred, or otherwise conveyed to, or vested in, the purchaser, or any other person by his direction, when the consideration or value of the interest or property conveyed, exclusive of the value of any lien or encumbrance remaining thereon at the time of sale, exceeds one hundred dollars and does not exceed five hundred dollars or fractional part thereof, fifty cents; and for each additional five hundred dollars or fractional part thereof, fifty cents.

(2) (From and after the first day of April, 1982, until and including the thirtieth day of June, 1983) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.

(3) This section shall not apply to any instrument or writing, given to secure a debt, nor to any conveyance to the state.

Sec. 15. Section 82.24.020, chapter 15, Laws of 1961 as last amended by section 8, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.24.020 are each amended to read as follows:

(1) 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 (a) physical possession by the purchaser and, (b) 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.

(2) (From and after the first day of May, 1982, until and including the thirtieth day of June, 1983) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.

Sec. 16. Section 82.26.020, chapter 15, Laws of 1961 as last amended by section 9, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.26.020 are each amended to read as follows:

(1) From and after June 1, 1971, there is levied and there shall be collected a tax upon the sale, use, consumption, handling, or distribution of all tobacco products in this state at the rate of forty-five percent of the wholesale sales price of such tobacco products. Such tax shall be imposed at the time the distributor (a) brings, or causes to be brought, into this state from without the state tobacco products for sale, (b) makes, manufactures, or fabricates tobacco products in this state for sale in this state, or (c) ships or transports tobacco products to retailers in this state, to be sold by those retailers.

(2) (From and after the first day of May, 1982, until and including the thirtieth day of June, 1983) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.

Sec. 17. Section 2, chapter 98, Laws of 1980 as last amended by section 6, chapter 284, Laws of 1983 and RCW 28.27.020 are each amended to read as follows:

(1) In addition to all other taxes, licenses, or fees provided by law there is established an excise tax on the commercial possession of food fish, shellfish, and anadromous game fish as provided in this chapter. The tax is levied upon and shall be collected from the owner of the food fish, shellfish, or anadromous game fish whose possession constitutes the taxable event.
The taxable event is the first possession by an owner after the food fish, shellfish, or anadromous game fish have been landed. Processing and handling of food fish, shellfish, and anadromous game fish by a person who is not the owner is not a taxable event to the processor or handler.

(2) A person in possession of food fish, shellfish, and anadromous game fish and liable to this tax may deduct from the price paid to the person from which the food fish, shellfish (except oysters), or anadromous game fish are purchased an amount equal to a tax at one-half the rate levied in this section upon these products.

(3) The measure of the tax is the price paid by the first person in possession of the food fish, shellfish, or anadromous game fish. If the food fish, shellfish, or anadromous game fish are acquired other than by purchase or are purchased under conditions where the purchase price does not represent the value of the food fish, shellfish, or anadromous game fish or these products are transferred outside the state without sale, the measure of the tax shall be determined as nearly as possible according to the selling price of similar products of like quality and character under rules adopted by the department of revenue.

(4) The tax shall be equal to the measure of the tax multiplied by the rates for food fish, shellfish, and anadromous game fish as follows:

(a) Chinook, coho, and chum salmon and anadromous game fish: Five percent.
(b) Pink and sockeye salmon: Three percent.
(c) Other food fish and shellfish, except oysters: Two percent.
(d) Oysters: Seven one-hundredths of one percent.

(5) An additional tax is imposed equal to the taxes specified in RCW 82.02.030 multiplied by the tax payable under subsection (4) of this section.

Sec. 18. Section 3, chapter 61, Laws of 1975-76 2nd ex. sess. as amended by section 11, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.29A.030 are each amended to read as follows:

(1) There is hereby levied and shall be collected a leasehold excise tax on the act or privilege of occupying or using publicly owned real or personal property through a leasehold interest on and after January 1, 1976, at a rate of twelve percent of taxable rent: PROVIDED, That after the computation of the tax there shall be allowed credit for any tax collected pursuant to RCW 82.29A.040.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.

Sec. 19. Section 82.44.020, chapter 15, Laws of 1961 as last amended by section 2, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.44.020 are each amended to read as follows:

(1) An excise tax is imposed for the privilege of using in the state any motor vehicle, except those operated under reciprocal agreements, the provisions of RCW 46.16.160 as now or hereafter amended, or dealer's licenses. The annual amount of such excise tax shall be two percent of the fair market value of such vehicle.

(2) From and after August 1, 1978, and until August 1, 2008, an additional excise tax is imposed, in addition to any other tax imposed by this section, for the privilege of using in the state any such motor vehicle, and the annual amount of such additional excise tax shall be ten-thousandths of one percent of the fair market value of such vehicle.

(3) The department of licensing and county auditors shall collect the additional tax imposed by subsection (2) of this section for any registration year for the months of that registration year in which such additional tax is effective, and in the same manner and at the same time as the tax imposed by subsection (1) of this section.

(4) In no case shall the total tax be less than two dollars except for proportionally registered vehicles.

(5) An additional tax is imposed equal to the rates payable under subsections (1) and (2) of this section multiplied by the rate (of tax applicable to the periods shown as follows:

<table>
<thead>
<tr>
<th>Period</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 January - 30 June 1962</td>
<td>7%</td>
</tr>
<tr>
<td>1 July - 30 September 1962</td>
<td>3%</td>
</tr>
</tbody>
</table>

specified in RCW 82.02.030.

Sec. 20. Section 28A.45.060, chapter 223, Laws of 1969 ex. sess. as last amended by section 14, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.45.060 are each amended to read as follows:

(1) There is imposed an excise tax upon each sale of real property at the rate of one percent of the selling price.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.

Sec. 21. Section 82.48.010, chapter 15, Laws of 1961 as last amended by section 239, chapter 158. Laws of 1979 and RCW 82.48.010 are each amended to read as follows:

For the purposes of this chapter, unless otherwise required by the context:
“Aircraft” means any weight-carrying device or structure for navigation of the air which is designed to be supported by the air (but which is heavier than air);

“Director” means the director of licensing;

“Person” includes a firm, partnership or corporation;

“Small multi-engine fixed wing” means any piston-driven multi-engine fixed wing aircraft with a maximum gross weight as listed by the manufacturer of less than seventy-five hundred pounds; and

“Large multi-engine fixed wing” means any piston-driven multi-engine fixed wing aircraft with a maximum gross weight as listed by the manufacturer of seventy-five hundred pounds or more.

Sec. 22. 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 are each amended to read as follows:

1. The amount of the tax imposed by this chapter for each calendar year shall be ((fifteen dollars for each single engine aircraft, and twenty-five dollars for each multi-engine aircraft, irrespective of make, type, year of manufacture or any other type of classification. PROVIDED THAT the calendar year)) as follows:

<table>
<thead>
<tr>
<th>Type of aircraft</th>
<th>Registration fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single engine fixed wing</td>
<td>$ 50</td>
</tr>
<tr>
<td>Small multi-engine fixed wing</td>
<td>65</td>
</tr>
<tr>
<td>Large multi-engine fixed wing</td>
<td>80</td>
</tr>
<tr>
<td>Turboprop multi-engine fixed wing</td>
<td>100</td>
</tr>
<tr>
<td>Turbojet multi-engine fixed wing</td>
<td>125</td>
</tr>
<tr>
<td>Helicopter</td>
<td>75</td>
</tr>
<tr>
<td>Sailplane</td>
<td>20</td>
</tr>
<tr>
<td>Lighter than air</td>
<td>20</td>
</tr>
<tr>
<td>Home built</td>
<td>20</td>
</tr>
</tbody>
</table>

2. The amount of tax imposed under subsection (1) of this section for each calendar year shall be divided into twelve parts corresponding to the months of the calendar year and the excise tax upon an aircraft registered for the first time in this state after the last day of any month shall only be levied for the remaining months of the calendar year including the month in which the aircraft is being registered: PROVIDED (FURTHER), That the minimum amount payable shall be three dollars.

An aircraft shall be deemed registered for the first time in this state when such aircraft was not previously registered by this state for the year immediately preceding the year in which application for registration is made.

Sec. 23. Section 82.32.090. Chapter 15, Laws of 1961 as last amended by section 32, chapter 7, Laws of 1983 and RCW 82.32.090 are each amended to read as follows:

If payment of any tax due is not received by the department of revenue by the due date, there shall be assessed a penalty of five percent of the amount of the tax; and if the tax is not received within thirty days after the due date, there shall be assessed a total penalty of ten percent of the amount of the tax; and if the tax is not received within sixty days after the due date, there shall be assessed a total penalty of twenty percent of the amount of the tax. No penalty so added shall be less than two dollars.

If a warrant be issued by the department of revenue for the collection of taxes, increases, and penalties, there shall be added thereto a penalty of five percent of the amount of the tax, but not less than five dollars.

Notwithstanding the foregoing, the aggregate of penalties imposed under this chapter for failure to file a return, late payment of any tax, increase, or penalty, or issuance of a warrant shall not exceed twenty-five percent of the tax due, or seven dollars, whichever is greater.

Sec. 24. Section 6, chapter 40, Laws of 1973 2nd ex. sess. as amended by section 3, chapter 141, Laws of 1981 and RCW 84.36.800 are each amended to read as follows:

As used in RCW 84.36.020, 84.36.030, 84.36.040, 84.36.050, 84.36.060, 84.36.037, and 84.36.800 through 84.36.865:

1. “Church purposes” means the use of real and personal property owned by a nonprofit religious organization for religious worship or related administrative, educational, eleemosynary, and social activities. This definition is to be broadly construed;

2. “Convent” means a house or set of buildings occupied by a community of clergymen or nuns devoted to religious life under a superior.
(3) "Hospital" means any portion of a hospital building, or other buildings in connection therewith, used as a residence for persons engaged or employed in the operation of a hospital, or operated as a portion of the hospital unit.

(4) "Nonprofit" means an organization, association or corporation no part of the income of which is paid directly or indirectly to its members, stockholders, officers, directors or trustees except in the form of services rendered by the organization, association, or corporation in accordance with its purposes and bylaws and the salary or compensation paid to officers of such organization, association or corporation is for actual services rendered and compares to the salary or compensation of like positions within the public services of the state.

(5) "Parsonage" means a residence occupied by a clergyman who is designated for a particular congregation and who holds regular services therefor;

(6) "School or college" means any nonprofit organization, association, or corporation established and operated for general educational purposes, or to provide cultural or art education programs as defined in RCW 82.04.4328.

NEW SECTION. Sec. 25. There is added to chapter 82.04 RCW a new section to read as follows:

(1) "Competitive telephone service" means the providing by any person of telecommunication equipment or apparatus, or service related to that equipment or apparatus such as repair or maintenance service, if the equipment or apparatus is of a type which can be provided by persons that are not subject to regulation as telephone companies under Title 80 RCW and for which a separate charge is made.

(2) "Network telephone service" means the providing by any person of access to a local telephone network, local telephone network switching service, toll service, or coin telephone services, or the providing of telephonic, video, data, or similar communication or transmission for hire, via a local telephone network, toll line or channel, cable, microwave, or similar communication or transmission system. "Network telephone service" includes interstate service, including toll service, originating from or received on telecommunications equipment or apparatus in this state, if the charge for the service is billed to a person in this state. "Network telephone service" does not include the providing of competitive telephone service, the providing of cable television service, nor the providing of broadcast services by radio or television stations.

(3) "Telephone service" means competitive telephone service or network telephone service, or both, as defined in subsections (1) and (2) of this section.

(4) "Telephone business" means the business of providing network telephone service, as defined in subsection (2) of this section. It includes cooperative or farmer line telephone companies or associations operating an exchange.

Sec. 26. 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 are each amended to read as follows:

(1) "Sale at retail" or "retail sale" means every sale of tangible personal property (including articles produced, fabricated, or imprinted) to all persons irrespective of the nature of their business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than a sale to a person who (a) purchases for the purpose of resale as tangible personal property; (b) installs, repairs, cleans, alters, imprints, improves, constructs, or decorates real or personal property of or for consumers; (c) if such tangible personal property becomes an ingredient or component of such real or personal property without intervening use by such person, or (c) purchases for the purpose of consuming the property purchased in producing for sale a new article of tangible personal property or substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale, or (d) purchases for the purpose of providing the property to consumers as part of competitive telephone service, as defined in (RCW 82.16.010) section 25 of this 1983 act. The term shall include every sale of tangible personal property which is used or consumed or to be used or consumed in the performance of any activity classified as a "sale at retail" or "retail sale" even though such property is resold or utilized as provided in (a), (b), (c), or (d) above following such use. The term also means every sale of tangible personal property to persons engaged in any business which is taxable under RCW 82.04.280, subsections (2) and (7) and RCW 82.04.290.

(2) The term "sale at retail" or "retail sale" shall include the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following: (a) The installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers, including charges made for the mere use of facilities in respect thereto, but excluding charges made for the use of coin operated laundry facilities when such facilities are situated in an apartment house, hotel, motel, rooming house, trailer camp or tourist camp for the exclusive use of the tenants thereof, and also excluding sales of
laundry service to members by nonprofit associations composed exclusively of nonprofit hospi-
tals, and excluding services rendered in respect to live animals, birds and insects; (b) the con-
structing, repairing, decorating, or improving of new or existing buildings or other structures
under, upon, or above real property of or for consumers, including the installing or attaching of
any article of tangible personal property therein or thereto, whether or not such personal
property becomes a part of the realty by virtue of installation, and shall also include the sale of
services or charges made for the clearing of land and the moving of earth excepting the mere
leveling of land used in commercial farming or agriculture; (c) the sale of or charge made for
labor and services rendered in respect to the cleaning, fumigating, razing or moving of exist-
ing buildings or structures, but shall not include the charge made for janitorial services; and for
purposes of this section the term "janitorial services" shall mean those cleaning and caretaking
services ordinarily performed by commercial janitor service businesses including, but not lim-
ited to, wall and window washing, floor cleaning and waxing, and the cleaning in place of
rugs, drapes and upholstery. The term "janitorial services" does not include painting, papering,
repairing, furnace or septic tank cleaning, snow removal or sandblasting; (d) the sale of or
charge made for labor and services rendered in respect to automobile towing and similar
automotive transportation services, but not in respect to those required to report and pay taxes
under chapter 82.16 RCW, (e) the sale of and charge made for the furnishing of lodging and all
other services by a hotel, boarding house, tourist court, motel, trailer camp, and the granting of
any similar license to use real property, as distinguished from the renting or leasing of real
property, and it shall be presumed that the occupancy of real property for a continuous period
of one month or more constitutes a rental or lease of real property and not a mere license to
use or enjoy the same; (f) the sale of or charge made for tangible personal property, labor and
services to persons taxable under (d), (b), (c), (d), and (e) above when such sales or charges
are for property, labor and services which are used or consumed in whole or in part by such
persons in the performance of any activity defined as a "sale at retail" or "retail sale" even
though such property, labor and services may be resold after such use or consumption. Noth-
ing contained in this paragraph shall be construed to modify the first paragraph of this section
and nothing contained in the first paragraph of this section shall be construed to modify this
paragraph.
(3) The term "sale at retail" or "retail sale" shall include the sale of or charge made for
personal business or professional services including amounts designated as interest, rents, fees,
admission, and other service emoluments however designated, received by persons engaging
in the following business activities((c)): (a) Amusement and recreation businesses including but
not limited to golf, pool, billiards, skating, bowling, ski lifts and tows and others; (b) abstract,
title insurance and escrow businesses; (c) credit bureau businesses; (d) automobile parking
and storage garage businesses.
(4) The term shall also include the renting or leasing of tangible personal property to
consumers.
(5) The term shall also include the providing of ((competitive)) telephone service, as
defined in ((RCW 82.16.010)) section 25 of this 1983 act, to consumers.
(6) The term shall not include the sale of or charge made for labor and services rendered
in respect to the building, repairing, or improving of any street, place, road, highway, ease-
ment, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or
trestle which is owned by a municipal corporation or political subdivision of the state or by the
United States and which is used or to be used primarily for foot or vehicular traffic including
mass transportation vehicles of any kind, nor shall it include sales of feed, seed, fertilizer, and
spray materials to persons for the purpose of producing for sale any agricultural product
whatsoever, including milk, eggs, wool, fur, meat, honey, or other substances obtained from
animals, birds, or insects but only when such production and subsequent sale are exempt from
tax under RCW 82.04.330, nor shall it include sales of chemical sprays or washes to persons for
the purpose of post-harvest treatment of fruit for the prevention of scald, fungus, mold, or
decay.
(7) The term shall not include the sale of or charge made for labor and services rendered
in respect to the constructing, repairing, decorating, or improving of new or existing buildings
or other structures under, upon, or above real property of or for the United States, any instru-
mentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW,
including the installing, or attaching of any article of tangible personal property therein or
thereto, whether or not such personal property becomes a part of the realty by virtue of instal-
lation. Nor shall the term include the sale of services or charges made for the clearing of land
and the moving of earth of or for the United States, any instrumentality thereof, or a county or
city housing authority.
Sec. 27. Section 82.04.060, chapter 15. Laws of 1961 and RCW 82.04.060 are each amended
to read as follows:
"Sale at wholesale" or "wholesale sale" means any sale of tangible personal property; or
any sale of telephone service as defined in section 25 of this 1983 act, which is not a sale at
retail and means any charge made for labor and services rendered for persons who are not
consumers, in respect to real or personal property, if such charge is expressly defined as a
retail sale by RCW 82.04.050 when rendered to or for consumers: PROVIDED, That the term "real or personal property" as used in this section shall not include any natural products named in RCW 82.04.100.

Sec. 28. 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 are each amended to read as follows:

"Consumer" means the following:

(1) Any person who purchases, acquires, owns, holds, or uses any article of tangible personal property irrespective of the nature of (herein) the person's business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than for the purpose (a) of resale as tangible personal property in the regular course of business or (b) of incorporating such property as an ingredient or component of real or personal property when installing, repairing, cleaning, altering, imprinting, improving, constructing, or decorating such real or personal property of or for consumers or (c) of consuming such property in producing for sale a new article of tangible personal property or a new substance, of which such property becomes an ingredient or component or as a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale.

(2) Any person engaged in any business activity taxable under RCW 82.04.290 and any person who purchases, acquires, or uses any telephone service as defined in section 25 of this 1983 act, other than for resale in the regular course of business:

(3) Any person engaged in the business of contracting for the building, repairing or improving of any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state of Washington or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind as defined in RCW 82.04.280, in respect to tangible personal property when such person incorporates such property as an ingredient or component of such publicly owned street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle by installing, placing or spreading the property in or upon the right of way of such street, place, road, highway, easement, bridge, tunnel, or trestle or in or upon the site of such mass public transportation terminal or parking facility:

(4) Any person who is an owner, lessee or has the right of possession to or an easement in real property which is being constructed, repaired, decorated, improved, or otherwise altered by a person engaged in business, excluding only (a) municipal corporations or political subdivisions of the state in respect to labor and services rendered to their real property which is used or held for public road purposes, and (b) the United States, instrumentalities thereof, and county and city housing authorities created pursuant to chapter 35.82 RCW in respect to labor and services rendered to their real property. Nothing contained in this or any other subsection of this definition shall be construed to modify any other definition of "consumer";

(5) Any person who is an owner, lessee, or has the right of possession to personal property which is being constructed, repaired, cleaned, imprinted, or otherwise altered by a person engaged in business;

(6) Any person engaged in the business of constructing, repairing, decorating, or improving new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the reality by virtue of installation. Any such person shall be a consumer within the meaning of this subsection in respect to tangible personal property incorporated into, installed in, or attached to such building or other structure by such person.

Sec. 29. 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 are each amended to read as follows:

(1) Any person rendering services taxable under RCW 82.04.290 and maintaining places of business both within and without this state which contribute to the rendition of such services shall, for the purpose of computing tax liability under RCW 82.04.290, apportion to this state that portion of his gross income which is derived from services rendered within this state. Where such apportionment cannot be accurately made by separate accounting methods, the taxpayer shall apportion to this state that proportion of his total income which the cost of doing business within the state bears to the total cost of doing business both within and without the state.

(2) Notwithstanding the provision of subsection (1) of this section, persons doing business both within and without the state who receive gross income from service charges, as defined in RCW 63.14.010(8) (relating to amounts charged for granting the right or privilege to make deferred or installment payments) or who receive gross income from engaging in business as financial institutions within the scope of chapter 82.14A RCW (relating to city taxes on financial institutions) shall apportion or allocate gross income taxable under RCW 82.04.290 to this state.
pursuant to rules promulgated by the department consistent with uniform rules for apportionment or allocation developed by the states.

(3) The department shall by rule provide a method or methods of apportioning or allocating gross income derived from sales of telephone services taxed under this chapter, if the gross proceeds of sales subject to tax under this chapter do not fairly represent the extent of the taxpayer's income attributable to this state. The rules shall be, so far as feasible, consistent with the methods of apportionment contained in this section and shall require the consideration of those facts, circumstances, and apportionment factors as will result in an equitable and constitutionally permissible division of the services.

Sec. 30. 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 are each amended to read as follows:

Unless a seller has taken from the purchaser a resale certificate signed by, and bearing the name and address and registration number of the purchaser to the effect that the property or service was purchased for resale, or unless the nature of the transaction is clearly shown as a sale at wholesale by the books and records of the taxpayer in such other manner as the department of revenue shall by regulation provide, the burden of proving that a sale of tangible personal property, or of telephone service as defined in section 25 of this 1983 act, was not a sale at retail shall be upon the person who made it.

NEW SECTION. Sec. 31. There is added to chapter 82.08 RCW a new section to read as follows:

(1) The tax levied by RCW 82.08.020 shall not apply to sales of:

(a) Network telephone service, other than toll service, to residential customers.

(b) Network telephone service which is paid for by inserting coins in coin-operated telephones.

(2) As used in this section:

(a) "Network telephone service" has the meaning given in section 25 of this act.

(b) "Residential customer" means an individual subscribing to a residential class of telephone service.

(c) "Toll service" does not include customer access line charges for access to a toll calling network.

Sec. 32. Section 3, chapter 94, Laws of 1970 ex. sess. as last amended by section 1, chapter 211, Laws of 1982 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)) section 25 of this 1983 act, 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.

Sec. 33. Section 82.16.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 9, Laws of 1982 2nd ex. sess and RCW 82.16.010 are each amended to read as follows:

For the purposes of this chapter, unless otherwise required by the context:

(1) "Railroad business" means the business of operating any railroad, by whatever power operated, for public use in the conveyance of persons or property for hire. It shall not, however, include any business herein defined as an urban transportation business.
(2) "Express business" means the business of carrying property for public hire on the line of any common carrier operated in this state, when such common carrier is not owned or leased by the person engaging in such business.

(3) "Railroad car business" means the business of renting, leasing or operating stock cars, furniture cars, refrigerator cars, fruit cars, poultry cars, tank cars, sleeping cars, parlor cars, buffet cars, tourist cars, or any other kinds of cars used for transportation of property or persons upon the line of any railroad operated in this state when such railroad is not owned or leased by the person engaging in such business.

(4) "Water distribution business" means the business of operating a plant or system for the distribution of water for hire or sale.

(5) "Light and power business" means the business of operating a plant or system for the generation, production or distribution of electrical energy for hire or sale.

(6) "Telephone business" means the business of providing access to a local telephone network, local telephone network switching service, toll service, or coin telephone services, or providing telephonic, video, data, or similar communication or transmission for hire, via a local telephone network, toll line or channel, or similar communication or transmission systems. It includes cooperative or farmer line telephone companies or associations operating an exchange. Telephone business does not include the providing of competitive telephone service, nor the providing of cable television service.

(7) "Telegraph business" means the business of affording telegraphic communication for hire.

(8) "Gas distribution business" means the business of operating a plant or system for the production or distribution for hire or sale of gas, whether manufactured or natural.

(9) "Motor transportation business" means the business (except urban transportation business) of operating any motor propelled vehicle by which persons or property of others are conveyed for hire, and includes, but is not limited to, the operation of any motor propelled vehicle as an auto transportation company (except urban transportation business), common carrier or contract carrier as defined by RCW 91.68.010 and 91.80.010: PROVIDED, That "motor transportation business" shall not mean or include the transportation of logs or other forest products exclusively upon private roads or private highways.

(10) "Public service business" means any of the businesses defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), and (9) or any business subject to control by the state, or having the powers of eminent domain and the duties incident thereto, or any business hereafter declared by the legislature to be of a public service nature, except telephonic business as defined in section 25 of this 1983 act. It includes, among others, without limiting the scope hereof: Airplane transportation, boom, dock, ferry, log patrol, pipe line, warehouse, toll bridge, toll logging road, water transportation and wharf businesses.

(11) "Tugboat business" means the business of operating tugboats, towboats, wharf boats or similar vessels in the towing or pushing of vessels, barges or rafts for hire.

(12) "Gross income" means the value proceeding or accruing from the performance of the particular public service or transportation business involved, including operations incidental thereto, but without any deduction on account of the cost of the commodity furnished or sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses: PROVIDED, That gross income of a light and power business means those amounts or value accruing to a taxpayer from the last distribution of electrical energy which is a taxable event within this state.

(13) The meaning attributed in chapter 82.04 RCW, to the term "tax year," "person," "value proceeding or accruing," "business," "engaging in business," "in this state," "within this state," "cash discount" and "successor" shall apply equally in the provisions of this chapter.

(14) "Competitive telephone service" means the providing by any person of telephone equipment, apparatus, or service, other than toll service, which is of a type which can be provided by persons that are not subject to regulation as telephone companies under Title 80 RCW and for which a separate charge is made.)

Sec. 34. Section 6, chapter 134, Laws of 1972 ex. sess. as last amended by section 7, chapter 99, Laws of 1983 and RCW 35.21.710 are each amended to read as follows:

Any city which imposes a license fee or tax upon business activities consisting of the making of retail sales of tangible personal property which are measured by gross receipts or gross
income from such sales, shall impose such tax at a single uniform rate upon all such business activities. The taxing authority granted to cities for taxes upon business activities measured by gross receipts or gross income from sales shall not exceed a rate of .0020; except that any city with an adopted ordinance at a higher rate, as of January 1, 1982 shall be limited to a maximum increase of ten percent of the January 1982 rate, not to exceed an annual incremental increase of two percent of current rate: PROVIDED, That any adopted ordinance which classifies according to different types of business or services shall be subject to both the ten percent and the two percent annual incremental increase limitation on each tax rate: PROVIDED FURTHER, That all surtaxes on business and occupation classifications in effect as of January 1, 1982, shall expire no later than December 31, 1982, or by expiration date established by local ordinance. Cities which impose a license fee or tax upon business activities consisting of the making of retail sales of tangible personal property which are measured by gross receipts or gross income from such sales, shall impose such tax at a uniform rate upon all such business activities. This section shall not apply to any business activities subject to the tax imposed by chapter 82.16 RCW. For purposes of this section, the providing to consumers of competitive telephone service, as defined in (RCW 82.16.010) section 25 of this 1983 act, shall be deemed to be the retail sale of tangible personal property.

Sec. 35. Section 7, chapter 134, Laws of 1972 ex. sess. as amended by section 7, chapter 144, Laws of 1981 and RCW 35A.82.050 are each amended to read as follows:

Any code city which imposes a license fee or tax upon business activities consisting of the making of retail sales of tangible personal property which are measured by gross receipts or gross income from such sales, shall impose such tax at a single uniform rate upon all such business activities. This section shall not apply to any business activities subject to the tax imposed by chapter 82.16 RCW. For purposes of this section, the providing to consumers of competitive telephone service, as defined in (RCW 82.16.010) section 25 of this 1983 act, shall be deemed to be the retail sale of tangible personal property.

Sec. 36. Section 8, chapter 144, Laws of 1981 and RCW 35.21.712 are each amended to read as follows:

Any city which imposes a license fee or tax upon the business activity of engaging in the telephone business, as defined in (RCW 82.16.010) section 25 of this 1983 act, which is measured by gross receipts or gross income from the business shall impose the tax at a uniform rate on all persons engaged in the telephone business in the city.

This section does not apply to the providing of competitive telephone service as defined in (RCW 82.16.010) section 25 of this 1983 act.

Sec. 37. Section 9, chapter 144, Laws of 1981 and RCW 35A.82.055 are each amended to read as follows:

Any code city which imposes a license fee or tax upon the business activity of engaging in the telephone business, as defined in (RCW 82.16.010) section 25 of this 1983 act, which is measured by gross receipts or gross income from the business shall impose the tax at a uniform rate on all persons engaged in the telephone business in the code city.

This section does not apply to the providing of competitive telephone service as defined in (RCW 82.16.010) section 25 of this 1983 act.

Sec. 38. Section 10, chapter 144, Laws of 1981 and RCW 35.21.714 are each amended to read as follows:

Any city which imposes a license fee or tax upon the business activity of engaging in the telephone business, as defined in (RCW 82.16.010) section 25 of this 1983 act, which is measured by gross receipts or gross income may impose the fee or tax, if it desires, on one hundred percent of the total gross revenue derived from intrastate toll telephone services subject to the fee or tax; PROVIDED, That the city shall not impose the fee or tax on that portion of network telephone service, as defined in section 25 of this 1983 act, which represents access to, or charges for, interstate services for which rates are contained in tariffs filed with the federal communications commission.

Sec. 39. Section 11, chapter 144, Laws of 1981 and RCW 35A.82.060 are each amended to read as follows:

Any code city which imposes a license fee or tax upon the business activity of engaging in the telephone business, as defined in (RCW 82.16.010) section 25 of this 1983 act, which is measured by gross receipts or gross income may impose the fee or tax, if it desires, on one hundred percent of the total gross revenue derived from intrastate toll telephone services subject to the fee or tax; PROVIDED, That the city shall not impose the fee or tax on that portion of network telephone service, as defined in section 25 of this 1983 act, which represents access to, or charges for, interstate services for which rates are contained in tariffs filed with the federal communications commission.

Sec. 40. Section 2, chapter 49, Laws of 1982 1st ex. sess. and RCW 35.21.860 are each amended to read as follows:

(1) No city or town may impose a franchise fee or any other fee or charge of whatever nature or description upon the light and power, (telephone) or gas distribution businesses, as defined in RCW 82.16.010, or telephone business, as defined in section 25 of this 1983 act, except
that (a) a tax authorized by RCW 35.21.865 may be imposed and (b) a fee may be charged to such businesses that recovers actual administrative expenses incurred by a city or town that are directly related to receiving and approving a permit, license, and franchise, to inspecting plans and construction, or to the preparation of a detailed statement pursuant to chapter 43.21C RCW.

(2) Subsection (1) of this section does not prohibit franchise fees imposed on an electrical energy, natural gas, or telephone business, by contract existing on April 20, 1982, with a city or town, for the duration of the contract, but the franchise fees shall be considered taxes for the purposes of the limitations established in RCW 35.21.865 and 35.21.870 to the extent the fees exceed the costs allowable under subsection (1) of this section.

Sec. 41. Section 80.04.270, chapter 14, Laws of 1961 as amended by section 5, chapter 144, Laws of 1981 and RCW 80.04.270 are each amended to read as follows:

Any public service company engaging in the sale of merchandise or appliances or equipment shall keep separate accounts, as prescribed by the commission, of its capital employed in such business and of its revenues therefrom and operating expenses thereof. The capital employed in such business shall not constitute a part of the fair value of said company's property for rate making purposes, nor shall the revenues from or operating expenses of such business constitute a part of the operating revenues and expenses of said company as a public service company. For purposes of this section, the providing of competitive telephone service, as defined in ((RCW 82.16.010)) section 25 of this 1983 act, shall not constitute the sale of merchandise, appliances, or equipment, unless the commission determines that it would be in the public interest to hold otherwise.

Sec. 42. Section 82.08.020, chapter 15, Laws of 1961 as last amended by section 6, chapter 7, Laws of 1983 and RCW 82.08.020 are each amended to read as follows:

(1) There is levied and there shall be collected a tax on each retail sale in this state equal to six and five-tenths percent of the selling price: PROVIDED, That for retail sales other than retail sales of telephone services, as defined in section 25 of this 1983 act, such tax shall be levied and collected in border counties in an amount equal to five and four-tenths percent of the selling price.

(2) The tax imposed under this chapter shall apply to successive retail sales of the same property.

(3) The rate provided in this section applies to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

Sec. 43. Section 59, chapter 37, Laws of 1980 as amended by section 1, chapter 5, Laws of 1982 1st ex. sess. and RCW 82.08.0273 are each amended to read as follows:

The tax levied by RCW 82.08.020 shall not apply to sales to nonresidents of this state of tangible personal property for use outside this state when the purchaser has applied for and received from the department of revenue a permit certifying (1) that (the) the purchaser is a bona fide resident of a state or possession or Province of Canada other than the state of Washington, (2) that such state, possession, or Province of Canada does not impose a retail sales tax or use tax of three percent or more or, if imposing such a tax, permits Washington residents exemption from otherwise taxable sales by reason of their residence, and (3) that he or she does agree, when requested, to grant the department of revenue access to such records and other forms of verification at his or her place of residence to assure that such purchases are not first used substantially in the state of Washington.

Any person claiming exemption from retail sales tax under the provisions of this section must display a nonresident permit as herein provided, and any vendor making a sale to a nonresident without collecting the tax must examine such permit, identify the purchaser as the person to whom the nonresident permit was issued, and maintain records which shall show the permit number attributable to each nontaxable sale.

Permits shall be personal and nontransferable, shall be renewable annually, and shall be issued by the department of revenue upon payment of a fee of ((five)) one dollar((s)). The department may in its discretion designate independent agents for the issuance of permits, according to such standards and qualifications as the department may prescribe. Such agents shall pay over and account to the department for all permit fees collected, after deducting as a collection fee the sum of ((one dollar)) fifty cents for each permit issued.

Any person making fraudulent statements in order to secure a permit shall be guilty of perjury. Any person making tax exempt purchases by displaying a permit not his or her own, or a counterfeit permit, with intent to violate the provisions of this section shall be guilty of a misdemeanor and, in addition, may be subject to a penalty not to exceed the amount of the tax due on such purchases. Any vendor who makes sales without collecting the tax to a person who does not hold a valid permit, and any vendor who fails to maintain records of permit numbers as provided in this section shall be personally liable for the amount of tax due.

Sec. 44. Section 9, chapter 7, Laws of 1983 and RCW 82 are each amended to read as follows:

An excise tax is imposed for the privilege of using a vessel ((for which registration is required under chapter 66 RCW (sections 14 through 22 of this act))) upon the waters of this state, except vessels ((covered by a dealer's registration number under this chapter)) exempt
under section 45 of this 1983 act. The annual amount of the excise tax is one-half of one percent of fair market value, as determined under this chapter, or five dollars, whichever is greater.

The excise tax upon a vessel registered for the first time in this state shall be imposed for a twelve-month period, including the month in which the vessel is registered, unless the director of licencing extends or diminishes vessel registration periods for the purpose of staggered renewal periods under RCW 88.—. (section 18 (of this act)), chapter 7, Laws of 1983). A vessel is registered for the first time in this state when the vessel was not registered in this state for the immediately preceding registration year, or when the vessel was registered in another jurisdiction for the immediately preceding year. The excise tax on vessels required to be registered in this state on the effective date of this section shall be paid by June 30, 1983.

NEW SECTION. Sec. 45. There is added to chapter 82.— RCW (sections 9 through 13, chapter 7, Laws of 1983) a new section to read as follows:

The following are exempt from the tax imposed under this chapter:

(1) Vessels exempt from the registration requirements of chapter 88.— RCW (sections 14 through 22, chapter 7, Laws of 1983):

(2) Vessels used exclusively for commercial fishing purposes;

(3) Vessels owned and operated by the United States, a state of the United States, or any municipality or political subdivision thereof;

(4) Vessels owned by a nonprofit organization or association engaged in character building of boys and girls under eighteen years of age and solely used for such purposes, as determined by the department for the purposes of RCW 84.36.030; and

(5) Vessels owned and held for sale by a dealer, but not rented on a regular commercial basis.

Sec. 46. Section 16, chapter 7, Laws of 1983 and RCW 88.— are each amended to read as follows:

Vessel registration is required under this chapter except for the following:

(1) Vessels owned and operated by the United States; another state, or a political subdivision thereof; and

(2) Vessels owned (and operated by the state, or by any municipality or political subdivision thereof)) by a state or subdivision thereof, used principally for governmental purposes and clearly identifiable as such;

(3) Vessels owned by a resident of a country other than the United States or Canada if the vessel is not physically located upon the waters of this state for a period of more than sixty days;

(4) Vessels owned by a resident of another state or a Canadian province if the vessel is registered in accordance with the laws of the state or province in which the owner resides, but only to the extent that a similar exemption or privilege is granted under the laws of that state or province for vessels registered in this state: PROVIDED, That any vessel which is validly registered in another state or a Canadian province and which is physically located in this state for a period of more than sixty days is subject to registration under this chapter;

(5) Vessels used as a ship's (tender or) lifeboat;

(6) Vessels equipped with propulsion machinery of less than ten horsepower that:

(a) Are owned by the owner of a vessel for which a valid vessel number has been issued;

(b) Display the number of that numbered vessel followed by the suffix "1" in the manner prescribed by the department; and

(c) Are used as a tender for direct transportation between that vessel and the shore and for no other purpose;

(7) Vessels under sixteen feet in overall length (or whose primary propulsion is human power)) which have no propulsion machinery of any type:

(8) Vessels with no propulsion machinery of any type for which the primary mode of propulsion is human power;

(9) Vessels which are temporarily in this state undergoing repair or alteration (and vessels which are designed and used exclusively for racing)), and

(10) Vessels primarily engaged in commerce which have or are required to have a valid marine document as a vessel of the United States (and which are primarily engaged in commerce)); and

(11) Vessels primarily engaged in commerce which are owned by a resident of a country other than the United States.

Sec. 47. Section 18, chapter 7, Laws of 1983 and RCW 88.— are each amended to read as follows:

Application for a vessel registration shall be made to the department or its authorized agent in the manner and upon forms prescribed by the department. The application shall state the name and address of each owner of the vessel and such other information as may be required by the department, shall be signed by at least one owner, and shall be accompanied by a vessel registration fee of six dollars per year and the excise tax imposed under chapter 82.— RCW (sections 9 through 13 (of this act)), chapter 7, Laws of 1983). Any fees required for
licensing agents under RCW 46.01.140 shall be in addition to the six-dollar annual registration fee.

Upon receipt of the application and the registration fee, the department shall assign a registration number and issue a decal for each vessel. The registration number and decal shall be issued and affixed to the vessel in a manner prescribed by the department consistent with the standard numbering system for vessels set forth in volume 33, part 174, of the code of federal regulations. A valid decal affixed as prescribed shall indicate compliance with the annual registration requirements of this chapter.

The vessel registrations and decals are valid for a period of one year, except that the director of licensing may extend or diminish vessel registration periods, and the decals therefore, for the purpose of staggered renewal periods. For registration periods of more or less than one year, the department may collect prorated annual registration fees and excise taxes based upon the number of months in the registration period. Vessel registrations are renewable every year in a manner prescribed by the department upon payment of the vessel registration fee and excise tax. Upon renewing a vessel registration, the department shall issue a new decal to be affixed as prescribed by the department.

A person acquiring a vessel from a dealer or a vessel already validly registered under this chapter shall, within fifteen days of the acquisition or purchase of the vessel, apply to the department or its authorized agent for transfer of the vessel registration, and the application shall be accompanied by a transfer fee of one dollar.

NEW SECTION. Sec. 48. There is added to chapter 88._. RCW (sections 14 through 22, chapter 7, Laws of 1983) a new section to read as follows:

(1) The department shall provide for the issuance of vessel certificates of title through the agents appointed under RCW 88._. (section 17, chapter 7, Laws of 1983). The fee for a vessel certificate of title is five dollars. Fees for vessel certificates of title shall be deposited in the general fund. The provisions of chapters 46.12 and 46.16 RCW relating to motor vehicle certificates of registration, titles, certificate issuance, ownership transfer, and perfection of security interests, and other provisions which may be applied to vessels subject to this chapter, may be so applied by rule of the department if they are not inconsistent with this chapter.

(2) Whenever a vessel is to be registered for the first time as required by this chapter, application shall be made at the same time for a certificate of title. Any person who purchases or otherwise obtains majority ownership of any vessel subject to the provisions of this chapter shall within fifteen days thereof apply for a new certificate of title which shows the vessel's change of ownership.

(3) Security interests may be released or acted upon as provided by the law under which they arose or were perfected. No new security interest or renewal or extension of an existing security interest is affected except as provided under the terms of this chapter and RCW 46.12.095.

(4) Notice shall be given to the issuing authority by the owner indicated on the certificate of registration within fifteen days of the occurrence of any of the following: Transfer of any part or all of the ownership of a vessel registered under this chapter; any change of address of owner; destruction, loss, abandonment, theft, or recovery of the vessel; or loss or destruction of a valid certificate of registration on the vessel.

Sec. 49. Section 15, chapter 7, Laws of 1983 and RCW 88._ are each amended to read as follows:

(1) Except as provided in this chapter, no person may own or operate any vessel on the waters of this state unless the vessel has been registered and displays a registration number and a valid decal in accordance with this chapter, except that a vessel which has or is required to have a valid marine document as a vessel of the United States is only required to display a valid decal.

(2) No person may use any vessel to which this chapter applies:

(a) In a negligent manner so as to endanger the life, limb, or property of any person; or

(b) While under the influence of alcohol, narcotic drugs, hallucinogens, or other controlled substances.

NEW SECTION. Sec. 50. There is added to chapter 88._. RCW (sections 14 through 22, chapter 7, Laws of 1983) a new section to read as follows:

(1) The operator of a vessel involved in a collision, accident, or other casualty, to the extent the operator can do so without serious danger to the operator's own vessel or persons aboard, shall render all practical and necessary assistance to persons affected by the collision, accident, or other casualty to save them from danger caused by the incident. Under no circumstances may the rendering of assistance or other compliance with this section be evidence of the liability of such operator for the collision, accident, or casualty. The operator shall also give his or her name, address, and the identification of the operator's vessel to the commission and any person injured and to the owner of any property damaged. These duties are in addition to any duties otherwise imposed by law.

(2) Any person who complies with subsection (1) of this section or who gratuitously and in good faith renders assistance at the scene of a vessel collision, accident, or other casualty, without objection of the person assisted, shall not be held liable for any civil damages as a
result of the rendering of assistance or for any act or omission in providing or arranging sal­vage, towage, medical treatment, or other assistance, where the assisting person acts as any reasonably prudent person would have acted under the same or similar circumstances.

NEW SECTION. Sec. 51. There is added to chapter 82— RCW (sections 9 through 13, chapter 7. Laws of 1983) a new section to read as follows:

(1) Any county may impose a tax, by ordinance or resolution, upon the privilege of using a vessel taxable under RCW 82— (section 9, chapter 7, Laws of 1983) which is moored or stored in the county, if the population of the unincorporated area of the county together with the population of the cities which are parties to an interlocal agreement under chapter 39.34 RCW equal or exceed two-thirds of the total population of the county: PROVIDED. That such agreement shall take into consideration any marine patrols provided as of the effective date of this section. The annual amount of the tax shall be up to fifty cents per foot of the vessel per calendar year, or part thereof.

(2) The excise tax upon a vessel registered for the first time in this state shall be imposed for a twelve-month period, including the month in which the vessel is registered, unless the director of licensing extends or diminishes vessel registration periods for the purpose of staggered renewal periods under RCW 88— (section 18, chapter 7, Laws of 1983). A vessel is registered for the first time in this state when the vessel was not registered in this state for the immediately preceding registration year, or when the vessel was registered in another jurisdiction for the immediately preceding year.

(3) The tax imposed under this section is due and payable to the department of licensing or its agents at the time of registration of a vessel.

(4) The moneys collected under this section shall be distributed by the county monthly to the parties to the interlocal agreement according to the terms of the agreement. Moneys collected under this section shall be used only for administration and enforcement of boating safety, search and rescue operations concerning boating, and boating patrols.

Sec. 52. Section 22, chapter 7, Laws of 1983 and RCW 88— are each amended to read as follows:

(1) A violation of this chapter is a misdemeanor punishable only by a fine not to exceed one hundred dollars per vessel for the first violation. Subsequent violations in the same year are subject to the following fines:

(a) For the second violation, a fine of two hundred dollars per vessel;

(b) For the third and successive violations, a fine of four hundred dollars per vessel.

(2) After subtraction of court costs and administrative collection fees, moneys collected under this section shall be (used by the jurisdiction collecting the line exclusively for law enforcement purposes)) credited to the current expense fund of the arresting jurisdiction.

(3) All law enforcement officers shall have the authority to enforce this chapter within their respective jurisdictions.

Sec. 53. Section 84.36.080, chapter 15, Laws of 1961 as amended by section 23, chapter 7, Laws of 1983 and RCW 84.36.080 are each amended to read as follows:

All ships and vessels which are exempt from excise tax under subsection(s (6) and (9) of section 16 of this 1983 act) (2) of section 45 of this 1983 act and subsection (10) of RCW 88— is exempt from all ad valorem taxes, except taxes levied for any state purpose.

NEW SECTION. Sec. 54. There is added to chapter 43.51 RCW a new section to read as follows:

The state parks and recreation commission shall:

(1) Coordinate a state-wide program of boating safety education using to the maximum extent possible existing programs offered by the United States power squadron and the United States coast guard auxiliary;

(2) Adopt rules in accordance with chapter 34.04 RCW, consistent with United States coast guard regulations, standards, and precedents, as needed for the efficient administration and enforcement of this section;

(3) Develop by January 31, 1984, a state-wide inventory of marine state parks and recreational facilities operated by other state and local agencies that are available for marine-related use by persons owning boats in this state;

(4) Enter into agreements aiding the administration of this chapter;

(5) Adopt and administer a casualty and accident reporting program consistent with United States coast guard regulations;

(6) Coordinate with local and state agencies the development of biennial plans and programs for the enhancement of boating safety, safety education, and enforcement of safety rules and laws; allocate money appropriated to the commission for these programs as necessary; and accept and administer any public or private grants or federal funds which are obtained for these purposes under chapter 43.88 RCW; and

(7) Take additional actions necessary to gain acceptance of a program of boating safety for this state under the federal boating safety act of 1971.
NEW SECTION. Sec. 55. (1) One-half of the tax paid for a vessel under section 9, chapter 7, Laws of 1983, before its amendment under this act, shall be allowed as a credit against tax due for the vessel in 1984 under section 44 of this act.

(2) An owner of a vessel covered by a valid certificate of registration issued under federal law may continue to operate the vessel in this state under that federal registration until January 31, 1984. The provisions of chapter 82.04 RCW (sections 9 through 13, chapter 7, Laws of 1983) and chapter 88.33 RCW (sections 14 through 22, chapter 7, Laws of 1983) shall apply to all such vessels after January 31, 1984, except that the excise tax imposed under chapter 82.04 RCW (sections 9 through 13, chapter 7, Laws of 1983) shall be assessed as if such vessels had been required to be registered on June 30, 1983.

NEW SECTION. Sec. 56. There is added to chapter 39.64 RCW a new section to read as follows:

Nothing in this chapter may be deemed to grant to any operating agency organized under chapter 43.52 RCW, or a project of any such operating agency, the authority to levy any tax or assessment not otherwise authorized by law.

NEW SECTION. Sec. 57. There is added to chapter 82.02 RCW a new section to read as follows:

Nothing in this chapter may be deemed to grant to any operating agency organized under chapter 43.52 RCW, or a project of any such operating agency, the authority to levy any tax or assessment not otherwise authorized by law.

NEW SECTION. Sec. 58. There is added to chapter 84.09 RCW a new section to read as follows:

Nothing in this chapter may be deemed to grant to any operating agency organized under chapter 43.52 RCW, or a project of any such operating agency, the authority to levy any tax or assessment not otherwise authorized by law.

Sec. 59. Section 6, chapter 94, Laws of 1970 ex. sess. as last amended by section 10, chapter 4, Laws of 1981 2nd ex. sess. and RCW 82.14.050 are each amended to read as follows:

The counties, metropolitan municipal corporations and cities shall contract, prior to the effective date of a resolution or ordinance imposing a sales and use tax, the administration and collection to the state department of revenue, which shall deduct a percentage amount, as provided by contract, not to exceed ((two)) one and one-half percent of the taxes collected for administration and collection expenses incurred by the department. The remainder of any portion of any tax authorized by this chapter which is collected by the department of revenue shall be deposited by the state department of revenue in the local sales and use tax account to the counties, metropolitan municipal corporations and cities the amount of tax collected on behalf of each county, metropolitan municipal corporation or city, less the deduction provided for in RCW 82.14.050. The state treasurer shall make the distribution under this section without appropriation.

NEW SECTION. Sec. 60. 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 are each amended to read as follows:

Monthly the state treasurer shall make distribution from the local sales and use tax account to the counties, metropolitan municipal corporations and cities the amount of tax collected on behalf of each county, metropolitan municipal corporation or city, less the deduction provided for in RCW 82.14.050. The state treasurer shall make the distribution under this section without appropriation.

In the event that any ordinance or resolution imposes a sales and use tax at a rate in excess of the applicable limits contained herein, such ordinance or resolution shall not be considered void in toto, but only with respect to that portion of the rate which is in excess of the applicable limits contained herein.

Sec. 61. Section 33, chapter 7, Laws of 1983 and RCW 82.32.01 are each amended to read as follows:

The revenue accrual account is hereby created in the state general fund. At the close of each fiscal biennium, the state treasurer shall transfer the balance in the state general fund, other than amounts reappropriated for the next fiscal biennium, to this account. Moneys in this account may only be spent after appropriation by statute for the purpose of decreasing the unfunded liability of a state retirement system.

NEW SECTION. Sec. 62. Section 20, chapter 22, Laws of 1982 1st ex. sess. and RCW 35.21.285 et seq. are each repealed.

NEW SECTION. Sec. 63. Section 10, chapter 172, Laws of 1981 and RCW 82.04.265 are each repealed.

NEW SECTION. Sec. 64. Section 1, chapter 347, Laws of 1977 ex. sess. as last amended by section 2, chapter 4, Laws of 1982 2nd ex. sess. and RCW 84.33.071 are each amended to read as follows:

(1) Upon every person engaging within this state in business as a harvester of timber: as to such persons the amount of tax imposed with respect to such business shall be equal to the stumpage value of timber harvested between July 1, 1983, through June 30, 1984, for sale or for commercial or industrial use multiplied by the (appropriate) rate (as follows:}
For timber harvested between October 1, 1974 and June 30, 1983, inclusive, of six and one-half percent.

(2) For purposes of this section:
(a) "Harvester" means every person who from his own land or from the land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services, buys or takes timber for sale or for commercial or industrial use. It does not include persons performing under contract the necessary labor or mechanical services for a harvester.
(b) "Timber" means forest trees, standing or down, on privately or publicly owned land, and except as provided in RCW 84.33.170 includes Christmas trees.
(c) "Stumpage value of timber" means the appropriate stumpage value shown on tables to be prepared by the department of revenue pursuant to subsection (3) of this section.
(d) Timber shall be considered harvested at the time when in the ordinary course of business the quantity thereof by species is first definitely determined. The amount harvested shall be determined by the Scribner Decimal C Scale or other prevalent measuring practice adjusted to arrive at substantially equivalent measurements, as approved by the department of revenue.

(3) The department of revenue shall designate areas containing timber having similar growing, harvesting, and marketing conditions to be used as units for the preparation and application of stumpage values. Each year on or before December 31 for use the following January through June 30, and on or before June 30 for use the following July through December 31, the department shall prepare tables of stumpage values of each species or subclassification of timber within such units, which values shall be the amount that each such species or subclassification would sell for at a voluntary sale made in the ordinary course of business for purposes of immediate harvest. Such stumpage values, expressed in terms of a dollar amount per thousand board feet or other unit measure, shall be determined from (a) gross proceeds from sales on the stump of similar timber of like quality and character at similar locations, and in similar quantities, or from (b) gross proceeds from sales of logs adjusted to reflect only the portion of such proceeds attributable to value on the stump immediately prior to harvest, or from a combination of (a) and (b), and shall be determined in a manner which makes reasonable and adequate allowances for age, size, quality, costs of removal, accessibility to point of conversion, market conditions and all other relevant factors. Upon application from any person who plans to harvest damaged timber, the stumpage values for which have been materially reduced from the values shown in the applicable tables due to damage resulting from fire, blow down, ice storm, flood or other sudden unforeseen cause, the department shall revise such tables for any area in which such timber is located and shall specify any additional accounting or other requirements to be complied with in reporting and paying such tax. The preliminary area designations and stumpage value tables and any revisions thereof shall be subject to review by the ways and means committees of the house and senate prior to finalization. Tables of stumpage values shall be signed by the director or his designee and authenticated by the official seal of the department. A copy thereof shall be mailed to anyone who has submitted to the department a written request therefor.

(4) On or before the sixtieth day after the date of final adoption of any stumpage value tables, any harvester may appeal to the board of tax appeals for a revision of stumpage values for an area determined pursuant to subsection (3) of this section.

(5) There are hereby created in the state treasury a state limber tax account A and a state timber tax reserve account in the state general fund and any interest earned on the investment of cash balances shall be deposited in these accounts. The revenues from the tax imposed by subsection (1) of this section on timber harvested from privately owned land shall be deposited in state timber tax account A and state timber tax reserve account as follows:

<table>
<thead>
<tr>
<th>YEAR OF COLLECTION</th>
<th>ACCOUNT A</th>
<th>ACCOUNT RESERVE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1973 and thereafter</td>
<td>100%</td>
<td>0%</td>
</tr>
</tbody>
</table>

The revenues from the tax imposed by subsection (1) of this section on timber harvested from publicly owned land shall be deposited in the state general fund.

(6) The tax imposed under this section shall be computed with respect to timber harvested each calendar quarter and shall be due and payable in quarterly installments and remittance thereof shall be made on or before the last day of the month next succeeding the end of the quarterly period in which the tax accrued. The taxpayer on or before such date shall make out a return, upon such forms and setting forth such information as the department of revenue may require, showing the amount of the tax for which he is liable for the preceding quarterly period, and shall sign and transmit the same to the department of revenue, together with a remittance for such amount.

(7) The taxes imposed by this section shall be in addition to any taxes imposed upon the same persons pursuant to one or more of sections RCW 82.04.230 to 82.04.290, inclusive, and RCW 82.04.440, and none of such sections shall be construed to modify or interact with this section in any way. Except RCW 82.04.450 and 82.32.045 shall not apply to the taxes imposed by this section.
(8) Any harvester incurring less than ten dollars tax liability under this section in any calendar quarter shall be excused from the payment of such tax, but may be required by the department of revenue to file a return even though no tax may be due.

NEW SECTION. Sec. 65. There is added to chapter 43.06 RCW a new section to read as follows:

Beginning in January, 1984, and in January of every even-numbered year thereafter, the department of revenue shall submit to the legislature prior to the regular session a listing of the amount of reduction for the current and next biennium in the revenues of the state or the revenues of local government collected by the state as a result of tax exemptions. The listing shall include an estimate of the revenue lost from the tax exemption, the purpose of the tax exemption, the persons, organizations, or parts of the population which benefit from the tax exemption, and whether or not the tax exemption conflicts with another state program. The listing shall include but not be limited to the following revenue sources:

1. Real and personal property tax exemptions under Title 84 RCW;
2. Business and occupation tax exemptions, deductions, and credits under chapter 82.04 RCW;
3. Retail sales and use tax exemptions under chapters 82.08, 82.12, and 82.14 RCW;
4. Public utility tax exemptions and deductions under chapter 82.16 RCW;
5. Conveyance tax exemptions under chapter 82.20 RCW;
6. Food fish and shellfish tax exemptions under chapter 82.27 RCW;
7. Leasehold excise tax exemptions under chapter 82.29A RCW;
8. Motor vehicle and special fuel tax exemptions and refunds under chapters 82.36 and 82.38 RCW;
9. Aircraft fuel tax exemptions under chapter 82.42 RCW;
10. Motor vehicle excise tax exclusions under chapter 82.44 RCW; and
11. Insurance premiums tax exemptions under chapter 48.14 RCW.

The department of revenue shall prepare the listing required by this section with the assistance of any other agencies or departments as may be required.

The department of revenue shall present the listing to the ways and means committees of each house in public hearings.

Beginning in January, 1984, and every four years thereafter the governor is requested to review the report from the department of revenue and may submit recommendations to the legislature with respect to the repeal or modification of any tax exemption. The ways and means committees of each house and the appropriate standing committee of each house shall hold public hearings and take appropriate action on the recommendations submitted by the governor.

As used in this section, "tax exemption" means an exemption, exclusion, or deduction from the base of a tax; a credit against a tax; a deferral of a tax; or a preferential tax rate.

NEW SECTION. Sec. 66. There is appropriated from the general fund to the parks and recreation commission for the fiscal year ending June 30, 1984, the sum of seventy-nine thousand dollars, or so much thereof as may be necessary, for the operation of a boating safety and education program established under section 54 of this act.

NEW SECTION. Sec. 67. This act shall not be construed as affecting any existing right acquired or liability or obligation incurred under the sections amended or repealed in this act or under any rule, regulation, or order adopted under those sections, nor as affecting any proceeding instituted under those sections.

NEW SECTION. Sec. 68. 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. 69. (1) This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions and shall take effect July 1, 1983, except that:
(a) Sections 44 through 52, and 54, 55, 67, and 68 of this act shall take effect June 30, 1983;
(b) Sections 1 through 4 of this act shall take effect July 1, 1983, except as provided in subsection (2) of this section;
(c) Sections 21, 22, 24, and 53 of this act shall take effect January 1, 1984. Sections 24 and 53 of this act shall be effective for property taxes levied in 1983 and due in 1984, and thereafter; and
(d) The extension under this act of the retail sales tax to certain sales of telephone service shall apply to telephone service billed on or after July 1, 1983, whether or not such service was rendered before that date.
(2) The legislature finds that the amendments contained in sections 1 through 4 of this act constitute an integrated and inseparable entity and if any one or more of those sections does not become law, the remaining sections shall not take effect. If sections 1 through 4 of this act do not become law, the governor shall in that event reduce approved allotments under RCW 43.88.110 for the 1983-85 biennium by four percent.
POINT OF INQUIRY

Senator Deccio: "Senator McDermott, what is the total of this package—total dollars?"

Senator McDermott: "Senator Deccio, we have gone over this package enough times that I have actually forgotten the exact figure. It is about four hundred or three hundred ninety-six million dollars. I am not sure of the precise figure, but it is right around four hundred million dollars."

POINT OF INQUIRY

Senator Guess: "Senator McDermott, you said something or Senator Bolliger did about the border counties. Can you tell me what is the status of the action now in Senate Bill No. 3909—as it stands?"

Senator Bolliger: "The same position that the Senate has had all through this session, that in recognition of the problems of the competition with the Portland area, the three or four border counties pay a lower sales tax, but a higher B & O tax. It is almost a wash within the size of our budget, depending upon who you talk to—fourteen million dollars difference, something like that."

Senator Guess: "Mr. President and members of the Senate. I received some very interesting information this morning and would be happy to furnish you with copies of it. The sales tax in Spokane County increased between '79 and '80 by two percent, between '80 and '81 by three percent, and in '81 and '82, it increased by three percent. But on the other hand, in Clark County, after a down-turn of one percent between '79 and '80, they had a growth of five percent between '80 and '81 and they had a ten percent growth between '81 and '82. Here we are giving those people in that area a break that is not given to other border counties and I think it is rank discrimination."

Further debate ensued.

Senators Bolliger, Shinpoch and Conner demanded the previous question.

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

The President declared the question before the Senate to be the roll call on shall the main question be now put.

ROLL CALL

The Secretary called the roll and the demand for the previous question was sustained by the following vote: Yeas, 25: nays, 22; absent, 1; excused, 1.


Voting nay: Senators Barr, Bluechel, Clarke, Croswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskadden, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman — 22.

Absent: Senator Wojahn — 1.

Excused: Senator Benitz — 1.

POINT OF ORDER

Senator Lee: "Mr. President, I had an amendment that was distributed and that has been on the desk since 9:30 this morning. I guess this query I am making as far as a point of order is whether or not this amendment is to be considered, whether we are changing the rules that we are no longer allowed to consider amendments? In fact, this has been known about for more than twenty-four hours."

REPLY BY THE PRESIDENT

President Cherberg: "Senator Lee, in reply to your point, the demand for the previous question was sustained and that eliminates the possibility of considering your amendment."

REMARKS BY SENATOR LEE

Senator Lee: "I think my question was, since the amendment had been submitted before the bill was even before us—it was there by 9:30 this morning, I guess I am really asking what kind of ruling was made that the amendment was not even considered?"
REPLY BY THE PRESIDENT

President Cherberg: "The President is unaware of any ruling that was made."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "In the normal course of business, the amendment that was offered, the amendment to the amendment would have been offered. It became pretty obvious, at least to me, what the strategy was. Now, had the amendment been offered and the speeches went around the amendment, then it would make a lot of difference. We all know what the game is. You extracted an absolute promise from the Governor that if it wasn’t there at 4 o’clock, that he was going to veto it—4:01, 4:02, he would veto it. Now, it has got to go to the House. It has to do the rest of those things."

PERSONAL PRIVILEGE

Senator Hayner: "A point of personal privilege. I would just like to say that I am absolutely outraged by the fact that we can not even debate on the largest tax increase in the history of this state. We have been very cooperative with the other side of the aisle. We have let you pull bills out of Rules. We have let you pull them out of committee. We have even given you one hundred and thirty-six days to come down on this issue and one hour and one-half before the deadline, you cut us off from debate on the most important thing. We have seen this ten minutes before we are supposed to vote on it. Now, I think that is a disgrace and we are not representing the people of this state adequately."

POINT OF INQUIRY

Senator Bottiger: "Senator Hayner, if the amendments are offered and debated and the debate goes on and the bill gets down there at seven o’clock, will you join me in asking the Governor to sign it, rather than vetoing it because we went by four o’clock?"

Senator Hayner: "Senator Bottiger, it would not have to go by four o’clock. You could take those amendments very quickly. They were amendments that we dealt with last night. You know what the issue is and we think that it is very important to have cut-offs on these. We are tired of seeing this awesome spiral of spending and taxing and spending and taxing and we want to have a part of cutting that off."

The President declared the question before the Senate to be adoption of the amendment by Senator McDermott.

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

MOTION

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


MOTION

On motion of Senator McDermott, the rules were suspended. Second Reengrossed Senate Bill No. 3909 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Second Reengrossed Senate Bill No. 3909.

ROLL CALL

The Secretary called the roll on final passage of Second Reengrossed Senate Bill No. 3909 and the bill passed the Senate by the following vote: Yeas. 26. nays. 22. Excused. 1.

Voting nay: Senators Barr, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kisakaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Sellar, von Reichbauer - 22.

Excused: Senator Benitz - 1.

SECOND REENGROSSED SENATE BILL NO. 3909, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bottiger, Second Reengrossed Senate Bill No. 3909 was ordered immediately transmitted to the House.

STATEMENT FOR THE JOURNAL

PROTEST

May 25, 1983

Certain actions on May 25, 1983, ignored Senate Rules and deprived the Senate of the right to consider cut off dates on taxes and to use surplus funds for pension payments. The entire Senate and staff were aware of the two amendments to be proposed on Senate Bill 3909, the omnibus tax bill.

At 9:15 a.m., I submitted to the Assistant, in the presence of the Secretary of the Senate, copies of the two amendments which had been adopted by the Senate the night before on a similar measure (HB 52). My instructions were to duplicate the amendments for use on SB 3909.

At 9:25 a.m., Senator Ted Bottiger approached me and Senator Hayner with his concern that more than the two amendments might be offered. Our answer was "no," but that the two amendments had been submitted. This information was later conveyed to the Republican caucus and to Democrat staffer Marty Brown.

However, at 2:30 p.m., when SB 3909 was brought before us, it was bumped to 3rd reading, debate was cut off, and not until my point of order was finally recognized did one of the amendments appear. The President of the Senate refused to rule and the majority leader accused the protestors of delaying tactics. Such actions prevent the Senate from exercising its constitutional responsibilities.

Senator Eleanor M. Lee

MOTION

At 2:29 p.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President called the Senate to order at 4:44 p.m.

MOTION

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

MESSAGE FROM THE HOUSE

May 25, 1983

Mr. President:

The House has passed SECOND REENGROSSED SENATE BILL NO. 3909 with the following amendments:

On page 53, after line 16, insert the following:

"Sec. 66. Section 3, chapter 130, Laws of 1975-'76 2nd ex. sess. as last amended by section 4 of this 1983 act and RCW 82.04.2901 are each amended to read as follows:

Until and including the thirtieth day of June, 1985, there is levied and shall be collected from every person, other than persons taxed under RCW 82.04.... (section 3, chapter 9, Laws of 1983), for the act or privilege of engaging in business activities, as a part of the tax imposed by the provisions of RCW 82.04.250, an additional tax equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under the provisions of RCW 82.04.250(|-PROVIDED: That as to such persons making sales at retail in border counties other than retail sales of telephone services; as defined in section 26 of this 1983 act, such additional tax shall be levied and collected from such persons with respect to such sales in border counties in an amount equal to thirty-two percent multiplied by the tax payable under the provisions of RCW 82.04.250)). PROVIDED
That the additional tax under this section shall be imposed only if all of the amendments contained in sections 1 through 3 of this 1983 act become law.

To facilitate collection of this additional tax, the department of revenue is authorized to adjust the basic rates of persons to which this section applies in such manner as to reflect the amount to the nearest one-thousandth of one percent of the additional tax hereby imposed, adjusting ten-thousandths equal to or greater than five ten-thousandths to the greater thousandth.

Sec. 67. Section 82.08.020, chapter 15, Laws of 1961 as last amended by section 42 of this 1983 act and RCW 82.08.020 are each amended to read as follows:

(1) There is levied and there shall be collected a tax on each retail sale in this state equal to six and five-tenths percent of the selling price (provided, that for retail sales other than retail sales of telephone services, as defined in section 25 of this 1983 act, such tax shall be levied and collected in border counties in an amount equal to five and four-tenths percent of the selling price).

(2) The tax imposed under this chapter shall apply to successive retail sales of the same property.

(3) The rate provided in this section applies to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.*

Renumber the sections consecutively and correct any internal references accordingly.

On page 54, after line 13, insert the following:

(e) Sections 66 and 67 of this act shall take effect on the day either of the following events occurs, whichever is earlier:

(i) A temporary or permanent injunction or order becomes effective which prohibits in whole or in part the collection of taxes at the rates specified in section 6, chapter 7, Laws of 1983; or

(ii) A decision of a court in this state invalidating in whole or in part section 6, chapter 7, Laws of 1983, becomes final.

On page 57, line 11 of the title, after "84.33.071;" insert amending section 3, chapter 130, Laws of 1975-76 2nd ex. sess. as last amended by section 4 of this 1983 act and RCW 82.04.2901; amending section 82.08.020, chapter 15, Laws of 1961 as last amended by section 42 of this 1983 act and RCW 82.08.020.*

On page 56, beginning on line 3 of the title amendment, after "82.08.027;" strike all material through "82.08.0273;" on line 33

On page 57, line 18 of the title amendment after "84.09 RCW;" strike everything down to and including "35.21,285;" on line 10

On page 49, beginning on line 7, strike section 62.

Renumber remaining sections consecutively and correct internal references accordingly.

On page 47, beginning on line 32 of the amendment, strike all material through line 32 on page 48

Renumber the sections consecutively and correct internal references accordingly.

On page 57, beginning on line 4 of the title amendment, after "84.36.080;" strike all material through "82.14.060;" on line 8

On page 53 of the amendment, after line 16, insert the following:

"Sec. 66. Section 1, chapter 7, Laws of 1981 as last amended by section 27, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.32.045 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, payments of the taxes imposed under chapters 82.04, 82.08, 82.12, 82.14, and 82.16 RCW, along with reports and returns on forms prescribed by the department, are due monthly within (the number of) twenty-five days (specified in the following table) after the end of the month in which the taxable activities occur.

(For activities occurring in Days

October, 1981 through March, 1982 | 25
April, 1982 through March, 1983 | 26
April, 1983 and thereafter | 15)

(2) A monthly taxpayer may elect to remit an estimated amount of the tax due for each month on or before the due date set forth in subsection (1) of this section. The estimated amount
of tax remitted shall be at least the greater of ninety percent of the tax actually due for the month or one-third of the tax due during the corresponding quarter of the previous year. Each taxpayer filing an estimated return shall file a separate quarterly return on the last day of the month after the end of each calendar quarter. Each quarterly return shall be on forms prescribed by the department, include such information as the department may require to correctly determine tax liability during the quarter, and be accompanied by a remittance of the balance of the tax actually due for the quarter. 

(2) The department of revenue may relieve any taxpayer or class of taxpayers from the obligation of remitting monthly and may require the return to cover other longer reporting periods, but in no event may returns be filed for a period greater than one year. For these taxpayers, tax payments are due on or before the last day of the month next succeeding the end of the period covered by the return. 

(3) The department of revenue may also require verified annual returns from any taxpayer, setting forth such additional information as it may deem necessary to correctly determine tax liability. 

Renumber the sections consecutively and correct internal references accordingly.

On page 54 of the amendment, line 10, after "(d)" insert the following: "Section 66 of this act shall take effect April 1, 1985, and shall be effective in respect to taxable activities occurring on and after such date." 

On page 57 of the amendment, line 11, after "84.33.071;" insert "amending section 1, chapter 7, Laws of 1981 as last amended by section 27, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.32.045,".

and the same are herewith transmitted. DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Bottiger, the Senate concurred in all of the House amendments to Second Reengrossed Senate Bill No. 3909, with the exception of the amendments on page 49, line 7, and page 57, line 13, and asks the House to recede therefrom.

MOTION

On motion of Senator Bottiger, the transaction of Second Reengrossed Senate Bill No. 3909 was ordered immediately transmitted to the House.

POINT OF ORDER

Senator Rasmussen: "Mr. President, I would like to raise a point of order. I am reading the Governor's Proclamation--'I do hereby convene the Washington State Legislature in a second extraordinary (special) session immediately for a period up to 4:00 p.m. on May 25, 1983.' Would the President please advise me what time he has?"

REPLY BY THE PRESIDENT

President Cherberg: "It is 4:49 p.m."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, according to the Governor's Proclamation, and it is the only one I have on my desk, we are out of business as of four o'clock today. So would the President advise me what we would do in this circumstance?"

REPLY BY THE PRESIDENT

President Cherberg: "Senator Rasmussen, you probably know better than the President, but the President considers the Governor's Proclamation as merely a suggestion, rather than a mandate. The Constitution does not provide the Governor with the power to mandate the length of a session or the measures to be considered."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Thank you, Mr. President. That was the ruling I wanted, because it would appear to me, also, that the Governor has exceeded his powers as granted by the Constitution. He apparently has also exceeded, in his mind, the powers that are granted to him by anybody, because we have three separate--we have the executive, the judicial and the legislative. It rather hurts me deeply,
being a member of the legislative, to find that the Governor would exceed his Constitutional authority in his Proclamation and then, also, to find out that we feel that the legislative has to jump through the hoop. I am not very good at that and I thank you for bringing that point of order--clarifying it, because he has exceeded his Constitutional authority. I hope next time, that he will read the Constitution thoroughly before he issues a Proclamation."

REPLY BY THE PRESIDENT
President Cherberg: "Thank you, Senator Rasmussen."

REMARKS BY SENATOR RASMUSSEN
Senator Rasmussen: "It is truly just a piece of paper and means nothing?"

REMARKS BY SENATOR HAYNER
Senator Hayner: "Ladies and gentlemen of the Senate. This was purportedly an agreement among the leaders of the House and Senate. I don't think there was any consideration of the powers as far as limiting. It was an agreement between the various people and those kinds of agreements are usually given some status. I think it is very unfortunate that those who have agreed to this are unable to do it.

"Now, we were given that authority two years ago and we abided by it and we were able to do what was necessary in a nine hour period. In fact, we sine died before the time that we had agreed that we would do so. I just wanted to make that statement."

Debate ensued.

MOTION
At 4:58 p.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President called the Senate to order at 5:50 p.m.

MESSAGE FROM THE HOUSE
May 25, 1983

Mr. President:
The House refuses to recede from its amendments to SECOND REENGROSSED SENATE BILL NO. 3909 on page 49, line 7, and page 57, line 18, and insists on its position, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION
On motion of Senator Bolliger, the Senate once again insists on its position on the amendments on page 49, line 7 and page 57, line 18, to Second Reengrossed Senate Bill No. 3909 and once again asks the House to recede therefrom.

MOTION
At 5:59 p.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The Senate was called to order by the President at 6:05 p.m.

MESSAGE FROM THE HOUSE
May 25, 1983

Mr. President:
The House once again refuses to recede from its amendments to SECOND REENGROSSED SENATE BILL NO. 3909 on page 49, line 7, and page 57, line 18, and once again insists on its position, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION
On motion of Senator Bottiger, the Senate concurred in the House amendments on page 49, line 7, and page 57, line 18, to Second Reengrossed Senate Bill No. 3909.
The President declared the question before the Senate to be the roll call on final passage of Second Reengrossed Senate Bill No. 3909, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Second Reengrossed Senate Bill No. 3909, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 25; nays, 16; absent, 8.


Voting nay: Senators Barr, Bluechel, Clarke, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Jones, Kiskaddon, Metcalf, Newhouse, Patterson, Sellar, von Reichbauer - 16.

Absent: Senators Benitz, Craswell, Lee, McCaslin, Pullen, Quigg, Rasmussen, Zimmerman - 8.

SECOND REENGROSSED SENATE BILL NO. 3909, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGES FROM THE HOUSE

May 25, 1983

Mr. President:
The House has passed:
REENGROSSED SUBSTITUTE SENATE BILL NO. 3290, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

May 25, 1983

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

DEAN R. FOSTER, Chief Clerk

May 25, 1983

Mr. President:
The House has passed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 605, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

May 25, 1983

Mr. President:
The House has passed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 50, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

The President signed:
SUBSTITUTE SENATE BILL NO. 3290.

SIGN BY THE PRESIDENT

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

FIRST READING OF HOUSE BILL

ESHB 605 by Committee on Ways and Means (originally sponsored by Representatives O'Brien, Sommers, Betzozolf and Miller)

Revising provisions relating to the state convention and trade center.

MOTIONS

On motion of Senator McDermott, the rules were suspended. Engrossed Substitute House Bill No. 605 was advanced to second reading and read the second time.
Senator Shinpoch moved adoption of the following amendment:
On page 5, line 34, strike all of section 7 and renumber the remaining sections accordingly.

Debate ensued.
The President declared the question before the Senate to be adoption of the amendment by Senator Shinpoch.
The motion by Senator Shinpoch carried and the amendment was adopted.

MOTION

Senator Bottiger moved adoption of the following amendment:
On page 6, line 10, after "1985," strike "$4,234,000" and insert "$2,024,360"

Debate ensued.

POINT OF INQUIRY

Senator Hemstad: "Senator Shinpoch, I am not unsympathetic to the concerns that you are raising, but when I see the figure here of fifteen thousand dollars for in-state travel and sixty-seven hundred dollars for out-of-state travel in the budget that you are really laying out in the statutes or in the bill, are you satisfied that that is going to be sufficient to deal with the problems of an aggressive, upstarting agency, that obviously, is in the promotional business—to be able to carry out their responsibilities?"

Senator Shinpoch: "Well, to begin with, they are not going to have the people. That was in the testimony before the Ways and Means Committee. They intend to phase it in. They couldn't tell us how it was going to be phased in, but they certainly said it was going to be phased in.

"In developing the salaries, they made some arbitrary phasing in of people. You know, like four additional in the first quarter and two in each quarter, thereafter. If you don't have the people, then you obviously did not have the requirement for all of the travel. Then we took that and applied it to the travel and that leaves you about sixty percent of the travel that is there. That is a faster phasing in of the travel than it is of the phasing in of the personnel as far as the in-state and that is the question that you asked relative to in-state.

"That is, even though it is faster, it is somewhat an arbitrary cutting. We simply cut it at sixty percent. I would say, in addition to that, we will be back—and we may be back sooner—but certainly within seven months, we are going to be back here. They certainly are not going to have spent fifteen thousand dollars by that time if their travel budget, that they submitted to us, was correct."

Senator Hemstad: "If I could ask you one further question. You make the personnel subject to Chapter 41.06 RCW, I assume that is the Civil Service System, is it not?"

Senator Shinpoch: "I think they are subject to it now, I just wanted to make it clear."

Senator Hemstad: "And so you will require that an examination be given for these people and there will be no exemption of anyone within the system from the requirements of Civil Service?"

Senator Shinpoch: "Yes."

POINT OF INFORMATION

Senator McDermott: "A point of information. Are we talking about the amendment on page 6, line 10?"

REPLY BY THE PRESIDENT

President Cherberg: "The amendment under consideration is the one on page 6, line 10."

The President declared the question before the Senate to be adoption of the amendment by Senator Bottiger.
The motion by Senator Bottiger carried and the amendment was adopted.

MOTION

Senator Bottiger moved adoption of the following amendment:
On page 6, line 11, after "corporation," insert: "PROVIDED. That no more than $578,400 of this appropriation shall be used for salaries for employees of the corporation all of whom shall be subject to the provisions of chapter 41.06 RCW; PROVIDED FURTHER, That no more than $115,680 of this appropriation shall be used for employee benefits; PROVIDED FURTHER, That no more than $332,800 of this appropriation shall be used for personal services contracts; PROVIDED FURTHER, That no more than $873,000 of this appropriation shall be used for goods and services of which no more than $500,000 shall be used for promotional activities; PROVIDED FURTHER, That no more than $15,000 of this appropriation shall be used for in-state travel; PROVIDED FURTHER, That no more than $6,700 of this appropriation shall be used for out-of-state travel; and PROVIDED FURTHER, That no more than $102,000 of this appropriation shall be used for equipment."

Debate ensued.

POINT OF INQUIRY

Senator Metcall: "I am still unclear on a particular point, Senator Shinpoch. This talks about one hundred fifteen thousand dollars for employee benefits and I assume that some of that is some sort of retirement system for those employees. I would like to know what kind of a retirement system they have. Specifically, where are we in the retirement business in this convention center?"

Senator Shinpoch: "My understanding is, in response to my questions, that these people are members of PERS. They are state employees in the Public Employees Retirement System. They are public employees and they are a member of PERS. Relative to the employee benefits, relative to the amount, when we were reducing the salaries and phasing in the personnel coming in, causing a reduction in the total, then we made a proportional reduction in the employee benefits—is how we arrived at that figure. Relative to your question, my understanding is that they are a member of the PERS system."

Further debate ensued.

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

MOTION

On motion of Senator Vognild, Senator Talmadge was excused.

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

ROLL CALL

The Secretary called the roll and the motion by Senator Bottiger failed and the amendment was not adopted by the following vote: Yeas, 19; nays, 23; absent, 6; excused, 1.


Absent: Senators Craswell, Lee, Patterson, Pullen, Quigg, Sellar - 6.

Excused: Senator Talmadge - 1.

MOTIONS

Senator Goltz moved adoption of the following amendment:

On page 4, line 2, after "090" and before the period, add: "PROVIDED. That no proceeds from the sale of bonds or earnings from the investment of the proceeds shall be used to fund (4) or (8) of this section."

Senator Bluechel moved adoption of the following amendment to the amendment:

On the last line of the amendment after "fund", strike "(4) or".

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment to the amendment.

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

The President declared the question before the Senate to be adoption of the amendment by Senator Goltz.
The motion by Senator Goltz carried and the amendment was adopted.

MOTION

Senator Newhouse moved adoption of the following amendment:

On page 2, line 36, after “in”, strike “(a single offering)” one or more offerings” and insert “a single offering”

PARLIAMENTARY INQUIRY

Senator Bluechel: “Mr. President, a question of your ruling. When the original bond bill was passed, it was passed with a sixty percent majority to sell ninety-nine million dollars worth of bonds. Less than that sum was sold. What would be your ruling on this particular amendment here?”

REPLY BY THE PRESIDENT

President Cherberg: “The President believes that the bill in its present form would require a sixty percent favorable vote of the members elected.”

PARLIAMENTARY INQUIRY

Senator Metcalf: “Would that ruling change if Senator Newhouse’s amendment is adopted?”

REPLY BY THE PRESIDENT

President Cherberg: “The President believes that if Senator Newhouse’s amendment were to be adopted, it would require a simple majority of the members elected.

The President declared the question before the Senate to be adoption of the amendment by Senator Newhouse.

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

MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute House Bill No. 605, 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 McDermott, with the passing of amendments that were amended to the bill, section 9 appropriates money. Is there any money in that fund? Where is the money coming from now?”

Senator McDermott: “Senator Vognild, part of that is from the interest of the sale of the bonds. Some of the bonds have been sold and the interest is coming in. You also have the hotel/motel tax which is being gathered for the purpose of retiring the bonds.”

Senator Vognild: “Senator, I guess that didn’t quite answer my question. I believe that we passed an amendment that said that they could not utilize proceeds of the bond sales or the interest from those sales. With that money taken out, is there any money left in that fund?”

Senator McDermott: “They still have the hotel/motel tax as I said earlier. There is some money in that fund. Not as much as it says in this bill, but they won’t be able to spend it because it won’t be there, but there is some hotel/motel money there.”

REMARKS BY SENATOR GOLTZ

Senator Goltz: “If I may further clarify an answer to Senator Vognild’s question. It would be my impression that those staff functions, which are related to the sale of bonds which are related to the administration of the design and construction contract, all of those costs could be legitimately paid for out of the interest from the bond sales or from the bond sales themselves. So, the promotion and the operation of the center, since there is no center there, they need no money to operate the center. It cannot be used for promotion of the center and that has to come from the hotel/motel tax.”
POINT OF INQUIRY

Senator Haley: "Senator McDermott, the hotel/motel tax revenues, are they to be used strictly for the retirement of bonds or can the hotel/motel proceeds be used for other purposes such as operations or maintenance and so forth?"

Senator McDermott: "It is my belief, and I am not a bond attorney nor am I an attorney, basically, but I might get my jurisprudence degree after all of this, that the money that comes from the hotel/motel tax can be used, on the basis of the amendments that are left, for operation of the convention center. The money that we prohibited, under Senator Goltz's amendment, was any proceeds from the bonds—there are three sources for the money—the bonds, the interest and the hotel/motel tax. The hotel/motel tax is still available for that purpose."

POINT OF INQUIRY

Senator Metcalf: "When I asked the question in caucus, I don't remember which expert answered it, but I was told that the employees of this corporation do not come under the state retirement system. Then on the floor, I was told that they do and I suspect—and I don't know which one is correct—but if we are adding more people on the state retirement system, I am very concerned about that."

Senator Shinpoch: "Mr. President, I was the one that answered Senator Metcalf's question that they were a member of PERS. I did that on the basis of what I understood the testimony was in the Ways and Means Committee from the representative from the convention center.

"After I answered your question, I went to the chairman of the Ways and Means Committee and asked him if I had remembered correctly that that was the testimony in the Ways and Means Committee. He assured me that the manner in which I answered it was what had been testified in front of the committee. He said he would have answered it, had I not."

POINT OF INQUIRY

Senator Deccio: "Senator McDermott, in reading the statutes, it refers to a public corporation running the state trade and convention center. Does the term ‘public corporation’ mean that the members of the public corporation are state employees and, therefore, covered under the pension system?"

Senator McDermott: "Senator Deccio, my understanding is that we have created a public corporation and that the employees are under the pension system. There is some confusion about that which we are, obviously, going to clarify with an Attorney General's opinion before we are all done with this. My understanding is—they are, at this point, but I am willing to stand corrected if I am incorrect on this issue."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 605, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 605, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 29; nays, 12; absent, 7; excused, 1.


Absent: Senators Bottiger, Craswell, Lee, Patterson, Pullen, Quigge, Sellar - 7.

Excused: Senator Talmadge - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 605, 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

May 25, 1983

I did not vote on House Bill No. 605 in the Ways and Means Committee or on final passage because of my belief that voting on portions of the bill would have been a conflict of interest.

Senator Phil Talmadge

MOTION

At 7:14 p.m., on motion of Senator Bottiger, the Senate was declared to be at ease.

The President called the Senate to order at 8:11 p.m.

MOTION

On motion of Senator Bottiger, the following interim committees were confirmed:

EDUCATION COMMISSION OF THE STATE
1 Senator
Senator Gaspard

ENERGY ADVISORY COUNCIL
2 Senators
Senators Williams and Haley

ENERGY AND UTILITIES JOINT COMMITTEE
4 Senators
Senators Williams, Bottiger, Benitz and Newhouse

JOINT LEGISLATIVE ETHICS BOARD
4 Senators
Senators Goltz, Thompson, Sellar and Benitz

LEAP
4 Senators
Senators Shinpoch, Wojahn, Jones and Craswell

LBC
8 Senators
Senators Fleming, McDermott, Gaspard, Shinpoch, Clarke, Haley, Quigg and Zimmerman

MUNICIPAL RESEARCH COUNCIL
4 Senators
Senators Bauer, Rasmussen, McCaslin and Zimmerman

ORGANIZED CRIME ADVISORY BOARD
4 Senators
Senators Thompson, Hughes, Clarke and Hayner

SENTENCING GUIDELINES COMMISSION
2 Senators
Senators Granlund and Hemstad

LTC
11 Senators
Senators Conner, Hansen, Peterson, Owen, Granlund, Bender, Guess, Patterson, Sellar, von Reichbauer and Fuller

TRADE FAIRS ADVISORY COMMISSION
2 Senators
Senators Hurley and Jones
SENATE OVERSIGHT COMMITTEE ON FIRE PROTECTION

5 Senators
Senators Vognild, Thompson, Hansen, Sellar and Zimmerman

LEGISLATIVE ADVISORY COMMITTEE ON STATE GOVERNMENT ORGANIZATION

8 Senators
Senator McManus, Rasmussen, Rinehart, Warnke, Barr, Zimmerman, McCaslin and Guess

MOTION
On motion of Senator Shinpoch, the Senate returned to the fourth order of business.

MESSAGES FROM THE HOUSE

May 25, 1983

Mr. President:
The Speaker has signed:
SENATE BILL NO. 3909, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

May 25, 1983

Mr. President:
The Speaker has signed:
SUBSTITUTE SENATE BILL NO. 3290, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

May 25, 1983

Mr. President:
The Speaker has signed:
HOUSE CONCURRENT RESOLUTION NO. 29, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 29 by Representative Heck

Notifying the governor that the legislature is about to adjourn SINE DIE.

MOTIONS

On motion of Senator Bolliger, the rules were suspended. House Concurrent Resolution No. 29 was advanced to second reading and read the second time.

On motion of Senator Bottiger, House Concurrent Resolution No. 29 was advanced to third reading, the second reading considered the third and the resolution was adopted.

APPOINTMENT OF SPECIAL COMMITTEE TO NOTIFY
THE GOVERNOR OF ADJOURNMENT SINE DIE

Under the provisions of House Concurrent Resolution No. 29, the President appointed Senators Bluechel, Clarke, Newhouse and Woody 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 Bottiger, the committee appointments were confirmed. There being no objection, the President advanced the Senate to the eighth order of business.

MOTION

On motion of Senator Bottiger, the following resolution was adopted:
SENIOR RESOLUTION 1983-122

Senators Bottiger, Fleming, Hayner and Jones

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 TO NOTIFY HOUSE OF ADJOURNMENT SINE DIE

Under the provisions of Senate Resolution 1983-122, the President appointed Senators Guess, Hemstad and Peterson to notify the House that the Senate is ready to adjourn SINE DIE.

MOTIONS

On motion of Senator Bottiger, the committee appointments were confirmed.

On motion of Senator Bottiger, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

May 25, 1983

Mr. President:
The House concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 605. and passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

MESSAGE FROM THE HOUSE

May 25, 1983

Mr. President:
The Speaker has signed:
SUBSTITUTE HOUSE BILL NO. 605. and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 605.

MOTION

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

MOTION

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

SENIOR RESOLUTION 1983-116

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

WHEREAS, Bicycling is a popular recreational activity in the State of Washington, providing excellent exercise for those who partake in such two-wheel velocipedic activities even for a mature female biped; and

WHEREAS, Mrs. Dorothy Guess, wife of the Honorable Senator from the sixth district in "Spok"ane County, Senator Samuel Cain Guess, has not only been a "wheel" in the legislative activities of the Senate for the past twenty years, but has been actively bicycling since 1963; and

WHEREAS, Mrs. Dorothy "Shugah" Guess in the last twenty "gears", oh – that should be years, has bicycled over 100,000 miles, has worn out 35 sets of tires, four bicycles, and has left Senator Guess over 75,000 miles behind; and
WHEREAS. She has been pedaling her bicycle around the state while her husband has been peddling "you alls" on the Senate floor: and
WHEREAS, A labrador somewhere in the state had an encounter with "Spokes" Guess, one the dog could not "Schwinn";
NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That Mrs. "Dotty" Guess be congratulated for her bicycling "feet", for her "untiring" view from the gallery of many, many legislative sessions, and for being a vital and welcome "cog" of the Washington State Legislature; and
BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted to Mrs. Dorothy Guess.

MOTION

On motion of Senator Bottiger, the Lieutenant Governor and all Senators, with the exception of Senator Guess, will be added as sponsors of Senate Resolution 1983-116.

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

MESSAGE FROM THE HOUSE

May 25, 1983

Mr. President:
The Speaker has signed:
HOUSE CONCURRENT RESOLUTION NO. 29, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

The President signed:
HOUSE CONCURRENT RESOLUTION NO. 29.

COMMITTEE FROM THE HOUSE NOTIFYING THE SENATE OF ADJOURNMENT SINE DIE

The Sergeant at Arms announced the arrival of the committee from the House consisting of Representatives Nealey, Powers and Paul King. The committee appeared before the bar of the Senate to notify 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 NOTIFYING HOUSE OF ADJOURNMENT SINE DIE

The Sergeant at Arms announced the return of the special committee comprised of Senators Guess, Hemstad and Peterson who were appointed under the provisions of Senate Resolution 1983-122. The committee reported they had notified the House that the Senate was ready 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 Bluechel, Clarke, Newhouse and Woody who were appointed under the provisions of House Concurrent Resolution No. 29. The committee reported they 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 Shinpoch, the Senate Journal of the First Day of the Second Special Session of the Forty-eighth Legislature was approved.
MOTION

At 8:34 p.m., on motion of Senator Shinpoch, the 1983 Second Special Session of the Forty-eighth Legislature adjourned SINE DIE.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.
JOURNAL OF THE SENATE
STATE OF WASHINGTON
1983 3RD SPECIAL SESSION
FORTY-EIGHTH LEGISLATURE

FIRST DAY

MORNING SESSION

Senate Chamber. Olympia, Saturday, September 10, 1983

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bluechel, Deccio, Guess, Hurley, Patterson, Pullen and Quigg.

The Sergeant at Arms Color Guard, consisting of Pages Nina Weld and Nyla Wood, presented the Colors. Reverend Ron Simms of the Mt. Zion Baptist Church in Seattle and aide to Senator George Fleming, offered the prayer.

MESSAGE FROM THE SECRETARY OF STATE

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

We herewith respectfully transmit the attached proclamation of the Governor of the state of Washington convening a special session of the Legislature at 10:00 a.m. on Saturday, September 10, 1983.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the seal of the State of Washington at Olympia, this tenth day of September, 1983.

(Seal)

RALPH MUNRO, Secretary of State

PROCLAMATION BY THE GOVERNOR

It is desirable that the attached law be enacted providing for a special primary election for nominating candidates to be elected in the November, 1983, general election to fill the vacancy in the representation of this state in the Senate of the United States.

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 extraordinary (special) session in the Capitol at Olympia at 10:00 a.m. on September 10, 1983, for the express purpose of enacting the attached bill.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 9th of September, A.D. nineteen hundred and eighty-three.

(Seal)

By the Governor:
Ralph Munro
Secretary of State

JOHN SPELLMAN, Governor

MOTION

At 10:10 a.m., on motion of Senator Bottiger, the Senate was declared to be at ease.

The President called the Senate to order at 10:32 a.m.
There being no objection, the President advanced the Senate to the fifth order of business.

**INTRODUCTION AND FIRST READING**

SB 4279 by Senator Talmadge

Providing for a special primary and general election for the United States Senate.

**MOTIONS**

On motion of Senator Shinpoch, the rules were suspended, Senate Bill No. 4279 was advanced to second reading and read the second time.

On motion of Senator Talmadge, all members will be added as sponsors of Senate Bill No. 4279.

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 4279 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

**REMARKS BY SENATOR TALMADGE**

Senator Talmadge: "Thank you, Mr. President and members of the Senate. We are here convened in special session this morning due to the untimely and tragic death of Senator Henry M. Jackson, a truly great American, whose memory, I think, will dominate in the 20th century in the United States. While Senator Jackson's memory is an important one to us, nevertheless we must proceed with the business at hand and attempt to provide a more orderly and rational process for the selection of the successor to Senator Jackson. While RCW 29.68 provides for such a selection process, one in which the Governor fills the position by appointment until the next ensuing general election, and the Governor has, in fact, filled that position by the selection of former Governor Dan Evans—now Senator Evans—there is a problem with respect to the question of whether or not a primary election is required.

"An Attorney General's opinion by Attorney General Eikenberry indicated that there was no need for a primary election in these circumstances and Governor Spellman followed that recommendation initially, and many of us disagreed with that recommendation and there was a lawsuit that was filed by the Democratic Party in the State Supreme Court. There was a an amicus brief filed by the Republican Party. Dan Ritter, who is a very fine Seattle attorney, wrote that brief—the amicus brief—for the Republican Party, and the Supreme Court yesterday made its ruling on that issue and decided that a writ of mandamus need not be issued in this case to compel a primary election. The opinion of the Supreme Court indicated, however, and sometimes it takes reading between the lines in the somewhat cryptic orders of the Court to detect that they would prefer that the Legislature deal with the problem. They indicated that their opinion did not affect the ability of the Legislature to meet and deal with the emergency and that, in fact, is what is being done today.

"Many of us had requested that the Governor call a special session and the Governor has responded to that concern and has called this special session. The need for the bill, I believe, is an obvious one. This is not a partisan issue as is indicated by the sponsorship of the bill from both sides of the aisle. It's an issue simply of a rational and orderly method of selection of a United States Senator consistent with the best traditions of good government here in the state of Washington. Primaries were designed to winnow the field to give the people a chance at the general election to choose between a philosophy of the various parties and to select a candidate that they feel more comfortable with from their respective party.

"I would believe that in this circumstance it will be particularly disrespectful to the heritage and the memory of Senator Jackson not to hold a primary election. Senator Jackson was noted for the very large and overwhelming majority that he rolled up as a candidate for the United States Senate—most recently a 70% vote, and being selected by the people of the state of Washington in the 1982 election. Without a primary, conceivably, there could be a large number of candidates running for this position. A candidate could be selected and elected by the people of the state of Washington to the United States Senate with less than a majority.
Conceivably we could have a United States Senator with 25-30% of the vote—perhaps even less—representing the people of the state of Washington and that's inconsistent with the notion that Senator Jackson used to receive a 70-80% majority in seeking this office and being elected by the people of our state.

"The bill that is before us today is the Governor's request bill. This is a bill that was worked out with the people in the Legislature, which was something that the Governor felt was appropriate and he has consulted. I believe, with Secretary of State Munro in talking about the specific provisions of the bill. The bill provides for a filing period from September 14-16. It provides that there is a withdrawal period that exists until September 19, and a primary election on October 11, to be followed by the November 8th general election that the Governor has already called.

"The problems that we may have with this bill are two-fold. The first is that there is no candidate's pamphlet for this particular election—provided for in this bill. In fact, that is waived. That candidate's pamphlet is distinct from the voters pamphlet, but the voters will get a voters pamphlet which relates to the issues of statewide interests on the ballot this fall. They will not get a candidate's pamphlet for this election because the timeframe is too short to provide for such for this particular primary election. The bill has another problem and that is the specification of the handling of costs. The Governor had indicated that he wanted no amendments to this bill, that this was the specific bill to be enacted by the Legislature.

"We believed that the need for a primary election was so important, so consistent with a tradition of our state, that we could agree to that because we needed this primary that badly. We still feel uncomfortable with the notion that the costs of this election are not specifically indicated in the bill. I think, perhaps, the counties and other people may need to look to the Governor's Emergency Fund in the course of time between now and the January session of the Legislature to deal with those problems. Clearly, this bill is needed to deal with a flaw that is in the electoral system with respect to this particular election. For the future, I think the Senate Judiciary Committee is going to be looking at a broader issue and that is the issue of succession to vacancies in statewide elected offices, whether it's the United States Senate or whether it is the Auditor or whether it is the Superintendent of Public Instruction—and the law there is not clear. I think we need to address that problem, the more long-term problem, when we have a more orderly and a longer period of time to deal with that problem.

"Nevertheless. I think this bill, despite its flaws—and it has a couple—is something we need to do. A primary election is consistent with the tradition of the people of our state. It's important to the people of our state. It's important to the people of our state from everything that people have been saying to us and I believe to the Governor. and I urge your overwhelming support of this bill."

REMARKS BY SENATOR HAYNER

Senator Hayner: "Mr. President and ladies and gentlemen of the Senate. I certainly agree with Senator Talmadge that there is a flaw in the law and that it is very clear that the Attorney General issued a reasoned and thoughtful opinion on the basis of the law that now exists. That was upheld by the Supreme Court in denying the request for another opinion. As a matter of fact, the only thing with which I can disagree, Senator Talmadge, is that the Supreme Court gave indication that we should actually take some action—what they actually said was—that the conclusion made is that no writ should issue to circumvent this case—should not be interpreted to preclude any emergency action. So, indeed, we have decided to take some emergency action on the basis of the fact that we certainly do not want to run counter to what the people of this state think that they should have and many of them feel very strongly about the need for a primary. Many did not.

"I think the results, whether we have a primary or whether we do not have a primary will be the same. But many of us are going to support this bill because we do think it takes care of this situation today and we will work with you in every way possible to take care of the problem in the future. The law must be changed to take care of this issue."
POINT OF INQUIRY

Senator Clarke: "Senator Talmadge, I'm asking this question merely for clarification of legislative intent and from your opening remarks I am quite certain what your answer would be. You stated that in recognition of the fact that the Governor has already made an appointment, this bill, of course, makes no reference whatsoever to the right of the Governor to appoint to cover the period until the general election is held. What I am asking you is a clarification that it is not the intent of this Legislature, by the enactment of this bill, to change in any way the act of the Governor in having made the appointment, or the fact that the appointee has the right to serve up until the time of this general election, as provided for in this bill."

Senator Talmadge: "No, I think, Senator Clarke, in additional response to your question, the bill provides that nothing in the bill should be inconsistent except as specifically stated in the bill, with the Governor's issuance of the writ of election for November 8. I think, although it does not state so specifically in the bill, that the intent was not to impact on the Governor's ability to select or to alter the statute that requires the Governor to make that selection to fill the vacancy."

POINT OF INQUIRY

Senator Thompson: "Senator McDermott, as chairman of the Senate Local Government Committee, I feel responsible to be watchful over the concerns of local governments. The question has been raised with regard to the cost of this election and we have a letter on our desks in regard to it and I think it is appropriate to have a response from the Chairman of the Ways and Means Committee."

Senator McDermott: "Senator Thompson, there have been questions raised about the cost of the election. RCW 29.13.047 provides 'whenever state officials are voted upon in a state primary or general election held in an odd numbered year, the state of Washington shall assume its pro rata share of such election costs.' I believe this provision makes the state responsible for the costs incurred as a result of SB 4279. An amendment might have clarified this, but I believe the Secretary of State and the Governor—particularly with his Emergency Fund—will have sufficient funds to cover the cost of this election."

LETTER FROM SECRETARY OF STATE

Honorable George Sellar
State Senator
Legislative Building
Olympia, Washington 98504

Dear George:

In response to your question about the procedures for reimbursing counties for the costs of the special primary to nominate candidates for the U.S. Senate, we understand that:

1) The counties will temporarily assume the costs of this special primary on October 11, 1983;
2) County auditors will submit their costs for the special primary to the Secretary of State using the same procedures which already apply to state primary and general elections under RCW 29.13.047;
3) The Secretary of State will assemble these reimbursement claims and submit a bill to provide for the payment of these costs and a supplemental appropriation request to the 1984 regular session of the Legislature.

We understand that the Governor indicated, when he called the special session, that all of the costs of the special primary would be reimbursed out of the state general fund and I fully support this position.

Sincerely,
RALPH MUNRO

REMARKS BY SENATOR SELLAR

Senator Sellar: "We too share that concern with Senator Thompson about local government bearing these costs. In the letter that I have distributed on your desks, there is a mechanism in place and I think we can assure the county auditors that the state does intend to, in fact, pick up those costs."
REMARKS BY SENATOR McDERMOTT

Senator McDermott: "Mr. President, I would just like to make a couple of comments. I am sure a lot of people will take credit for having solved the problem. We are going to all run out and put the press releases out, but I think there is one group that needs to have some recognition of this. When this process started, it was unclear whether we would have a primary, and the only reason we are having a primary is because this country has a free press. Thomas Jefferson extolled the free press and I think he lived today he would probably talk about the free media and impact of the press and the media on this process which was clearly the deciding factor. The initial hesitancy to have this primary was overcome. I think it started—at least as far as I know, with John Miller of KIRO and it went through every TV station and every newspaper in the state, and the importance of a free press and its ability to affect what goes on here, I think, should not be missed by the people of the state. Sometimes we lose sight of the importance of it and we should not at a time like this."

REMARKS BY SENATOR HEMSTAD

Senator Hemstad: "I just wanted to respond briefly, both to that comment and to Senator Talmadge's opening comment. At least Senator Talmadge suggested that many people disagreed with the Attorney General's position. I think from what happened, of course, the Attorney General's Office went through the process of determining what the law requires, and in the carrying out of his responsibility that doesn't suggest what he would have desired the law to have been. In terms the Supreme Court picked it up by an eight to one vote—would seem to have agreed with the interpretation that the Attorney General put on the matter. Things have been happening so rapidly in the short period of time that we've had to deal with this question. Of course, there was some hesitation on how to proceed following the death of Senator Jackson, but we are here now and we are correcting what I think everyone clearly agrees is a deficiency in this particular statute. It has the agreement of this body, of the Attorney General—I am sure—of the Governor, of Senator Evans, and I assume, probably, the near unanimous support of this body. So there really isn't any real debate about what people desire. There was the initial problem of what the law said."

MOTIONS

On motion of Senator Vognild, Senator Hurley was excused.
On motion of Senator Sellar, Senators Deccio, Patterson and Bluechel were excused.
On motion of Senator Zimmerman, Senator Guess, Pullen and Quigg were excused.

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "An allusion has been made to the fact that there were no amendments offered and I would like to very clearly state for the record that the question of the appropriation and the question of the wisdom of the 4th versus the 11th as the primary date had been discussed informally and formally with the Governor and others. There is an argument to be made for either date and the Governor took the responsibility of selecting the date and advising Speaker Ehlers and I that there would be no amendments. If any amendments were offered, the bill would be vetoed. In doing that, I told him in that meeting in which Senator Hayner and Representative Nelson were there, he then takes the responsibility for any flaws or glitches that occur. We made a very unusual agreement that we would not support any amendments to the bill and in doing so the Secretary of State and the Governor have made the decision that that date is the best date. As I told John—'John, I am going to say on the floor, and I will say to the press, you then assume the responsibility for anything that glitches up.'" "Now, we've heard arguments that the 4th would be a better date. We've heard arguments that that gives too much time then for the general as opposed to the primary, but be as it may, the date of the 11th can be argued—the date of the 4th can be argued and the Governor has selected the 11th and said 'no amendments,' and I agreed to that."
The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4279.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4279 and the bill passed the Senate by the following vote: Yeas. 40; nays. 1; excused, 7.


Voting nay: Senator McCaslin - 1.

Excused: Senators Bluechel, Deccio, Guess, Hurley, Patterson, Pullen, Quigg - 7.

SENATE BILL NO. 4279, having received the constitutional 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 Shinpoch, the Senate advanced to the eighth order of business.

MOTION

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

SENATE RESOLUTION 1983-123

By Senators Bottiger and Fleming

WHEREAS, Senator Henry M. Jackson was a great statesman whose efforts were recognized not only in Washington state, but throughout the United States and in foreign nations; and

WHEREAS, Senator Jackson, known to friends, colleagues, and the world as "Scoop," rose from prosecuting attorney of Snohomish County to a powerful Senator and presidential candidate through his ability to relate to people from all walks of life, regardless of party affiliation; and

WHEREAS, Throughout his career, Scoop's politics evidenced his compassion for people and love for Washington state and the United States, resulting in his being strongly concerned with domestic issues, an advocate of a strong national defense, and a defender of global freedoms; and

WHEREAS, Senator Jackson, instrumental in creating the Environmental Protection Agency, chaired the Senate Energy and Natural Resources Committee for many years, remaining a powerful member of that committee until his death, and was the ranking Democrat on the Armed Services Committee; and

WHEREAS, Senator Jackson's position and seniority in the United States Senate assisted Washington's economic development and the protection of its natural resources; and

WHEREAS, The passing of this state's favorite son who earned his nickname while a schoolboy delivering newspapers in Everett will leave a void in this state;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That Washington state acknowledges its great debt to its great statesman, the late Senator Henry M. "Scoop" Jackson, and offers condolences to the Jackson family; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted to the late Senator's family.

MOTION

On motion of Senator Shinpoch, all members and the Lieutenant Governor will be added as sponsors of Senate Resolution 1983-123.

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President and members of the Senate, I am sure that everyone of us here could relate a story about a contact, a project, or a social event which they shared with Senator Jackson. I had the distinction and honor to be chairman of the state Senate Committee on Energy at the same time that Senator Jackson was serving on the national Energy Committee and I would like to
relate to you a little story about a joint effort that we made working with alternate energy, fuel, conservation and other projects. Jackson was sometimes thought of as not having a breadth in the different alternatives that he was proposing and I have found that to be vastly untrue.

"We worked together sharing research materials and sharing information on the alternate forces--solar energy, wind energy--and there was always something about Jackson--Al Swift said 'don't you agree?' I found that so apropos and so remindful of the discussions we had on looking at these alternate energy sources, that when Al Swift mentioned that at the memorial services, I recalled as we talked about 'don't you agree that it would be an alternate source and that energy interdependence for this country is a goal that we should all share.'

"We are going to miss Jackson. at least I will, and I am sure that the whole state will and his ability to look ahead--not just at the immediate issue but something a long way down the line. That's why he was so successful and that's why we will miss him so much."

REMARKS BY SENATOR VOGNILD

Senator Vognild: "Thank you, Mr. President. I had the pleasure of serving as a senator from the home base, if you will, of Senator Jackson, which means that I probably saw him a little bit more informally than a number of members on this floor might have. I think, as Senator Bottiger said, we could probably all stand up here and say kind and true words about Senator Jackson, but one comment he made, that I recall, I would like to relay to this body. After an unsuccessful bid for the Presidency of the United States, he came back to the city of Everett and Snohomish County. At an informal--just sitting around talking type of thing--he made a comment that kind ol stuck with me and he said one thing that he treasured was that he could always return to his home county, in good times and bad times and be in a friendly atmosphere. Good times and bad times is what he used. I think the forty-one years that he served the state of Washington were the good times. The day that he passed away created a dark and bad time--one that we will feel for years ahead. That man, perhaps, had the distinction of being one of an extremely few, if not the only person, to serve in public life for forty-one years and never once have a cloud over his reputation.

"I am extremely proud of this Legislature today in passing the bill that we passed, because I believe that that totally and forever leaves Jackson's name as a name with not the slightest cloud over it. Without the bill, I fear that there would have always been a question—not reflected on him but reflected upon his term and the way it ended. This way it ends clean and as Senator Bolliger said, we will all miss him in many ways. The state of Washington will miss him tremendously for his influence and his devotion to this state."

REMARKS BY SENATOR SELLAR

Senator Sellar: "Thank you, Mr. President. We, too, would like to join in that, because the man was truly a great American. He received every constituent that he had--regardless of what party they were in--what race they were--warmly and wholeheartedly. I had an occasion to call on him and I was almost amazed at his grasp of things. We join with you in mourning his passing and join with you in saying that the state of Washington and indeed America has lost a great friend."

MOMENT OF SILENT PRAYER

President Cherberg asked the members of the Senate to stand for a moment of silent prayer in memory of Senator Henry M. Jackson.

MOTION

At 11:03 a.m., on motion of Senator Bottiger, the Senate was declared to be at ease.

The President called the Senate to order at 11:21 a.m.

PERSONAL PRIVILEGE

Senator Benitz: "Mr. President and members of the Senate, I recognize that this is not the correct time to bring up any other issue. Agreements have been made and I really do not intend to—but soon, very soon, there will be a report out on a
possible solution of the WPPSS problem, and I believe that the Governor, at that
time, will call a special session, as he has promised to do. My point is that I hope
that all of us, the majority and minority parties, return to Olympia with the same
degree of enthusiasm that is shown here in this session today to help solve that
problem. It is huge. It is one which the state of Washington must solve and I think
we should be reminded of it.”

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

MESSAGE FROM THE HOUSE

September 10, 1983

Mr. President:
The House has passed:
SENATE BILL NO. 4279, and the same is herewith transmitted.
DEAN R. FOSTER, Chief Clerk

SIGN BY THE PRESIDENT

The President signed:
SENATE BILL NO. 4279.

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

INTRODUCTION AND FIRST READING

SCR 136 by Senators Bottiger, Fleming, Hayner and Sellar
Adjourn Third Special Session SINE DIE.

MOTIONS

On motion of Senator Shinpoch, the rules were suspended, Senate Concurrent
Resolution No. 136 was advanced to second reading and read the second time.
On motion of Senator Shinpoch, the rules were suspended, Senate Concurrent
Resolution No. 136 was advanced to third reading, the second reading considered
the third and the resolution was adopted.

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

MESSAGE FROM THE HOUSE

September 10, 1983

Mr. President:
The Speaker has signed:
SENATE BILL NO. 4279, and the same is herewith transmitted.
DEAN R. FOSTER, Chief Clerk

MESSAGE FROM THE HOUSE

September 10, 1983

Mr. President:
The House has adopted:
SENATE CONCURRENT RESOLUTION NO. 136, and the same is herewith
transmitted.
DEAN R. FOSTER, Chief Clerk

SIGN BY THE PRESIDENT

The President signed:
SENATE CONCURRENT RESOLUTION NO. 136.

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

MESSAGE FROM THE GOVERNOR

September 10, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:
I have the honor to advise you that on September 10, 1983, Governor Spellman approved the following Senate Bill entitled:

Senate Bill No. 4279
Relating to a special primary election and general election for the United States Senate.

Sincerely,
ROLLIE SCHMITTEN,
Deputy Chief of Staff, Legislative Affairs

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

MESSAGE FROM THE HOUSE

September 10, 1983

Mr. President:
The Speaker has signed:
SENATE CONCURRENT RESOLUTION NO. 136, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

PARLIAMENTARY INQUIRY

Senator Clarke: "A matter of parliamentary inquiry, would this be the shortest special session in the history of the state?"

REPLY BY THE PRESIDENT

President Cherberg: "The Secretary advises that your analysis is correct, Senator Clarke."

REMARKS BY THE PRESIDENT

President Cherberg: "Honored members of the Senate, during this short interlude the President would like very much to commend the members of the Senate for their highly professional, efficient and sincere manner in which you have conducted this session of the Legislature."

MOTION

On motion of Senator Bottiger, the Senate Journal for the First Day of the Third Special Session of the Forty-eighth Legislature was approved.

MOTION

At 11:47 a.m., on motion of Senator Rasmussen, the 1983 Third Special Session of the Forty-eighth Legislature adjourned SINE DIE.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.
GOVERNOR'S MESSAGES ON SENATE BILLS
VETOED AND PARTIALLY VETOED
1983 REGULAR SESSION
FIRST, SECOND AND THIRD SPECIAL SESSIONS

May 17, 1983

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith without my approval Substitute Senate Bill No. 3042, entitled:

"AN ACT Relating to labor relations in institutions of higher education."

The bill would establish collective bargaining in higher education.

I am not persuaded that the long traditions of special faculty-management relationships in our institutions of higher learning should be abandoned in this time of stress.

Although peer group evaluation, tenure, academic freedom, and involvement of faculty in governance have added a distinct style to our higher education institutions, a significant number of members of our faculties believe that those long-standing operational forms do not meet their current needs. I have carefully read letters from faculty members. There are two prevailing themes. First, that faculty remuneration for several years has suffered. That is true. The answer to that situation, which I addressed in my budget proposal, is a matter for final legislative determination. Second, faculty perceive that they have little influence in shaping an institution's directions, particularly during the recent period of forced program cutbacks due to the state's severe financial condition. Whether true or not, that perception needs to be heeded by regents, trustees, and administrators. All parties need to reexamine how decisions have been, and should be, made.

I do not see within the framework of SSB 3042 mutual cooperation in the development of procedures that are necessary to preserve the special nature of our higher education institutes. Rather, what confronts me is a standard industrial bargaining model that does not address, nor provide for, the critical elements inherent in a vital higher education system. It does not address students' needs or interests. It does not prohibit strikes; in fact, it acknowledges their possibility in section 19(3). It injects a new adversarial relationship into a system which has been damaged by inadequate funding but is beginning the process of rebuilding.

This appears to be an inappropriate time to abandon a long proven system for the uncertainties inherent in this bill. Therefore, I have vetoed Substitute Senate Bill No. 3042.

Respectfully submitted,

John Spellman
Governor

May 11, 1983

To the Honorable, the Senate
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 4, Second Substitute Senate Bill No. 3085, entitled:

"AN ACT Relating to unemployment compensation."

This bill provides for a one-year extension of the unemployment insurance additional benefits program, to be implemented only when the corresponding Federal program ends. If and when these benefits are paid, and if the unemployment fund thereby goes into deficit status, sections 4 and 5 provide for ways to finance the deficit. At a given dollar deficit, section 4 could mandate a surcharge in the rate at which employers pay into the fund as well as increase the base (to 80 percent of the average annual wage) on which the rate is paid. Potentially, this could amount to a very substantial increase in employer contributions. There is no mechanism for removing or reducing the surcharge or base once the deficit is made up. In light of the fact that section 5 provides for an alternative way to
finance the deficit, by establishing (through employer contributions) a Federal interest payment fund that would pay for the interest on funds borrowed from the Federal government, the potentially onerous impact of section 4 is unwarranted. For that reason I have vetoed section 4.

With the exception of section 4, which is vetoed, Second Substitute Senate Bill No. 3085 is approved.

Respectfully submitted,
John Spellman
Governor

May 20, 1983

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 3 and 5, Senate Bill No. 3090, entitled:

"AN ACT Relating to budgeting and accounting."

Section 3 requires that budget information submitted by the Governor cannot exceed the detail of the required budget developed under existing estimated revenues. That language, interpreted literally, would limit the Governor's ability to provide for legislative consideration various alternative budget and revenue proposal details. Statutory budget preparation requirements should be carefully considered in order to avoid conflicts with other provisions of chapter 43.88 RCW, the Budget and Accounting Act.

Section 5, an emergency clause, inadvertently included a specific effective date of July 1, 1983, for section 2. That effective date was intended for the repealer referenced in section 4.

With the exception of sections 3 and 5, which I have vetoed, Senate Bill No. 3090 is approved.

Respectfully submitted,
John Spellman
Governor

March 18, 1983

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 7, 14, 24, 31, and 32(2), Second Substitute Senate Bill No. 3100, entitled:

"AN ACT relating to state agencies."

I have vetoed section 7, which amends the appropriation "FOR THE GOVERNOR-SPECIAL APPROPRIATIONS." This section would reduce to an unacceptable level the funds available to my office to address emergencies that may occur during the period of time between adjournment of the legislature and the end of the biennium. As long as the legislature is in session, it should appropriate directly from the General Fund for the special problems it wishes to address, rather than deplete the limited emergency funds available. Otherwise, unforeseen demands on the emergency fund could require a special session of the legislature.

I have vetoed section 14, which contains a provision that: "the department of agriculture shall not expend any state general fund moneys for the aerial spraying of hard chemicals over cities with a population over 140,000 persons located in a county with a population over 450,000 persons." This language, which contains some imprecise terms, would unduly restrict the department's ability to address its statutory responsibilities to protect the general population from plant pests and diseases. The issue of aerial spraying of hard chemicals should be debated in the normal course of the legislative process, where public testimony and expert witnesses can contribute to the development of legislation on eradicating pests. This provision has not experienced that process.

I have vetoed section 24. The intent of this section is to reduce the state tourism budget by $485,000 at a time when the state is in the midst of a phased promotional campaign designed to attract tourists for the coming summer. It is essential to continue the program that has been developed over the past several months in order
to enhance the tourism sector of our state's economy. The continuation of those efforts is critical to the creation of employment opportunities and to the development of a positive atmosphere for investment in the tourist industry.

I have vetoed section 31, which requires the reduction of salaries through the end of this biennium for those state employees earning $40,000 per year or more. By far the largest group of employees affected by this section are the senior faculty members of our institutions of higher education. Medical and dental professionals would also be affected. We are already experiencing difficulties retaining and recruiting employees in those critical areas. To reduce salaries in this manner would only exacerbate this problem. Moreover, the effect on key management people cannot be overlooked. Those on whom we depend to provide leadership to state government in these difficult economic times should not be further penalized by having their salaries reduced. I might note that elected officials with salaries set by statute would not have been affected by this section, because those salary levels cannot be changed except by changing the specific statutes associated with such positions. Finally, those state employees whose salaries are set by contract would have a strong legal case for challenging the reductions as applied to them; a successful suit would undercut the goal of saving money and would result in inequitable application of the reductions.

I have vetoed section 32(2), which provides, in effect, for the supplemental appropriations for the legislature to continue after the end of the current biennium. The legislature, like any other state entity, should have its appropriation for the ensuing biennium established by the omnibus appropriation act for that biennium and should not expect to carry forward a cushion of unexpended funds intended for the prior time period. If, during the next biennium, events establish the need for supplemental funding, the legislature can provide the necessary appropriation.

I have not vetoed section 30, which directs me to impose a hiring freeze and order further expenditure reductions, because I agree with its purpose. On December 13, 1982, I issued Executive Order 82-24, which contains provisions very similar to the language of section 30. I want to state, however, that as a general rule, directives of this sort from the legislature to the Governor are inappropriate.

With the exceptions of the aforementioned provisions, which I have vetoed, Second Substitute Senate Bill No. 3100 is approved.

Respectfully submitted,
John Spellman
Governor
May 11, 1983

To the Honorable, the Senate of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 3, Engrossed Senate Bill No. 3106, entitled:

"AN ACT Relating to driving while intoxicated."
This bill establishes the crimes of vehicular homicide and vehicular assault and provides for penalties for those crimes.
It is necessary to veto section 3 of ESB 3106 in order to avoid a double amendment to RCW 46.20.285, which was also amended in a more complete manner in section 15 of Engrossed Substitute House Bill No. 289, a bill that I will sign today.

With the exception of section 3, which I have vetoed, Engrossed Senate Bill No. 3106 is approved.

Respectfully submitted,
John Spellman
Governor
April 25, 1983

To the Honorable, The Senate of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 11, Senate Bill No. 3182, entitled:

"AN ACT relating to financial institutions."
Section 11 of this bill would repeal the banking examination fund and the sav­
ings and loan and credit unions examination fund. The monies in those funds, paid by fees from financial institutions, provide the entire operating budget for the Divi­
sions of Banking and of Savings and Loans, Department of General Administration. The funds are essential to the Department's effective regulation of our financial
institutions. Because this bill has an emergency clause, those funds would immedi­
ately cease to exist, and the Department would have no money to implement this bill or to perform any other related regulatory function. For these reasons, I have
vetoed section 11.

With the exception of section 11, which I have vetoed, Senate Bill No. 3182 is
approved.

Respectfully submitted,
John Spellman
Governor

February 22, 1983

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith without my approval as to Sections 1, 2, 4, 5, 28, 29, 30,
and 31. Senate Bill 3258, entitled:

"AN ACT relating to revenue and taxation."

My primary emphasis in examining this bill has been to review its likely
impacts on jobs, economic development, and the future of our state. On analysis,
parts of this bill, if enacted, would result in the loss of existing jobs and in disincentives to the creation of desperately needed new jobs.

Taken together, Sections 1, 2, 4, and 5 would permanently increase the business and occupation (B&O) tax on services by 100 percent, would permanently increase the B&O tax on most retailers by 7 percent, and would permanently increase the B&O tax on non-retailers and on some retailers by 32 percent. Such increases in B&O taxes at a time when the economy is slow can only be justified by a compelling state need. In my opinion, there is such a compelling need during the remainder of this biennium. Because we have so little time to make up a shortfall in what is already a lean revenue year, taxes for the remainder of this biennium necessarily must be steep. For that reason, I am requesting the legislature to reenact the same tax increases, but on a temporary basis only, so that they expire on June 30, 1983.

But the case has not been made that such increases are justified on a perma­
nent basis. Indeed, the more compelling case is that these permanent tax increases would discourage efforts both to create new jobs during this period of profound unemployment and to recover from the hardest economic times in half a century. They were adopted with little of the thoroughness that usually accompanies the process of establishing biennial revenues. The biennial budget, which ordinarily provides the justification for needed revenues, is only in the early stages of legislative review. In my opinion, any new B&O taxes to be collected in the next biennium must be justified both by being part of an equitable tax package and by a demonstrated need for the overall revenues that the package is expected to produce. I have not been provided with such justifications.

In a similar vein, there needs to be more review of the aircraft excise tax
newly imposed by sections 28 through 31 of the bill. A tax of one percent of the value of an airplane, paid each year, is a marked increase compared with the engine tax now imposed. It should not be adopted without a review both of the impact that it would have on businesses that use airplanes and of the possibility that airplane owners would, as a result, register their planes elsewhere.

I have repeatedly stated the perils of trying to pass a single tax package that
appropriately meets the revenue needs for both this and the next biennium. This bill is testament to those perils. I urge the legislature to divide the tasks and pass immediately those increases necessary to meet the needs for this biennium. Then we can address the remaining taxes and the budget that are appropriate for the next biennium.
For these reasons I have vetoed sections 1, 2, 4, 5, 28, 29, 30, and 31.

Respectfully submitted,

John Spellman
Governor

May 16, 1983

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 12, Substitute Senate Bill No. 3433, entitled:

"AN ACT Relating to higher education institutions."

Substitute Senate Bill No. 3433 establishes the Higher Education Facilities Authority to assist the state's independent colleges and universities in the issuance of tax exempt revenue bonds. These bonds, and the expenses of the Authority, are funded by private sources. No public funds are involved.

Section 12 of the bill would require the Authority to adopt rules to ensure the "prevailing rate of wage" for construction projects, as prescribed by RCW 39.12.010. Chapter 39.12 RCW pertains to public works projects paid from public funds. The authority of Substitute Senate Bill No. 3433 pertains to private construction projects funded from non-public sources. Therefore chapter 39.12 RCW does not, and should not, apply.

With the exception of section 12, which I have vetoed, Substitute Senate Bill No. 3433 is approved.

Respectfully submitted,

John Spellman
Governor

May 12, 1983

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to one section, Substitute Senate Bill No. 3538, entitled:

"AN ACT Relating to the traffic safety commission."

Section 2 of this bill calls for Senate confirmation of the Chairman of the Commission. Senate confirmation of gubernatorial appointees should not be routinely required but should be reserved for major agencies and members of major boards and commissions. It has become obvious that the great number of Senate confirmations now required by law presents an administrative difficulty for both the Senate and the executive branch. More prudent use of Senate confirmation is desirable. Insofar as the Director of the Washington Traffic Safety Commission answers to, and carries out the orders of, the Commission itself, there is sufficient accountability for the Director's performance. For these reasons I have vetoed section 2.

With the exception of section 2, which is vetoed, substitute Senate Bill No. 3538 is approved.

Respectfully submitted,

John Spellman
Governor

May 17, 1983

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1(2)(e), Senate Bill No. 3857, entitled:

"AN ACT Relating to emission control inspections for used cars."
Section 1(2)(e) is identical to section 3 of Substitute Senate Bill No. 3497, which I have signed into law. In addition, there is some question as to whether that provision in this bill is beyond the scope of its title. With the exception of section 1(2)(e), which is vetoed, Senate Bill No. 3857 is approved.

Respectfully submitted,
John Spellman
Governor
June 15, 1983

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to subsections 44(7), 49(3), and 53(1) of Senate Bill 3909 entitled:

"AN ACT Relating to revenue and taxation."

Subsection 44(7) amends the existing law that defines certain exemptions to the boat tax. Existing law appropriately exempts all vessels under 16 feet in length. This subsection would exempt only those boats under 16 feet in length that have no motors, but tax those boats within that length limitation that have motors. In order to provide for equity and ease of administration, I have vetoed subsection 44(7). The result of my action is a simple exemption for all boats under 16 feet in length.

Subsection 49(3) provides that any local option boat tax shall be payable to the Department of Licensing. A program of state collection and distribution of a nonuniform local option tax is fraught with administrative problems for both state and local governments. I have vetoed this subsection so that the collection of any local option boat tax becomes the responsibility of local government.

Subsection 53(1) requires that one-half on any boat tax paid under existing law (SB 3258; now Chapter 7, Laws of 1983) be applied as a credit against the taxes now due under this measure. The existing law, by its own terms, will not become effective until June 30, 1983. This measure negates the tax specified by that law. Because some boat owners have already tendered payment for that tax, which will not now come into effect, they should receive a refund of their entire payment, rather than just a credit for one-half of that payment. The Departments of Revenue and Licensing can make the necessary refunds pursuant to RCW 43.01.072.

With the exceptions noted above, Senate Bill 3909 is approved.

Respectfully submitted,
John Spellman
Governor
April 23, 1983

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith without my approval Engrossed Senate Bill No. 3991, entitled:

"AN ACT Relating to tolls on the Hood Canal bridge."

This bill would set statutory tolls for crossing the Hood Canal bridge. This function is more appropriately performed by the Transportation Commission, which has such authority and has in fact just lowered the tolls for the bridge to amounts identical to those contained in this bill. This bill is thus both unwise and unnecessary, and so I have vetoed it.

Respectfully submitted,
John Spellman
Governor
April 22, 1983

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to one section, Substitute Senate Bill No. 4034, entitled:
*AN ACT Relating to motor vehicle and special fuels* and adding a new section to chapter 9.04 RCW: prescribing penalties; and declaring an emergency.

This worthy bill will protect gasoline consumers by prohibiting deceptive advertising of gasoline prices. Section 2, however, which would make the bill effective immediately, could cause affected gasoline dealers to be in violation of the law without knowing it. In order to give those people fair warning of the new provisions in this bill, I have vetoed section 2.

With the exception of section 2, which I have vetoed, Substitute Senate Bill No. 4034 is approved.

Respectfully submitted,
John Spellman
Governor
June 14, 1983

To the Honorable, the Senate of the State of Washington
Ladies and Gentlemen:
I am returning herewith, without my approval, Substitute Senate Bill No. 4059, entitled:

*AN ACT Relating to the central stores revolving fund.*

This bill would impose excessive, unnecessary, and expensive controls over the Central Stores Revolving Fund. I believe that existing procedures for administration of this fund are adequate.

In addition, the funding limitations contained in the bill would reduce the capacity of the state to handle telecommunications purchases. I believe the state will need more, not less, telecommunications expertise, particularly in view of recent court decisions affecting the telephone industry.

For these reasons, I have vetoed Substitute Senate Bill No. 4059.

Respectfully submitted,
John Spellman
Governor
May 16, 1983

To the Honorable, the Senate of the State of Washington
Ladies and Gentlemen:
I am returning herewith without my approval Substitute Senate Bill No. 4092, entitled:

*AN ACT Relating to insurance reporting.*

This bill would establish a legislative committee to study various aspects of insurance laws. My sole objection to the bill is that it unnecessarily creates such an entity in statute. As this is entirely a legislative committee, the legislature has its own internal authority to study such matters, without need of a statute. I have therefore vetoed substitute Senate Bill No. 4092.

Respectfully submitted,
John Spellman
Governor
May 17, 1983

To the Honorable, the Senate of the State of Washington
Ladies and Gentlemen:
I am returning herewith, without my approval as to portions of sections 2 and 5, Senate Bill No. 4204, entitled:

*AN ACT Relating to the state board of health.*

The proviso in Section 2 (11) could be interpreted as a prohibition against the creation of new health care facilities with annual operating budgets over $500,000, regardless of the need for such facilities as determined by the certificates-of-need program. Such a prohibition would ignore the purpose of the certificate-of-need program.

Section 5 would require the Board of Health to perform the current functions of the State Health Coordinating Council. If the State Health Coordinating Council's
functions are assumed by the Board of Health, Federal regulations will be violated, and Federal funds may be jeopardized. The Federal government requires that Council functions be performed by a body having majority representation of consumers, which the Board would not have.

With the exceptions noted above, which I have vetoed, Senate Bill No. 4204 is approved.

Respectfully submitted,
John Spellman
Governor
GOVERNOR'S MESSAGE ON SENATE BILLS
RECEIVED AFTER ADJOURNMENT

1983 REGULAR SESSION

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

I have the honor to advise you that on April 23, 1983, Governor Spellman approved the following Senate Bills entitled:

- Senate Bill No. 3018
  Relating to the division of land.
- Substitute Senate Bill No. 3043
  Relating to state institutions.
- Substitute Senate Bill No. 3052
  Relating to elevators, lifting devices and moving walks.
- Substitute Senate Bill No. 3094
  Relating to street improvements.
- Senate Bill No. 3140
  Relating to code cities.
- Substitute Senate Bill No. 3151
  Relating to counties.
- Substitute Senate Bill No. 3161
  Relating to service districts.
- Senate Bill No. 3252
  Relating to aircraft dealers.
- Substitute Senate Bill No. 3742
  Relating to absentee voting.
- Substitute Senate Bill No. 4201
  Relating to oil.
- Substitute Senate Bill No. 3007
  Relating to sexual offenses.
- Substitute Senate Bill No. 3054
  Relating to certification of plumbers.

Sincerely,
Marilyn Showalter,
Counsel for the Governor
# SENATE ROSTER — 1983 SESSIONS
## FORTY-EIGHTH LEGISLATURE

**H. A. "BARNEY" GOLTZ, President Pro Tern**

**A. L. "SLIM" RASMUSSEN, Vice President Pro Tern**

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Membership of
Senate Standing Committees
1983


Member Assignments to Senate Committees

1983

BARR, SCOTT—Agriculture, Local Government, Transportation.

BAUER, ALBERT—Education. Vice Chairman: Local Government, Vice Chairman: Rules, Ways and Means.


BLUECHEL, ALAN—Parks and Ecology, Rules, Ways and Means.

BOTTIGER, R. TED—Financial Institutions, Rules, Ways and Means.

CLARKE, GEORGE W.—Financial Institutions, Judiciary, Rules.

CONNER, PAUL—Natural Resources, Rules, Social and Health Services, Transportation.

CRASWELL, ELLEN—Education, Social and Health Services, Ways and Means.

DECCIO, ALEX A.—Financial Institutions, Social and Health Services, Ways and Means.

FLEMING, GEORGE—Education, Judiciary, Rules, Ways and Means.

FULLER, W. H. "BILL"—Energy and Utilities, Institutions, Natural Resources.

GASPARD, MARCUS—Education, Chairman: Ways and Means, Vice Chairman: Agriculture.


GRANLUND, BARBARA—Institutions, Chairman: Local Government, Social and Health Services, Transportation.

GUESS, SAM C.—Education, Rules, Transportation.

HANSEN, FRANK "TUB"—Agriculture, Chairman: Transportation, Vice Chairman: Parks and Ecology.

HALEY, TED—Commerce and Labor, Parks and Ecology, Transportation.

HAYNER, JEANNETTE—Judiciary, Rules, Ways and Means.


*JONES, JOHN D.—Financial Institutions, Rules, State Government.


MCMANUS, MIKE—Social and Health Services, Chairman: Commerce and Labor, Energy and Utilities, Institutions.

METCALF, JACK—Institutions, Natural Resources, Rules, Ways and Means.

MOORE, RAY—Financial Institutions, Chairman: Commerce and Labor, Energy and Utilities, Social and Health Services.

NEWHOUSE, IRVING—Agriculture, Commerce and Labor, Judiciary, Rules.

OWEN, BRAD—Natural Resources, Chairman: Institutions, Vice Chairman: Transportation.

PATTERSON, E. G. "PAT"—Education, Natural Resources, Rules, Transportation.

PETERSON, LOWELL—Transportation, Chairman: Natural Resources, Vice Chairman: Institutions.

PULLEN, KENT—Institutions, Parks and Ecology, Ways and Means.

QUIGG, J. T.—Commerce and Labor, Energy and Utilities, Natural Resources.


SELLAR, GEORGE L.—Commerce and Labor, Financial Institutions, Rules, Transportation.

SHINPOCH, A. N. "BUD"—Commerce and Labor, Natural Resources, Rules, Ways and Means.

TALMADGE, PHIL—Judiciary, Chairman, Parks and Ecology, Vice Chairman, Ways and Means.

THOMPSON, ALAN—Local Government, Chairman; Judiciary, Ways and Means.

VOGNILD, LARRY L.—Commerce and Labor, Chairman; Natural Resources, Transportation.

VON REICHBAUER, PETER—Education, Natural Resources, Transportation.

WARNKE, FRANK J.—State Government, Chairman; Education, Financial Institutions, Ways and Means.

WILLIAMS, AL—Energy and Utilities, Chairman, Commerce and Labor, Judiciary, Parks and Ecology.

WOJAHN, R. LORRAINE—Commerce and Labor, Vice Chairman; Financial Institutions, Rules, Ways and Means.


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HOUSE MEMORIALS AND RESOLUTIONS PASSED
BY BOTH HOUSE AND SENATE
Forty-Eighth Legislature
1983 Regular Session
1983 First, Second and Third Special Sessions

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The table shows the progress of various actions on bills and resolutions, including their introduction, committee reports, readings, and final passage. The page indicates the Senate Journal entries for the legislative session, with specific numbers and dates for each bill's progression.
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41. Senators Hemstad and Fuller: Welcoming the Captain and Crew of the Submarine Olympia. 1310

42. Senators McDermott, Pullen, Fleming and Talmadge: Honoring Chess Player, Yasser Seirawan. 2015

43. Senators Haley, Rasmussen, Metcalf, BluecheL Deccio, McCaslin, Craswell, Zimmerman, Granlund, von Reichbauer, McManus, Hurley, Hayner, Pullen, Quigg, Sellar and Jones: National Organ Donation Awareness Week. 1663

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79. Senators Thompson and Sellar: Urging Congress for funds to deepen mouth of Columbia River. 2146

80. Senators Quigg, von Reichbauer, Benitz, BluecheL Lee, Fuller, Woody, Thompson, Craswell, Granlund, Hurley and Metcalf:
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89. Senators Bottiger, Fleming, Hayner, Jones: Commending Student Congress.

96. Senators Thompson and Jones: Supporting U.S. SCR 73, condemning Iranian persecution of members of the Bahai'a faith.


98. Senators Fleming, Talmadge, Shinpoch and Patterson: Senate Committees on Ways and Means and Local Government undertake study of METRO.


102. Senators Benitz and Hayner: Naming the Tri-Cities Bridges after R. C. Bremmer.

103. Senators Rinehart, Kiskaddon, Gaspard and Hemstad: Senate Committee on Education study part-time faculty in Community College System.

109. Senators Goltz, Gaspard, Rinehart, Patterson, Guess and Hansen: Senate Committees on Ways and Means and Education study of funding Higher Education.

111. All Members: Endorsing Postage Stamp to Commemorate EXPO '86.

113. Senators Granlund, Talmadge, Owen and McDermott: Committees on Institutions and Ways and Means to study Legislation on Community Corrections Programs.

115. Senators Talmadge and Hughes: Creating Select Committee on SeaFirst National Bank Crisis.

116. All Members, except Senator Guess: Honoring Dorothy Guess, the wife of Senator Sam Guess.

122. Senators Bottiger, Fleming, Hayner and Jones: Notifying the House that the Senate is about to adjourn SINE DIE.

123. All Members: Honoring Senator Henry M. Jackson.
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Alcohol awareness program funded by penalty assessments: SSB 3617
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COMMUNITY COLLEGES—cont.

Exempt position, eliminates right of reversion: HB 134, SHB 134
Faculty peer review committees, immunity: HB 915, SHB 915
Financial aid, factors to consider: *2SHB 693, CH 64 E1 (1983)
Financial aid, may use long-term loan fund: HB 693, SHB 693, *2SHB 693, CH 64 E1 (1983), SB 4089
Financial aid, need-based, funded by operating fees: SHB 640
Higher education facility authority, financing for private nonprofit institutions: *SSB 3433, CH 169 (1983)
Higher education personnel board meetings: *HB 83, CH 23 (1983)
Higher education personnel board powers transferred to public employment relations commission: HB 792
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LEOFF, children tuition benefit age lowered: HB 856, SHB 856
Loans for teachers in math and science: *2SSB 4102, CH 74 E1 (1983)
Long-term loan fund may be used locally for financial aid: HB 693, SHB 693, *2SHB 693, CH 64 E1 (1983), SB 4089
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Purchasing, contracted services, conditions: HB 405
Purchasing, emergency procedures, limits: *HB 208, CH 141 (1983), SB 3412
Reciprocity with Oregon: HB 409, *SHB 409, CH 104 (1983)
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Resident student, definition modified: HB 334, *SHB 334, CH 285 (1983), HB 335, SB 3306
Retirement, employer may pay the employee contribution: HB 218
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Transfer of credits, course number system enhanced to facilitate: HB 790
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Tuition and fee refund procedure: *SB 3531, CH 256 (1983)
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  Tuition, nonresident exemption, participants in federal job corps: SB 3044
  Tuition reciprocity with Idaho and British Columbia: HB 306, SHB 306, SB 3492, CH 166 (1983)
  Tuition reciprocity with Oregon, conditions: HB 409, SHB 409, CH 104 (1983)
  Tuition refund, withdraw for medical reasons: SB 3531, CH 256 (1983)
  Tuition, two credit hour category removed: HB 532
  Tuition, 18 hours or more, additional fee deleted: HB 333, HB 335
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  Workers' compensation is not provided for recipients of financial aid: HB 437
  Workers' compensation, retroactive benefits, modifications: SB 311, CH 23, El (1983)
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  Workshops, seminars, credentials and conditions: SB 3644, CH 266 (1983)

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Member, board of regents for university of Washington:
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DeLAITTRE, DAVID J.
Member, commission for the blind: GA 5, confirmed pp. 22, 448, 657, 1996

DELIQUENCY (See CHILDREN)

DENTISTS
Board of dental examiners membership increased: HB 110, HB 293, SHB 1044
Dental hygienists committee created to conduct exams: *SHB 359, CH 168 (1983)
Dental hygienists given greater authority: HB 293, SHB 1044
Dental hygienists on dental examiners board: SHB 1044
Dental hygienists procedure power given to dental hygienist panel: HB 293, SHB 1044
Dental hygienists standards set by board of dental examiners: HB 110
Discipline procedures, dentists and hygienists: SHB 1044
Education requirements set by board of dental examiners: HB 110
Medical radiation health and safety act: HB 454
Panels established on board, dentist, dental hygienists: HB 293, SHB 1044
Radiographs, board of dental examiners to set standards: HB 110
Radiologic technology board of examiners created: HB 454

DEPORTATION
Guilty plea, must advise on deportation consequences: HB 522, *SHB 522, CH 199 (1983)

DEVELOPMENTALLY DISABLED (See HANDICAPPED)

DIERDORFF, JACK L.
Member, state game commission: GA 102, confirmed pp. 594, 939, 1996, 2031

DIXING DISTRICTS
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Warrants for claims to be certified by auditor: HB 374

DISABLED PARKING (See HANDICAPPED)

DISCRIMINATION
Age, increased to 70 years: *HB 555, CH 293 (1983)
Age, 40 to 70 years, unfair practice to refuse employment: SB 3196
Comparable worth in salary schedules: *SSB 3248, CH 75 El (1983)
Comparable worth, joint committee established: HCR 25, SCR 131
Comparable worth joint select committee: HFR 64
Economic equity act, equality for women: HJM 16
ERA passage urged: HJM 17
Human rights commission references corrected: *HB 555, CH 293 (1983)
Iranian persecution of Bahai faith condemned: HFR 99
Japanese war reparations passage of proposed legislation urged: HJM 23
Minority and women-owned businesses, participation enhanced: HB 163, SHB 163, *SSB 3230, CH 120 (1983)
Sexual orientation, may not discriminate: HB 556
Unfair practices damage limits: *HB 555, CH 293 (1983)
WWII discriminatory dismissals of state employees, reparation: HB 268
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DOELMAN, CORNELIUS
Member, board of trustees for Centralia community college district no. 12: GA 52, confirmed ........................................ pp. 30, 481, 601

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DRAFT REGISTRATION
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Voting rights, land ownership at least 90 days preceding elections: HB 84
Warrants for claims to be certified by auditor: HB 374

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Abuse, education provided: SB 4237
Controlled substances schedule revised: HB 469
Crimes enhanced by drug or alcohol abuse, rehabilitative treatment: HB 137
Criminal provisions: *SSB 3856, CH 4 El (1983)
Drug abuse administrative board, county may appoint: *HB 373, CH 148 (1983)
Enforcement and investigation board created: HB 629
Exclusionary rule modified, procedures: SHB 315
Prescriptions, combination drug product generic names to be shown on label: HB 467
Sales tax removed: HJR 25
Schools to educate about abuse: HB 681, SHB 681
Treatment programs for offenders: HB 763
Wiretaps by federal employees authorized for drugs: HB 315
Wiretaps for drugs by state or subdivisions: SHB 315

DRUNK DRIVING
Alcohol awareness program funded by penalty assessments: SSB 3617
Alcohol information school: *SHB 498, CH 150 (1983)
Alcohol problems, serious, diagnostic evaluation: SSB 3382
Alcohol programs for persons convicted of DWI: HB 720
Alcohol safety coordinator created: HB 444
Alcohol safety office created: HB 444
Alcohol-related problems, joint select committee to study funding: HCR 18
Blood alcohol content of .05 for those under 21: HB 253
Blood alcohol content of .05 percent: HB 98, HB 120
Blood alcohol content of .05, 3rd degree: HB 891
Blood alcohol content of .08 percent: HB 166, SSB 3107
Blood alcohol content of .10, 2nd degree: HB 891
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Blood alcohol content test, if person is unconscious consent is not necessary: HB 501
Blood alcohol content under .10 percent, may be considered at trial: HB 97
Breathalyzer, refuse or .10, revocation may be immediate: HB 289, *SHB 289, CH 165 (1983)
Charters, driver may not drink: HB 166, *SHB 289, CH 165 (1983), SSB 3107
Compromise of misdemeanors, not allowed: HB 166
Compromise of offense not available: HB 131
Continuing jurisdiction, not to exceed two years: HB 121
Court admissibility of refusal to take blood or breath test, must inform driver: HB 97, HB 98, HB 131
Court may modify certain sentences, but not to be more harsh: HB 131
Courts may not remove suspension: HB 97, HB 98
Deferral of sentence increased from one to two years: HB 121
Deferred prosecution eligibility removed: HB 166
Deferred prosecution not available: HB 98, HB 121
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Driver's license, revocation reinstatement criteria modified: HB 166
Driver's license to contain statement of conviction for 5 years: HB 98
Driver's licenses of persons under 21 may be revoked until age 21: HB 109, HB 253
Drunk driver enforcement impact account: SHB 983
DWI impact account created: *SHB 289, CH 165 (1983)
Enhanced enforcement judicial districts: *SHB 289, CH 165 (1983), HB 341
Fees, fines, forfeitures, and penalties, uniformity in collection and distribution: HB 508
Fees, fines, forfeitures, procedures for remittance to state treasurer: HB 510
Furnishing liquor to an intoxicated person misdemeanor: HB 825
Habitual offenders guilty of class C felony: HB 131, HB 155
Insurance abstract: HB 166
License plates confiscated if drive while license suspended or revoked: HB 558
License tabs revoked if car driven by drunk: HB 445
Limited license may be issued after certain revocations: HB 289, *SHB 289, CH 165 (1983)
Local regulation may not be less restrictive: HB 166
Mandatory 14 day imprisonment for 2nd conviction in 5 year period: HB 121
Mandatory 48 hours: HB 98
Negligent assault: HB 98
Negligent homicide: HB 98, HB 121, HB 131, HB 155
Negligent vehicular assault: HB 155
Occupational driver's license, violations no longer classified as traffic infraction: HB 166
Occupational license, may not have conviction within 5 years: HB 97
Occupational license, may not have drunk driving conviction: HB 121
Occupational license, restrictions as to time and place of use: HB 367
Open containers, none by driver or passengers: HB 97, HB 98, HB 166, HB 287, *SHB 289, CH 165 (1983), SSB 3107
Open containers, particular restrictions concerning broken seals: HB 287
Passengers or drivers may not drink in a motor vehicle: HB 97, HB 98, HB 166, HB 287, *SHB 289, CH 165 (1983), SSB 3107
Penalty assessments, court may deduct costs: HB 559
Personal injuries: HB 960
Probation department alcohol assessment: SSB 3382
Public transportation, may not drink, except charter groups: *SHB 289, CH 165 (1983), SSB 3107
Revocation for refusing breathalyzer or .10 result may be immediate: HB 289, *SHB 289, CH 165 (1983)
Revocation for 1 year on 2nd conviction in 5 years: HB 121, *SHB 289, CH 165 (1983)
Revocation for 3rd offense may not exceed 5 years: SSB 3107
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Revocation of license for 2 years: HB 253
Revocation of one year for 2nd conviction: HB 166
Roadblocks authorized for detection of drugs or alcohol: HB 97
Seizure and forfeiture of motor vehicle: HB 280
Special detention facilities for drunk drivers: *SHB 289, CH 165 (1983), HB 367, SSB 3107
Spot checks, state patrol may breathalyze any driver: HB 97
State patrol to conduct emphasis patrols: HB 958
Suspension mandatory for 30 days on 1st offense: HB 131
Suspension, may exceed 2 years: HB 121
DRUNK DRIVING—cont.
Suspension of ninety days for 1st conviction: HB 166, SSB 3107
Suspension or revocation, revoked any time prior to probation termination: HB 121
Toll free telephone number for reporting drunk drivers: SSB 3107
Traffic infractions, certain violations reclassified as crimes: HB 131, HB 155, HB 166
Vehicle impoundment: HB 97
Vehicular assault: *SB 3106, CH 164 (1983)
Vehicular homicide: *SB 3106, CH 164 (1983)
Vehicular injury: HB 166
Victims, DWI convicts assessed $100: HB 561
Victims of drunk driving: HB 960

DUE ON SALE (See REAL PROPERTY)

DUFFIE, CORNELIUS R.
Member, WPPSS executive board of directors: GA 65

DUNLAP, RON
Appointed to redistricting commission

EARTHQUAKES

School buildings, earthquake inspections: HB 680

EASTERN WASHINGTON UNIVERSITY, BOARD OF TRUSTEES

James D. Ray, member: GA 37
Fred C. Enlow, member: GA 95

ECOLOGY, DEPARTMENT OF

Aquifers, funds for protection: *SSB 3664, CH 269 (1983)
Beverage containers, excludes milk-based or soy-based container: *SB 3535, CH 257 (1983)
Conservation corps established within many agencies: *2SSB 3624, CH 40 El (1983)
Dredging, SEPA exemption by DOE to prevent flooding: HB 628
East Selah reregulating reservoir: *HB 595, CH 18 El (1983)
Emission inspections, motor vehicle fleet redefined: HB 389, HB 611
Endrin alternative study by WSU: SB 4079
Environmental coordination procedures act, transferred to business license center: HB 70
Environmental impact statement, road repair due to flood damage, requirements lessen: HB 182
Environmental impact statements, forest practices exempt: *SSB 3006, CH 117 (1983)
Fees, authorizing certain administrative expenses to be collected: HB 410, SHB 410
Fish passages, reclamation projects: HB 582
Flood zone new construction, county or city is liable: HB 628
Forest practices, exempt from EIS requirements: *SSB 3006, CH 117 (1983)
Ground water, aquifer protection and regulation: HB 364
Litter control and recycling act: *SB 4107, CH 277 (1983)
Litter control and recycling advisory committee: HB 929
Litter control fine increased: *SB 4107, CH 277 (1983)
Litter, resource conservation, litter defined: HB 929
Master permit process, environmental coordination: HB 165
Motor oil to be recycled: HB 252, SHB 252, HB 802, *SSB 4201, CH 137 (1983)
Nisqually Delta and Sequim Bay retained on sanctuaries list: HB 686
Nisqually river basin: HCR 14
Oil, motor oil to be recycled: HB 252, SHB 252, HB 802, *SSB 4201, CH 137 (1983)
Oil recycling tanks: HB 873
Pesticides, authority transferred from agriculture: HB 901
Pollution and environmental safety authority: *SB 3674, CH 270 (1983)
Public waters, permits for use: HB 582
ECOLOGY, DEPARTMENT OF—cont.
Puget sound water quality authority established: *SSB 3156, CH 243 (1983)
Radioactive materials, transfer of duties from DSHS studied: *SSB 3273, CH 19 E1 (1983)
Reclamation act duties modified: HB 583, SB 583
Recycling, litter control and recycling act: *SSB 4107, CH 277 (1983)
Road damage due to floods, EIS requirements lessened: HB 182
SEPA, environment review and decision-making made more determinate: *SSB 3006, CH 117 (1983)
SEPA exemption for dredging by DOE to prevent flooding: HB 628
SEPA, transferred to business license center: HB 70
Shoreline management, hearings, judicial review: HB 486, SHB 486, HB 685, SB 685
Shoreline management, transferred to business license center: HB 70
Site standards for dangerous wastes: HB 771
Sole-source aquifers, funds for protection: *SSB 3664, CH 269 (1983)
Solid waste advisory committee: HB 712, 2SSB 3722
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Vehicle emission control account, noncompliance areas, testing: HB 465
Waste treatment plant certification: HB 485
Water, discharge into marine waters, permit conditions: HB 475, SB 475
Water management improvement act: HB 582
Water permit fee increased: HB 412
Water pollution control act references changed to clean water act: HB 292
Water supply facilities appropriation: HB 881
Water well construction complaints: *HB 112, CH 93 (1983)
Water withdrawn by U.S., retain in special status for allocation: HB 582
Yakima river basin hydroelectric development: SSB 3873

ECONOMIC RECOVERY
A.H. Bingham's enthusiasm for life and public service noted: HFR 19
Capital investment company authorized: SHB 228, 2SHB 228
Capital resource companies authorized: HB 228
China exhibition council created: *SHB 1089, CH 314 (1983)
Civilian conservation corps called for: HJM 15
Commerce and community development department created: HB 796
Community development finance corporation established: HB 213, SHB 213
Conservation corps established: HB 330
Conservation corps established within many agencies: *2SSB 3624, CH 40 E1 (1983)
Economic and community development department created: SHB 796
Economic and revenue forecasting council: HB 784, SB 784
Economic development areas established: HB 917
Economic development councils, matching funds, conditions: HB 580, SB 580
Economic equity act, equality for women: HJM 16
Emergency commission on economic development and job creation: HCR 6, SHCR 6
Employment and conservation corps: HB 251
Energy efficiency financing bonds: HB 883
Enterprise zone act: HB 115
Enterprise zone act, passage requested: HJM 6
Evergreen state skill corporation: HB 231, SHB 231
High technology in south Puget Sound: HB 565, SB 565
Industrial development authority established: HB 590
Industrial parks and research are industrial development facilities: HB 302, SB 302, *SB 3760, CH 51 E1 (1983)
Industrial training in the community colleges: HB 662
Industry and job retention study: HCR 27
Investment projects, sales tax deferrals: HB 161
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Job legislation requested: HJM 27
Job skills program: *2SHB 231, CH 21 EI (1983)
Job training and partnership act: Job loss: SHB 1051
Job training coordinating council created, federal act requires: SHB 1051
Jobs again council: SB 3850, SB 3981
Location of industrial development facilities in other municipalities: SSB 3955
Motor oil recycling: HB 802
Nonprofit corporations, county and city participation as public purpose: SSB 3276
Pacific northwest trade exposition commended: HCR 10
Private sector job placement program: SB 3850
Protectionist trade measures, their end petitioned: HJM 14
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Public facilities, issuance of bonds authorized: HB 356
Public improvement debts through ad valorem taxes: HJR 16
Recreational facilities included in industrial development facilities: SSB 3955
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Small business improvement council: SSB 3982
Small business investment authority: HB 592
Small business mill survival act: HB 202
State business and job creation commission created: HCR 7
Tax incentives for private sector, utilized by state: SHB 1050
Technology development corporation established: HB 190
Technology training fund and nonprofit corporation created: HB 75
Training fund program established: HB 308
Tuition, nonresident exemption, participants in federal job corps: SB 3044
Vocational education, training fund established: HB 308
Youth employment exchange: *SHB 251, CH 50 EI (1983)
Youth jobs program established: HB 324

EDMONDS COMMUNITY COLLEGE DISTRICT 23, BOARD OF TRUSTEES
Maje! A. Wilson, member: GA 62, confirmed ................. pp. 32, 2305, 2377

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Members, private school representative and superintendent of public instruction
may vote: SSB 3455
Members, private school representatives may vote: HB 361
Physical education requirement removed: HB 145
Teacher training, pilot project, compensate supervisors of prospective teachers:
SHB 876

EDUCATION (See also SCHOOLS AND SCHOOL DISTRICTS; SUPERINTEND-
ENT OF PUBLIC INSTRUCTION; individual colleges and universities)
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Alcohol and drug abuse: SB 4237
Alternative school educational clinic, common school district authorized: HB 514
Continuing education credential conditions, exemptions: *SB 3644, CH 266 (1983)
Council for post secondary education, sunset termination: HB 493, *SHB 493, CH
197 (1983)
Council for postsecondary education, review degree programs: HB 497, SHB 497
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Educational services registration act, sunset termination: HB 493, *SHB 493, CH 197
(1983)
Evergreen state skill corporation: HB 231, SHB 231
Handicapped children and parents, training program: HB 168
Handicapped, specially designed instruction: HB 633
Higher education facility authority, financing for private nonprofit institutions:
*SSB 3433, CH 169 (1983)
Job skills program: *2SHB 231, CH 21 EI (1983)
Judiciary education account: *HB 471, CH 9 EI (1983)
Priorities, eliminate duplication, stress engineering, science: HCR 8
EDUCATION—cont.
Public education advancement council, public schools and industry: HB 947
Residential school residents, return to community, hearing: HB 634
Technology, joint ad hoc committee on science and technology recreated: HCR 3
Technology training fund and nonprofit corporation created: HB 75
Temporary committee on educational policies, structure, and management, deadline extended: *HB 430, CH 105 (1983)
Vocational agriculture program: *HB 570, CH 34 E1 (1983)
Workshops, seminars, credentials and conditions: *SB 3644, CH 266 (1983)

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ELDERLY
Abuse in nursing homes, restraining order by local prosecutor: HB 346, SHB 346, *SSB 3660, CH 269 (1983)
Abuse, neglect, or abandonment, reporting required: SB 3060
Age discrimination, increased to 70 years: *HB 555, CH 293 (1983)
Chore services: *SSB 3308, CH 249 (1983)
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Electric utilities, receive tax credit for senior citizen reduced rate: HB 279
Grandparent, visitation rights for grandchildren: HB 86
Group fishing permits for facility residents: SB 3379
Guardians, financial statements, filing requirements modified: *SB 3763, CH 271 (1983)
Home health care services, health insurance plans to cover: *SSB 3308, CH 249 (1983)
Hospices, insurance to provide coverage: *SSB 3308, CH 249 (1983)
Income tax on interest and dividends withholding repeal requested: HJM 13
Life insurance, 62 year old policyholders, information: HB 140
Long-term care and services, interim study: HFR 80
Long-term care services: HB 395
Long-term health care, ombudsman program: *SHB 484, CH 290 (1983)
Ombudsmen program, long-term health care facilities: HB 484, *SHB 484, CH 290 (1983)
Retirement age, mandatory provisions may be waived: HB 338
Retirement facilities, industrial development revenue bonds authorized: HB 242, SSB 3173
Senior citizen legislative interns, valuable perspective reflected on: HFR 43
Sewer and water rates, may be delayed or adjusted: *HB 520, CH 198 (1983)
Tax exemption, annual filing requirement eliminated: HB 170, HB 360, HB 496, *SHB 496, CH 11 E1 (1983), HB 696
Tax exemption, combined disposable income of $15,000 or less: HB 696
Tax exemption, income level raised, adjustments depending on combined disposable income: HB 496, *SHB 496, CH 11 E1 (1983)
Tax exemption, income level raised, filing requirement eliminated: HB 170
Tax exemption modified, income level adjustments: HB 262
Tax exemption, nursing home costs deducted from income for senior citizen property tax exemption: HB 264, *SHB 496, CH 11 E1 (1983)
Tax exemption, publication of procedure so those who qualify know: HB 624
Wood collection fees, 65 years old and over exempted: *HB 436, CH 193 (1983)

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Absentee ballots for precinct committeeperson candidates: *SSB 3742, CH 136 (1983)
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Agricultural district formation authorized: HB 690
Ballot title lengths equalized for local ballots: HB 401
Ballots, security, storage: HB 842
Bond propositions, disclosure of annual per capita principal and interest costs: HB 702
Bonds, state debt, limitation formula includes voter approved debt, exceptions: HB 54
Collective bargaining, law enforcement, impasse: HB 721
Contest of outcomes: SSB 3520, CH 20 El (1983)
County freeholders, appointments to fill vacancies: SSB 3098
Cultural arts, stadium and convention district formation, proposition to appear at special election: HB 122
Cultural arts, stadium and convention district formation, special election called by resolution: SSB 3608
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Exit polling, regulated: HB 239, CH 33 El (1983)
Financial affairs statement, must file to appear on ballot: HB 355
Fish enhancement general obligation bonds: HB 965
Flood control zone districts, excess tax rate authorized: SSB 1093, CH 315 (1983)
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Initiative measures, review by attorney general if petitioner requests: HB 429
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Nonpartisan positions, primary procedures: HB 101
Olympic county created subject to voter approval: HB 362, SB 3264
Park and recreation service area, proposals, levies: HB 597, SBB 597, SSB 4015
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Precinct committee candidates, absentee ballots: HB 100, SSB 3742, CH 136 (1983)
Precincts, may not share voting devices: HB 266, SSB 266, CH 143 (1983)
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Primaries, nonpartisan positions: HB 101
Public disclosure reports, index for access: HB 569, CH 294 (1983)
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Refunding bond act, voted general obligation bond exception removed: SSB 4007, CH 69 El (1983)
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School district excess levies, simple majority required: HJR 31
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School district levies, may exceed limitations, 1985–1990: HB 922
School district levies, simple majority vote: HB 774, HJR 18
School district levies, tax limit modified: HJR 33
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Special purpose districts, land ownership at least 90 days preceding elections: HB 84
Superior court judge election provision repealed: HJR 11
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Electrical construction trade, regulation, penalties: SSB 3055
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EMERGENCY COMMISSION ON ECONOMIC DEVELOPMENT AND JOB
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Barbara Pool, member ................................................................. p. 1881
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Joseph Dear, member ................................................................. p. 1881
Rhonda Algier, member .............................................................. p. 1881
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James W. Miller, member ......................................................... p. 1882
Lawrence Connell, member ....................................................... p. 1882
John A. Hitchman, member ....................................................... p. 1882
Robert Levin, member ............................................................... p. 1882
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Civil defense funding for nuclear attack opposed: HJM 5
Collective bargaining for emergency medical technicians: HB 435
Emergency medical services advisory council: HB 855, *SHB 855, CH 112 (1983)
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EMPLOYMENT SECURITY, DEPARTMENT OF

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Displaced workers: SHB 1051
Employment and conservation corps: HB 251
Employment commission created, recruit effective work force: HB 651
Evergreen state skill corporation: HB 231, SHB 231
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High technology in south Puget Sound: HB 565, SHB 565
Job skills program: *2SHB 231, CH 21 E1 (1983)
Job training and partnership act, job loss: SHB 1051
OASI revolving fund: *HB 223, CH 6 E1 (1983), SB 3314
Private sector job placement program: SB 3850
Unemployment, federal trust fund, period for use extended: HB 518, *SB 3784, CH 7 E1 (1983)
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Nuclear power plant site certification: HB 623
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Conservation analyses and financing authorized by electricity providers: HB 366, *SHB 366, CH 62 (1983), SSB 3256
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District heating, operating permits for heat supplier: HB 114, *SHB 114, CH 94 (1983), SSB 3225
Electric distribution political subdivisions may establish heating systems: HB 113, SHB 113, *SB 3224, CH 216 (1983)
Electric energy contracts by cities, cannot commit beyond express dollar amount: *SHB 865, CH 308 (1983)
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ENLOW, FRED C.
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Norman F. Richardson, member:
Jack Dierdorff, member:
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Anadromous game fish buyers license, may purchase from Indians: HB 233, *SHB 233, CH 284 (1983)
Andrew W. Anderson recreational fishing area: SCR 118
Aquatic land management: SHB 980
Bow and arrow, state-wide season: SSB 4084
Conservation corps established within many agencies: *2SSB 3624, CH 40 E1 (1983)
Director, authority to adopt emergency rules: SB 3169
Disabled, exemption from fees: HB 402
Fees, fines, forfeitures, and penalties, uniformity in collection and distribution: HB 508
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   Fishing license to state that trespass is a crime: HB 42
   Fishing licenses, fees modified: HB 832
   Fishing licenses, steelhead punchcard free if under 16: SSB 3800
   Game fund, deposit of civil penalties: *SSB 3372, CH 8 E1 (1983)
   Group fishing permits for elderly and handicapped: SB 3379
   Hunting, civil penalties for illegal hunting: *SSB 3372, CH 8 E1 (1983)
   Hunting guide license, CPR and first aid required: HB 502
   Hunting interference, misdemeanor: HB 923
   Hunting license, increase of fees: SB 3169
   Hunting license, revoked if trespass and/or steal a motor vehicle or livestock: HB 42
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   License plates, personalized, nongame specie clarified: HB 803
   Moose, requirement of supplemental stamp: SB 3169
   Poaching, seizure of weapons: HB 301
   Sales of food fish or shellfish, unlawful without license: HB 941
   Steelhead declared a national game fish: HJM 32
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   Warm water fish stamp, requirement removed: SB 3045
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   Computer-based economic analysis for procurement: HB 377
   Energy conservation measures, private investment: *SHB 1011, CH 313 (1983)
   Fees, fines, forfeitures, procedures for remittance to state treasurer: HB 510
   Financial institutions department created: HB 676
   Fire protection services contract authority transferred to PCAA: *HB 313, CH 146 (1983)
   Legislative buildings, removed from control of Dept. of Gen. Admin.: SSB 3622
   Legislature office occupancy rent exemption removed: HB 406, SHB 406
   Minority and women-owned businesses, participation enhanced: HB 163, SHB 163, *2SSB 3230, CH 120 (1983)
   Motor pool, school director’s association may use: *HB 300, CH 187 (1983)
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  Anderson, James E., member, board of trustees, Skagit community college dis­
    trict no. 4: SGA 44, confirmed
  Banks, Cherry A. McGee, member, board of trustees, Shoreline community col-
    lege district no. 7: SGA 93
  Beauchamp, Henry, member, state jail commission: SGA 69, confirmed
  Berry, C. Michael, member, WPPSS executive board of directors: SGA 67
  Blair, Anne S., member, board of trustees, Olympic community college district no.
    3: SGA 43, confirmed
  Blankenship, Leland, public printer: SGA 2, confirmed
  Blosser, J.H. Jack, member, board of trustees, Wenatchee community college col-
    lege district no. 15: SGA 54, confirmed
  Bolds, Silva, member, interagency committee for outdoor recreation: SGA 11,
    confirmed
  Boone, Dan, member, state jail commission: SGA 14, confirmed
  Boyd, Robert A., director, state lottery commission: SGA 1
  Burrows, Donald R., director, department of revenue: SGA 3, confirmed
  Carlson, Edward E., member, board of regents, University of Washington: SGA 28,
    confirmed
  Chinn, Warren L., member, Washington horse racing commission: SGA 94,
    confirmed
  Clifford, Chief Arthur F., member, sentencing guidelines commission: SGA 31,
    confirmed
  Conoley, Karen B., member, board of prison terms and paroles: SGA 25,
    confirmed
  Costa, Manuel E., member, sentencing guidelines commission: SGA 30, confirmed
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Culp, Gordon C., member, board of regents, University of Washington: SGA 29, confirmed

Danekas, Ralph, member, state lottery commission: SGA 17

DeLaigtre, David J., member, commission for the blind: SGA 5, confirmed

Dierdorff, Jack L., member, state game commission: SGA 102, confirmed

Doelman, Cornelius, member, board of trustees, Centralia community college district no. 12: SGA 52, confirmed

Duffie, Cornelius R., member, WPPSS executive board of directors: SGA 65

Enlow, Fred C., member, board of trustees, Eastern Washington university: SGA 95

Erickson, Larry V., member, state jail commission: SGA 15, confirmed

Evans, Daniel J., member, Pacific Northwest electric power and conservation planning council: SGA 107

Faulk, Lawrence J., member, pollution control hearings board: SGA 22, confirmed

Finkle, George A., member, sentencing guidelines commission: SGA 32, confirmed

Fisher, Randy S., director, department of veterans affairs: SGA 4, confirmed

Giant, Earle, member, state lottery commission: SGA 71

Gonzales, John, director, department of licensing: SGA 82, confirmed

Gould, Susan E., member, board of trustees, Central Washington University: SGA 77, confirmed

Green, Robert T., member, state board for community college education: SGA 6

Gustafson, Jack R., member, state parks and recreation commission: SGA 87

Hall, Mary D., member, utilities and transportation commission: SGA 63

Hansen, Paul D., member, sentencing guidelines commission: SGA 33, confirmed

Hayes, Philip S., member, state board for community college education: SGA 7, confirmed

Helke, Richard E., member, state investment board: SGA 13

Hennurn, Lars, member, state board of pharmacy: SGA 97

Hornibrook, R. E. "Ted", member, state jail commission: SGA 70, confirmed

Hubbard, Vaughn, member, state transportation commission: SGA 36, confirmed

Hughes, Jane G., member, board of trustees, Peninsula community college district no. 1: SGA 41, confirmed

Jarvis, Cherry L., member, board of trustees, Shoreline community college district no. 7: SGA 47, confirmed

Jessup, John H. Jr., member, interagency committee for outdoor recreation: SGA 12, confirmed

Johnson, George W., member, board of prison terms and paroles: SGA 26, confirmed

Jones, Ronald S., member, gambling commission: SGA 108

Justice, David, member, board of trustees, Walla Walla community college district no. 20: SGA 85

Keefe, Thomas Patrick, member, gambling commission: SGA 106

Kelly, Samuel E., member, board of tax appeals: SGA 35, confirmed

Kenney, Phyllis M., member, corrections standards board: SGA 8, confirmed

Korten, Mardith A., member, board of trustees, Lower Columbia community college district no. 13: SGA 79, confirmed

Krug, Mary Ellen, member, public employment relations commission: SGA 27, confirmed

Kuney, Max J. (Jeff) III, member, board of trustees, Spokane community college district no. 17: SGA 57

Kusler, Barbara L., member, board of trustees, Olympic community college district no. 3: SGA 45, confirmed

Lambert, Lenore, member, state lottery commission: SGA 19

Laxton, H. Dean, member, board of trustees, Big Bend community college district no. 18: SGA 58

LeMaster, Dennis C., member, forest practices appeals board: SGA 101, confirmed

LeCocq, Irwin J., member, board of trustees, Western Washington university: SGA 39
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Loposer, Avery K., member, board of trustees, Olympic community college district no. 3: SGA 84
Mack, Paul, member, state lottery commission: SGA 20
Maisel, Cynthia, member, council for postsecondary education: SGA 23, confirmed
Manning, Thomas J., member, board of prison terms and paroles: SGA 24, confirmed
Mante, George E., member, board of trustees, Evergreen state college: SGA 24, confirmed
McEachran, David S., member, state jail commission: SGA 16, confirmed
McGlashan, Patricia A., member, board of trustees, Bellevue community college district no. 8: SGA 48, confirmed
McHenry, Darlene C., member, human rights commission: SGA 68
McMillan, Dee, member, board of trustees, Spokane community college district no. 17: SGA 56, confirmed
Montchalin, Yvonne C., member, board of trustees, Clark community college district no. 1: SGA 53, confirmed
Moriguchi, Tomio, member, board of trustees, Seattle community college district no. 6: SGA 73
Murakami, Richard, member, board of trustees, Grays Harbor community college district no. 2: SGA 42, confirmed
Netherland, Warren, member, sentencing guidelines commission: SGA 34, confirmed
Newman, Della M., member, state personnel board: SGA 76
Panther, Robert D., member, state investment board: SGA 89
Pardini, Anthony J., member, utilities and transportation commission: SGA 74
Patton, Carolyn, member, state lottery commission: SGA 18
Pokornowski, Dick, member, gambling commission: SGA 9, withdrawn
Ray, James D., member, board of trustees, Eastern Washington university: SGA 37
Richardson, Norman F., member, state game commission: SGA 99, confirmed
Richmond, Chester A., Jr., member, board of pilotage commissioners: SGA 83, confirmed
Roberts, Mabel E. “Mickey”, member, board of trustees, Whatcom community college district no. 21: SGA 80
Runstad, Adair F., member, board of trustees, Walla Walla community college district no. 20: SGA 60
Schoenfield, Beverly A., member, board of trustees, Green River community college district no. 10: SGA 50, confirmed
Semerad, David C., member, commission for vocational education: SGA 64
Shaw, W. David, member, board of trustees, Columbia Basin community college district no. 19: SGA 59
Sherwood, Cameron, member, personnel appeals board: SGA 103, confirmed
Stablein, Richard A., executive director, data processing authority: SGA 104, confirmed
Stender, John H., member, apprenticeship council: SGA 98, confirmed
Stephens, Dan W., member, board of trustees, Yakima community college district no. 16: SGA 55, confirmed
Stevens, Vincent L., chairman, state health coordinating council: SGA 96
Swayne, Marliss M., member, board of trustees, Tacoma community college district no. 22: SGA 88, confirmed
Thacker, Virginia M., member, board of trustees, Highline community college district no. 9: SGA 49, confirmed
Thompson, Joseph J., member, state board of pharmacy: SGA 21, confirmed
Tracy, Harold L., member, board of trustees, Central Washington university: SGA 92
Vynne, Eustace “Sunny”, Jr., member, state parks and recreation commission: SGA 81
Wade, Anne M., member, board of trustees, Tacoma community college district no. 22: SGA 61, confirmed
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Waldo, James C., member, board of trustees, Western Washington university: SGA 40, confirmed
Waldt, Lawrence G., member, gambling commission: SGA 10
Wall, William E., member, WPPSS executive board of directors: SGA 66
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Watkins, Jack Jr., member, board of trustees, Fort Steilacoom community college district no. 11: SGA 51, confirmed
Watson, Norma Jean, member, board of trustees, community college district no. 18: SGA 100
Weis, Nancy L., member, board of trustees, Everett community college district no. 5: SGA 46, confirmed
Weza, I. A. Tony, member, public disclosure commission: SGA 86, confirmed
Wheeler, Marc, member, board of trustees, Centralia community college district no. 12: SGA 109
White, Walter E., member, personnel appeals board: SGA 72, confirmed
Wilkerson, William R., director, department of fisheries: SGA 105
Wilson, Majel A., member, board of trustees, Edmonds community college district no. 23: SGA 62, confirmed
Wittman, Philip R., member, board of prison terms and paroles: SGA 110, confirmed
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Fishing license free to wheelchair confined persons: *SB 4156, CH 280 (1983)
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 Guardians, financial statements, filing requirements modified: *SB 3763, CH 271 (1983)
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RICHMOND, CHESTER A.
Member, board of pilotage commissioners:
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RICHARDSON, NORMAN F.
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ROBERTS, MABEL E. "MICKEY"
Member, board of trustees for Whatcom community college district no. 21: GA 80 ......................................................... pp. 147, 2306

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RUNSTAD, ADAIR F.

Member, board of trustees for Walla Walla community college
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Member, board of trustees, Green River community college
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