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FORTY-NINTH LEGISLATURE

STATE OF WASHINGTON

AT

OLYMPIA, the State Capitol

Convened Regular Session January 14, 1985
Adjourned Regular Session *SINE DIE* April 28, 1985

VOLUME 1

Compiled, Edited and Indexed by
SID SNYDER, *Secretary of the Senate*



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Minute and Journal Clerk

JOHN A. CHERBERG, *President of the Senate*
H. A. "BARNEY" GOLTZ, *President Pro Tempore*
A. L. "SLIM" RASMUSSEN, *Vice President Pro Tempore*

SENATE CAUCUS OFFICERS

DEMOCRATIC CAUCUS

Majority Leader R. TED BOTTIGER
Chairman GEORGE FLEMING
Assistant Majority Leader LARRY L. VOGNILD
Vice Chairman R. LORRAINE WOJAHN
Majority Whip RICK S. BENDER

REPUBLICAN CAUCUS

Minority Leader JEANNETTE HAYNER
Chairman GEORGE L. SELLAR
Republican Floor Leader DAN McDONALD
Republican Whip PETER von REICHBAUER
Vice Chairman BOB McCASLIN
Asst. Republican Floor Leader ALEX A. DECCIO
Assistant Whip HAL ZIMMERMAN

Assistant Secretary BILL GLEASON
Sergeant at Arms O. F. "OLE" SCARPELLI
Secretary to the Secretary NYLA WOOD
Reader VERNE SAWYER
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**JOURNAL OF THE SENATE
STATE OF WASHINGTON
1985 REGULAR SESSION
FORTY-NINTH LEGISLATURE**

FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, January 14, 1985

Pursuant to law, the Senate of the 1985 Regular Session of the Forty-ninth Legislature of the State of Washington was called to order at 10:00 a.m. by Lieutenant Governor John A. Cherberg, President of the Senate.

The Sergeant at Arms Color Guard, consisting of Pages Laura Clark and Doug Tuman, presented the Colors. The Reverend Richard Hart, senior pastor of the First Baptist Church of Olympia, offered the prayer.

REMARKS BY THE PRESIDENT

President Cherberg: "Honored and esteemed members of the Senate, ladies and gentlemen. It is truly a delightful pleasure to welcome the holdover Senators back for the Forty-ninth Legislative Session and it gives me great enjoyment to greet and welcome and congratulate the new members of the Senate and to also congratulate those of you who have been re-elected. I am looking forward with great interest to working and cooperating with each and every one of you."

ROLL CALL

The Acting Secretary called the roll of holdover members of the Senate: Senators Scott Barr, Rich S. Bender, Max E. Benitz, Alan Bluechel, George Fleming, H. A. "Barney" Goltz, Barbara A. Granlund, Sam C. Guess, Frank "Tub" Hansen, Eleanor Lee, Jim McDermott, Mike McManus, Ray Moore, Irving Newhouse, Brad Owen, Kent Pullen, A. L. "Slim" Rasmussen, Nita Rinehart, Phil Talmadge, Larry L. Vognild, Peter von Reichbauer, Frank J. Warnke, Al Williams.

All members were present except Senators Bluechel and Guess.

MOTIONS

On motion of Senator Sellar, Senator Guess was excused.

On motion of Senator Zimmerman, Senator Bluechel was excused.

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a committee of honor consisting of Senators Talmadge and Patterson to escort the Honorable Floyd Hicks, former Justice of the Supreme Court of the State of Washington, to the Senate Chamber and a seat upon the rostrum.

REMARKS BY THE PRESIDENT

President Cherberg: "May I introduce the Honorable Judge Floyd V. Hicks who will administer the oath of office to our newly elected and re-elected Senators.

"Judge Hicks has just retired from the superior court of Pierce County after a long and distinguished career. At one time, Judge Hicks was a basketball coach and later entered the field of law, after completing law school following World War II and service as an air force officer.

"Judge Hicks has been in private law practice and served also as a member of Congress with great honor. He served for several years as Justice of the Washington State Supreme Court, and now has concluded a brilliant public service record as a Judge of the Pierce County Superior Court.

"I wish to join with the Senators in offering congratulations and felicitations to this most distinguished public servant and jurist of our state. We offer our special congratulations and best wishes for happiness to Judge Hicks, his beautiful and charming wife, Jeanne, and their wonderful family. We are glad to have you with us."

MESSAGE FROM THE SECRETARY OF STATE

The Honorable,
President of the Senate
The Legislature of the State of Washington
Olympia, Washington
Mr. President:

I, Ralph Munro, Secretary of State of the State of Washington, do hereby certify that the following is a full, true, and correct list of the persons elected to the office of State Senator at the State General Election held in the State of Washington on the sixth day of November, 1984, as shown by the official returns of said election now on file in the office of the Secretary of State, together with a list of "holdover" Senators:

LIST OF SENATORS ELECTED NOVEMBER 6, 1984

DISTRICT	NAME	COUNTIES REPRESENTED
No. 1	Bill Kiskaddon	King, part, and Snohomish, part
No. 2	R. Ted Bottiger	Pierce, part, and Thurston, part
No. 3	Lois J. Stratton	Spokane, part
No. 4	Bob McCaslin	Spokane, part
No. 5	Gerald L. "Jerry" Saling	Spokane, part
No. 9	E.G. "Pat" Patterson	Adams, part, Asotin, Columbia, Garfield, Franklin, part, and Whitman
No. 10	Jack Metcalf	Island, Skagit, part, and Snohomish, part
No. 11	Avery Garrett	King, part
No. 12	George L. Sellar	Chelan, Douglas, Grant, part, Kittitas, part and Okanogan, part
No. 14	Alex A. Deccio	Yakima, part
No. 16	Jeannette Hayner	Benton, part, Franklin, part, and Walla Walla
No. 17	Hal Zimmerman	Clark, part, Klickitat, and Skamania
No. 18	Alan Thompson	Clark, part, and Cowlitz, part
No. 19	Arlie U. DeJarnatt	Cowlitz, part, Grays Harbor, part, Pacific, and Wahkiakum, part
No. 20	Stuart A. "Stu" Halsan	Lewis, and Thurston, part
No. 22	Mike Kreidler	Thurston, part
No. 23	Ellen Craswell	Kitsap, part
No. 24	Paul Conner	Clallam, Grays Harbor, part, and Jefferson
No. 25	Marcus Gaspard	Pierce, part
No. 27	R. Lorraine Wojahn	Pierce, part
No. 28	Stanley C. Johnson	Pierce, part
No. 39	Cliff Bailey	Snohomish, part
No. 40	Lowell Peterson	San Juan, Skagit, part, and Whatcom, part
No. 41	Emilio Cantu	King, part
No. 48	Dan McDonald	King, part
No. 49	Albert Bauer	Clark, part

LIST OF HOLDOVER SENATORS

DISTRICT	NAME	COUNTIES REPRESENTED
No. 6	Sam C. Guess	Spokane, part
No. 7	Scott Barr	Ferry, Lincoln, Okanogan, part, Pend Oreille, Spokane, part, and Stevens
No. 8	Max E. Benitz	Benton, part
No. 13	Frank "Tub" Hansen	Adams, part, Grant, part, Kittitas, part and Yakima, part
No. 15	Irving Newhouse	Benton, part, and Yakima, part
No. 21	Mike McManus	Snohomish, part

No. 26	Barbara A. Granlund	Kitsap, part, and Pierce, part
No. 29	A.L. "Slim" Rasmussen	Pierce, part
No. 30	Peter von Reichbauer	King, part, and Pierce, part
No. 31	Frank Warnke	King, part, and Pierce, part
No. 32	Al Williams	King, part
No. 33	Eleanor Lee	King, part
No. 34	Phil Talmadge	King, part
No. 35	Brad Owen	Grays Harbor, part, Kitsap, part, Mason, and Thurston, part
No. 36	Ray Moore	King, part
No. 37	George Fleming	King, part
No. 38	Larry L. Vognild	Snohomish, part
No. 42	H. A. "Barney" Goltz	Whatcom, part
No. 43	James A. McDermott	King, part
No. 44	Rick S. Bender	King, part, and Snohomish, part
No. 45	Alan Bluechel	King, part
No. 46	Nita Rinehart	King, part
No. 47	Kent Pullen	King, part

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Seal of the State of Washington at Olympia, this fourteenth day of January, A.D., 1985.
(Seal)

Ralph Munro, Secretary of State

ROLL CALL

The Acting Secretary called the roll of the following re-elected Senators and all were present: Senators Albert Bauer, R. Ted Bottiger, Paul H. Conner, Ellen Craswell, Alex A. Deccio, Marcus S. Gaspard, Jeannette Hayner, Bill Kiskaddon, Bob McCaslin, Dan McDonald, Jack Metcalf, E. G. "Pat" Patterson, Lowell Peterson, George L. Sellar, Alan Thompson, R. Lorraine Wojahn, Hal Zimmerman.

The Acting Sergeant at Arms escorted each of the newly re-elected members of the Senate to the bar of the Senate to receive the oath of office.

Former Justice Floyd Hicks of the Washington State Supreme Court thereupon administered the oath of office to each of the newly re-elected members.

The President presented to each of the newly re-elected Senators a certificate of election.

REMARKS BY THE PRESIDENT CONCERNING SENATOR PAUL H. CONNER

President Cherberg: "Ladies and gentlemen, I think with your indulgence, it would be proper for me to point out that this fine young gentleman, Senator Paul H. Conner, served in the 1957 session of the Washington State Senate. That's a closely guarded secret and most people don't know you served in that capacity. Later you returned to the House and served there with distinction for many years. Prior to that even, Paul had worked in the bill room for two years back in 1951 along with the Acting Secretary Snyder. Paul ran for re-election in 1958, I believe it was, and you won going away--right? I want to offer you the warmest congratulations and best wishes."

ROLL CALL

The Acting Secretary of the Senate called the roll of the following newly elected members of the Senate and all were present: Senators Cliff Bailey, Emilio Cantu, Arlie U. DeJarnatt, Avery Garrett, Stuart A. "Stu" Halsan, Stanley C. Johnson, Mike Kreidler, Gerald L. (Jerry) Saling, Lois J. Stratton.

The Acting Sergeant at Arms escorted each of the newly elected and appointed members of the Senate to the bar of the Senate to receive their oath of office.

Former Justice Floyd Hicks of the Washington State Supreme Court thereupon administered the oath of office to each of the newly elected members.

The President presented to each of the newly elected Senators a certificate of election.

ELECTION OF PRESIDENT PRO TEMPORE

The President declared nominations to be open for President Pro Tempore of the Senate.

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "I would like to place in nomination the name of Barney Goltz. Those of us that know Barney and have known him for some time are aware of his fairness. Some of you are not aware of the degree of the student he is of parliamentary procedure of the Senate, the House and Joint Rules, as well as Reeds and all other experts on the field. As Barney would say, it is necessary to re-elect him, because he already has the stationery printed, but more important, Barney brings with him Marguerite, who helps us with the social functions of the Senate. In all seriousness, Barney's rulings and his ability to master the procedures of the Senate are something that will serve us very well. Therefore, I am very pleased to nominate him for President Pro Tempore."

MOTION

On motion of Senator Vognilid, the nominations for President Pro Tempore were closed.

ROLL CALL

The Acting Secretary called the roll and Senator H. A. "Barney" Goltz was elected President Pro Tempore of the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senator Bluechel. Guess - 2.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Peterson and Newhouse as a committee of honor to escort Senator Goltz to the rostrum.

Former Justice Floyd Hicks of the Washington State Supreme Court administered the oath of office to Senator Goltz.

REMARKS BY SENATOR GOLTZ

Senator Goltz: "I would like to thank all of your for this honor and this responsibility. This is one of the times when voting 'aye' is voting me, so I appreciated that. I notice there is a glaring loophole in the oath, which says I only have to perform up to the standards of my ability, but I'll try to uphold that oath. Thank you."

ELECTION OF VICE PRESIDENT PRO TEMPORE

The President declared nominations to be open for Vice President Pro Tempore of the Senate.

REMARKS BY SENATOR McDERMOTT

Senator McDermott: "Mr. President, I would like to place the name of Slim Rasmussen in nomination for Vice President Pro Tempore of the Senate.

"Mr. President and members of the Senate, when Slim called me yesterday and asked me if I would be willing to do this, I was honored, frankly, because I sit next to him and I've learned a great deal from sitting here. Those of you who sit further away from him don't realize how much he really knows. All you have to do is go under his desk here and you'll find a file on everything you're about to do and if it isn't under his desk, it's in his office or in his basement at home. I think it is a real privilege for us to have someone who has been in the Legislature since 1945. He served in the House from 1945 to 1961 and then came over here in one of those redistricting—I don't know quite what to call it—but he was sent home for a couple of years and he was Mayor and then he came back to us and it would be an honor for all of us to have somebody with as much experience and good humor as Slim Rasmussen as our Vice President Pro Tempore."

REMARKS BY SENATOR PULLEN

Senator Pullen: "I think Senator McDermott has really hit the nail on the head when he talked about all of the paper work that Slim keeps near his desk. If you take a look at Slim during a typical legislative day, you will see that he is carefully reading the bills, he is carefully reading the amendments, and of course, he is well known for his style of interjecting a comment here or there. I once tried to make an estimate as to how much money he'd saved the taxpayers since 1945--simply by reading the bills, pointing out discrepancies in bill drafting, raising questions about something that perhaps will ultimately hurt the average citizen or the taxpayer. You know, it is pretty hard to estimate, but the estimate I did indicated that since 1945, he has saved the taxpayers very close to two-hundred and fifty million dollars, just by being a good legislator."

MOTION

On motion of Senator Vognild, the nominations for Vice President Pro Tempore were closed.

ROLL CALL

The Acting Secretary called the roll and Senator A. L. "Slim" Rasmussen was elected Vice President Pro Tempore of the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Loe, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senator Bluechel, Guess - 2.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators McDermott and Pullen as a committee of honor to escort Senator Rasmussen to the rostrum.

Former Justice Floyd Hicks of the Washington State Supreme Court administered the oath of office to Senator Rasmussen.

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Thank you for the vote of confidence and a real tough job to follow when Governor Cherberg--the million-dollar vote getter--leaves the chair and then Senator Goltz takes over and he has to leave, then I will assume the hard duties of the chair. Thank you for putting me in that position."

ELECTION OF SECRETARY OF THE SENATE

The President declared nominations to be open for the office of Secretary of the Senate.

REMARKS BY SENATOR THOMPSON

Senator Thompson: "Thank you, Mr. President, I wish to put the name of Sid Snyder in nomination for the position of Secretary of the Senate.

"As a relatively newcomer to the Senate and a long-time member of the House of Representatives, I guess I'm qualified to observe that we accomplish our purpose here with somewhat less verbiage than the other house and certainly no verbosity is required to enlist your support for Sid Snyder for this position. For those few of you who may not be familiar with his long history of association with this institution, let me recount it for you. He's an elevator operator who's risen to eminence. He began as an elevator operator here in 1949 and moved from there to the bill room where he eventually acted as bill room supervisor, but not of Senator Conner. Sid was supervisor of the House Bill Room. He was elected Assistant Chief Clerk in 1957, became Chief Clerk in 1965, moved across the rotunda in 1969 to become Secretary of the Senate, a position which he has served with efficiency, fairness and amiability ever since. We certainly can't ask for more than that and we are fortunate to have so much. I urge your support of Sid Snyder for this office."

REMARKS BY SENATOR McCASLIN

Senator McCaslin: "Thank you, Mr. President and ladies and gentlemen of the Senate. We drew straws over here to see who would say some nice words about Sid and I lost. I would just like to, seriously, compliment Sid Snyder. This is my fifth year now, and as a freshman, of course, you always looked around for people with sound advise and I always found it with Sid--regardless of what side of the aisle you're from--Sid's always got a word for you and you can depend on it. I'm very happy to see once again that Sid will be our secretary."

MOTION

On motion of Senator Vognild, the nominations for Secretary of the Senate were closed.

ROLL CALL

The Acting Secretary called the roll and Sid Snyder was elected Secretary of the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goitz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senator Bluechel, Guess - 2.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators DeJarnatt and McCaslin as a committee of honor to escort Sid Snyder to the rostrum.

Former Justice Floyd Hicks of the Washington State Supreme Court administered the oath of office to Sid Snyder.

REMARKS BY SID SNYDER

Sid Snyder: "Mr. President and members of the Senate and Senator Thompson and Senator McCaslin for those nice words. I was about to say this was probably the greatest thing that ever happened to me in the world, but I noticed my wife in the gallery, so I thought maybe I had better change my mind--she may disagree. I do want to thank you very kindly and express my deep appreciation for the fine help that we've had over the years. Any success we may have had reflects on them and their hard work that they've put in and that includes the nonpartisan staff, the partisan Democratic staff and the partisan Republican staff. We've always had great cooperation from them and the members have always been very fair to me and I certainly appreciate it. We hope to have a very successful session for all of you this session. Thank you."

REMARKS BY THE PRESIDENT

President Cherberg: "Do you care to respond, Mrs. Snyder?"

"Members of the Senate, the President is very delighted with the slate you have selected this morning and looks forward with anticipation with working with you, Sid."

PERSONAL PRIVILEGE

Senator Deccio: "A point of personal privilege, Mr. President. I understand from listening to the comments that Senator Rasmussen first appeared on the scene in 1945, which makes that forty years ago. I think we ought to do two things this morning--number one, give him a standing ovation for having the perseverance he obviously has--and secondly to brighten our day by having him tell us what things were like in those days."

REPLY BY THE PRESIDENT

President Cherberg: "Very good idea. Senator Rasmussen."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Thank you, Senator Deccio and Mr. President. I want to say it's been a short forty years and that there have been improvements made in

the operation of the legislature--and I'm grateful. It used to be there were only three or four lobbyists and I notice we have about 560 of them registered in the book. They are outnumbering us, but they do not control the legislature and that's good. A lot of people in the public think they do, but I think mainly the biggest improvement has been made--as many of you may remember that did serve over in the House--where we used to do all of our letter writing at our desks. You would call the secretaries out and they would sit along side of you and you would write letters for a period of time. They had no offices, so I hope you all appreciate the improvement. I know the public thinks we have a better operation and they're the main people that we serve.

"Thank you for the opportunity to express my delight at being here for a short forty years and I hope the next forty years will be just as good."

ELECTION OF SERGEANT AT ARMS

The President declared nominations to be open for the office of Sergeant at Arms of the Senate.

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President and members of the Senate. It gives me great pleasure to nominate Mr. Ole Scharparelli as Sergeant at Arms. Did I slay that name too, Mr. President?"

President Cherberg: "It's Orlando Francisco Scarpelli, not Scharparelli."

Senator Rasmussen: "Thank you, Mr. President. He'll make a good Sergeant at Arms. All of you are well acquainted with Orlando who has served as assistant here since 1967 to 1977, and served as assistant to the President of the Senate from 1977 on until we elected him the Sergeant at Arms. You all know his faithful, hard work--your constituents get your messages to you promptly. He maintains order and see that the Senate operates in a safe and sane manner. You do not know all the guards that you have watching over you--besides Sid's wife up in the gallery. We have other people that are keeping their eye on you and Sergeant Orlando will do that. I'm going to try that name again after I talk with Ole. Thank you, Mr. President."

REMARKS BY SENATOR McCASLIN

Senator McCaslin: "Mr. President and ladies and gentlemen of the Senate. I thought, maybe, we had a contest going there for awhile with the Scharparelli he came up with, but I'm glad Ole is back in there. Here's an old timer that's been around here for years and to the freshmen the past four years, he had always been extremely helpful and regardless of what you ask Ole to do, he gets the job done. He is dedicated, he's motivated and a very friendly gentlemen, so if any of the freshmen have not had an opportunity to meet Ole, I suggest that if you have a problem and he's around, he will certainly be glad to help you. Ole is kind of like Avis, you know--he always tries harder--and I think perhaps he has done such a good job in the past few years, he's moved up and bumped Hertz out. So welcome aboard again, Ole. We'll look forward to working with you the next four years."

REMARKS BY SENATOR DECCIO

Senator Deccio: "I can't help but remind the body that there are three descendants of Christopher Columbus in this body. One is Ole Scarpelli, and of course, one is myself, and the other is the Lieutenant Governor, so I'm just going to tell you--watch it."

MOTION

On motion of Senator Vognild, the nominations for Sergeant at Arms of the Senate were closed.

ROLL CALL

The Secretary called the roll and Ole Scarpelli was elected Sergeant at Arms of the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore,

Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.
Excused: Senator Bluechel, Guess - 2.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Rasmussen and McDonald as a committee of honor to escort Ole Scarpelli to the rostrum.

Former Justice Floyd Hicks of the Washington State Supreme Court administered the oath of office to Ole Scarpelli.

REMARKS BY OLE SCARPELLI

Ole Scarpelli: "Mr. President and Senators, I have enjoyed the privilege of serving the Senate for the past two years. Thank you for this vote of confidence and the honor and opportunity of serving you again."

REMARKS BY THE PRESIDENT

President Cherberg: "Congratulations, Ole. We can all sleep more easily with you protecting us tonight."

MOTIONS

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

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

SENATE RESOLUTION 1985-1

by Senators Bottiger, Fleming, Hayner and Sellar

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

Under provisions of Senate Resolution 1985-1, the President appointed Senators Garrett, Cantu and Kreidler to notify the House of Representatives that the Senate is organized and ready to transact business.

MOTION

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

MOTION

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

SENATE RESOLUTION 1985-2

by Senators Bottiger, Fleming, Hayner and Sellar

BE IT RESOLVED, That the courtesies of the Senate are hereby extended to all former presidents, former members and former secretaries of the Senate.

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

INTRODUCTION AND FIRST READING

SCR 102 by Senators Bottiger, Fleming, Hayner and Sellar

BE IT RESOLVED, By the Senate, the House of Representatives concurring, That a committee consisting of three members of the Senate, to be named by the President of the Senate, and three members of the House, to be named by the Speaker of the House, be appointed to notify the Governor that the Legislature is organized and ready to conduct business.

MOTIONS

On motion of Senator Vognild, the rules were suspended, Senate Concurrent Resolution No. 102 was advanced to second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Senate Concurrent Resolution No. 102 was advanced to third reading, the second reading considered the third and the resolution was adopted.

APPOINTMENT OF SPECIAL COMMITTEE

In accordance with Senate Concurrent Resolution No. 102, the President appointed Senators Bauer, Zimmerman and Wojahn to join with a like committee from the House of Representatives to notify the Governor that the Legislature is organized and ready to transact business.

MOTION

On motion of Senator Vognild, the appointees were confirmed.

MOTION

At 11:35 a.m., on motion of Senator Bottiger, the Senate recessed until 11:50 a.m.

SECOND MORNING SESSION

The Senate was called to order at 11:53 a.m. by President Cherberg.

REPORT OF COMMITTEE

The Senate Committee composed of Senators Garrett, Cantu and Kreidler appeared before the bar of the Senate and reported that the House of Representatives had been notified that the Senate was 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 Barnes, Madsen and Rayburn appeared before the bar of the Senate and notified the Senate that the House was organized and ready to transact business.

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

MOTION

At 12:00 noon, on motion of Senator Bottiger, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order at 2:00 p.m. by President Cherberg.

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

MESSAGES FROM THE HOUSE

January 14, 1985

Mr. President:

The House has adopted:

SENATE CONCURRENT RESOLUTION NO. 102, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

January 14, 1985

Mr. President:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 1, and the same is herewith transmitted.

DENNIS L. HECK, 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 1 by Representatives J. King and S. Wilson

Calling a joint session.

MOTIONS

On motion of Senator Bender, the rules were suspended, House Concurrent Resolution No. 1 was advanced to second reading and read the second time.

On motion of Senator Bender, the rules were suspended, House Concurrent Resolution No. 1 was advanced to third reading, the second reading considered the third and the resolution was adopted.

REPORT OF COMMITTEE

The special committee consisting of Senators Bauer, Zimmerman and Wajah appeared before the bar of the Senate to report that the Governor had been notified, under the provisions of Senate Concurrent Resolution No. 102, that the Legislature was organized and ready to transact business.

The report was received and the committee was discharged.

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

MESSAGE FROM SECRETARY OF STATE

The Honorable,
President of the Senate
The Legislature of the State of Washington
Olympia, Washington
Mr. President:

I, Ralph Munro, Secretary of State of the State of Washington, do hereby certify that, according to the provisions of RCW 29.62.130, I have canvassed the returns of the votes cast for and against the state measures which were submitted to the vote of the people at the state general election held on the 6th day of November, 1984, that the total number of ballots cast at this state general election was 1,931,546 and that the total number of votes cast for and against each of these measures was as follows:

INITIATIVE MEASURE 456

Shall Congress be petitioned to decommercialize steelhead, and state policies respecting Indian rights and management of natural resources be enacted?

YES 916,855
NO 807,825

INITIATIVE MEASURE 464

Shall the value of trade-ins of like kind property be excluded from the selling price for the sales tax computation?

YES 1,175,781
NO 529,560

INITIATIVE MEASURE 471

Shall public funding of abortions be prohibited except to prevent the death of the pregnant woman or her unborn child?

YES 838,083
NO 949,921

I, further certify that, according to the provisions of RCW 43.07.030, I have canvassed the returns of the votes cast at the state general election held on the 6th day of November, 1984, for all federal, statewide, and joint judicial offices, and that the votes cast for candidates to these offices are as follows:

PRESIDENT/VICE PRESIDENT OF THE UNITED STATES

Table with 3 columns: Candidate Name, Party, and Votes. Includes Reagan/Bush (Republican, 1,051,670), Mondale/Ferraro (Democrat, 807,352), Serrette/Ross (New Alliance, 1,654), Mason/Zimmerman (Socialist Workers, 608), Bergland/Lewis (Libertarian, 8,844), and Johnson/Walton (Citizens, 1,891).

LaRouche/Davis	Independent Candidate	4,712
Hall/Davis	Communist	814
Holmes/LaRiva	Workers World	641
Richards/Salaman	Populist	5,724
U.S. REPRESENTATIVE, 1st District		
John Miller	Republican	147,926
Brock Evans	Democrat	115,001
U.S. REPRESENTATIVE, 2nd District		
Jim Klauder	Republican	93,472
Al Swift	Democrat	142,065
Gary Franco	Populist	6,855
U.S. REPRESENTATIVE, 3rd District		
Herb Elder	Republican	61,219
Don Bonker	Democrat	150,432
U.S. REPRESENTATIVE, 4th District		
Sid Morrison	Republican	150,322
Mark Epperson	Democrat	47,158
U.S. REPRESENTATIVE, 5th District		
Jack Hebner	Republican	67,438
Thomas S. Foley	Democrat	154,988
U.S. REPRESENTATIVE, 6th District		
Mike Lonergan	Republican	60,721
Norm Dicks	Democrat	124,367
Dan Blachly	Libertarian	2,953
U.S. REPRESENTATIVE, 7th District		
Bob Dorse	Republican	71,576
Mike Lowry	Democrat	174,560
Mark Manning	Socialist Workers	1,710
U.S. REPRESENTATIVE, 8th District		
Rod Chandler	Republican	146,891
Bob Lamson	Democrat	88,379

GOVERNOR

John Spellman	Republican	881,994
Booth Gardner	Democrat	1,006,993

LIEUTENANT GOVERNOR

Eleanor Lee	Republican	649,089
John A. Cherberg	Democrat	1,119,263

SECRETARY OF STATE

Ralph Munro	Republican	1,061,544
John O. McKee	Democrat	667,985

STATE TREASURER

William B. (Bill) Pilkey	Republican	627,913
Robert S. O'Brien	Democrat	1,030,483
Mack J. T. Barnette	Libertarian	66,908

STATE AUDITOR

Robert B. Keene, Jr.	Republican	700,948
Robert V. (Bob) Graham	Democrat	997,326

ATTORNEY GENERAL

Kenneth O. Eikenberry	Republican	1,019,495
Phil Talmadge	Democrat	777,175

COMMISSIONER OF PUBLIC LANDS

Brian Boyle	Republican	899,628
Gene Wiegman	Democrat	693,596

William L. Jennings	Independent Candidate	95,276
	INSURANCE COMMISSIONER	
Richard G. (Dick) Marquardt	Republican	985,160
James E. (Jim) Hoffman	Democrat	697,590
	SUPERINTENDENT OF PUBLIC INSTRUCTION	
Frank Buster Brouillet	Nonpartisan	855,659
Shirley A. Galloway	Nonpartisan	782,387
	STATE SUPREME COURT, Position 1	
William C. Goodloe	Nonpartisan	745,901
Dale M. Green	Nonpartisan	659,345
	STATE SUPREME COURT, Position 2	
Carolyn R. Dimmick	Nonpartisan	1,105,375
	STATE SUPREME COURT, Position 3	
Keith Callow	Nonpartisan	847,082
Edward Heavey	Nonpartisan	532,710
	SUPERIOR COURT, Benton-Franklin, Position 4	
Robert S. Day	Nonpartisan	36,963
	SUPERIOR COURT, Benton-Franklin, Position 5	
Duane E. Taber	Nonpartisan	36,285
	SUPERIOR COURT, Chelan-Douglas, Position 1	
Charles W. Cone	Nonpartisan	19,870
	SUPERIOR COURT, Chelan-Douglas, Position 2	
Fred Van Sickle	Nonpartisan	19,631
	SUPERIOR COURT, Ferry-Pend Oreille-Stevens, Position 2	
Larry M. Kristianson	Nonpartisan	13,565
	SUPERIOR COURT, Island-San Juan, Position 1	
Howard A. Patrick	Nonpartisan	18,803
	SUPERIOR COURT, Island-San Juan, Position 2	
Richard L. Pitt	Nonpartisan	18,668
	SUPERIOR COURT, Mason-Thurston, Position 1	
Rick Strophy	Nonpartisan	35,005
Ralph G. Swanson	Nonpartisan	31,109
	SUPERIOR COURT, Mason-Thurston, Position 3	
Robert J. Doran	Nonpartisan	46,774
	SUPERIOR COURT, Mason-Thurston, Position 4	
Daniel J. Berschauer	Nonpartisan	45,596
	SUPERIOR COURT, Mason-Thurston, Position 5	
Carol A. Fuller	Nonpartisan	48,482
	SUPERIOR COURT, Pacific-Wahkiakum	
Herbert E. Wieland	Nonpartisan	7,352

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the state of Washington, this 14th day of January, 1985.

(Seal)

RALPH MUNRO, Secretary of State

MOTION

At 2:08 p.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Tuesday, January 15, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, January 15, 1985

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

The Sergeant at Arms Color Guard, consisting of Pages Camie Killinger and Robin Leong, presented the Colors. Reverend Richard Hart, senior pastor of the First Baptist Church of Olympia, offered the prayer.

MOTION

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

MESSAGE FROM GOVERNOR SPELLMAN COMMUTATIONS OF SENTENCES

Office of the Governor, January 14, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

In compliance with the provision of Section II of Article III of the Constitution of the state of Washington, the Governor hereby submits his report of each case of reprieve, commutation or pardon that he has granted since the adjournment of the 1984 Session of the Forty-Eighth Regular Session of the Legislature, copies of which are attached.

Respectfully submitted,

ROBERT E. MACK, Counsel to the Governor

DAVID ALLAN GIRTS

PARDON: LIMITED TO AUTHORIZATION TO RECEIVE, POSSESS, OR TRANSPORT IN COMMERCE A FIREARM

WHEREAS, David Allan Girts pled guilty to the crime of Theft in the First Degree in King County Cause No. 82-1-01176-9 on May 24, 1982; and

WHEREAS, David Allan Girts promptly complied with the restitution condition placed on his probation resulting in a dismissal of the criminal charge and withdrawal of his guilty plea (and a substitution of not guilty plea entered) on June 7, 1982; and

WHEREAS, a Petition for Pardon for David Allan Girts pursuant to 18 U.S.C.S. Appendix I, Sec. 1202 (a), 1203, was made on March 1, 1983, and subsequent investigation and supplemental materials indicate that the representations made in his Petition are meritorious, and having determined that it would be in the best interest of society, I, Governor John Spellman, do hereby grant a limited pardon to David Allan Girts authorizing David Allan Girts to receive, possess, and transport in commerce a firearm.

This pardon is limited to the purpose of providing David Allan Girts an exemption from federal firearm disabilities under 18 U.S.C.S., Appendix I, Sec. 1201, 1202, and 1203 (2). The intent of this authorization is to relieve David Allan Girts of liabilities incurred pursuant to his plea of guilty under King County Cause No. 82-1-01176-9 to the crime of Theft in the First Degree.

I have executed this Governor's limited pardon and caused the seal of the state of Washington to be affixed at Olympia, this 2nd day of July, A.D., 1984.

John Spellman
Governor

(Seal)

By the Governor:

Ralph Munro, Secretary of State.

GERALD W. CRISMAN

PARDON: LIMITED TO AUTHORIZATION TO RECEIVE, POSSESS, OR TRANSPORT IN COMMERCE A FIREARM

WHEREAS, Gerald W. Crisman entered a plea of guilty to the crime of Assault in the Second Degree on March 31, 1966, in King County Cause No. 43963; and

WHEREAS, Gerald W. Crisman benefited from the Order of Dismissal of the Charge of Assault in the Second Degree in King County Cause No. 43963 on January 2, 1968; and

WHEREAS, the Washington State Board of Prison Terms and Paroles has unanimously recommended that Mr. Crisman be granted permission to carry a concealed weapon and has based their recommendation on an investigation conducted by the Department of Corrections Community Services Division, Adult Probation and Parole, dated June 8, 1984, which substantially supports Mr. Crisman's application for pardon sufficient to receive, possess, or transport in commerce a firearm, I, Governor John Spellman, do hereby grant a limited pardon to Gerald W. Crisman authorizing Gerald W. Crisman to receive, possess, and transport in commerce a firearm.

This pardon is limited to the purpose of providing Gerald W. Crisman an exemption from Federal firearm disabilities under 18 U.S.C.S., Appendix I, Sec. 1201, 1202, and 1203 (2). The intent of this authorization is to relieve Gerald W. Crisman of the firearm liabilities incurred pursuant to his plea of guilty under King County Cause No. 43963 to the crime of Assault in the Second Degree.

I have executed this Governor's limited pardon and caused the seal of the state of Washington to be affixed at Olympia, this 9th day of November, A.D., 1984.

John Spellman
Governor

(Seal)

By the Governor:

Ralph Munro, Secretary of State.

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 102.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of Capital Lakefair Queen, Anna Alexander, and appointed Senators Goltz and Johnson to escort the honored guest to the rostrum.

With permission of the Senate, business was suspended to permit Queen Anna to address the Senate and to welcome the members to Olympia.

The honored guest was escorted from the Senate Chamber and the committee was discharged.

PERSONAL PRIVILEGE

Senator McDermott: "Mr. President and members of the Senate. Last night there was an awards banquet in Seattle in which they acknowledged the Sportsman of the Year, Chuck Knox. Some of you may not know that in 1937, the Man of the Year at that banquet was none other than Governor Cherberg. I think everybody ought to know that forty-two years ago when he was coach at the Cleveland High School, he was called Winningest Coach--right? I'm not sure if I have the words right, sir, your curriculum vitae is a little deficient in giving me the exact words. I think the members ought to know."

REMARKS BY THE PRESIDENT

President Cherberg: "Thank you very much, Senator McDermott."

STANDING COMMITTEE ASSIGNMENTS 1985

The President announced the following committee assignments:

AGRICULTURE (9) Hansen, Chairman; Goltz, Vice Chairman; Bailey, Barr, Bauer, Benitz, Bottiger, Gaspard, Newhouse.

COMMERCE AND LABOR (10) Warnke, Chairman, Vognild, Vice Chairman; Cantu, Halsan, Lee, McDonald, Moore, Newhouse, Williams, Wojahn.

EDUCATION (17) Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Benitz, Craswell, Fleming, Goltz, Guess, Johnson, Kiskaddon, McDermott, McManus, Patterson, Saling, Stratton, Warnke.

ENERGY AND UTILITIES (11) Williams, Chairman; McManus, Vice Chairman; Bailey, Benitz, Halsan, Kiskaddon, Kreidler, McCaslin, Owen, Saling, Stratton.

FINANCIAL INSTITUTIONS (10) Moore, Chairman; Bender, Vice Chairman; Bottiger, Deccio, McDermott, Newhouse, Sellar, Vognild, von Reichbauer, Wojahn.

GOVERNMENTAL OPERATIONS (11) Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, McCaslin, Pullen, Rinehart, Saling, Zimmerman.

HUMAN SERVICES AND CORRECTIONS (9) Granlund, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Deccio, Johnson, Kiskaddon, Peterson, Stratton.

JUDICIARY (13) Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Hayner, McCaslin, Metcalf, Moore, Newhouse, Owen, Pullen, Thompson, Williams.

NATURAL RESOURCES (11) Owen, Chairman; Stratton, Vice Chairman; Barr, Conner, Halsan, Johnson, Lee, Metcalf, Patterson, Peterson, Rasmussen.

PARKS AND ECOLOGY (7) Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Cantu, Hansen, Kiskaddon, Williams.

RULES (21) Lieutenant Governor Cherberg, Chairman; Goltz, Vice Chairman; Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Guess, Hayner, McDonald, Metcalf, Rasmussen, Rinehart, Sellar, Vognild, von Reichbauer, Wojahn, Zimmerman.

TRANSPORTATION (15) Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, DeJarnatt, Garrett, Granlund, Guess, Johnson, Metcalf, Patterson, Sellar, Vognild, von Reichbauer.

WAYS AND MEANS (21) McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Cantu, Craswell, Deccio, Fleming, Goltz, Hayner, Lee, McDonald, Moore, Rasmussen, Rinehart, Talmadge, Thompson, Warnke, Wojahn, Zimmerman.

MOTION

On motion of Senator Bottiger, the committee assignments as announced by the President were confirmed:

INTRODUCTION AND FIRST READING

SB 3001 by Senators Thompson, Zimmerman, Conner and von Reichbauer

AN ACT Relating to port commissioner vacancies; and amending RCW 53.12.150.

Referred to Committee on Governmental Operations.

SB 3002 by Senators Patterson and Warnke

AN ACT Relating to the state budget; amending section 97, chapter 76, Laws of 1983 1st ex. sess. as amended by section 502, chapter 285, Laws of 1984 (uncodified); and declaring an emergency.

Referred to Committee on Education.

SB 3003 by Senator Barr

AN ACT Relating to the naming of a state grass; and adding a new section to chapter 1.20 RCW.

Referred to Committee on Agriculture.

SB 3004 by Senator Barr

AN ACT Relating to the judicial retirement system; and amending RCW 2.10.220.

Referred to Committee on Ways and Means.

SB 3005 by Senators Barr and Rasmussen

AN ACT Relating to the indigent soldiers' relief fund; and amending RCW 73.04.080.

Referred to Committee on Governmental Operations.

SB 3006 by Senator Barr

AN ACT Relating to revenue and taxation; amending RCW 82.32.070; adding a new section to chapter 39.34 RCW; and adding a new section to chapter 82.32 RCW.

Referred to Committee on Ways and Means.

SB 3007 by Senators Bauer, Zimmerman and Thompson

AN ACT Relating to motor vehicles; amending RCW 46.85.060, 82.12.0251; and declaring an emergency.

Referred to Committee on Transportation.

SB 3008 by Senators Thompson, Zimmerman and Bauer

AN ACT Relating to use taxation; and amending RCW 82.12.010.

Referred to Committee on Ways and Means.

SB 3009 by Senators Rasmussen and Peterson

AN ACT Relating to public works; and amending RCW 35.22.620 and 43.17.200.

Referred to Committee on Governmental Operations.

SB 3010 by Senator Lee

AN ACT Relating to state government; and creating new sections.

Referred to Committee on Governmental Operations.

SB 3011 by Senator Lee

AN ACT Relating to disclosure of public records; and amending RCW 42.17.300.

Referred to Committee on Governmental Operations.

SB 3012 by Senators Talmadge, Moore, Conner, Wojahn, Williams, Rasmussen and Peterson

AN ACT Relating to harassment; amending RCW 9.61.230; adding a new chapter to Title 9A RCW; creating a new section; repealing RCW 9.58.110 and 9.58.120; and providing penalties.

Referred to Committee on Judiciary.

SB 3013 by Senators Williams and Conner

AN ACT Relating to felony sexual offenses; amending RCW 9A.44.010; adding a new section to chapter 9A.44 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Judiciary.

SB 3014 by Senator Williams

AN ACT Relating to voting; and adding a new section to chapter 29.10 RCW.

Referred to Committee on Judiciary.

SB 3015 by Senators Williams, Lee, Garrett and Vognild

AN ACT Relating to sales of used books; and amending RCW 19.60.010.

Referred to Committee on Commerce and Labor.

SB 3016 by Senator Williams

AN ACT Relating to cessations of business operations; and adding a new section to chapter 49.48 RCW.

Referred to Committee on Commerce and Labor.

SB 3017 by Senators McDermott, Zimmerman, Gaspard, Conner, Warnke and Lee (by Legislative Budget Committee request)

AN ACT Relating to state government; amending RCW 43.79.270, 43.79.280, 43.79.282, and 43.88.250; adding new sections to chapter 43.79 RCW; and providing for a referendum.

Referred to Committee on Ways and Means.

SB 3018 by Senators Gaspard, Zimmerman, McDermott and Conner (by Legislative Budget Committee request)

AN ACT Relating to life-cycle cost in public buildings; and adding a new chapter to Title 39 RCW to be designated as chapter 39.35A RCW.

Referred to Committee on Ways and Means.

SB 3019 by Senators Warnke and Peterson

AN ACT Relating to property tax exemptions; and amending RCW 84.36.381.

Referred to Committee on Ways and Means.

SB 3020 by Senators Barr and Goltz

AN ACT Relating to commodity related programs; and amending RCW 15.66.140.

Referred to Committee on Agriculture.

SB 3021 by Senator Barr

AN ACT Relating to water rights; and amending RCW 90.03.140 and 90.03.180.

Referred to Committee on Agriculture.

SB 3022 by Senator Barr

AN ACT Relating to the office of county sheriff; adding new sections to chapter 36.28 RCW; creating a new section; and repealing RCW 36.28.025.

Referred to Committee on Governmental Operations.

SB 3023 by Senator Williams

AN ACT Relating to reciprocal vehicle registration; and amending RCW 46.85.020.

Referred to Committee on Transportation.

SB 3024 by Senator Barr

AN ACT Relating to animals, estrays, brands, and fences; amending RCW 16.08.010, 16.13.010, 16.13.020, 16.13.070, 16.20.020, 16.20.030, 16.24.010, 16.24.065, 16.28.165, 16.60.010, 16.60.011, 16.60.020, and 16.60.062; adding new sections to chapter 16.60 RCW; creating a new section; repealing RCW 16.60.060; and prescribing penalties.

Referred to Committee on Agriculture.

SB 3025 by Senators Barr and Rasmussen

AN ACT Relating to probate; adding new sections to chapter 11.02 RCW; and creating a new section.

Referred to Committee on Judiciary.

SB 3026 by Senators Williams and Rasmussen

AN ACT Relating to boxing; amending RCW 67.08.001, 67.08.010, 67.08.015, 67.08.050, 67.08.055, 67.08.060, 67.08.080, 67.08.090, 67.08.100, 67.08.110, 67.08.120, 67.08.140, and 67.08.910; adding a new section to chapter 9.91 RCW; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SB 3027 by Senators Williams and Warnke

AN ACT Relating to disabled persons; adding a new section to chapter 70.84 RCW; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SB 3028 by Senator Williams

AN ACT Relating to archaeological materials; and amending RCW 27.44.020 and 27.34.220.

Referred to Committee on Parks and Ecology.

SB 3029 by Senator Williams

AN ACT Relating to financial institutions; adding a new section to chapter 30.04 RCW; adding a new section to chapter 32.04 RCW; adding a new section to chapter 33.04 RCW; and adding a new section to chapter 39.58 RCW.

Referred to Committee on Financial Institutions.

SB 3030 by Senators McDermott, Gaspard, Zimmerman, Conner and von Reichbauer (by Legislative Budget Committee request)

AN ACT Relating to publicly owned motor vehicles; and amending RCW 46.08.065, 46.08.066, and 46.08.067.

Referred to Committee on Ways and Means.

SB 3031 by Senators McManus, Goltz, Garrett, Stratton, Kreidler, Talmadge and Moore

AN ACT Relating to automotive safety restraints; amending RCW 46.37.510, 46.61.687, and 46.81.020; and adding a new section to chapter 46.61 RCW.

Referred to Committee on Transportation.

SB 3032 by Senator Goltz

AN ACT Relating to motor vehicle seat belts; adding a new section to chapter 46.37 RCW; and prescribing penalties.

Referred to Committee on Transportation.

SB 3033 by Senator Goltz

AN ACT Relating to local telephone service; amending RCW 80.04.130; and adding a new section to chapter 80.36 RCW.

Referred to Committee on Energy and Utilities.

SB 3034 by Senators Goltz, Conner, Warnke, McManus, Stratton and Barr

AN ACT Relating to the establishment and activities of the Washington State-Pacific Rim foundation; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 3035 by Senators McManus, DeJarnatt, Stratton, Talmadge, Garrett and Moore

AN ACT Relating to motor vehicles; and amending RCW 46.20.055, 46.20.100, and 46.20.510.

Referred to Committee on Transportation.

SB 3036 by Senator Williams

AN ACT Relating to sexual exploitation of minors; and amending RCW 9.68A.050.

Referred to Committee on Judiciary.

SB 3037 by Senators McManus, Saling, Stratton, Granlund, Kreidler, Bender, Garrett and Moore

AN ACT Relating to an alcohol awareness program; and amending RCW 43.08.250.

Referred to Committee on Human Services and Corrections.

SB 3038 by Senators Kreidler, Granlund and Stratton

AN ACT Relating to day care; adding new sections to chapter 74.15 RCW; and creating a new section.

Referred to Committee on Human Services and Corrections.

SB 3039 by Senators McManus, Kiskaddon, Stratton, Conner, Kreidler and Williams

AN ACT Relating to smoking; adding new chapters to Title 70 RCW; and prescribing penalties.

Referred to Committee on Human Services and Corrections.

SB 3040 by Senators Talmadge, Newhouse and von Reichbauer (by Department of Community Development and Office of The Code Reviser request)

AN ACT Relating to the department of community development; amending RCW 28A.57.050, 35.13.171, 35.21.300, 35.21.775, 36.57A.070, 36.57A.150, 36.93.080, 42.17.2401, 43.63A.200, 43.132.030, 43.150.040, 43.160.020, 43.160.030, 43.180.040, 43.180.200, 47.39.040, 49.04.100, 50.38.030, 54.16.285, 54.52.010, 54.52.020, 67.38.070, 70.95.260, 79.08.1078, and 80.28.010; decodifying RCW 43.41.900, 43.41.910, 43.41.920, 43.41.930, 43.41.960, 47.01.111, and 47.01.121; and repealing RCW 43.63A.045.

Referred to Committee on Judiciary.

SB 3041 by Senators Talmadge, Newhouse, Conner and Rasmussen (by Office of the Code Reviser request)

AN ACT Relating to obsolete statutory references and nomenclature in the Revised Code of Washington; amending RCW 3.58.010, 9.46.116, 9A.64.030, 13.04.093, 18.08.150, 18.08.190, 18.08.220, 18.11.080, 18.11.100, 18.11.110, 18.22.060, 18.22.081, 18.22.120, 18.25.020, 18.25.040, 18.25.050, 18.25.070, 18.28.030, 18.29.020, 18.29.040, 18.29.060, 18.29.070, 18.32.110, 18.32.120, 18.32.170, 18.32.180, 18.32.210, 18.32.225, 18.34.070, 18.35.040, 18.35.060, 18.35.080, 18.35.090, 18.36.040, 18.36.050, 18.36.115, 18.39.050, 18.39.120, 18.39.130, 18.39.145, 18.39.150, 18.43.050, 18.43.080, 18.43.100, 18.43.110, 18.43.130, 18.44.010, 18.50.050, 18.50.102, 18.52.130, 18.53.050, 18.53.070, 18.55.040, 18.55.050, 18.57.050, 18.57.130, 18.57A.040, 18.59.110, 18.64.009, 18.64.160, 18.71A.040, 18.72.380, 18.74.050, 18.74.060, 18.78.080, 18.78.090, 18.83.105, 18.88.160, 18.88.190, 18.88.200, 18.92.115, 18.92.140, 18.92.145, 18.96.080, 18.96.100, 18.96.110, 18.96.140, 18.106.090, 18.108.060, 18.108.160, 19.16.140, 19.16.150, 19.31.040, 19.31.140, 23A.28.240, 26.26.030, 26.26.190, 28A.24.172, 28A.41.143, 28A.52.070, 28A.56.020, 28A.56.050, 28A.58.131, 28A.58.137, 28A.58.435, 28B.05.040, 30.04.160, 31.12A.010, 31.12A.030, 35.58.274, 35A.27.010, 35A.82.010, 35A.88.030, 36.18.020, 36.64.060, 40.10.020, 41.56.020, 43.10.067, 43.131.323, 43.220.070, 46.16.340, 46.68.124, 47.56.286, 48.46.120, 48.46.360, 50.04.225, 52.06.085, 52.08.025, 52.08.041, 52.16.130, 52.18.010, 52.18.020, 53.08.320, 63.21.080, 63.40.050, 63.42.060, 67.70.220, 70.105A.030, 70.120.030, 70.120.110, 70.136.030, 74.13.100, 74.13.106, 74.13.109, 74.13.112, 74.13.115, 74.13.118, 74.13.121, 74.13.124, 74.13.127, 74.13.130, 74.13.133, 74.13.136, 74.13.139, 74.13.145, 74.46.180, 74.46.520, 74.46.760, 75.44.100, 81.80.300, 81.80.318, 82.04.460, 82.49.070, and 84.40.405; reenacting and amending RCW 46.16.015 and 80.50.030; and decodifying RCW 47.56.620.

Referred to Committee on Judiciary.

ESB 3042 by Senators Hansen, Barr and Goltz

AN ACT Relating to security interests in livestock; amending RCW 62A.9-307; adding a new chapter to Title 16 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Agriculture.

SB 3043 by Senators Hansen, Barr and Peterson

AN ACT Relating to cattle assessments; and repealing section 2, chapter 64, Laws of 1971 and RCW 16.67.124.

Referred to Committee on Agriculture.

ESB 3044 by Senator Barr

AN ACT Relating to excavating; and amending RCW 19.122.020 and 19.122.060.

Referred to Committee on Agriculture.

SB 3045 by Senators Barr and Goltz

AN ACT Relating to road signs; and amending RCW 47.42.040 and 47.42.120.

Referred to Committee on Agriculture.

ESB 3046 by Senator Williams

AN ACT Relating to the utilities and transportation commission; amending RCW 80.01.010 and 80.01.050; and adding a new section to chapter 34.12 RCW.

Referred to Committee on Energy and Utilities.

SB 3047 by Senators McDermott and Zimmerman (by Legislative Budget Committee request)

AN ACT Relating to a state library network; amending RCW 39.04.010, 39.29.006, 41.06.020, 41.40.010, and 43.78.030; adding new sections to chapter 27.26 RCW; adding a

new section to chapter 41.04 RCW; adding a new section to chapter 43.10 RCW; adding a new section to chapter 43.19 RCW; adding a new section to chapter 43.105 RCW; adding a new section to chapter 43.131 RCW; creating new sections; repealing RCW 27.26.010, 27.26.020, 43.105.100, 43.105.110, 43.105.120, 43.105.130, 43.131.289, and 43.131.290; providing an effective date; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 3048 by Senator Moore

AN ACT Relating to securities; and amending RCW 21.20.550 and 21.20.570.

Referred to Committee on Financial Institutions.

SB 3049 by Senator Moore

AN ACT Relating to the registration of securities; and amending RCW 21.20.280.

Referred to Committee on Financial Institutions.

SB 3050 by Senator Moore

AN ACT Relating to investment advisers; amending RCW 21.20.100; and adding a new section to chapter 21.20 RCW.

Referred to Committee on Financial Institutions.

SB 3051 by Senators Hansen and Barr

AN ACT Relating to fees of the superior court clerk; and amending RCW 36.18.020.

Referred to Committee on Judiciary.

SB 3052 by Senator Conner

AN ACT Relating to motor vehicle liability insurance; amending RCW 46.52.030 and 46.63.020; adding a new chapter to Title 46 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions.

SB 3053 by Senators Talmadge and Rasmussen

AN ACT Relating to state bond authorizations; and amending RCW 28A.47.792, 28A.47B.010, 28B.10.850, 28B.14C.010, and 43.83.150.

Referred to Committee on Ways and Means.

SB 3054 by Senators Talmadge and Rasmussen

AN ACT Relating to a Columbia river bridge at Horn Rapids; and amending RCW 47.56.745.

Referred to Committee on Transportation.

SB 3055 by Senators Talmadge and Rasmussen

AN ACT Relating to the Pacific northwest festival facility; repealing RCW 43.31.940, 43.31.942, 43.31.944, 43.31.946, and 43.31.948; and providing an effective date.

Referred to Committee on Ways and Means.

SB 3056 by Senators Gaspard, Rinehart, von Reichbauer, Conner and Stratton

AN ACT Relating to higher education; and amending RCW 28B.20.130, 28B.30.150, 28B.35.120, 28B.40.120, 28B.50.090, 28B.50.140, and 28B.80.030.

Referred to Committee on Education.

SB 3057 by Senators Gaspard and Zimmerman (by Legislative Budget Committee request)

AN ACT Relating to retirement plans for employees at institutions of higher education; amending RCW 28B.10.400; adding a new section to chapter 28B.10 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Education.

SB 3058 by Senators McDermott, Zimmerman and Gaspard (by Legislative Budget Committee request)

AN ACT Relating to the liquor revolving fund; amending RCW 66.08.190; adding a new section to chapter 66.08 RCW; and repealing RCW 66.08.200 and 66.08.210.

Referred to Committee on Ways and Means.

SB 3059 by Senators Vognild, Newhouse, Warnke, Hansen, Bottiger, Benitz, McManus and Barr

AN ACT Relating to the revision of employers' rates of contribution for unemployment compensation for employees with marginal labor force attachment; amending RCW 50.29.020; adding a new section to chapter 50.29 RCW; and declaring an emergency.

Referred to Committee on Commerce and Labor

SB 3060 by Senators Rasmussen and Metcalf

AN ACT Relating to salmon artificial propagation; adding new sections to chapter 75.48 RCW; and creating a new section.

Referred to Committee on Natural Resources.

SB 3061 by Senators Rasmussen, Metcalf and Vognild

AN ACT Relating to food fish; and amending RCW 75.08.080.

Referred to Committee on Natural Resources.

SB 3062 by Senator Rasmussen

AN ACT Relating to crimes; and amending RCW 4.24.230 and 9A.16.080.

Referred to Committee on Judiciary.

SB 3063 by Senators Rasmussen and Metcalf

AN ACT Relating to federal regionalism; adding new sections to Title 42 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Governmental Operations.

SB 3064 by Senators Rasmussen and Metcalf

AN ACT Relating to salmon propagation facilities; and adding a new chapter to Title 75 RCW.

Referred to Committee on Natural Resources.

SJR 101 by Senators McDermott, Zimmerman, Gaspard, Conner, Warnke, Lee and von Reichbauer (by Legislative Budget Committee request)

Authorizing the establishment of a legislative committee to authorize when permitted emergency expenditures, spending unanticipated receipts, and certain transfers of appropriated funds.

Referred to Committee on Ways and Means.

SCR 101 by Senators Williams and Conner

Extending the Joint Committee on Telecommunications Regulation.

Hold.

MOTIONS

On motion of Senator Vognild, the rules were suspended, Senate Concurrent Resolution No. 101 was advanced to second reading and read the second time.

On motion of Senator Williams, the rules were suspended, Senate Concurrent Resolution No. 101 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

On motion of Senator Bottiger, Senators Fleming and Hansen were excused.

The President declared the question before the Senate to be the roll call on final passage of Senate Concurrent Resolution No. 101.

ROLL CALL

The Secretary called the roll on final passage of Senate Concurrent Resolution No. 101 and the resolution passed the Senate by the following vote: Yeas, 41; nays, 3; absent, 2; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Garrett, Goltz, Granlund, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Newhouse, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senators Moore, Owen, Patterson - 3.

Absent: Senators Craswell, Gaspard - 2.

Excused: Senators Fleming, Guess, Hansen - 3.

SENATE CONCURRENT RESOLUTION NO. 101, having received the constitutional majority, was declared passed.

MOTION

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

MOTION

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

SENATE RESOLUTION 1985-3

by Senators Goltz, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn and Zimmerman; Lieutenant Governor John A. Cherberg; Sid Snyder, Secretary of the Senate; Bill Gleason, Assistant Secretary of the Senate; Ole Scarpelli, Sergeant at Arms

WHEREAS, the Ferndale High School band has been selected to represent the State of Washington in the festivities of the Second Inaugural of President Ronald Reagan; and

WHEREAS, The Ferndale High School band has achieved many state, regional and national awards in recognition of its high standards and quality; and

WHEREAS, The Ferndale High School band is one of the premier high school musical organizations in America; and

WHEREAS, The citizens of Ferndale, Whatcom County and throughout the State of Washington and numerous businesses and civic organizations have contributed generously to make this trip to Washington, D. C. possible; and

WHEREAS, The students, parents, faculty, band director Mel Hansen, the Ferndale band boosters, superintendent Dennis Peterson and the Ferndale school district board of directors have all dedicated themselves to making this trip a successful educational experience while representing the State of Washington with honor and distinction;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate congratulates the Ferndale High School band, and the many people, businesses and civic organizations who have assisted them, on their deserved selection as representatives of the entire state at the Second Inaugural of President Ronald Reagan; and

BE IT FURTHER RESOLVED, That the Washington State Senate wishes them a safe and enjoyable educational adventure in our nation's capital.

MOTION

On motion of Senator Goltz, all members and the Lieutenant Governor will be added as sponsors of Senate Resolution 1985-3.

MOTION

At 10:45 a.m., on motion of Senator Bottiger the Senate recessed until 11:15 a.m.

SECOND MORNING SESSION

The Senate was called to order at 11:16 a.m. by President Cherberg.

MOTION

At 11:16 a.m., on motion of Senator Bottiger, the Senate was declared to be at ease.

The Senate was called to order at 11:19 a.m. by President Cherberg.

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

INTRODUCTION AND FIRST READING

SB 3065 by Senators Bottiger and Hayner

AN ACT Relating to members of the legislature; amending RCW 44.04.120; repealing RCW 44.04.080; and declaring an emergency.

Referred to Committee on Ways and Means.

MOTION

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

MOTION

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

SENATE RESOLUTION 1985-4

by Senators Fleming, McDermott and Wojahn

WHEREAS, We, the members of the Senate, as we gather on January 15, 1985, the 2nd day of the legislative session, are honored to commemorate the birthday of The Reverend Dr. Martin Luther King, Jr., who tirelessly preached the gospel of Christianity not only in the four walls of the church but in the streets of this nation and the world; and

WHEREAS, January 15, 1985, is the fifty-sixth anniversary of Dr. King's birth; and

WHEREAS, The Reverend Dr. Martin Luther King, Jr., devoted his life to improving the lives of the poor and oppressed in America, challenged injustice in our society, and endeavored to help human beings of all races live in freedom and dignity; and

WHEREAS, This champion of the oppressed endured countless seasons of suffering in his battle against the injustices which limited so many lives and scarred so many souls; and

WHEREAS, This man, this landmark of liberation and symbol of hope, through his words and deeds, through his magnetism and sincerity, raised platitudes from cliché to commandment; and

WHEREAS, This Nobel laureate labored on the mountain tops and in the valleys of the world, inciting social change to give new hope to those beleaguered by poverty, hunger, unemployment, war, and political disenfranchisement; and

WHEREAS, The Reverend Dr. King unselfishly shared his life and his dream with all America in the hope that freedom would ring from and equality would prevail in every village and hamlet and in every state house and city hall of this Nation; and

WHEREAS, All people, regardless of race, creed, color, religion, or national origin, have benefited from the efforts and from the love of this great American; and

WHEREAS, The Congress of the United States has honored Dr. King by creating a permanent federal holiday to commemorate the anniversary of his birth on the 15th day of January of each year; and

WHEREAS, The Washington State Legislature has established Dr. King's birthday as a school holiday, but has not declared this day a legal paid state holiday for all citizens;

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

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

MOTION

On motion of Senator McDermott, all members and the Lieutenant Governor will be added as sponsors of Senate Resolution 1985-4.

At 11:27 a.m., the Senate retired to the House Chamber for the purpose of a joint session.

JOINT SESSION

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

The Speaker instructed the Sergeants at Arms of the Senate and the House to escort the President of the Senate Lieutenant Governor John A. Cherberg, President Pro Tempore H. A. "Barney" Goltz and Vice President Pro Tempore A. L. "Slim" Rasmussen to seats on the rostrum beside the Speaker.

The Speaker invited the Senators to seats within the House Chamber.

The Secretary of the Senate called the roll of the Senate and all members were present except Senator Guess who was excused.

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

The Speaker announced the Joint Session had been called for the purpose of receiving a Message from Governor John Spellman.

The Speaker presented the gavel to the President of the Senate, John A. Cherberg.

The President appointed Senators Bender, Conner, Benitz and Bluechel and Representatives Armstrong, Niemi, Dellwo, Schmidt and Brough to escort the Supreme Court Judges to seats within the House Chamber.

The President appointed Senators Rinehart, Hansen, Barr and Kiskaddon and Representatives Ebersole, Sutherland and Taylor to escort the elected state officials to seats within the House Chamber.

The President appointed Senators Williams and Metcalf and Representatives P. King and West to escort Governor John Spellman from the State Reception Room to the rostrum.

The President of the Senate introduced Governor Spellman.

GOVERNOR'S ADDRESS

ADDRESS BY GOVERNOR SPELLMAN

Governor Spellman: "Mr. President, Mr. Speaker, esteemed members of the Supreme Court, statewide elected officials, members of the House and Senate, ladies and gentlemen: Four years ago I stood here with a song in my heart anticipating the future of the state of Washington. Our very distinguished presiding officer coaxed that song from my heart as he ended the ceremony and we talked about the sun that was going to come out tomorrow. Throughout some of the most difficult years in the history of the state of Washington, maintained the optimism, thinking the sun would come out and it did. The state of the state of Washington is very good. The prospects for the state of Washington are even better. We have entered into the period that has been anticipated since the first territorial Governor in all of the addresses that have ever been made--the Century of the Pacific has emerged. The state of Washington emerges as a leader in that new era of prosperity and amnity between nations, with the state of Washington being in key position for the future of the United States.

"We have not kept our light hidden under a bushel basket. We have told the world of the grandeur and magnificence and the art that exists here in the state of Washington. Tourists from around the world are flocking in enjoying and adding to our economy. We have renewed friendships throughout the world and established new relationships with major nations of the world. The result will be indeed, prosperity for our children and their children to come. Perhaps even more importantly,

a strengthening of the bonds of friendship and understanding between the people of the world, an enhancement of the peace that must exist in the world.

"We have acknowledged that the bedrock upon which the strength of the state of Washington will be built and prosperity and our trade is in the education of our children. We have spent many years analyzing the educational system of this state and the opportunities for enhancement of that system. We are now in a position where that constitutionally-mandated age-old duty of the state of Washington, to educate is being one hundred percent funded by the state of Washington. We must not, in our enthusiasm to get even better education, ignore higher education, which, even though it is not written specifically in the Constitution, is very much a part of the total educational system and of the state's duty to educate. Without education all of the dreams of this state will never be met. All of the opportunities will never be achieved. We have reaffirmed, sometimes under difficult circumstances, the commitment of the state of Washington to its blessed environment. We have embarked upon projects to maintain the quality of the water in the smallest brook to the great Puget Sound and to clean up the caustic wastes that have existed. We have, with vigor, gone forth to find them, identify them and do something about them. The people of this state will not be tolerant of anything other than clean water, clean air, clean land and an appreciation of the environment for which we are all stewards.

"Domestic tranquility--one of the reasons why governments exist. In the state of Washington we have contributed to the domestic tranquility by a new emphasis on management and proper structuring of our correctional system. We have acquired new facilities; we have reached a point now where with adequate space, we can separate those from society who should be separated from society and we can also have the programs for education and rehabilitation in a less crowded atmosphere. Domestic tranquility cannot exist if the government itself is in a shambles; if the government itself is in a state of chaos. We have made great progress in restoring to the state its own intermanagement. This is the first biennium in a very long time in which the state is really living within its revenue. There is no more borrowing of a month from the next biennium. The state is not borrowing for cash flow and it should never again; it need never again. The state now engages in generally-accepted accounting principles and it has for three years running, had audited financial statements for the first time in the history of the state and is one of the few states in the United States that has done that. These good practices allow us to analyze what we are doing, what we are achieving and to go forth. We have had a lot of management studies across the state in the last few years and without exception, we found out that the program wasn't as bad as everybody thought it was, but the data was lacking to analyze. The data was lacking to probe improvement. In tough times it is very difficult to put the dollars into the systems of a data because the people's needs are very great. It is important though that we do better in those areas; that we put the necessary dollars into the accounting and the data systems, so that we can do the better job in all areas of both schools and the environment.

"We have ceased the improper practice of using capital funds for operating expenses and before you is a six-year capital plan--a first in the history of the state--which allows us to think ahead. We will build the facilities necessary for the growth and the maintenance of a sound state. Statewide, the state of the state is very good. The state of the economy is strong. We have long awaited the day when we could say that and yet, even now, it is apparent that expenditure anticipation exceeds expenditure ability. I suspect that will always be the case. If we were to meet all of that pent-up anticipation for expenditures, we would have a pervasive, powerful, prying government that would dominate all and we would have families and taxpayers who were in a state of poverty, and an economy that was in a state of being dampered down. The answer to the problems of the state for a sound growth of its economy, its education, its environmental problems, is growth of jobs and economic development within the state.

"I have in the past, and I will not today, talk about economic development and jobs and the like. They are two old plights. The systems are there--the industrial revenue bonds program, the housing finance program, the tourism program, the world trade program. I will not linger on that, but it is important to acknowledge

that there are pillars upon which the economy of this state will depend. They are agriculture, our natural resources industry—fishing and timber—the services we provide one another; technology and trade. Always, education must be added to any such group. To the extent any part of that group is ignored, it is likely the entire state suffers. Each part must be nurtured. Some parts need a great deal of nurturing and it seems to me it is our mutual task to make sure that occurs.

"Having presided over what was known as the Boeing—bust of the early 70s, I learned an important lesson and I have told it to economic development groups throughout the state for some time. I can't miss the opportunity to mention it again. That is that economic development and jobs programs are not something that we can have the luxury of turning our attention to only in bad times, as a matter of fact if we do, we are wasting money and we are wasting effort and we're not accomplishing anything. It is almost like a tribal ritual that whenever the economy goes bad and there's unemployment, we start committees, we start actions and we talk about it and when the adverse situation goes away we think we have solved the problem. Of course, the problem is solved without all those activities. It is important that we maintain a long-term commitment to jobs and economic development, year in and year out, in order to maintain the stability of the economy and the jobs and the families within the state of Washington.

"Certainly, no person in this room, even the freshmen, can help but take some pride in having hung in there during some very tough times. We cannot help but feel pride for working the difficult problems. I thank you; I thank you for your cooperation. I remember when our distinguished senior statesman, Senator Magnuson, stood here—not that long ago—and gave one of his secrets of success and that was that we should, if we didn't agree, disagree without being disagreeable. By and large we have been able to carry that out and I want to thank you for it. There are many people who have contributed to the common will of the state of Washington, many seated in front of us, and many in the various departments of state government. I will not enumerate. There is one person who I think has contributed a great deal, sometimes with some anonymity, and that is the first lady, of each Governor and she is there again today. Lois has been quietly—not always quietly—personally, made a tremendous impact, I think. She doggedly hung in there for the council against child abuse. She suffered some disappointment and then went directly to the legislature on the Council for Voluntary Action. The volunteer programs, and the recognition of the volunteers that have been here in these chambers, I think are an inspiration and, again, something that should not only exist in tough times, but should be nurtured and grow so there will be a place in good times and bad times. The food banks and the network of stores, and shippers and growers, who have served with the network for food distribution in the state—and the art of the northwest which were brought to the Governor's mansion—and the home that was established not just for the children and me, but for all of us—the Governor's home, it is something that I thank Lois for.

"I have been in government service, almost exactly to the day, eighteen years. I have enjoyed every day of it. The challenges sometimes seemed insurmountable, but the optimism was more than enough to carry through those tough times. I believe government is important. I believe it is a high calling. I believe it is a civilizing influence that keeps people working together for common goals. In this state it is a means by which we reach a consensus as to what tasks we shall take up mutually that cannot be done by individuals or cannot profitably be done by the private sector. It is a calling into which I hope many young people will come and will find the inspiration that will come from you here because it is a rare commodity in the world today and it is something I will always cherish, as I will the time I have served here as Governor. I have mentioned optimism two or three times in these remarks, and I think it is a most important asset that we can have here in the state of Washington, in our neighborhoods, our families and in our government. There are a lot of doom and gloomers, but there is everything to be optimistic about in the state of Washington. It is the most glorious place on the face of the earth in which to live; it has people who are energetic, who have always outperformed people in other parts of the country and it is sitting on the springboard of prosperity for generations to come. The world has changed its entire balance toward the Pacific Northwest.

"Washington is a state that has always had promise; it is achieving rapidly that full promise and I think we are just at the point of the preamble to the glorious future in this state.

"Lois and I wish, Booth and Jean Gardner the wisdom and the tenacity and the strength to continue to assist in achieving that destiny which is abundantly clear and magnificent for this state. It is time now to bid farewell and I cannot do so without saying how grateful I am to each of you for the contributions, for the consultations, for the actions that have occurred along the way. I, indeed, recall the first night we met Olympia, a concensus reached within our own family and that was that we shouldn't be doing this if we did not enjoy it, and we have enjoyed it. I am very excited about the future of this state. I'm also very excited about the future out there for Lois and myself. May God bless each of you and God bless the state of Washington."

The President instructed the committee to escort Governor Spellman to the State Reception Room.

The President instructed the committee to escort the Supreme Court Justices to the State Reception Room.

The President instructed the committee to escort the State Elected Officials to the State Reception Room.

On motion of Representative J. King, the Joint Session was dissolved.

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

The Speaker instructed the Sergeants at Arms of the Senate and the House to escort the President of the Senate, Lieutenant Governor John Cherberg, President Pro Tem H.A. "Barney" Goltz and Vice President Pro Tem A.L. "Slim" Rasmussen and the Senators from the House Chamber to the Senate.

The President called the Senate to order at 12:21 p.m.

MOTION

At 12:21 p.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Wednesday, January 16, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 16, 1985

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 Guess. On motion of Senator von Reichbauer, Senator Guess was excused.

The Sergeant at Arms Color Guard, consisting of Pages Cherie Reed and Robert Smith, presented the Colors. Reverend Richard Hart, senior pastor of the First Baptist Church of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

January 15, 1985

Mr. President:

The Speaker has signed:

SENATE CONCURRENT RESOLUTION NO. 102, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

January 15, 1985

Mr. President:

The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 1, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 1.

MOTION

At 10:07 a.m., on motion of Senator Vognild, the Senate recessed until 10:20 a.m.

SECOND MORNING SESSION

The Senate was called to order at 10:34 a.m. by President Cherberg.

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

REPORT OF STANDING COMMITTEE

January 15, 1985

SB 3065 Prime Sponsor, Senators Bottiger: Revising provisions relating to subsistence and lodging for members of the legislature. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Bottiger, Deccio, Fleming, Goltz, Hayner, McDonald, Moore, Rinehart, Talmadge, Thompson, Warnke, Wojahn, Zimmerman.

Hold.

MOTIONS

On motion of Senator McDermott, the rules were suspended, Senate Bill No. 3065 was advanced to second reading and read the second time.

On motion of Senator McDermott, the following Committee on Ways and Means amendment was adopted:

On page 2, following line 6, insert the following:

"NEW SECTION, Sec. 3. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

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

On line 2 of the title, after "44.04.120;" strike "and" and after "RCW 44.04.080" and before the period insert "; and declaring an emergency"

MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed Senate Bill No. 3065 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. 3065.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3065 and the bill passed the Senate by the following vote: Yeas, 40; nays, 8; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Connor, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 40.

Voting nay: Senators Barr, Cantu, Craswell, Lee, Metcalf, Newhouse, Pullen, Saling - 8.

Excused: Senator Guess - 1.

ENGROSSED SENATE BILL NO. 3065, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator McDermott, Engrossed Senate Bill No. 3065 was ordered immediately transmitted to the House.

POINT OF INQUIRY

Senator Fleming: "Mr. President and members of the body, I would like to ask Senator McDermott a question, since I voted on this measure and it affects me personally, I want to make sure I voted in the right way. Will Senator McDermott yield to a question? If one votes 'no' on this measure do they get the old per diem or do they get the new per diem?"

Senator McDermott: "Senator Fleming, there is no provision in the law for treating people on the basis of their votes when they arrive at the pay window."

Senator Fleming: "Would that be unconstitutional, if we did something like that? Do you know? You know, lay lawyer that you are."

Senator McDermott: "I think it would require some changes--something, I'm not quite sure what we'd have to change to make people's words match their actions."

Senator Fleming: "Thank you, Mr. President, because it did affect me personally, I thought it was a point of personal privilege and nobody hears when these kinds of things happen, so maybe in the future, if it's not unconstitutional maybe we ought to make sure that those who don't want it don't get it."

PERSONAL PRIVILEGE

Senator McDonald: "Mr. President and fellow members of the Senate. It seems that Senator Vognild and myself share a special covenant being floor leaders, not only to examine the tight Aristotelian logic of each other's arguments, but as well to kind of be keepers of the history of floor leaders past, as well as those present. One of those previous floor leaders was Senator Shinpoch, the mild mannered Senator

from Renton, that we all know and loved--who we thought was going to leave forever, but we find we have him to kick around for another four years.

"At the end of the 1984 session, a very sharp-eyed photographer from the Seattle Times caught Senator Shinpoch in one of his more famous following day poses--and on the front page of the Seattle Times. Now it was questionable whether Senator Shinpoch was looking very closely at the inside of his eyelids or sobbing gently to himself. I chose the former and it says 'Senator Shinpoch slept here.' It has him on the top of his desk, about 2 o'clock in the morning trying to keep a quorum together, but was caught there and I thought it was extremely appropriate. I'm going to give that to Senator Vognild as a memento of floor leaders past. A special crew will be in here this afternoon to laminate it into the top of your desk so that all of posterity will know about people in the past. Thank you."

POINT OF INQUIRY

Senator Goltz: "What is the date on that newspaper?"

Senator McDonald: "Well, it was the day after the session of 1984."

Senator Goltz: "1984--it's hard to believe that we were in session that long. I thought we always got out of here at a timely time and manner."

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

INTRODUCTION AND FIRST READING

SB 3066 by Senators Moore, Sellar, Warnke, Barr, Vognild, Bottiger, Deccio, Peterson, Conner, Newhouse and Hansen

AN ACT Relating to the control of gambling; and amending RCW 9.46.020 and 9.46.110.

Referred to Committee on Commerce and Labor.

SB 3067 by Senators Hansen, Gaspard, Bottiger, Barr, Benitz, Vognild, Sellar, Goltz, Bailey and Newhouse

AN ACT Relating to aquatic farming; amending RCW 15.65.020, 15.66.010, 43.23.030, 46.16.090, 75.08.080, 75.24.080, 75.24.110, 75.28.125, 75.28.010, 75.28.280, 75.28.300, 77.08.020, 77.12.570, 77.12.590, 77.12.600, 77.32.010, 82.04.100, 82.04.330, 82.27.030, and 84.34.020; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new chapter to Title 16 RCW; creating a new section; and repealing RCW 75.28.265 and 75.28.282.

Referred to Committee on Agriculture.

SB 3068 by Senators Thompson, Barr and Peterson

AN ACT Relating to mobile homes; amending RCW 46.44.170 and 46.44.175; and prescribing penalties.

Referred to Committee on Transportation.

SB 3069 by Senators Moore, Sellar, Kreidler and Conner (by Lieutenant Governor request)

AN ACT Relating to professional service corporations; and amending RCW 18.100.050.

Referred to Committee on Human Services and Corrections.

SB 3070 by Senators Vognild, Zimmerman and Conner

AN ACT Relating to public records and filings; amending RCW 36.18.010, 36.18.110, 36.18.120, 42.28.030, 42.28.035, 42.28.060, 42.28.070, 42.28.090, 60.04.070, 60.12.070, 60.12.190, 61.16.020, 65.04.020, 65.04.030, 65.04.040, 65.04.060, and 65.04.080; adding a new section to chapter 26.04 RCW; and repealing RCW 36.18.100, 36.18.150, and 65.04.100.

Referred to Committee on Governmental Operations.

SB 3071 by Senators Talmadge and Williams

AN ACT Relating to wood burning; and amending RCW 70.94.770.

Referred to Committee on Parks and Ecology.

SB 3072 by Senators Talmadge, Newhouse, Halsan and Moore

AN ACT Relating to fiduciaries; making technical corrections to the Washington Trust Act of 1984; reenacting and amending RCW 11.68.090, 11.93.020, 11.93.912, 11.94.010, 11.94.020, 11.94.030, 11.94.040, 11.94.050, 11.94.060, 11.95.060, 11.95.070, 11.98.019, 11.98.039, 11.98.070, 11.98.080, 11.98.110, 11.98.900, 11.100.023, 11.100.025, 11.100.060, 11.104.040, 11.104.050, 11.104.120, 11.106.050, 11.108.040, 11.108.050, 11.108.900, and 11.110.060; reenacting RCW 11.02.001, 11.02.005, 11.28.240, 11.36.021, 11.68.110, 11.92.040, 11.92.140, 11.92.150, 11.93.010, 11.93.030, 11.93.040, 11.93.050, 11.93.060, 11.93.070, 11.93.080, 11.93.900, 11.93.910, 11.93.911, 11.93.920, 11.95.010, 11.95.020, 11.95.030, 11.95.040, 11.95.050, 11.97.010, 11.97.900, 11.98.009, 11.98.016, 11.98.029, 11.98.045, 11.98.051, 11.98.055, 11.98.060, 11.98.065, 11.98.090, 11.98.100, 11.98.130, 11.98.140, 11.98.150, 11.98.160, 11.98.170, 11.98.910, 11.98.920, 11.100.010, 11.100.015, 11.100.020, 11.100.030, 11.100.035, 11.100.037, 11.100.040, 11.100.050, 11.100.070, 11.100.090, 11.100.120, 11.100.130, 11.100.140, 11.102.010, 11.102.020, 11.102.030, 11.102.040, 11.102.050, 11.104.010, 11.104.020, 11.104.030, 11.104.060, 11.104.070, 11.104.080, 11.104.090, 11.104.130, 11.106.010, 11.106.020, 11.106.030, 11.106.040, 11.106.060, 11.106.070, 11.106.080, 11.106.090, 11.106.100, 11.106.110, 11.108.010, 11.108.020, 11.108.030, 11.108.060, 11.110.010, 11.110.020, 11.110.040, 11.110.050, 11.110.070, 11.110.073, 11.110.075, 11.110.080, 11.110.090, 11.110.100, 11.110.110, 11.110.120, 11.110.125, 11.110.130, 11.110.140, 11.110.200, 11.110.210, 11.110.220, 11.110.230, 11.110.240, 11.110.250, 11.110.260, 11.110.900, 30.04.310, and 68.44.030; adding a new section to chapter 11.02 RCW; adding a new section to chapter 11.94 RCW; adding a new section to chapter 11.98 RCW; adding a new section to chapter 11.104 RCW; creating new sections; repealing RCW 11.16.050, 11.98.029, 21.25.010, 21.25.020, 21.25.030, 21.25.040, 21.25.050, 21.25.060, 21.25.070, 21.25.080, 21.25.090, 21.25.100, 21.25.110, 21.25.900, and 30.24.060; and declaring an emergency.

Referred to Committee on Judiciary.

SB 3073 by Senators Talmadge, Newhouse, Halsan and Moore

AN ACT Relating to wills; making technical corrections to the Washington Trust Act of 1984; reenacting RCW 11.12.250, 11.12.255, and 11.12.260; creating a new section; and declaring an emergency.

Referred to Committee on Judiciary.

SB 3074 by Senators Halsan, Newhouse, Talmadge and Moore

AN ACT Relating to partnerships; making technical corrections to the Washington Trust Act of 1984; reenacting and amending RCW 25.04.150; reenacting RCW 25.04.020; creating a new section; and declaring an emergency.

Referred to Committee on Judiciary.

SB 3075 by Senators Halsan, Newhouse, Talmadge and Moore

AN ACT Relating to declaratory judgments; making technical corrections to the Washington Trust Act of 1984; reenacting RCW 7.24.050; repealing RCW 7.24.040; creating a new section; and declaring an emergency.

Referred to Committee on Judiciary.

SB 3076 by Senators Talmadge, Newhouse, Halsan and Moore

AN ACT Relating to filing fees for the nonjudicial resolution of certain trust provisions; amending RCW 36.18.020; and declaring an emergency.

Referred to Committee on Judiciary.

SB 3077 by Senators Halsan, Newhouse, Talmadge and Moore

AN ACT Relating to joint tenancies; making technical corrections to the Washington Trust Act of 1984; reenacting and amending RCW 64.28.040; creating a new section; and declaring an emergency.

Referred to Committee on Judiciary.

SB 3078 by Senators Talmadge, Newhouse, Halsan and Moore

AN ACT Relating to statutes of limitation; making technical corrections to the Washington Trust Act of 1984; reenacting RCW 4.16.110 and 4.16.370; creating a new section; and declaring an emergency.

Referred to Committee on Judiciary.

SB 3079 by Senators Talmadge, Newhouse, Halsan and Moore

AN ACT Relating to jurisdiction and procedure in trust and estate proceedings; making technical corrections to the Washington Trust Act of 1984; reenacting and amending RCW 11.96.060, 11.96.070, 11.96.100, 11.96.110, and 11.96.130; reenacting RCW 11.96.009,

11.96.020, 11.96.030, 11.96.040, 11.96.050, 11.96.080, 11.96.090, 11.96.120, 11.96.140, 11.96.150, 11.96.160, 11.96.170, and 11.96.180; creating a new section; and declaring an emergency.

Referred to Committee on Judiciary.

SB 3080 by Senator Moore

AN ACT Relating to the legislature; amending RCW 43.03.010; creating a new section; and repealing RCW 44.07B.008.

Referred to Committee on Governmental Operations.

SB 3081 by Senators Warnke and Newhouse

AN ACT Relating to reciprocal agreements; and adding a new section to chapter 49.48 RCW.

Referred to Committee on Commerce and Labor.

SB 3082 by Senators McDermott, Zimmerman, Deccio, Warnke and Bluechel

AN ACT Relating to business and occupation tax deductions for artistic or cultural organizations; amending RCW 82.04.4328; adding a new section to chapter 82.04 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3083 by Senators Warnke, Vognild, McDonald, Newhouse and Owen

AN ACT Relating to inventory of state lands; and amending RCW 43.41.150.

Referred to Committee on Governmental Operations.

SB 3084 by Senators Warnke, McDonald, Vognild, Newhouse, McDermott, Owen and Conner

AN ACT Relating to the state council on aging; and repealing RCW 43.20A.700.

Referred to Committee on Ways and Means.

SB 3085 by Senators Patterson, Peterson, Barr and Garrett

AN ACT Relating to the application of coloring material to vehicle windows; and amending RCW 46.37.430.

Referred to Committee on Transportation.

SB 3086 by Senators Rasmussen and Barr

AN ACT Relating to drug racketeering activities; adding new sections to chapter 69.50 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Judiciary.

SB 3087 by Senators Talmadge, Newhouse, Halsan, Hayner, Williams and Granlund

AN ACT Relating to juvenile offenders; and amending RCW 13.40.030, 13.40.080, and 13.40.210.

Referred to Committee on Judiciary.

SB 3088 by Senators Talmadge and Halsan

AN ACT Relating to emergency assistance; amending RCW 4.24.300 and 4.24.310; and prescribing penalties.

Referred to Committee on Judiciary.

SB 3089 by Senators Talmadge, Newhouse, Halsan and Hayner

AN ACT Relating to the administrative revocation of drivers' licenses; amending RCW 46.04.480, 46.20.285, 46.20.308, 46.20.311, 46.20.391, 46.20.599, and 46.68.062; repealing RCW 46.20.393, 46.20.600, 46.20.610, 46.20.620, 46.20.630, 46.20.640, 46.20.650, 46.20.660, 46.20.670, 46.20.680, 46.20.690, and 46.20.700; decodifying RCW 46.68.055; declaring an emergency; and providing effective dates.

Referred to Committee on Judiciary.

SB 3090 by Senators Talmadge and Halsan

AN ACT Relating to defense of persons; and amending RCW 9.01.200.

Referred to Committee on Judiciary.

SB 3091 by Senators Talmadge, Newhouse and Hayner

AN ACT Relating to real estate contracts; amending RCW 79.01.228; adding a new chapter to Title 61 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Judiciary.

SB 3092 by Senators Talmadge, Newhouse, Halsan, Hayner and Metcalf

AN ACT Relating to jurisdiction of the judicial qualifications commission over court commissioners and magistrates; and amending RCW 2.64.010.

Referred to Committee on Judiciary.

SB 3093 by Senators Talmadge, Newhouse, Halsan, McCaslin, Hayner and Metcalf

AN ACT Relating to theft; and amending RCW 9A.56.010.

Referred to Committee on Judiciary.

SB 3094 by Senators Talmadge, Newhouse, Halsan and Hayner

AN ACT Relating to deeds of trust; amending RCW 61.24.020 and 61.24.040; adding a new section to chapter 61.24 RCW; and creating a new section.

Referred to Committee on Judiciary.

SB 3095 by Senators Talmadge, Newhouse and Halsan

AN ACT Relating to appellate procedure; amending RCW 2.24.050, 4.32.250, 4.92.030, 7.16.350, 7.20.140, 8.04.070, 8.04.130, 8.04.150, 8.08.080, 8.12.200, 8.12.530, 8.16.130, 8.20.100, 8.20.120, 9.95.060, 10.77.230, 10.95.150, 11.52.016, 11.96.160, 11.110.110, 17.04.230, 17.16.110, 18.08.210, 18.32.760, 18.92.210, 19.77.100, 20.01.200, 24.32.360, 28A.58.500, 28B.16.160, 29.79-170, 29.79.210, 29.82.160, 30.04.040, 31.08.260, 33.04.060, 33.08.070, 33.40.120, 34.04.140, 35.44.260, 35.44.270, 35.55.080, 35.56.090, 36.93.160, 36.94.290, 41.64.140, 43.21B.190, 43.21B-200, 43.24.120, 43.52.430, 47.32.060, 48.28.030, 48.31.190, 49.60.260, 50.32.160, 51.48.130, 51.52.110, 52.22.101, 54.16.160, 54.16.165, 57.16.090, 58.28.490, 59.12.200, 65.12.175, 72.33.240, 74.08.080, 79.01.500, 80.04.190, 80.04.260, 80.50.140, 81.04.190, 81.04.260, 81.53.130, 81.53.170, 82.32.180, 84.28.080, 84.28.110, 84.64.120, 84.64.400, 85.05.079, 85.05.470, 85.06.630, 85.06.660, 85.06.750, 85.08.440, 85.15.130, 85.16.190, 85.16.210, 85.18.140, 85.24.130, 85.24.140, 85.32.200, 87.03.410, 87.03.760, 87.03.765, 87.22.090, 87.56.225, 88.32.090, 90.03.200, 90.03.210, 90.24.070, 91.08.250, and 91.08.580; repealing RCW 2.04.160, 2.04.170, 4.88.260, and 10.77.130; and providing an effective date.

Referred to Committee on Judiciary.

SB 3096 by Senators Talmadge and Halsan (by Secretary of State request)

AN ACT Relating to vacancy elections for federal offices; amending RCW 29.13.047, 29.68.070, 29.68.080, 29.68.100, 29.68.120, 29.68.130, and 29.80.010; creating a new section; and repealing RCW 29.54.180, 29.68.090, and 29.68.110.

Referred to Committee on Judiciary.

SB 3097 by Senators Bauer, Zimmerman, McDermott and Kreidler

AN ACT Relating to excise taxation; and amending RCW 82.32.060.

Referred to Committee on Ways and Means.

SB 3098 by Senators Bauer, Zimmerman, Thompson, Deccio and Gaspard (by Department of Social and Health Services request)

AN ACT Relating to the state schools for the blind, deaf, and sensory handicapped; amending RCW 72.40.020; adding a new section to chapter 72.40 RCW; and declaring an emergency.

Referred to Committee on Education.

SB 3099 by Senators Talmadge, Newhouse, Halsan and Granlund

AN ACT Relating to juvenile mental health services; amending RCW 71.05.030, 71.06-.010, and 71.06.260; adding a new chapter to Title 71 RCW; creating a new section; repealing RCW 71.06.150, 71.06.160, 71.06.170, 71.06.180, 71.06.190, 71.06.200, 71.06.210,

71.06.220, 71.06.230, 71.06.240, 71.06.250, and 72.23.070; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

SCR 103 by Senator Williams

Extending the Joint Legislative Committee on Science and Technology.

Hold

SCR 104 by Senators Talmadge, Newhouse, Halsan and Hayner

Adopting juvenile disposition standards.

Referred to Committee on Judiciary.

SCR 105 by Senators Bottiger and Fleming

Establishing cut-off dates.

Hold

MOTION

On motion of Senator Vognild, the rules were suspended, Senate Concurrent Resolution No. 103 was advanced to second reading and placed on the second reading calendar.

MOTIONS

On motion of Senator Vognild, the rules were suspended, Senate Concurrent Resolution No. 105 was advanced to second reading and read the second time.

On motion of Senator Bottiger, the rules were suspended, Senate Concurrent Resolution No. 105 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 Senator Concurrent Resolution No. 105.

ROLL CALL

The Secretary called the roll on final passage of Senate Concurrent Resolution No. 105 and the resolution passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Guess - 1.

SENATE CONCURRENT RESOLUTION NO. 105, having received the constitutional majority, was declared passed.

MOTIONS

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

Senator Goltz moved that the following resolution be adopted:

SENATE RESOLUTION 1985-5

by Senators Goltz, Vognild and Talmadge

BE IT RESOLVED, That the Rules of the Senate for the 48th Legislature be adopted, as amended, for the 49th Legislature, to read as follows:

Senate Rules

PERMANENT RULES
OF THE
SENATEFORTY-NINTH LEGISLATURE
1985

SECTION I - OFFICERS-MEMBERS-EMPLOYEES

- RULE 1 Duties of the President
- RULE 2 President Pro Tem
- RULE 3 Secretary of the Senate
- RULE 4 Sergeant at Arms
- RULE 5 Subordinate Officers
- RULE 6 Employees
- RULE 7 Conduct of Members and Officers

SECTION II - OPERATIONS AND MANAGEMENT

- RULE 8 Payment of Expenses - Facilities and Operations
- RULE 9 Use of Senate Chambers
- RULE 10 Admission to the Senate
- RULE 11 Printing of Bills
- RULE 12 Furnishing Full File of Bills
- RULE 13 Regulation of Lobbyists
- RULE 14 Security Management

SECTION III - RULES AND ORDER

- RULE 15 Time of Convening
- RULE 16 Quorum
- RULE 17 Order of Business
- RULE 18 Special Order
- RULE 19 Unfinished Business
- RULE 20 Motions and Senate Floor Resolutions (How Presented)
- RULE 21 Precedence of Motions
- RULE 22 Voting
- RULE 23 Announcement of Vote
- RULE 24 Call of the Senate
- RULE 25 One Subject in a Bill
- RULE 26 No Amendment by Mere Reference to Title of Act
- RULE 27 Reading of Papers
- RULE 28 Comparing Enrolled and Engrossed Bills

SECTION IV - PARLIAMENTARY PROCEDURE

- RULE 29 Rules of Debate
- RULE 30 Recognition by the President
- RULE 31 Call for Division of a Question
- RULE 32 Point of Order - Decision Appealable
- RULE 33 Question of Privilege
- RULE 34 Protests
- RULE 35 Suspension of Rules
- RULE 36 Previous Question
- RULE 37 Reconsideration
- RULE 38 Motion to adjourn
- RULE 39 Yeas and Nays - When Must be Taken
- RULE 40 Reed's Parliamentary Rules

SECTION V - COMMITTEES

- RULE 41 Committees - Appointment and Confirmation
- RULE 42 Subcommittees
- RULE 43 Subpoena Power
- RULE 44 Duties of Committees
- RULE 45 Committee Rules
- RULE 46 Committee Meetings During Sessions
- RULE 47 Reading of Reports
- RULE 48 Recalling Bills from Committees
- RULE 49 Bills Referred to Rules Committee

RULE 50	Rules Committee
RULE 51	Committee of the Whole
RULE 52	Appropriation Budget Bills
SECTION VI -	BILLS, RESOLUTIONS, MEMORIALS AND GUBERNATORIAL APPOINTMENTS
RULE 53	Definitions
RULE 54	Prefiling
RULE 55	Introduction of Bills
RULE 56	Amendatory Bills
RULE 57	Joint Resolutions and Memorials
RULE 58	Senate Concurrent Resolutions
RULE 59	Committee Bills
RULE 60	Committee Reference
RULE 61	Reading of Bills
RULE 62	First Reading
RULE 63	Second Reading/Amendments
RULE 64	Third Reading
RULE 65	Scope and Object of Bill Not to be Changed
RULE 66	Matter Related to Disagreement Between the Senate and House
RULE 67	Bills Committed for Special Amendment
RULE 68	Confirmation of Gubernatorial Appointees

SECTION I
OFFICERS—MEMBERS—EMPLOYEES
DUTIES OF THE PRESIDENT

RULE 1. 1. The president shall take the chair and call the senate to order precisely at the hour appointed for meeting, and, if a quorum be present, shall cause the journal of the preceding day to be read. (See also Art. 3, Sec. 16, State Constitution.)

2. The president shall preserve order and decorum, and in case of any disturbance or disorderly conduct within the chamber, shall order the sergeant at arms to suppress the same, and may order the arrest of any person creating any disturbance within the senate chamber.

3. The president shall have charge of and see that all officers, employees, and clerks perform their respective duties, and shall have general control of the senate chamber and lobby. (See also Art. 2, Sec. 10, State Constitution.)

4. The president may speak to points of order in preference to members, arising from the president's seat for that purpose, and shall decide all questions of order subject to an appeal to the senate by any member, on which appeal no member shall speak more than once without leave of the senate.

5. The president shall, in open session, sign all acts, addresses and joint resolutions. The president shall sign all writs, warrants and subpoenas issued by order of the senate, all of which shall be attested by the secretary. (See also Art. 2, Sec. 32, State Constitution.)

6. The president shall appoint all conference, special, joint and hereinafter named standing committees on the part of the senate. The appointment of the conference, special, joint and standing committees shall be confirmed by the senate. In the event the senate refuses to confirm any conference, special, joint or standing committee or committees, such committee or committees shall be elected by the senate.

7. The president shall, on each day, announce to the senate the business in order, and no business shall be taken up or considered until the order to which it belongs shall be declared.

8. The president shall decide and announce the result of any vote taken.

9. When a vote of the senate is equally divided, the lieutenant governor, when presiding, shall have the deciding vote on questions other than the final passage of a bill. (See also Art. 2, Sec. 10 and 22, State Constitution.)

PRESIDENT PRO TEM

RULE 2. 1. Upon the organization of the senate the members shall elect one of their number as president pro tem who shall have all the powers and authority and who shall discharge all the duties of lieutenant governor acting as president

during the lieutenant governor's absence. The senate shall also elect a vice-president pro tem who will serve in the absence of the lieutenant governor and the president pro tem. (See Art. 2, Sec. 10, State Constitution.)

2. In the absence of the president pro tem, and vice president pro tem, or with their consent, the president shall have the right to name any senator to perform the duties of the chair, but such substitution shall not extend beyond an adjournment, nor authorize the senator so substituted to sign any documents requiring the signature of the president.

SECRETARY OF THE SENATE

RULE 3. 1. The senate shall elect a secretary, who shall appoint an assistant secretary, both of whom shall be officers of the senate and shall perform the usual duties pertaining to their offices, and they shall hold office until their successors have been elected or appointed.

2. The secretary is the Personnel Officer of the senate and shall appoint, subject to the approval of the senate, all other senate employees and the hours of duty and assignments of all senate employees shall be under the secretary's directions and instructions and they may be dismissed at the secretary's discretion.

3. The secretary of the senate, prior to the convening of the next regular session, shall prepare his office to receive bills which the holdover members and members-elect may desire to prefile commencing with the first Monday in December preceding any regular session or twenty days prior to any special session of the legislature.

SERGEANT AT ARMS

RULE 4. 1. The senate shall elect a sergeant at arms who shall perform the usual duties pertaining to that office, and shall hold office until a successor has been elected.

2. The sergeant at arms shall not admit to the floor of the senate during the time the senate is not convened any person other than specifically requested by a senator, the president, or the secretary of the senate, in writing or when personally accompanied by a senator.

SUBORDINATE OFFICERS

RULE 5. The subordinate officers of the senate shall perform such duties as usually pertain to their respective positions in legislative bodies under the direction of the president, and such other duties as the senate may impose upon them. Under no circumstances shall the compensation of any employee be increased for past services. (See also Art. 2, Sec. 25, State Constitution.)

EMPLOYEES

RULE 6. 1. No senate employee shall lobby in favor of or against any matter under consideration.

2. A legislative employee shall not accept any gratuity or compensation for services rendered in connection with legislative employment other than legislative salary. A legislative employee shall not accept any employment, in addition to legislative employment, which would impair independence of judgment. Except within the scope of employment, a legislative employee shall not provide any service to a lobbyist or any other person.

3. A legislative employee shall not use or attempt to (a) obtain any privilege, exemption, special treatment or any other thing of value, or (b) obtain any such benefit for others except as required to perform duties within the scope of senate employment.

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

5. A legislative employee shall not disclose confidential information acquired by reason of senate employment to any person or group not entitled to receive such information, nor shall such information be used for personal gain or to benefit others.

6. A legislative employee shall not enter into any contract with a state agency involving services or property, unless the contract is made after public notice and competitive bidding; except in cases where public notice and competitive bidding

are not required, the contract or agreement shall be filed with the appropriate board of ethics.

7. A legislative employee shall not solicit or accept contributions for any candidate or political committee during working hours. At no time shall a legislative employee directly or indirectly coerce another employee into making a contribution to a candidate or a political committee. No legislative employee, as a condition of becoming or remaining employed, shall directly or indirectly be required to make any contribution to a political candidate, committee or party.

CONDUCT OF MEMBERS AND OFFICERS

RULE 7. 1. Indecorous conduct, boisterous or unbecoming language will not be permitted in the senate at any time.

2. In cases of breach of decorum or propriety, any senator, officer or other person shall be liable to such censure or punishment as the senate may deem proper, and if any senator be called to order for offensive or indecorous language or conduct, the person calling the senator to order shall report the language excepted to which shall be taken down or noted at the secretary's desk. No member shall be held to answer for any language used upon the floor of the senate if business has intervened before exception to the language was thus taken and noted.

3. If any senator in speaking, or otherwise, transgresses the rules of the senate, the president shall, or any senator may, call that senator to order, and a senator so called to order shall resume the senator's seat and not proceed without leave of the senate, which leave, if granted, shall be upon motion "that the senator be allowed to proceed in order," when, if carried, the senator shall speak to the question under consideration.

4. No senator shall be absent from the senate without leave, except in case of accident or sickness, and if any senator or officer shall be absent the senator's per diem shall not be allowed or paid, and no senator, officer, or employee shall obtain leave of absence or be excused from attendance without the consent of a majority of the members present.

5. In the event of a motion or resolution to censure or punish, or any procedural motion thereto involving a senator, that senator shall not vote thereon. The senator shall be allowed to answer to such motion or resolution. An election or vote by the senate on a motion to censure or punish a senator shall require the vote of a majority of all senators elected or appointed to the senate. A vote to expel a member shall require a two-thirds concurrence of all members elected or appointed to the senate. All votes shall be taken by yeas and nays and the votes shall be entered upon the journal. (See also Art. 2, Sec. 9, State Constitution.)

SECTION II

OPERATIONS AND MANAGEMENT

PAYMENT OF EXPENSES - FACILITIES AND OPERATIONS

RULE 8. 1. After the reorganization caucuses of the Senate, the majority caucus shall designate four members and the minority caucus shall designate three members to serve on the Facilities and Operations Committee. The chair of the majority caucus shall be the chair of the Facilities and Operations Committee. The operation of the Senate shall transfer to the newly designated members after the reorganization caucuses of the Senate.

2. All necessary expenses of the senate incurred during the session shall be signed for by the secretary and approved by a majority of the committee on facilities and operations.

The committee on facilities and operations shall carefully consider all items of expenditure ordered or contracted on the part of the senate, and report upon the same prior to the voucher being signed by the president and the secretary of the senate authorizing the payment thereof.

The committee on facilities and operations shall issue postage only as follows:

(a) To elected or appointed members of the senate in an amount sufficient to allow performance of their legislative duties.

(b) To the secretary of the senate in an amount sufficient to carry out the business of the senate.

USE OF SENATE CHAMBERS

RULE 9. The senate chamber and its facilities shall not be used for any but legislative business, except by permission of the senate while in session, or by the facilities and operations committee when not in session.

ADMISSION TO THE SENATE

RULE 10. The sergeant at arms shall admit only the following individuals to the floor and adjacent areas of the senate for the period of time beginning one-half hour before convening and ending when the senate has adjourned or recessed for an hour or more:

The governor and/or designees,

Members of the house of representatives,

State elected officials and/or designees,

Officers and authorized employees of the legislature,

Honored guests being presented to the senate,

Former members of the senate who are not registered lobbyists pursuant to chapter 42.17 RCW,

Representatives of the press,

Persons specifically requested by a senator to the president in writing or only as long as accompanied by a senator.

PRINTING OF BILLS

RULE 11. The number of bills printed and reprinted shall be at the discretion of the secretary of the senate, with the approval of the facilities and operations committee.

FURNISHING FULL FILE OF BILLS

RULE 12. Persons, firms, corporations and organizations within the state, desirous of receiving copies of all printed senate bills, shall make application therefor to the secretary of the senate, who shall refer all such requests to the committee on rules.

The bill clerk shall send copies of all printed senate bills to such persons, firms, corporations and organizations as may be ordered by the committee on rules. The secretary of the senate is authorized to recoup mailing costs as directed by the rules committee.

REGULATION OF LOBBYISTS

RULE 13. All persons who engage in lobbying of any kind as defined in chapter 42.17 RCW shall be subject to the rules of the senate and legislature when lobbying before the senate. Any person who fails to conform to the senate or joint rules may have their privilege to lobby and all other privileges revoked upon a majority vote of the committee on rules for such time as is deemed appropriate by the committee.

Any person registered as a lobbyist pursuant to chapter 42.17 RCW who intervenes in or attempts to influence any personnel decision of the senate regarding any employee may suffer an immediate revocation of all privileges before the senate or such other privileges and for such time as may be deemed appropriate by the senate committee on rules. This restriction shall not prohibit a registered lobbyist from making written recommendations for staff positions.

SECURITY MANAGEMENT

RULE 14. The sergeant at arms may develop methods to protect the Senate, including its members, staff, and the visiting public, by establishing procedures to curtail the use or possession of any weapon in a manner that is prohibited by law or by the rules of the Department of General Administration.

SECTION III

RULES AND ORDER

TIME OF CONVENING

RULE 15. The senate shall convene at 10:00 a.m. each working day, unless adjourned to a different hour. The senate shall adjourn not later than 10:00 p.m. of each working day.

The senate shall recess ninety minutes for lunch each working day. When reconvening on the same day the senate shall recess ninety minutes for dinner each working evening. This rule may be suspended by a majority.

QUORUM

RULE 16. A majority of all members elected to the senate shall be necessary to constitute a quorum to do business. Less than a quorum may adjourn from day to day until a quorum can be had. (See Art. 2, Sec. 8, State Constitution.)

ORDER OF BUSINESS

RULE 17. After the roll is called and journal read and approved, business shall be disposed of in the following order:

FIRST. Reports of standing committees.

SECOND. Reports of select committees.

THIRD. Messages from the governor and other state officers.

FOURTH. Messages from the house of representatives.

FIFTH. Introduction, first reading and reference of bills, joint memorials and joint resolutions.

SIXTH. Second reading of bills.

SEVENTH. Third reading of bills.

EIGHTH. Presentation of petitions, memorials(~~(-resolutions and motions))~~ and resolutions.

NINTH. Presentation of motions.

The order of business established by this rule may be changed and any order of business already dealt with may be reverted or advanced to by a majority vote of those present.

All questions relating to the priority of business shall be decided without debate.

Messages from the governor, other state officers, and from the house of representatives may be considered at any time with the consent of the senate.

SPECIAL ORDER

RULE 18. The president shall call the senate to order at the hour fixed for the consideration of a special order, and announce that the special order is before the senate, which shall then be considered unless it is postponed by a majority vote of the members present, and any business before the senate at the time of the announcement of the special order shall take its regular position in the order of business.

UNFINISHED BUSINESS

RULE 19. The unfinished business at the preceding adjournment shall have preference over all other matters, excepting special orders, and no motion or any other business shall be received without special leave of the senate until the former is disposed of.

MOTIONS AND SENATE FLOOR RESOLUTIONS

(HOW PRESENTED)

RULE 20. 1. No motion shall be entertained or debated until announced by the president and every motion shall be deemed to have been seconded. It shall be reduced to writing and read by the secretary, if desired by the president or any senator, before it shall be debated, and by the consent of the senate may be withdrawn before amendment or action.

2. Senate floor resolutions shall be acted upon in the same manner as motions. All senate floor resolutions shall be on the secretary's desk at least twenty-four hours prior to consideration. After the tenth day preceding adjournment sine die of any regular session, senate floor resolutions automatically shall be referred to the committee on rules.

PRECEDENCE OF MOTIONS

RULE 21. When a motion has been made and stated by the chair the following motions are in order, in the rank named:

PRIVILEGED MOTIONS

Adjourn or recess
 Reconsider
 Demand for call of the senate
 Demand for roll call
 Demand for division
 Question of privilege
 Orders of the day

INCIDENTAL MOTIONS

- Points of order and appeal
- Method of consideration
- Suspend the rules
- Reading papers
- Withdraw a motion
- Division of a question

SUBSIDIARY MOTIONS

- 1st Rank: To lay on the table
- 2nd Rank: For the previous question
- 3rd Rank: To postpone to a day certain
 - To commit or recommit
 - To postpone indefinitely
- 4th Rank: To amend

No motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall again be allowed on the same day and at the same stage of the proceedings, and when a question has been postponed indefinitely it shall not again be introduced during the session.

A motion to lay an amendment on the table shall not carry the main question with it unless so specified in the motion to table.

At no time shall the senate entertain a Question of Consideration.

VOTING

RULE 22. 1. In all cases of election by the senate, the votes shall be taken by yeas and nays, and no senator or other person shall remain by the secretary's desk while the roll is being called or the votes are being counted. No senator shall be allowed to vote except when within the bar of the senate, or upon any question upon which he or she is in any way personally or directly interested, nor be allowed to explain a vote or discuss the question while the yeas and nays are being called, nor change a vote after the result has been announced. (See also Art. 2, Secs. 27 and 30, State Constitution.)

2. A member not voting by reason of personal or direct interest, or by reason of an excused absence, may explain the reason for not voting by a brief statement not to exceed fifty words in the journal.

3. The yeas and nays shall be taken when called for by one-sixth of all the senators present, and every senator within the bar of the senate shall vote unless excused by the unanimous vote of the members present, and the votes shall be entered upon the journal. (See also Art. 2, Sec. 21, State Constitution.)

When once begun the roll call may not be interrupted for any purpose other than to move a call of the senate. (See also Rule 24.)

4. A senator having been absent during roll call may ask to have his or her name called. Such a request must be made before the result of the roll call has been announced by the president.

5. The passage of a bill or action on a question is lost by a tie vote, but when a vote of the senate is equally divided, the lieutenant governor, when presiding, shall have the deciding vote on questions other than the final passage of a bill. (See also Art. 2, Secs. 10 and 22, State Constitution.)

6. The order of the names on the roll call shall be alphabetical by last name.

7. ~~((No floor vote may be taken on any free conference committee report within twenty-four hours of its placement on each member's desk, unless the free conference committee made no changes in the bill as it was last acted upon by the senate.~~

8.)) All votes in a committee shall be recorded, and the record shall be preserved as prescribed by the secretary of the senate. One-sixth of the committee may demand an oral roll call.

ANNOUNCEMENT OF VOTE

RULE 23. The announcement of all votes shall be made by the president.

CALL OF THE SENATE

RULE 24. Although a roll call is in progress, a call of the senate may be moved by three senators, and if carried by a majority of all present the secretary shall call the roll, after which the names of the absentees shall again be called. The doors shall then be locked and the sergeant at arms directed to take into custody

all who may be absent without leave, and all the senators so taken into custody shall be presented at the bar of the senate for such action as the senate may deem proper.

ONE SUBJECT IN A BILL

RULE 25. No bill shall embrace more than one subject and that shall be expressed in the title. (See also Art. 2, Sec. 19, State Constitution.)

NO AMENDMENT BY MERE REFERENCE TO TITLE OF ACT

RULE 26. No act shall ever be revised or amended by mere reference to its title, but the act revised or the section amended shall be set forth at full length. (See also Art. 2, Sec. 37, State Constitution.)

READING OF PAPERS

RULE 27. When the reading of any paper is called for, and is objected to by any senator, it shall be determined by a vote of the senate, without debate.

Any and all copies of reproductions of newspaper or magazine editorials, articles or cartoons or publications or material of any nature distributed to senators' desks must bear the name of at least one senator granting permission for the distribution. This shall not apply to materials normally distributed by the secretary of the senate or the majority or minority caucuses.

COMPARING ENROLLED AND ENGROSSED BILLS

RULE 28. Any senator shall have the right to compare an enrolled bill with the engrossed bill and may note any objections in the Journal.

SECTION IV

PARLIAMENTARY PROCEDURE

RULES OF DEBATE

RULE 29. When any senator is about to speak in debate, or submit any matter to the senate, the senator shall rise, and standing in place, respectfully address the President, and when recognized shall, in a courteous manner, speak to the question under debate, avoiding personalities. No senator shall impeach the motives of any other member or speak more than twice (except for explanation) during the consideration of any one question, on the same day or a second time without leave, when others who have not spoken desire the floor, but incidental and subsidiary questions arising during the debate shall not be considered the same question. A majority of the members present may further limit the number of times a member may speak on any question and may limit the length of time a member may speak but, unless a demand for the previous question has been sustained, a member shall not be denied the right to speak at least once on each question, nor shall a member be limited to less than three minutes on each question. In any event, the senator who presents the motion may open and close debate on the question.

RECOGNITION BY THE PRESIDENT

RULE 30. When two or more senators rise at the same time to address the chair, the president shall name the one who shall speak first, giving preference, when practicable, to the mover or introducer of the subject under consideration.

CALL FOR DIVISION OF A QUESTION

RULE 31. Any senator may call for a division of a question, which shall be divided if it embraces subjects so distinct that one being taken away a substantive proposition shall remain for the decision of the senate; but a motion to strike out and insert shall not be divided.

POINT OF ORDER - DECISION APPEALABLE

RULE 32. Every decision of points of order by the president shall be subject to appeal by any senator, and discussion of a question of order shall be allowed. In all cases of appeal the question shall be: "Shall the decision of the chair stand as the judgment of the senate?"

QUESTION OF PRIVILEGE

RULE 33. Any senator may rise to a question of privilege and explain a personal matter by leave of the president, but shall not discuss any pending question in such explanations, nor shall any question of personal privilege permit any senator to introduce any person or persons in the galleries. The president upon notice received may acknowledge the presence of any distinguished person or persons.

A question of privilege shall involve only subject matter which affects the particular senator personally and in a manner unique and peculiar to that senator.

PROTESTS

RULE 34. Any senator or senators may protest against the action of the senate upon any question. Such protest may be entered upon the journal if it does not exceed 200 words. The senator protesting shall file the protest with the secretary of the senate within 48 hours following the action protested.

ADOPTION AND SUSPENSION OF RULES

RULE 35. 1. The permanent senate rules adopted at the first regular session during a legislative biennium shall govern any session subsequently convened during the same legislative biennium. Adoption of permanent rules may be by majority of the senate without notice and a majority of the senate may change a permanent rule without notice at the beginning of any session, as determined pursuant to Article 2, Section 12 of the State Constitution. No permanent rule or order of the senate shall be rescinded or changed without a majority vote of the members, and one day's notice of the motion.

2. A permanent rule or order may be temporarily suspended for a special purpose by a vote of two-thirds of the members present unless otherwise specified herein. When the suspension of a rule is called, and after due notice from the president no objection is offered, the president may announce the rule suspended, and the senate may proceed accordingly. Motion for suspension of the rules shall not be debatable, except, the mover of the motion may briefly explain the purpose of the motion and at the discretion of the president a rebuttal may be allowed.

PREVIOUS QUESTION

RULE 36. The previous question shall not be put unless demanded by three senators, and it shall then be in this form: "Shall the main question be now put?" When sustained by a majority of senators present it shall preclude all debate, except the senator who presents the motion may open and close debate on the question, and the vote shall be immediately taken on the question or questions pending before the senate, and all incidental question or questions of order arising after the motion is made shall be decided whether on appeal or otherwise without debate.

RECONSIDERATION

RULE 37. 1. After the final vote on any measure, before the adjournment of that day's session, any member who voted with the prevailing side may give notice of reconsideration unless a motion to immediately transmit the measure to the house has been decided in the affirmative and the measure is no longer in possession of the senate. Such motion to reconsider shall be in order only under the order of motions of the day immediately following the day upon which such notice of reconsideration is given, and may be made by any member who voted with the prevailing side.

2. A motion to reconsider shall have precedence over every other motion, except a motion to adjourn; and when the senate adjourns while a motion to reconsider is pending or before passing the order of motions, the right to move a reconsideration shall continue to the next day of sitting. On and after the tenth day prior to adjournment sine die of any session, as determined pursuant to Article 2, Section 12, or concurrent resolution, or in the event that the measure is subject to a senate rule or resolution or a joint rule or concurrent resolution, which would preclude consideration on the next day of sitting a motion to reconsider shall only be in order on the same day upon which notice of reconsideration is given and may be made at any time that day. Motions to reconsider a vote upon amendments to any pending question may be made and decided at once.

MOTION TO ADJOURN

RULE 38. Except when under call of the senate, a motion to adjourn shall always be in order. The name of the senator moving to adjourn and the time when the motion was made shall be entered upon the journal.

YEAS AND NAYS - WHEN MUST BE TAKEN

RULE 39. The yeas and nays shall be taken when called for by one-sixth of all the senators present, and every senator within the bar of the senate shall vote unless excused by the unanimous vote of the members present, and the votes shall be entered upon the journal. (See also Art. 2, Sec. 21, State Constitution.)

When once begun the roll call may not be interrupted for any purpose other than to move a call of the senate. (See also Senate Rules 22 and 24.)

REED'S PARLIAMENTARY RULES

RULE 40. The rules of parliamentary practice as contained in Reed's Parliamentary Rules shall govern the senate in all cases to which they are applicable, and in which they are not inconsistent with the rules and orders of this senate and the joint rules of this senate and the house of representatives.

SECTION V
COMMITTEES

COMMITTEES—APPOINTMENT AND CONFIRMATION

RULE 41. The president shall appoint all conference, special, joint and standing committees on the part of the senate. The appointment of the conference, special, joint and standing committees shall be confirmed by the senate.

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

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

1. Agriculture	9
2. Commerce and Labor	10
3. Education	17
4. Energy and Utilities	11
5. Financial Institutions	10
6. Government Operations	11
7. Human Services and Corrections	9
8. Judiciary	13
9. Natural Resources	11
10. Parks and Ecology	7
11. Rules	22
12. Transportation	15
13. Ways and Means	21

SUBCOMMITTEES

RULE 42. Committee chairmen may create subcommittees of the standing committee and designate subcommittee chairmen thereof to study subjects within the jurisdiction of the standing committee. The committee chairmen shall approve the use of committee staff and equipment assigned to the subcommittee. Subcommittee activities shall further be subject to facilities and operations committee approval to the same extent as are the actions of the standing committee from which they derive their authority.

SUBPOENA POWER

RULE 43. Any of the above referenced committees, including subcommittees thereof, or any special committees created by the senate, may have the powers of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with the provisions of chapter 44.16 RCW. The committee chairman shall file with the committee on rules, prior to issuance of any process, a statement of purpose setting forth the name or names of those subject to process. The rules committee shall consider every proposed issuance of process at a meeting of the rules committee immediately following the filing of the statement with the committee. The process shall not be issued prior to consideration by the rules committee. The process shall be limited to the named individuals and the committee on rules may overrule the service on an individual so named.

DUTIES OF COMMITTEES

RULE 44. The several committees shall fully consider measures referred to them.

The committees shall acquaint themselves with the interest of the state specially represented by the committee, and from time to time present such bills and reports as in their judgment will advance the interests and promote the welfare of the people of the state.

COMMITTEE RULES

RULE 45. 1. At least five days notice shall be given of all public hearings held by any committee other than the rules committee. Such notice shall contain the date, time and place of such hearing together with the title and number of each

bill, or identification of the subject matter, to be considered at such hearing. By a majority vote of the committee members present at any committee meeting such notice may be dispensed with. The reason for such action shall be set forth in a written statement preserved in the records of the meeting.

2. During its consideration of or vote on any bill, resolution or memorial, the deliberations of any committee or subcommittee of the senate shall be open to the public. In case of any disturbance or disorderly conduct at any such deliberations, the chairman shall order the sergeant at arms to suppress the same and may order the meeting closed to any person or persons creating such disturbance.

3. A majority of any committee shall constitute a quorum. Committees shall be considered to have a quorum present unless the question is raised. No committee shall transact official business absent a quorum except to conduct a hearing.

4. Bills reported to the senate from a standing committee must have a majority report, which shall be prepared upon a printed standing committee report form; shall carry one of the following recommendations, shall be adopted at a regularly or specially called meeting and shall be signed by a majority of the committee:

- a. Do pass.
- b. Do pass as amended.
- c. That a substitute bill be substituted therefor, and the substitute bill do pass.
- d. That the bill be referred to another committee.
- e. Without recommendation.
- f. That the bill be indefinitely postponed.
- g. Do not pass.

5. A majority report of a committee must carry the signatures of a majority of the members of the committee. In the event a committee has a quorum pursuant to subsection 3 of this rule, a majority of the members present may act on a measure, subject to obtaining the signatures of a majority of the members of the committee on the majority report.

6. Any measure which does not receive a majority vote of the members present may be reconsidered at that meeting and may again be considered upon motion of any committee member if one day's notice of said motion is provided to all committee members.

7. Members of the committee not concurring in the majority report may prepare a written minority report containing a different recommendation which shall be signed by those members of the committee subscribing thereto.

8. When a committee reports a substitute for an original bill with the recommendation that the substitute bill do pass, it shall be in order to read the substitute bill the first time and have the same ordered printed.

A motion for the substitution of the substitute bill for the original bill shall not be in order until the committee on rules places the original bill on the second reading calendar.

9. No vote in any committee shall be taken by secret ballot nor shall any committee have a policy of secrecy as to any vote on action taken in such committee.

10. All reports of standing committees must be on the secretary's desk one hour prior to convening of the session in order to be read at said session.

COMMITTEE MEETINGS DURING SESSIONS

RULE 46. No committee shall sit during the daily session of the senate unless by special leave.

No committee shall sit during any scheduled caucus.

READING OF REPORTS

RULE 47. The majority report, and minority report, if there be one, together with the names of the signers thereof, shall be read by the secretary, unless the reading be dispensed with by the senate, and all committee reports shall be spread upon the journal.

RECALLING BILLS FROM COMMITTEES

RULE 48. Any standing committee of the senate may be relieved of further consideration of any bill, regardless of prior action of the committee, by a majority vote of the senators elected or appointed. The senate may then make such orderly disposition of the bill as they may direct by a majority vote of the members of the senate.

BILLS REFERRED TO RULES COMMITTEE

RULE 49. All bills reported by a committee to the senate shall then be referred to the committee on rules for second reading without action on the report unless otherwise ordered by the senate. (See also Rules 62 and 63.)

RULES COMMITTEE

RULE 50. The lieutenant governor shall be a voting member and the chair of the committee on rules. 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 to directly refer any bill before them to any other standing committee. Such referral shall be reported out to the senate on the next day's business.

The senate may change the order of consideration of bills on the second or third reading calendar.

The calendar, except in emergent situations, as determined by the committee on rules, shall be on the desks and in the offices of the senators each day and shall cover the bills for consideration on the next following day.

COMMITTEE OF THE WHOLE

RULE 51. At no time shall the senate sit as a committee of the whole.

The senate may at any time, by the vote of the majority of the members present, sit as a body for the purpose of taking testimony on any measure before the senate.

APPROPRIATION BUDGET BILLS

RULE 52. No amendment to the budget or supplemental budget, not incorporated in the bill as reported by the ways and means committee, shall be adopted except by the affirmative vote of sixty percent of the senators elected.

SECTION VI

BILLS, RESOLUTIONS, MEMORIALS AND GUBERNATORIAL APPOINTMENTS
DEFINITIONS

RULE 53. "Measure" means a bill, joint memorial, joint resolution, or concurrent resolution.

"Bill" when used alone means bill, joint memorial, joint resolution, or concurrent resolution.

"Majority" shall mean a majority of those members present unless otherwise stated.

PREFILING

RULE 54. Holdover members and members-elect to the senate may prefile bills with the secretary of the senate on any day commencing with the first Monday in December preceding any session year; or twenty days prior to any special session of the legislature. Such bills will be printed, distributed and prepared for introduction on the first legislative day. No bill, joint memorial or joint resolution shall be prefiled by title and/or preamble only. (See also Rule 3, Sub. 3.)

INTRODUCTION OF BILLS

RULE 55. All bills, joint resolutions and joint memorials introduced shall be endorsed with a statement of the title and the name of the member introducing the same. Any member desiring to introduce a bill, joint resolution or joint memorial shall file the same with the secretary of the senate by noon of the day before the convening of the session at which said bill, joint resolution or joint memorial is to be introduced.

After the expiration of deadlines for bill introductions provided for by resolution, no bill shall be introduced, except as the legislature shall direct by a vote of two-thirds of all the members elected to each house, said vote to be taken by yeas and nays and entered upon the journal, or unless the same be at a special session. The time limitation for introduction of bills shall not apply to substitute bills reported by standing committees for bills pending before such committees and general appropriation and revenue bills. (See also Art. 2, Sec. 36, State Constitution.)

AMENDATORY BILLS

RULE 56. Bills introduced in the senate intended to amend existing statutes shall have the words which are amendatory to such existing statutes underlined. Any matter to be deleted from the existing statutes shall be indicated by setting such matter forth in full, enclosed by double parentheses, and such deleted matter

shall be lined out with hyphens. No bill shall be printed or acted upon until the provisions of this rule shall have been complied with.

Sections added by amendatory bill to an existing act, or chapter of the official code, need not be underlined but shall be designated "NEW SECTION" in upper case type and such designation shall be underlined. New enactments need not be underlined.

JOINT RESOLUTIONS AND MEMORIALS

RULE 57. Joint resolutions and joint memorials, up to the signing thereof by the president of the senate, shall be subject to the rules governing the course of bills.

SENATE CONCURRENT RESOLUTIONS

RULE 58. Concurrent resolutions shall be subject to the rules governing the course of bills and may be adopted without a roll call. Concurrent resolutions authorizing investigations and authorizing the expenditure or allocation of any money must be adopted by roll call and the yeas and nays recorded in the journal. Concurrent resolutions are subject to final passage on the day of the first reading without regard to Senate Rule 61.

COMMITTEE BILLS

RULE 59. Committee bills introduced by a standing committee may be filed with the secretary of the senate and introduced, and the signature of each member of the committee shall be endorsed upon the cover of the original bill.

Committee bills shall be read the first time by title, ordered printed, and referred to the committee on rules for second reading.

COMMITTEE REFERENCE

RULE 60. When a motion is made to refer a subject, and different committees are proposed, the question shall be taken in the following order:

FIRST: A standing committee.

SECOND: A select committee.

READING OF BILLS

RULE 61. Every bill shall be read on three separate days unless the senate deems it expedient to suspend this rule. On and after the tenth day preceding adjournment sine die of any session, or three days prior to any cut-off date for consideration of bills, as determined pursuant to Article 2, Section 12 of the Constitution or concurrent resolution, this rule may be suspended by a majority vote. (See also Rule 58).

FIRST READING

RULE 62. The first reading of a bill shall be by title only, unless a majority of the members present demand a reading in full.

After the first reading, bills shall be referred to an appropriate committee pursuant to Rule 60.

Upon being reported back by committee, all bills shall be referred to the committee on rules for second reading, unless otherwise ordered by the senate. (See Rule 49.)

A bill shall be reported back by the committee chairman upon written petition therefor signed by a majority of its members. The petition shall designate the recommendation as provided in Rule 45, Sub. 4.

No committee chairman shall exercise a pocket veto of any bill.

Should there be a two-thirds majority report of the committee membership against the bill, a vote shall be immediately ordered for the indefinite postponement of the bill.

SECOND READING/AMENDMENTS

RULE 63. Upon second reading, the bill shall be read section by section, in full, and be subject to amendment.

Any member may, if sustained by three members, remove a bill from the consent calendar as constituted by the committee on rules. A bill removed from the consent calendar shall take its place as the last bill in the order of consideration of bills on the second reading calendar.

No amendment shall be considered by the senate until it shall have been sent to the secretary's desk in writing and read by the secretary.

All amendments adopted on the second reading shall then be securely fastened to the original bill.

All amendments rejected by the senate shall be spread upon the journal, and the journal shall show the disposition of all amendments.

When no further amendments shall be offered, the president shall declare the bill has passed its second reading, and shall be referred to the committee on rules for third reading.

THIRD READING

RULE 64. Bills on third reading shall be read in full by sections, and no amendment shall be entertained.

When a bill shall pass, it shall be certified to by the secretary, together with the vote upon final passage, noting the day of its passage thereon.

The vote must be taken by yeas and nays, the names of the senators voting for and against the same to be entered upon the journal and the majority of the members elected to the senate must be recorded thereon as voting in its favor to secure its passage by the senate.

SCOPE AND OBJECT OF BILL NOT TO BE CHANGED

RULE 65. No amendment to any bill shall be allowed which shall change the scope and object of the bill. (See also Art. 2, Sec. 38, State Constitution.)

MATTERS RELATED TO DISAGREEMENT BETWEEN THE SENATE AND HOUSE

RULE 66. When there is a disagreement between the senate and house on a measure before the senate, the senate may act upon the measure with the following motions which have priority in the following order:

To concur

To non-concur

To recede

To insist

To adhere

These motions are in order as to any single amendment or to a series of amendments.

(See Reed's Rules 247 through 254.)

A senate bill, passed by the house with amendment or amendments which shall change the scope and object of the bill, upon being received in the senate, shall be referred to an appropriate committee and shall take the same course as for original bills (~~in the event a scope and object ruling results in a measure being referred to committee~~), unless a motion to ask the house to recede, to insist or to adhere is made prior to (~~shall be in order on the same day upon which the scope and object ruling resulted in~~) the measure being referred to committee.

BILLS COMMITTED FOR SPECIAL AMENDMENT

RULE 67. A bill may be committed with or without special instructions to amend at any time before taking the final vote.

CONFIRMATION OF GUBERNATORIAL APPOINTEES

RULE 68. When the names of appointees to state offices are transmitted to the Secretary of the Senate for senate confirmation, the communication from the governor shall be recorded and referred to the appropriate standing committee.

The standing committee, or subcommittee, pursuant to rule 42, shall require each appointee referred to the committee for consideration to complete the standard questionnaire to be used to ascertain the appointee's general background and qualifications. The committee may also require the appointee to complete a supplemental questionnaire related specifically to the qualifications for the position to which he has been appointed.

The standing committee, or subcommittees, pursuant to rule 42, shall hold a public hearing on the appointment. The appointee may be required to appear before the committee on request. When appearing, the appointee shall be required to testify under oath. The chairman of the committee or the presiding member shall administer the oath in accordance with RCW 44.16. (See also Article 2, Sec. 6 of the State Constitution.)

Nothing in this rule shall be construed to prevent a standing committee, or subcommittee, pursuant to rule 42, upon a two-thirds vote of its members, from holding executive sessions when considering an appointment.

When the committee on rules presents the report of the standing committee before the senate, the question shall be the confirmation of the name proposed, and the roll shall then be called and the yeas and nays entered upon the journal.

In the event a message is received from the governor requesting return of an appointment or appointments to the office of the governor prior to confirmation, the senate shall vote upon the governor's request and the appointment or appointments shall be returned to the governor if the request is approved by a majority of the senators elected. (Article 13 of the State Constitution.)

MOTION

Senator McDonald moved that the following amendment by Senators McDonald and Deccio be adopted:

On page 10, Rule 17, on line 275, strike: "~~((resolution and motions))~~ and resolutions.
NINTH. Presentation of motions."

Debate ensued.

Senator McDonald 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 McDonald and Deccio.

ROLL CALL

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

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer, Zimmerman - 21.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 27.

Excused: Senator Guess - 1.

MOTION

Senator McDonald moved that the following amendment by Senators McDonald and Deccio be adopted:

On page 12, Rule 21, line 332, following "shall" strike "not" and on the following line, strike "with it unless so specified in the motion to table"

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 McDonald and Deccio.

ROLL CALL

The Secretary called the roll and the motion by Senator McDonald failed and the amendment was not adopted by the following vote: Yeas, 20; nays, 28; excused, 1.

Voting yea: Senators Bailey, Barr, Benitz, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer, Zimmerman - 20.

Voting nay: Senators Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 28.

Excused: Senator Guess - 1.

MOTION

At 11:27 a.m., on motion of Senator Vognild the Senate recessed until 1:30 p.m. and the Senate members and officers retired to the House Chamber for the purpose of a Joint Session.

JOINT SESSION

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

The Speaker instructed the Sergeants at Arms of the House and Senate to escort the President of the Senate, Lieutenant Governor John A. Cherberg, President Pro

Tempore H.A. "Barney" Goltz and Vice President Pro Tempore A.L. "Slim" Rasmussen to the rostrum.

The Speaker instructed the Sergeants at Arms to escort the Senators to seats within the House Chamber.

The Speaker presented the gavel to President Cherberg.

The Secretary of the Senate called the roll of the Senate, and all members were present except Senator Guess, who was excused.

The Clerk of the House called the roll of the House and all members were present.

The President appointed Senator Talmadge and Representative Armstrong to escort Chief Justice James Dolliver to the rostrum.

The President appointed Senators Halsan, McManus, McCaslin and Craswell and Representatives Hargrove, Scott, Long and May to escort the Supreme Court Justices to seats within the House Chamber.

The President appointed Senators Warnke, Granlund, Sellar and Lee and Representatives Belcher, Baugher, Nealey and Thomas to escort the Elected State Officials to seats within the House Chamber.

The President appointed Senators Bauer, Newhouse and Wojahn and Representatives Gallagher, Brooks and D. King to escort former elected officials to seats within the House Chamber.

The President introduced Lloyd Andrews, Superintendent of Public Instruction from 1957 to 1961; Bert Cole, Commissioner of Public Lands from 1953 to 1981 and Jack Taylor, Commissioner of Public Lands from 1941 to 1945 and 1949 to 1953.

The President appointed Senator Fleming and Representative O'Brien to escort Former Governor Albert Rosellini to a seat on the rostrum.

The President appointed Senators Bottiger and Hayner and Representatives Grimm and Winsley to escort Governor-elect and Mrs. Booth Gardner to the rostrum.

President Cherberg introduced members of Governor-elect Gardner's family:
 Doug, age 22, a senior at Pacific Lutheran University in Tacoma;
 Gail, age 21, a junior at Dartmouth College, Hanover, New Hampshire;
 Millie Gardner, Governor-elect Gardner's stepmother;
 Joan Blethan, daughter of Millie Gardner;
 Norton Clapp, Governor-elect Gardner's stepfather and his wife, Jacqueline;
 Bill Clapp, Governor-elect Gardner's brother and his wife, Christina;
 Vera and Max Davison, Mrs. Gardner's mother and stepfather.

REMARKS BY PRESIDENT CHERBERG

President Cherberg: "The purpose of this Joint Session is to administer the oath of office to the constitutionally-elected officials of the State of Washington and to receive the Inaugural Address of the Governor."

The National Anthem was sung by Jan Stentz.

The following prayer was offered by Pastor Bob Reith of Tacoma:

"Our Gracious Heavenly Father, we thank You for the privilege of coming together today in this house of assembly. We are reminded of the privileges and opportunity of living in a free country, a land given by Thee, not only the home of our fathers, but our home where we intend to build our future. We thank You for those who have served in this Legislature, concerned for the welfare of the people of our state. We bring before You today especially those who take their oath of office that, Father, You would remind them of the privilege and the opportunity where they are truly elected and called by the citizens of our state, but we realize that it is also to a position which is given by You. So Father, we pray that You would give them the humility as they stand before You and the courage as they stand before us that they might be men of integrity and confidence and courage

and that they might lead us in doing that which is right and best for us individually and corporately.

"We pray especially today for Governor-elect and his wife, Booth and Jean Gardner. We thank You for them. Father, we pray that You would give them the vision that they might lead us; that You might give them a spirit of humility and meekness that they might draw us around them. and, Father, that they might walk before us and lead us as Your representatives. So we pray that You would give them the vision as unto Moses, the heart as as unto David and the confidence as unto Paul. We thank You for the privilege of being together. We ask Your blessing upon this assemblage and we pray for direction and guidance for each of those taking office today. In Jesus' Name. Amen."

OATH OF OFFICE TO ELECTED OFFICIALS

Justice Utter administered the oath of office to Lieutenant Governor John A. Cherberg and the Speaker presented him the Certificate of Election.

Justice Brachtenbach administered the oath of office to Secretary of State Ralph Munro and President Cherberg presented him the Certificate of Election.

Justice Dore administered the oath of office of State Treasurer Robert F. O'Brien and President Cherberg presented him the Certificate of Election.

Justice Pearson administered the oath of office to State Auditor Robert V. Graham and President Cherberg presented him the Certificate of Election.

Justice Callow administered the oath of office to Attorney General Kenneth O. Eikenberry and President presented him the Certificate of Election.

Justice Goodloe administered the oath of office to Superintendent of Public Instruction Frank B. Brouillet and President Cherberg presented him the Certificate of Election.

Justice Durham administered the oath of office to Commissioner of Public Lands Brian J. Boyle and President Cherberg presented him the Certificate of Election.

Justice Andersen administered the oath of office to Insurance Commissioner Richard G. "Dick" Marquardt and President Cherberg presented him the Certificate of Election.

Chief Justice James Dolliver administered the oath of office to Governor-elect Booth Gardner and President Cherberg presented him the Certificate of Election.

The President introduced Governor and Mrs. Booth Gardner.

GOVERNOR'S INAUGURAL ADDRESS

Governor Gardner: "Mr. President, Mr. Speaker, Mr. Chief Justice of the Supreme Court, members of the Legislature, honored elected officials and fellow citizens of Washington State:

"Ninety-six years ago, at his inauguration as Washington's first governor, Elisha Ferry said: 'With resources superior to those of any equal area, with a population as enterprising as it is courageous, with a climate which commends itself to all who experience it, occupying a position at the gateway of Oriental and Occidental commerce of the future, there is no reason why the state of Washington should not rank among the most prominent State of the Union, nor why our people should not enjoy the priceless blessings of prosperity, health and happiness.'

"Looking back over our state's first century, we can see that Governor Ferry had good reason for his optimism. He saw accurately that the state's key location, its abundant resources and its enterprising population would result in growth and prosperity. Now, as we stand on the brink of Washington's second century, we must keep Elisha Ferry's flame of optimism alive as we accept the responsibilities of governance. They include: A responsibility to turn over a clean and safe environment to our children; A responsibility to provide our children with the best education possible; And a responsibility to diversify and expand our economy, bringing jobs to the unemployed, food to hungry and a stable and predictable revenue base to support basic state services.

"The burden of these responsibilities is compounded by serious problems that we face as a state. Nearly 200,000 of our citizens who want work cannot find it. Much of our abundant agricultural harvest has no market. Our timber industry faces high transportation costs to the fastest growing markets, a strong dollar that

limits our exports, and competition from cheap foreign imports and faster growing Southern timber. Overfishing and poor management have vastly depleted our salmon resources to the point that only the strongest action has any chance to restore the fishery to its former success. Pollution threatens our shellfish harvests. Roads, bridges and public buildings are in critical need of repair at a time when our revenue base simply will not permit us to address all our needs. Many people have lost confidence in the ability of our public schools and institutions of higher learning to provide quality education. For too long, these problems have been pushed ahead of us, and now it's collection day. These problems are not an indictment, but our failure to begin to solve them would be.

"The challenges we face are difficult, but difficulty is an excuse that history never accepts. And we do have the chance—a golden opportunity—to make history here in Washington State. History lies in transforming Washington into the Gateway of the Future. We must work to solve our immediate problems, but we must also begin to think and to reach beyond the next four years. We must begin to put in place the foundation for our second century. We can begin by utilizing our greatest asset—one which is too often overlooked—our people.

"Adam Smith first observed that the real wealth of nations is in their people and nowhere is that more true than here in our state of Washington. This can be seen in our gleaming cities where, with tremendous pride, the people have put together the resources to create nationally famous landmarks such as the Space Needle and the Pike Place Market in Seattle, Riverfront Park and the Opera House in Spokane, and the Pantages Theater and the Tacoma Dome in my home town. The tremendous resources of our people can be found every evening as hundreds of volunteer boards gather in communities all across the state. These volunteer organizations give meaning to the word community. Without volunteers, in this age of limited resources and government cutbacks, thousands of our poor, handicapped and elderly citizens would not be able to participate in the life of the greater community that most of us take for granted.

"We must utilize yet another of our unnoticed assets—the energy and talents of the people who work in state and local governments. Their efforts can provide the firm foundation for a state community built on cooperation and trust between government and citizens. I want to take a moment to talk directly to my fellow state employees. In the week since the election, I've seen the hard work and dedication to the common good that I expected. I want you to know that I have faith and confidence in you. Our challenge, working together, is to make the people of this state proud of their government. We must also have cooperation here in the halls of this legislature, and between the legislative and executive branches of government. We have with us a host of pressing problems. I can as Governor address those problems, but I cannot solve them without the help and support of the legislature. In each house, is an aisle which separates the two political parties. Between the two houses, there is a corridor which separates them. One floor in this building separates the executive from the legislative branch of government. These barriers can be passageway as we join our talents in serving the people and doing their business. Those things which unite us are far greater than those barriers which separate us. Never has it been more essential for state government to be united. Every responsible economist is predicting some tight times in the state for the next two years. Government must set some priorities which acknowledge these forecasts. Here are mine: First, we must develop an approach to economic growth which will give us a diversified economy base on the realities of a post industrial world; Second, we must sustain necessary services to help those in need and to protect the public health and safety; Third, we must end the practice of pushing our problems into the future and onto the shoulders of our children, whether the subject is pensions, or repairs to our infrastructure; Fourth, we must create a budget reserve large enough to absorb unanticipated drops in revenue without having to resort to session after session and service cuts to balance the budget. In my mind, these are the things that are most important and an area in which I'm most hopeful something can be accomplished.

"These are our immediate objectives, but we need to do more. We must start by tending to those things which will provide the foundation for our future. We must

start with education, the environment and economic development--even if funding limitations do not allow us to do all that we would like.

"In education, I want to achieve excellence at all levels and in every classroom of our K-12 and Higher Education systems. There is much that needs to be done. Responsible studies, such as the one done by the Washington Roundtable and the 3609 Commission, point to the needs. What is not evident is the means to pay for excellence. Today, state government cannot afford to do all that it should in education system. But we must begin the process. We must demonstrate our commitment to improving the schools. A place to begin is to double the preschool enrollment of those children who are identified as being at-risk, and I will propose legislation that will accomplish this by the end of the biennium. No area of government was hit harder during the recession of the last four years than higher education. When hard times come, our universities and community colleges are the easiest place to cut tax dollars--but it is not the wisest area to cut. The economic development of this state will rely on our commitment to rebuild our higher education system. In the next four years, my efforts will center on expanding the tax base through expansion and diversification of the economy. As the economy expands, we must make the commitment to the improvement of higher education. If we continue to face difficult times in the coming two years, we must recognize that higher education cannot tolerate more cuts.

"Next I want to talk about Puget Sound and the state's other vital water resources. I am determined to stop further pollution. Our efforts can begin in this biennium by strengthening our ability to identify pollution sources and by agreeing on a long-term plan against which all action of the state and local governments can be measured. I will propose legislation enhancing the ability of the Puget Sound Water Quality Authority to achieve these results. I will also ask you to approve legislation that will immediately improve the Department of Ecology's ability to monitor and enforce restrictions on wastewater discharge into the Sound and other waterways.

"Finally, Commerce and Economic Development. I see economic development as the best long-term answer to the financial problems that plague this state. In the short-term, there are things we can and must do. A strategic plan for economic development must be developed for our state. I will take the lead in developing this plan. But local economic development groups, the business community, labor and environmental interests must take their part if the plan is going to be realistic. Once we have this plan, I will have the Department of Commerce and Economic Development organized and ready to carry out with the highest professionalism and commitment. There is no graphic reminder of the need for economic development than what is happening today in towns like Raymond and Shelton, where people have been forced out of employment due to mill closures and our changing economy. Many are people who have spent ten, twenty even thirty years in a job and now find that their skills may not be needed again, at least in the foreseeable future. It is not enough to tell these people to wait until the economy booms again. It's not going to be easy for towns like Raymond and Shelton, but there are a couple of things we can do. Our state economic development strategy must explicitly address the needs of these communities. As we recruit new jobs from other states and other parts of the world, we must match them to the resources of our communities in economic distress. No action will be more important to the future of the entire state than a targeted recruitment of new industries for communities in need. I will propose legislation creating a process to designate hard hit communities as economically distressed area. Funds from the Job Training Partnership Act and Community Economic Revitalization Board will be directed toward these communities.

"These are two further subjects we must address. First, health care costs. We can begin now to contain the rising cost of health care. Next to education, these costs are higher than inflation. We must join with the private sector to bring these costs under control. I will ask you to approve several measures to give the state the authorities and structures it needs to contain health care costs.

"Finally, we must search for other ways to save tax dollars without sacrificing vital services. When I become Pierce County Executive, I was faced with a government deeply in debt and workers demoralized by a system that failed to recognize their value. At that time, I had the authority to reorganize government. This allowed me to restructure the county agencies, eliminate duplication and unnecessary management, and make each employee's work more meaningful. We were also able to improve service to the citizens.

"It is time state government does the same. I will work with the legislature, and support legislation, to streamline state government. It is the only way to turn the rhetoric of government efficiency into action. Our times are difficult, but they offer great opportunity. It is in times like these that people work best together, take risks with new ideas and fresh approaches, and lay solid groundwork for better times. As I mentioned at the beginning of this address, we are standing at the brink of the state's second century. I believe we can and should use the time between now and the celebration of this anniversary in a spirit of Rediscovery, Rededication and Renewal--Rediscovery of our rich heritage and the many valuable resources we have in our state--Rededication to the spirit of cooperation, working together and sharing together that has characterized this state's greatest moments since the pioneer days--And Renewal of our institutions of government, to make them responsive to the needs of the future. We should spend the next four years actively preparing for our second century.

"The Age of the Pacific is upon us. The focus of the world is moving away from the European continent; it is turning toward the nations and states of the Pacific Rim. And we are the natural gateway to the Pacific, and to the bright economic future that it holds. We can make this our future. It will take the same strong effort that our pioneer ancestors used to transform a wilderness into the Evergreen State. There will be mistakes along the way, but we will be making progress if each mistake we make is a new one.

"I am honored today to take up these challenges. I hope that all of you--legislators, state employees and officials, and the citizens throughout this state--will join with me in a commitment to our future. Washington will become the Gateway of the Future. We have it within our power. Let us match our power to the possibilities of progress and build our Gateway of the Future. Let's get to work. Thank you."

The President instructed the committee to escort Governor and Mrs. Gardner to the State Reception Room.

The President instructed the committee to escort Former Governor Rosellini to the State Reception Room.

The President instructed the committee to escort the former elected officials to the State Reception Room.

The President instructed the committee to escort the state elected officials to the State Reception Room.

The President instructed the committee to escort the Supreme Court Justices to the State Reception Room.

MOTION

On motion of Representative J. King, the Joint Session was dissolved.

The President returned the gavel to the Speaker.

The Speaker instructed the Sergeants at Arms of the Senate and House to escort the President of the Senate, Lieutenant Governor John A. Cherberg, President Pro Tempore H. A. "Barney" Goltz and Vice President Pro Tempore A. L. "Slim" Rasmussen to the State Reception Room.

The Speaker instructed the Sergeants at Arms to escort the Senators to the Senate Chamber.

AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Cherberg.

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

MESSAGE FROM THE GOVERNOR

January 16, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I am returning the withdrawal of the following appointments which are pending before you:

*Patrick N. Dunn, nominated as Director of the Department of Community Development.

Robert A. Boyd, nominated as Director of the State Lottery Commission.

Sincerely,
BOOTH GARDNER, Governor

*EDITORS NOTE: Gubernatorial appointment from Governor John Spellman received during the interim following 1984 Regular Legislative Session.

MOTION

Senator Bottiger moved that the appointments be withdrawn and returned to the Governor.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Bottiger to return the gubernatorial appointments of Patrick N. Dunn and Robert A. Boyd to the Office of the Governor.

The motion by Senator Bottiger carried.

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

There being no objection, the Senate resumed consideration of Senate Resolution 1985-5, which was under consideration during the morning session.

MOTION

Senator McDonald moved that the following amendment by Senators McDonald and Deccio be adopted:

On page 25, Rule 52, line 623 following: "Supplemental budget" insert: "which increases the amount appropriated"

Debate ensued.

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

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

MOTION

Senator Pullen moved that the following amendment be adopted:

On page 24, Rule 48, line 597, strike "or appointed."

POINT OF INQUIRY

Senator Vognild: "Senator Pullen, would you agree that the intent of these rules is that anytime a member, senator or senator-elect appears, it refers to forty-nine members of this body?"

Senator Pullen: "Yes, I would. That's consistent with each of the cases I've been able to find in the Rules, so I would agree with you on that."

Senator Vognild: "Thank you. With that agreement, I would support the adoption of this amendment."

Further debate ensued.

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

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

The President declared the question before the Senate to be adoption of the Senate Resolution 1985-5, as amended.

The motion by Senator Goltz carried and Senate Resolution 1985-5, as amended, was adopted.

MOTION

On motion of Senator Vognild, the Committee on Education was relieved of further consideration of Senate Bill No. 3057.

On motion of Senator Vognild, Senate Bill No. 3057 was referred to the Committee on Ways and Means.

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

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

January 16, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Isiah Turner, Jr. appointed January 16, 1985, for a term ending at the Governor's pleasure, as Director of the Department of Employment Security, succeeding Norwood J. Brooks.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

January 16, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Richard J. Thompson appointed January 16, 1985, for a term ending at the Governor's pleasure, as Director of the Department of Community Development, succeeding Patrick W. Dunn.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

January 16, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

A. N. "Bud" Shinpoch appointed January 16, 1985, for a term ending at the Governor's pleasure, as Director of the Department of Revenue, succeeding Donald R. Burrows.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Ways and Means.

January 16, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Theresa Anna Aragon appointed January 16, 1985, for a term ending at the Governor's pleasure, as Director of the Department of Licensing, succeeding John Gonzalez.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

January 16, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

John C. Anderson appointed January 16, 1985, for a term ending at the Governor's pleasure, as Director of the Department of Commerce and Economic Development, succeeding Richard T. Schrock.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

January 16, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

George B. Tellevik appointed January 16, 1985, for a term ending at the Governor's pleasure, as Chief of the Washington State Patrol, succeeding Neil W. Maloney.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Transportation.

January 16, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Andrea W. Beatty appointed January 16, 1985, for a term ending at the Governor's pleasure, as Director of the Department of Ecology, succeeding Donald W. Moos.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Parks and Ecology.

January 16, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Richard A. Virant appointed January 16, 1985, for a term ending at the Governor's pleasure, as Director of the Department of General Administration, succeeding Keith A. Angier.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

January 16, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Mary G. Faulk appointed January 16, 1985, for a term ending at the Governor's pleasure, as Director of the Washington State Lottery, succeeding Robert A. Boyd.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

January 16, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Richard A. Davis appointed January 16, 1985, for a term ending at the Governor's pleasure, as Director of the Department of Labor and Industries, succeeding Sam Kinville.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

January 16, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

C. Alan Pettibone appointed January 16, 1985, for a term ending at the Governor's pleasure, as Director of the Department of Agriculture, succeeding M. Keith Ellis.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Agriculture.

MOTION

At 1:54 p.m., on motion of Senator Vognild, the Senate adjourned until 11:00 a.m., Thursday, January 17, 1985.

JOHN A. CHERBERG, President of the Senate.
SID SNYDER, Secretary of the Senate.

FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, January 17, 1985

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 and Deccio.

The Sergeant at Arms Color Guard, consisting of Pages Shannon Thompson and Brice Howard, presented the Colors. Reverend Richard Hart, senior pastor of the First Baptist Church of Olympia, offered the prayer.

MOTION

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

MESSAGE FROM THE HOUSE

January 16, 1985

Mr. President:

The House has adopted:

SENATE CONCURRENT RESOLUTION NO. 101, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 101.

INTRODUCTION AND FIRST READING

SB 3100 by Senators Rasmussen, Lee and Kiskaddon

AN ACT Relating to independent dentistry; amending RCW 18.32.030; adding a new chapter to Title 18 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Human Services and Corrections.

SB 3101 by Senator Rasmussen

AN ACT Relating to state government; and adding a new section to chapter 42.17 RCW.

Referred to Committee on Government Operations.

SB 3102 by Senators Rasmussen and Hansen

AN ACT Relating to the collection of property taxes; amending RCW 84.40.380 and 84.56.020; adding a new section to chapter 84.56 RCW; and creating a new section.

Referred to Committee on Ways and Means.

SB 3103 by Senators Rasmussen and Talmadge

AN ACT Relating to award in lieu of homestead; and amending RCW 11.52.012, 11.52.020, and 11.52.022.

Referred to Committee on Judiciary.

SB 3104 by Senators Talmadge and Newhouse

AN ACT Relating to statutes superseded by court rules; amending RCW 4.12.025; and repealing RCW 4.08.010, 4.08.070, 4.08.200, 4.12.026, 4.12.027, 4.28.005, 4.32.040, 4.32.230, 4.36.180, 4.36.200, 4.44.030, 4.44.050, 4.44.430, 4.56.020, 4.76.020, 4.76.040, 4.76.050, 4.76.060, 4.84.180, 5.04.010, 5.36.020, 5.56.020, 5.56.030, 5.56.040, 5.60.010, 5.60.040, 7.16.090, 10.16.090, 10.46.030, and 10.52.020.

Referred to Committee on Judiciary.

SB 3105 by Senator Pullen

AN ACT Relating to firearms; amending RCW 9.94.043, 10.99.040, 10.99.045, 26.09.060, and 46.09.130; creating a new section; and repealing RCW 9.41.050, 9.41.060, 9.41.070, 9.41.090, 9.41.093, 9.41.095, 9.41.097, 9.41.098, 9.41.100, 9.41.110, 9.41.120, and 9.41.130.

Referred to Committee on Judiciary.

SB 3106 by Senators Pullen, Rasmussen and Conner

AN ACT Relating to firearms civil rights; adding new sections to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 3107 by Senators Rasmussen, Gaspard and Rinehart (by Lieutenant Governor request)

AN ACT Relating to public disclosure; amending RCW 42.17.395; and adding a new section to chapter 42.17 RCW.

Referred to Committee on Governmental Operations.

SB 3108 by Senators Granlund, Talmadge, Rinehart, Bender, Rasmussen and Stratton

AN ACT Relating to senior citizen property tax relief; amending RCW 84.36.381; and creating a new section.

Referred to Committee on Ways and Means.

SB 3109 by Senators Granlund, McManus, Sellar and Kreidler

AN ACT Relating to licensing dietitians; adding a new chapter to Title 18 RCW; prescribing penalties; making an appropriation; and declaring an emergency.

Referred to Committee on Human Services and Corrections.

SB 3110 by Senators Wojahn, Zimmerman, Gaspard, Vognild, Sellar, Thompson, Deccio, Johnson and Conner

AN ACT Relating to business and occupation taxation; and amending RCW 82.04.290.

Referred to Committee on Ways and Means.

ESB 3111 by Senators Gaspard, Hayner, McManus, Johnson, Vognild, Bottiger and Kiskaddon

AN ACT Relating to the state board of education; and amending RCW 28A.04.010, 28A.04.020, 28A.04.050, and 28A.04.090.

Referred to Committee on Education.

SB 3112 by Senators Williams, Benitz, Halsan, Stratton, Owen, Kreidler and Bailey

AN ACT Relating to cogeneration facilities; amending RCW 82.35.040; and adding new sections to chapter 82.35 RCW.

Referred to Committee on Energy and Utilities.

SB 3113 by Senators Warnke, Zimmerman and Moore (by Department of Community Development request)

AN ACT Relating to actions against state officers, employees, and authorized agents; amending RCW 4.92.060 and 4.92.070.

Referred to Committee on Commerce and Labor.

SB 3114 by Senators Conner, Metcalf and Rasmussen

AN ACT Relating to salmon fishing gear; and amending RCW 75.12.040.

Referred to Committee on Natural Resources.

SB 3115 by Senators Thompson, Zimmerman, Stratton, Barr and Patterson

AN ACT Relating to the valuation of open space lands with no current use; amending RCW 84.34.037 and 84.34.060; and adding a new section to chapter 84.34. RCW.

Referred to Committee on Governmental Operations.

- SB 3116 by Senators Patterson, Owen, Hansen and Metcalf
AN ACT Relating to damage by wildlife; and amending RCW 77.12.265.
Referred to Committee on Natural Resources.
- SB 3117 by Senators Patterson, Hansen, Goltz, Kiskaddon and Barr (by Department of Transportation request)
AN ACT Relating to motor vehicle standards; and amending RCW 46.37.420.
Referred to Committee on Transportation.
- SB 3118 by Senators Vognild and Conner (by Department of Transportation request)
AN ACT Relating to the Washington State Ferries; and adding a new section to chapter 47.60 RCW.
Referred to Committee on Transportation.
- SB 3119 by Senators Conner, Hansen and Garrett (by Department of Transportation request)
AN ACT Relating to ferry system bonds; and amending RCW 47.60.560.
Referred to Committee on Transportation.
- SB 3120 by Senators Conner, Hansen and Garrett (by Department of Transportation request)
AN ACT Relating to motor vehicle standards; and amending RCW 46.44.030, 46.44.037, 46.44.041, 46.44.042, 46.44.0941, and 46.44.105.
Referred to Committee on Transportation.
- SB 3121 by Senators Granlund, Hansen, Garrett, Vognild and Bender (by Department of Transportation request)
AN ACT Relating to the department of transportation; and adding a new section to chapter 47.04 RCW.
Referred to Committee on Transportation.
- SB 3122 by Senators Garrett, Hansen, Granlund and Vognild (by Department of Transportation request)
AN ACT Relating to bid proposals for the department of transportation; and amending RCW 47.28.060, 47.28.080, 47.28.090.
Referred to Committee on Transportation.
- SB 3123 by Senators Bender, Hansen and Garrett (by Department of Transportation request)
AN ACT Relating to state highway routes; amending RCW 47.17.055, 47.17.060, 47.17.455, 47.17.575; adding a new section to chapter 47.17 RCW; and repealing RCW 47.17.281, 47.17.867.
Referred to Committee on Transportation.
- SB 3124 by Senators Bender, Hansen, Granlund and Garrett (by Department of Transportation request)
AN ACT Relating to the commission on equipment; and amending RCW 46.37.005.
Referred to Committee on Transportation.
- SB 3125 by Senators Conner, Hansen and Garrett (by Department of Transportation request)
AN ACT Relating to the Quinault Tribal Highway; adding new sections to chapter 47.20 RCW; and declaring an emergency.
Referred to Committee on Transportation.
- SB 3126 by Senators McManus, Pullen, Bender and Wojahn

AN ACT Relating to collective bargaining; amending RCW 41.56.020, 41.56.030, and 41.56.460; and adding a new section to chapter 41.56 RCW.

Referred to Committee on Commerce and Labor.

SB 3127 by Senators Moore, Newhouse and Stratton

AN ACT Relating to the state investment board; and amending RCW 43.33A.020.

Referred to Committee on Governmental Operations.

SB 3128 by Senators Bottiger, Newhouse, Vognild and Benitz

AN ACT Relating to the taxation of minerals and mineral resources; adding a new chapter to Title 82 RCW; adding a new section to chapter 84.36 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Ways and Means.

SB 3129 by Senators Rasmussen, Conner, DeJarnatt, Metcalf and Granlund

AN ACT Relating to the veterans affairs advisory committee; and amending RCW 43.60A.080.

Referred to Committee on Governmental Operations.

SB 3130 by Senators Stratton, McCaslin, Warnke, Saling, Barr, Zimmerman, Conner, Vognild, Granlund and Patterson

AN ACT Relating to highway information panels; and amending RCW 47.42.046.

Referred to Committee on Transportation.

MOTION

At 11:15 a.m., on motion of Senator Vognild, the Senate adjourned until 11:00 a.m., Friday, January 18, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, January 18, 1985

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Benitz and Pullen. On motion of Senator von Reichbauer, Senators Benitz and Pullen were excused.

The Sergeant at Arms Color Guard, consisting of Pages Julie Helget and Darrell Clough, presented the Colors. Reverend Richard Hart, senior pastor of the First Baptist Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 16, 1985

SB 3040 Prime Sponsor, Senator Talmadge: Correcting obsolete references relating to the department of community development. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, McCaslin, Moore, Newhouse, Pullen, Thompson.

Passed to Committee on Rules for second reading.

January 16, 1985

SB 3041 Prime Sponsor, Senator Talmadge: Deleting obsolete statutory references and nomenclature from the Revised Code of Washington. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, McCaslin, Moore, Newhouse, Pullen, Thompson.

Passed to Committee on Rules for second reading.

January 16, 1985

SB 3072 Prime Sponsor, Senator Talmadge: Making technical corrections and reenacting fiduciary provisions from the Washington trust act of 1984. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Hayner, McCaslin, Metcalf, Moore, Newhouse, Thompson.

Passed to Committee on Rules for second reading.

January 16, 1985

SB 3073 Prime Sponsor, Senator Talmadge: Making technical corrections and reenacting wills provisions from the Washington trust act of 1984. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Hayner, McCaslin, Metcalf, Moore, Newhouse, Thompson.

Passed to Committee on Rules for second reading.

January 16, 1985

SB 3074 Prime Sponsor, Senator Halsan: Reenacting and changing partnership provisions from the Washington trust act of 1984. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Hayner, McCaslin, Metcalf, Moore, Newhouse, Thompson.

Passed to Committee on Rules for second reading.

January 16, 1985

SB 3075 Prime Sponsor, Senator Halsan: Reenacting declaratory judgment provisions from the Washington trust act of 1984. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Hayner, McCaslin, Metcalf, Moore, Newhouse, Thompson.

Passed to Committee on Rules for second reading.

January 16, 1985

SB 3076 Prime Sponsor, Senator Talmadge: Establishing a two-dollar filing fee for the nonjudicial resolution of certain trust provisions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Hayner, McCaslin, Metcalf, Moore, Newhouse, Thompson.

Passed to Committee on Rules for second reading.

January 16, 1985

SB 3077 Prime Sponsor, Senator Halsan: Reenacting and changing joint tenancy provisions from the Washington trust act of 1984. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Hayner, McCaslin, Metcalf, Moore, Newhouse, Thompson.

Passed to Committee on Rules for second reading.

January 16, 1985

SB 3078 Prime Sponsor, Senator Talmadge: Reenacting statute of limitations provisions from the Washington trust act of 1984. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Hayner, McCaslin, Metcalf, Moore, Newhouse, Thompson.

Passed to Committee on Rules for second reading.

January 16, 1985

SB 3079 Prime Sponsor, Senator Talmadge: Making technical corrections and reenacting procedural provisions from the Washington trust act of 1984. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Hayner, McCaslin, Metcalf, Moore, Newhouse, Thompson.

Passed to Committee on Rules for second reading.

January 16, 1985

SB 3092 Prime Sponsor, Senator Talmadge: Revising the jurisdiction of the judicial qualifications commission. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Moore, Newhouse, Thompson.

Passed to Committee on Rules for second reading.

MOTION

Senator Vognild moved that the rules be suspended and that all the bills read in on the Standing Committee Report be advanced to second reading and placed on the second reading calendar.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Vognild to suspend the rules and advance all the bills read in on the Standing Committee Report to second reading.

The motion by Senator Vognild carried and Senate Bills Nos. 3040, 3041, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079 and 3092 were advanced to second reading and placed on the second reading calendar.

INTRODUCTION AND FIRST READING

SB 3131 by Senators Thompson, Owen, Johnson and Zimmerman

AN ACT Relating to dredge spoil; adding a new section to chapter 79.01 RCW; and providing an expiration date.

Referred to Committee on Natural Resources.

SB 3132 by Senators Patterson, Rinehart, Gaspard, Goltz, Saling, Johnson, Bauer, Warnke, Bender, Conner, McManus and McDermott

AN ACT Relating to financial aid; and amending RCW 28B.15.065.

Referred to Committee on Education.

SB 3133 by Senators Gaspard, Benitz, Rinehart, Patterson, Saling, Johnson, Stratton and von Reichbauer

AN ACT Relating to governing boards at the institutions of higher education; and amending RCW 28B.35.100 and 28B.40.100.

Referred to Committee on Education.

SB 3134 by Senators Goltz, Patterson, Gaspard, Saling, Johnson, Bauer, Garrett, Benitz, McDermott, Stratton, Rinehart and Lee

AN ACT Relating to the periodic payment of tuition and fees at institutions of higher education; amending RCW 28B.15.031; adding a new section to chapter 28B.15 RCW; and creating a new section.

Referred to Committee on Education.

SB 3135 by Senators Warnke and Owen

AN ACT Relating to the conveyance of land to certain counties for public recreation purposes; and creating new sections.

Referred to Committee on Natural Resources.

SB 3136 by Senator Lee

AN ACT Relating to motor vehicle headlights; and amending RCW 46.37.020.

Referred to Committee on Transportation.

SB 3137 by Senators Guess, Peterson and Benitz

AN ACT Relating to public transportation benefit areas; and adding a new section to chapter 36.57A RCW.

Referred to Committee on Transportation.

SB 3138 by Senators Conner, Rasmussen, Bender, Johnson and Bauer

AN ACT Relating to Viet Nam era veterans; and amending RCW 41.04.005.

Referred to Committee on Governmental Operations.

SB 3139 by Senators Rinehart, Patterson, Gaspard, Goltz, Saling, Johnson, Bauer, Conner, Garrett, McManus and Stratton

AN ACT Relating to tuition and fee waivers; and amending RCW 28B.15.740.

Referred to Committee on Education.

SB 3140 by Senators Patterson, Gaspard, Rinehart, Goltz, Saling, Johnson, Warnke, Halsan, Bender, Conner, Garrett, DeJarnatt, Stratton, McManus and McDermott

AN ACT Relating to higher education tuition and fees; and amending RCW 28B.15.100.

Referred to Committee on Education.

SB 3141 by Senators Patterson, Rinehart, Gaspard, Goltz, Saling, Johnson, Warnke, Halsan, Bender, Conner, McManus and Stratton

AN ACT Relating to tuition and fees at institutions of higher education; and amending RCW 28B.15.502.

Referred to Committee on Education.

SB 3142 by Senators Peterson, Patterson, Goltz, Gaspard, Saling, Johnson, Bauer, Warnke, Bender, Conner, Garrett, McDermott, Stratton and Rinehart

AN ACT Relating to tuition and fees at institutions of higher education; amending RCW 28B.15.202, 28B.15.402, and 28B.15.502; providing an effective date; and declaring an emergency.

Referred to Committee on Education.

SB 3143 by Senators Talmadge, Newhouse and Conner (by Department of Licensing request)

AN ACT Relating to trade names; and amending RCW 19.80.035.

Referred to Committee on Judiciary.

SB 3144 by Senators Garrett and Barr

AN ACT Relating to the Model Traffic Ordinance; amending RCW 46.90.427; and reenacting and amending RCW 46.90.300 and 46.90.463.

Referred to Committee on Transportation.

SB 3145 by Senators Rasmussen and DeJarnatt (by State Treasurer request)

AN ACT Relating to distribution of forest reserve funds for schools or county roads; and amending RCW 28A.02.300 and 28A.02.310.

Referred to Committee on Ways and Means.

SB 3146 by Senators Granlund, Kreidler, Kiskaddon and Deccio (by Department of Corrections request)

AN ACT Relating to corrections; amending RCW 72.01.050, 72.12.160, 9.94.049, and 72.65.010; and repealing RCW 72.12.050.

Referred to Committee on Human Services and Corrections.

SB 3147 by Senators Granlund, Kreidler, Kiskaddon, Deccio and Johnson (by Department of Corrections request)

AN ACT Relating to institutional industries; and amending RCW 72.09.100.

Referred to Committee on Human Services and Corrections.

SB 3148 by Senators Granlund, Kreidler, Kiskaddon and Deccio (by Department of Corrections request)

AN ACT Relating to special adult supervision programs; repealing RCW 9.95A.010, 9.95A.020, 9.95A.030, 9.95A.040, 9.95A.050, 9.95A.060, 9.95A.070, 9.95A.080, 9.95A.090, 9.95A.900, and 9.95A.905.

Referred to Committee on Human Services and Corrections.

SB 3149 by Senators Gaspard, Warnke, Craswell and Lee

AN ACT Relating to the taxation of fish farms; amending RCW 82.04.330 and 82.04.100; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3150 by Senators Talmadge and Kreidler

AN ACT Relating to worker and community right to know; adding new sections to chapter 49.70 RCW; and prescribing penalties.

Referred to Committee on Parks and Ecology.

SB 3151 by Senators Granlund, Kreidler, Halsan and Rinehart

AN ACT Relating to inmate grievance procedures; and adding a new chapter to Title 72 RCW.

Referred to Committee on Human Services and Corrections.

SB 3152 by Senators Moore, Thompson, Bender, Bottiger, McManus and Warnke

AN ACT Relating to financial institutions and administration of securities laws; 21.20.005, 21.20.450, 21.20.720, 30.12.190, 31.12.005, 43.17.010, 43.17.020, 43.19.010, 43.19.020, 43.19.040, 43.19.095, 43.19.100, 43.19.110, 43.19.112, 43.24.020, 43.24.024, 46.01.011, and 46.01.050; adding a new chapter to Title 43 RCW; creating new sections; recodifying RCW 43.19.020, 43.19.030, 43.19.040, 43.19.050, 43.19.090, 43.19.095, 43.19.100, 43.19.110, and 43.19.112; providing an effective date; and declaring an emergency.

Referred to Committee on Financial Institutions.

SB 3153 by Senators Moore, Warnke, Vognild and Bender

AN ACT Relating to consumer finance; and amending RCW 31.08.160.

Referred to Committee on Financial Institutions.

SB 3154 by Senators Moore, Rasmussen and Vognild

AN ACT Relating to the crime of vagrancy; and adding a new section to chapter 9A.84 RCW.

Referred to Committee on Judiciary.

SB 3155 by Senators Moore, Halsan and Bottiger

AN ACT Relating to the award of interest on judgments; and amending RCW 4.56.110 and 4.56.115.

Referred to Committee on Judiciary.

SB 3156 by Senators Moore, Granlund and Talmadge

AN ACT Relating to continuing care contracts; adding a new chapter to Title 48 RCW; and providing an effective date.

Referred to Committee on Financial Institutions.

SB 3157 by Senators Moore, Johnson, Bottiger, McDonald, Thompson, Cantu, Conner, Bluechel and McManus

AN ACT Relating to watercraft; amending RCW 84.36.080, 88.02.040, and 88.02.050; adding new sections to chapter 88.02 RCW; creating a new section; and repealing RCW 82.49.010, 82.49.020, 82.49.030, 82.49.040, 82.49.050, 82.49.060, 82.49.070, 84.08.200, and 88.02.025.

Referred to Committee on Ways and Means.

SB 3158 by Senators Vognild, Newhouse, McManus, Deccio, Moore, Guess and Lee

AN ACT Relating to public assistance payments to landlords for the purpose of rent; and adding a new section to chapter 74.04 RCW.

Referred to Committee on Human Services and Corrections.

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

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 103, by Senator Williams

Extending the Joint Legislative Committee on Science and Technology.

The resolution was read the second time.

MOTION

On motion of Senator Williams, the rules were suspended, Senate Concurrent Resolution No. 103 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. 103.

ROLL CALL

The Secretary called the roll on final passage of Senate Concurrent Resolution No. 103 and the resolution passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Benitz, Pullen - 2.

SENATE CONCURRENT RESOLUTION NO. 103, having received the constitutional majority, was declared passed.

MOTION

At 11:24 a.m., on motion of Senator Vognild, the Senate adjourned until 11:00 a.m., Monday, January 21, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, January 21, 1985

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Benitz, Conner and Guess. On motion of Senator von Reichbauer, Senators Benitz and Guess were excused. On motion of Senator Bender, Senator Conner was excused.

The Sergeant at Arms Color Guard, consisting of Pages Stephanie Doud and Thu Nguyen, presented the Colors. Reverend Ronald W. Hastie, senior pastor of the Evergreen Christian Center of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

January 18, 1985

Mr. President:

The Speaker has signed:

SENATE CONCURRENT RESOLUTION NO. 101, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

January 18, 1985

Mr. President:

The House has passed:

SENATE CONCURRENT RESOLUTION NO. 105, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 105.

INTRODUCTION AND FIRST READING

SB 3159 by Senator Warnke

AN ACT Relating to the Washington State Bar Association; amending RCW 2.48.021, 2.48.030, 2.48.060, 2.48.150, 2.48.170, 2.48.180; adding new sections to chapter 2.48 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

SB 3160 by Senator Warnke

AN ACT Relating to employee suggestion awards; adding new sections to chapter 28A.02 RCW; making an appropriation; and providing an effective date.

Referred to Committee on Education.

SB 3161 by Senators McDermott, Warnke, Vognild, Talmadge, Wojahn and Moore

AN ACT Relating to health studios; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SB 3162 by Senators McDermott and Warnke

AN ACT Relating to unemployment insurance; and adding a new section to chapter 50.04 RCW.

Referred to Committee on Commerce and Labor.

SB 3163 by Senators Thompson, Metcalf, Stratton, von Reichbauer and Bailey (by Department of Community Development request)

AN ACT Relating to the center for voluntary action; amending RCW 43.150.060, 43.150.080; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 3164 by Senators Gaspard, Patterson, Goltz and McDonald

AN ACT Relating to public university and college construction bids; and amending RCW 28B.10.350.

Referred to Committee on Education.

SB 3165 by Senators Bottiger, Thompson, Vognild, Bauer, von Reichbauer and Bailey

AN ACT Relating to superior court; amending RCW 2.08.061, 2.08.062, and 2.08.064; and providing an effective date.

Referred to Committee on Judiciary.

SB 3166 by Senators Bailey, Hansen, Goltz, Barr and Bauer

AN ACT Relating to the dairy products commission; and amending RCW 15.44.060, 15.44.080, and 15.44.130.

Referred to Committee on Agriculture.

SB 3167 by Senators Talmadge, Hayner and DeJarnatt

AN ACT Relating to timeshares; amending RCW 64.36.010; and repealing RCW 64.36.902 and 64.36.903.

Referred to Committee on Judiciary.

SB 3168 by Senators Moore, Rasmussen, Newhouse and von Reichbauer (by Department of Licensing request)

AN ACT Relating to the securities act of Washington; amending RCW 21.20.320, 21.20.340; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Financial Institutions.

SB 3169 by Senators Owen, Barr and Johnson

AN ACT Relating to management of public lands; adding a new section to chapter 79.66 RCW; and declaring an emergency.

Referred to Committee on Natural Resources.

SB 3170 by Senators Owen and Metcalf

AN ACT Relating to annual reports on natural resources; amending RCW 75.08.020 and 79.01.744; and adding a new section to chapter 77.04 RCW.

Referred to Committee on Natural Resources.

SB 3171 by Senators Owen, Lee, Stratton and Johnson

AN ACT Relating to food fish and shellfish; amending RCW 75.25.130, 75.25.140, 75.25.150, and 75.25.160; adding a new section to chapter 75.25 RCW; and providing an effective date.

Referred to Committee on Natural Resources.

SB 3172 by Senators Owen, Metcalf and Stratton

AN ACT Relating to game and game fish; and amending RCW 77.32.060, 77.32.350, and 77.32.380.

Referred to Committee on Natural Resources.

SB 3173 by Senators Owen, Metcalf and Stratton

AN ACT Relating to aquaculture; and reenacting and amending RCW 9A.52.010.

Referred to Committee on Natural Resources.

SB 3174 by Senators Owen, Metcalf, Stratton, Barr and Johnson

AN ACT Relating to fish and wildlife enhancement; and amending RCW 75.08.230 and 79.24.580.

Referred to Committee on Natural Resources.

SB 3175 by Senators Granlund, Kiskaddon, Kreidler and Stratton (by Department of Social and Health Services and Department of Fisheries request)

AN ACT Relating to shellfish; amending RCW 69.30.010, 69.30.050, 69.30.060, 69.30.110, 69.30.120, 69.30.140, and 75.12.120; and prescribing penalties.

Referred to Committee on Natural Resources.

SB 3176 by Senators Granlund, Kiskaddon, Kreidler and Stratton (by Department of Social and Health Services request)

AN ACT Relating to the release of juvenile offenders from residential facilities; and amending RCW 13.40.210.

Referred to Committee on Human Services and Corrections.

SB 3177 by Senators Granlund, Kiskaddon, Stratton, Kreidler, Peterson, Lee and Goltz (by Department of Social and Health Services request)

AN ACT Relating to respite care services; amending section 3, chapter 158, Laws of 1984 (uncodified); amending section 5, chapter 158, Laws of 1984 (uncodified); and amending section 7, chapter 158, Laws of 1984 (uncodified).

Referred to Committee on Human Services and Corrections.

AN ACT Relating to management of public lands; adding a new section to chapter 79.66 RCW; and declaring an emergency.

Referred to Committee on Human Services and Corrections.

SB 3178 by Senators Goltz, Hayner, Bauer, Conner, Bottiger, Kiskaddon, Johnson and Gaspard

AN ACT Relating to private schools; and amending RCW 28A.02.201.

Referred to Committee on Education.

SB 3179 by Senators Halsan and Kreidler

AN ACT Relating to annual leave; and amending RCW 43.01.041.

Referred to Committee on Governmental Operations.

SB 3180 by Senator Kreidler

AN ACT Relating to salary surveys; and amending RCW 28B.16.110, 41.06.160, and 41.06.167.

Referred to Committee on Governmental Operations.

SB 3181 by Senator Kreidler

AN ACT Relating to state employees' sick leave cashout; and amending RCW 41.04.340.

Referred to Committee on Governmental Operations.

SB 3182 by Senators Bauer, Wojahn, Gaspard, Halsan and Kreidler

AN ACT Relating to retirement from public service; amending RCW 41.32.500 and 41.40.150; adding new sections to chapter 41.40 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 3183 by Senators Kreidler, Warnke, Halsan, Conner, Rasmussen and Bauer

AN ACT Relating to veterans; and amending RCW 41.04.005.

Referred to Committee on Governmental Operations.

SB 3184 by Senator Thompson

AN ACT Relating to state-owned housing; adding a new chapter to Title 43 RCW; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 3185 by Senators Owen, Conner and Talmadge

AN ACT Relating to law enforcement by wildlife agents and fisheries patrol officers; and amending RCW 75.10.010 and 77.12.055.

Referred to Committee on Natural Resources.

SB 3186 by Senators Warnke, Kreidler and Vognil

AN ACT Relating to unemployment compensation; and amending RCW 50.12.020.

Referred to Committee on Commerce and Labor.

SB 3187 by Senators Wojahn, McDermott, Kreidler, McManus, Talmadge and Warnke

AN ACT Relating to state employees' insurance; amending RCW 41.05.025; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3188 by Senators Granlund, Halsan and Johnson

AN ACT Relating to reimbursement of institutional care employees; and adding a new section to chapter 72.01 RCW.

Referred to Committee on Human Services and Corrections.

SB 3189 by Senators Thompson, Granlund, Kreidler, McManus, DeJarnatt, Garrett and Vognil

AN ACT Relating to payroll deductions for public employees; and amending RCW 41.04.230.

Referred to Committee on Governmental Operations.

SB 3190 by Senators Thompson and Kreidler

AN ACT Relating to public employment; amending RCW 41.06.020, 41.06.040, 41.06.070, 41.06.080, 41.06.160, 41.06.280, and 41.64.110; adding new sections to chapter 41.06 RCW; repealing RCW 28B.16.010, 28B.16.020, 28B.16.030, 28B.16.040, 28B.16.060, 28B.16.070, 28B.16.080, 28B.16.090, 28B.16.100, 28B.16.101, 28B.16.105, 28B.16.110, 28B.16.112, 28B.16.113, 28B.16.116, 28B.16.120, 28B.16.130, 28B.16.140, 28B.16.150, 28B.16.160, 28B.16.170, 28B.16.180, 28B.16.190, 28B.16.200, 28B.16.210, 28B.16.220, 28B.16.230, 28B.16.240, 28B.16.250, 28B.16.260, 28B.16.270, 28B.16.280, 28B.16.290, 28B.16.900, 28B.16.910, 28B.16.920, and 28B.16.930; and providing an effective date.

Referred to Committee on Governmental Operations.

SB 3191 by Senators Thompson, Kreidler, Halsan, McManus, DeJarnatt, Granlund and Garrett

AN ACT Relating to public employees; amending RCW 41.06.020, 41.06.150, 41.06.169, 41.64.110, 28B.16.020, 28B.16.100, 28B.16.105, and 28B.50.030; adding new sections to chapter 28B.16 RCW; adding new sections to chapter 41.06 RCW; adding a new section to chapter 43.01 RCW; repealing RCW 28B.10.644, 28B.10.645, 28B.10.646, 28B.16.250, 28B.16.260, 28B.16.270, 28B.16.280, 28B.16.290, 28B.50.830, 28B.50.840, 28B.80.250, 28B.80.260, 28B.80.270, 41.06.175, 41.06.185, 41.06.195, 41.06.205, and 41.06.215; and making an appropriation.

Referred to Committee on Governmental Operations.

SB 3192 by Senators Talmadge and Kreidler

AN ACT Relating to state employee retirement; and amending RCW 41.40.220.

Referred to Committee on Ways and Means.

SB 3193 by Senators Talmadge, Wojahn, Kreidler, Halsan and Gaspard

AN ACT Relating to occupational disease; and amending RCW 41.40.200.

Referred to Committee on Ways and Means.

SB 3194 by Senator Rasmussen

AN ACT Relating to the public employees' retirement system; amending RCW 41.40-.010, 41.40.165, 41.40.340, and 41.40.370; adding a new section to chapter 41.40 RCW; and repealing RCW 41.40.005, 41.40.600, 41.40.610, 41.40.620, 41.40.625, 41.40.630, 41.40.640, 41.40.650, 41.40.660, 41.40.670, 41.40.680, 41.40.690, 41.40.700, 41.40.710, 41.40.720, 41.40.730, 41.40.740, 41.40.900, and 41.40.920.

Referred to Committee on Ways and Means.

SB 3195 by Senator Kreidler

AN ACT Relating to early retirement; and amending RCW 41.40.180 and 41.40.630.

Referred to Committee on Ways and Means.

SB 3196 by Senator Moore

AN ACT Relating to taxation of gambling activities; and amending RCW 9.46.110.

Referred to Committee on Commerce and Labor.

SB 3197 by Senators Talmadge, Halsan, Granlund and DeJarnatt

AN ACT Relating to criminal procedure; amending RCW 10.77.010, 10.77.020, 10.77-.060, 10.77.070, 10.77.080, 10.77.090, 10.77.110, 10.77.120, 10.77.150, 10.77.190, 10.77.200; and adding new sections to chapter 10.77 RCW.

Referred to Committee on Judiciary.

SB 3198 by Senators Talmadge, Granlund, Halsan, Rinehart and DeJarnatt

AN ACT Relating to victims of sexual assault; amending RCW 70.125.040; repealing RCW 70.125.070; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

SB 3199 by Senators Talmadge and Granlund

AN ACT Relating to child victims and witnesses of crime; amending RCW 7.69.020; adding new sections to chapter 7.69 RCW; and creating a new section.

Referred to Committee on Judiciary.

SB 3200 by Senators Talmadge, Granlund, Halsan and DeJarnatt

AN ACT Relating to victims of crimes; amending RCW 7.68.060, 7.68.070, 7.68.075, 7.68.130, and 7.68.020.

Referred to Committee on Judiciary.

SB 3201 by Senators Halsan and Kreidler

AN ACT Relating to polychlorinated biphenyls; and adding a new section to chapter 70.105 RCW.

Referred to Committee on Parks and Ecology.

SB 3202 by Senators McCaslin, Thompson and Zimmerman

AN ACT Relating to counties; and amending RCW 36.21.060 and 36.21.070.

Referred to Committee on Governmental Operations.

SB 3203 by Senator Goltz

AN ACT Relating to real estate excise taxation; and adding a new section to chapter 82.45 RCW.

Referred to Committee on Energy and Utilities.

SB 3204 by Senators Gaspard, Bauer, Johnson, Goltz, Patterson, Bender and von Reichbauer

AN ACT Relating to school programs in observance of Veterans' Day; and amending RCW 28A.02.070.

Referred to Committee on Education.

SB 3205 by Senators Gaspard, Bauer, Patterson, Bender and Johnson

AN ACT Relating to accumulation of leave by school employees; and amending RCW 28A.58.099.

Referred to Committee on Education.

SB 3206 by Senators Moore, Williams, Newhouse, Vognild, McManus, Deccio, McDonald and Craswell

AN ACT Relating to water heaters in multiple-unit residences; and amending RCW 19.27.130.

Referred to Committee on Energy and Utilities.

SB 3207 by Senators Granlund, Metcalf, Boltiger, Rasmussen, Johnson, Patterson, Owen, Bender and Bauer

AN ACT Relating to prison work programs; and adding a new chapter to Title 72 RCW.

Referred to Committee on Human Services and Corrections.

SB 3208 by Senators Warnke, Newhouse, Moore, Wojahn, Halsan and Vognild

AN ACT Relating to private activity bonds; adding a new chapter to Title 39 RCW; and creating a new section.

Referred to Committee on Commerce and Labor.

SB 3209 by Senators Rasmussen, Conner and Stratton

AN ACT Relating to Dungeness crabs; and adding a new section to chapter 75.12 RCW.

Referred to Committee on Natural Resources.

SB 3210 by Senators Thompson, Zimmerman and Lee

AN ACT Relating to the release of autopsy and post mortem reports; and amending RCW 68.08.105.

Referred to Committee on Governmental Operations.

SB 3211 by Senators Thompson, Newhouse and Talmadge

AN ACT Relating to community property; and adding a new section to chapter 26.16 RCW.

Referred to Committee on Judiciary.

SB 3212 by Senators Bluechel, Vognild, Bailey, Warnke, Goltz and Rinehart

AN ACT Relating to the state arts commission; and making an appropriation.

Referred to Committee on Ways and Means.

SB 3213 by Senators Talmadge and Williams

AN ACT Relating to the legislature; amending RCW 43.21G.020 and 43.21G.040; and repealing RCW 44.39.010, 44.39.015, 44.39.020, 44.39.025, 44.39.038, 44.39.045, 44.39.050, 44.39.060, and 44.39.070.

Referred to Committee on Energy and Utilities.

SB 3214 by Senators Wojahn, Warnke, Lee, Moore, Williams, Halsan, Fleming and Peterson

AN ACT Relating to cities and counties; adding a new section to chapter 35.21 RCW; and adding a new section to chapter 36.01 RCW.

Referred to Committee on Commerce and Labor.

SB 3215 by Senators Peterson, Patterson and Hansen

AN ACT Relating to ferry advisory committees; and amending RCW 47.60.310, 47.60.326, and 47.60.330.

Referred to Committee on Transportation.

SB 3216 by Senators Peterson, Patterson and Hansen

AN ACT Relating to department of transportation personnel exempted from civil service; and amending RCW 41.06.079.

Referred to Committee on Transportation.

SB 3217 by Senators Goltz, Bluechel, Williams and Bauer

AN ACT Relating to the 1989 Washington centennial commission; amending RCW 27.60.900; and adding a new section to chapter 27.60 RCW.

Referred to Committee on Governmental Operations.

SB 3218 by Senators Goltz, Zimmerman, Bauer and Saling

AN ACT Relating to sales tax exemption; amending RCW 82.08.0269; and prescribing penalties.

Referred to Committee on Ways and Means.

SJM 101 by Senators Owen, Patterson, Stratton, Conner and Talmadge

Urging ratification of a United States-Canada salmon treaty.

Referred to Committee on Natural Resources.

SJM 102 by Senators Owen, Rasmussen, Stratton, Metcalf, Conner, Johnson, Patterson and Barr

Requesting restrictions on importation of Canadian forest products.

Referred to Committee on Natural Resources.

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

SECOND READING

SENATE BILL NO. 3040, by Senators Talmadge, Newhouse and von Reichbauer (by Department of Community Development and Office of Code Reviser request)

Correcting obsolete references relating to the department of community development.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 3040 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. 3040.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3040 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Benitz, Conner, Guess - 3.

SENATE BILL NO. 3040, having received the constitutional majority, 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. 3041, by Senators Talmadge, Newhouse, Conner and Rasmussen (by Office of the Code Reviser request)

Deleting obsolete statutory references and nomenclature from the Revised Code of Washington

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 3041 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Pullen: "I simply have a technical question about how the code reviser will ultimately handle the codification of these explanatory notes. In the bill, I see a number of explanatory notes that are distributed throughout the whole bill and I find them very convenient and very helpful because they give some explanation as to the nature of the changes in the bill, but I don't think I have ever seen these structurally in any bill before.

"Do you know if the code reviser intends to take the explanatory notes out after the bill becomes law or will they permanently be codified as part of the law?"

Senator Talmadge: "Senator, I think they will be permanently codified. We gave the authority to the code reviser in the original authorization to that office to put explanatory notes into the code and they've been doing that more since we gave them the authority dealing with double amendments. Now this is something that I, too, agree is helpful and I believe it will be a permanent part of the code. It's usually placed as a footnote to the softbound version of the R.C.W.'s that are distributed to the members and to the public."

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3041.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3041 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Benitz, Conner, Guess - 3.

SENATE BILL NO. 3041, having received the 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 Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, the Committee on Natural Resources was relieved of further consideration of Senate Bill No. 3175.

On motion of Senator Vognild, Senate Bill No. 3175 was referred to the Committee of Human Services and Corrections.

MOTION

At 11:38 a.m., on motion of Senator Vognild, the Senate adjourned until 11:00 a.m., Tuesday, January 22, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, January 22, 1985

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 Lee and Vognild. On motion of Senator Bender, Senator Vognild was excused.

The Sergeant at Arms Color Guard, consisting of Pages Diana Davidson and Robert Smith, presented the Colors. Reverend Ronald W. Hastie, senior pastor of the Evergreen Christian Center of Olympia, offered the prayer.

MOTION

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

REPORT OF STANDING COMMITTEE

January 21, 1985

SB 3059 Prime Sponsor, Senator Vognild: Changing manner in which certain unemployment benefit payments are charged to employers for purposes of calculating contribution rates. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 3059 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, McDonald, Moore, Newhouse, Wojahn.

Passed to Committee on Rules for second reading.

MOTION

At 11:06 a.m., on motion of Senator Bottiger, the Senate recessed until 11:30 a.m.

SECOND MORNING SESSION

The Senate was called to order at 11:30 a.m. by President Cherberg. There being no objection, the President declared the Senate to be at ease. The Senate was called to order at 11:39 a.m. by President Cherberg.

MOTION

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

INTRODUCTION AND FIRST READING

SB 3219 by Senators Granlund, Johnson, Moore, Deccio, Sellar, Craswell, Kreidler, Halsan, Fleming, McManus and Conner

AN ACT Relating to nursing home wages; adding a new chapter to Title 70 RCW; and creating a new section.

Referred to Committee on Human Services and Corrections.

SB 3220 by Senator Owen

AN ACT Relating to autopsies; and amending RCW 68.08.105.

Referred to Committee on Governmental Operations.

SB 3221 by Senators Owen, McManus, Bender and Peterson

AN ACT Relating to reduced utility rates for certain low income persons; and amending RCW 74.38.070.

Referred to Committee on Energy and Utilities.

SB 3222 by Senators Owen, McManus and Hansen

AN ACT Relating to visitation rights; and amending RCW 26.09.160.

Referred to Committee on Judiciary.

SB 3223 by Senators Rinehart, Kiskaddon, Granlund, Johnson and Stratton

AN ACT Relating to drivers' licensure; and amending RCW 46.20.031 and 46.65.060.

Referred to Committee on Transportation.

SB 3224 by Senators Newhouse and Talmadge

AN ACT Relating to crimes; amending RCW 9A.08.010; adding a new section to chapter 9A.16 RCW; adding a new section to chapter 9A.36 RCW; and declaring an emergency.

Referred to Committee on Judiciary.

SB 3225 by Senators Fleming and McDermott

AN ACT Relating to the African Development Bank; and adding a new section to chapter 32.20 RCW.

Referred to Committee on Financial Institutions.

SB 3226 by Senators Fleming and McDermott

AN ACT Relating to the investment of public pension and retirement funds; and amending RCW 43.84.150.

Referred to Committee on Ways and Means.

SB 3227 by Senators Fleming, McDermott and Wojahn

AN ACT Relating to state procurement; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 39.04 RCW; adding a new section to chapter 43.19 RCW; and adding a new section to chapter 47.28 RCW.

Referred to Committee on Governmental Operations.

SB 3228 by Senators Kreidler and McDermott

AN ACT Relating to consent for health care; amending RCW 70.122.010, 70.122.020, 70.122.030, 70.122.050, 70.122.060, 70.122.070, 70.122.080, and 70.122.090; adding new sections to chapter 70.122 RCW; and adding new sections to chapter 11.94 RCW.

Referred to Committee on Human Services and Corrections.

SB 3229 by Senators McManus, Moore, Deccio and Halsan

AN ACT Relating to residential care facilities; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Human Services and Corrections.

SB 3230 by Senators Talmadge, Metcalf, Moore, Rasmussen and Peterson

AN ACT Relating to alcohol abuse; amending RCW 46.61.502, 46.61.504, 46.61.506, 46.61.515, 10.05.010, 10.05.020, 10.05.040, 10.05.050, 10.05.060, 10.05.070, 10.05.080, 10.05.090, 10.05.100, 10.05.110, and 10.05.120; adding a new chapter to Title 7 RCW; adding new sections to chapter 10.05 RCW; adding a new section to chapter 66.28 RCW; creating a new section; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

SB 3231 by Senators Moore, Deccio, Kreidler, McManus and Rasmussen

AN ACT Relating to nursing homes; and amending RCW 18.51.030.

Referred to Committee on Financial Institutions.

SB 3232 by Senators Kiskaddon and Metcalf

AN ACT Relating to the common schools; amending RCW 28A.41.130, 28A.58.090, and 28A.04.120; adding a new section to chapter 28A.03 RCW; adding new sections to chapter 28A.58 RCW; adding new sections to chapter 41.59 RCW; adding a new section to chapter

84.52 RCW; creating new sections; repealing RCW 28A.02.080, 28A.04.133, 28A.05.010, 28A.05.030, 28A.05.040, 28A.05.050, 28A.26.010, 28A.26.020, 28A.26.030, 28A.26.040, 28A.26.050, 28A.26.060, 28A.26.900, 28A.41.140, 28A.41.250, 28A.41.270, 28A.41.280, 28A.41.290, 28A.41.400, 28A.41.402, 28A.41.404, 28A.41.406, 28A.41.408, 28A.41.410, 28A.41.412, 28A.41.414, 28A.58.095, 28A.58.099, 28A.58.245, 28A.58.750, 28A.58.752, 28A.58.754, 28A.58.758, 28A.58.760, 28A.58.800, 28A.58.801, 28A.58.802, 28A.58.804, 28A.58.806, 28A.58.808, 28A.58.809, 28A.58.810, 28A.60.350, 28A.67.065, 28A.67.070, 28A.91.100, 28A.91.110, 28A.91.120, 28A.91.130, 28A.91.900, 41.59.010, 41.59.020, 41.59.060, 41.59.070, 41.59.080, 41.59.090, 41.59.100, 41.59.110, 41.59.120, 41.59.130, 41.59.140, 41.59.150, 41.59.160, 41.59.170, 41.59.180, 41.59.900, 41.59.910, 41.59.920, 41.59.930, 41.59.940, 41.59.950, 46.81.070, 46.81.900, 84.52.053, and 84.52.0531; making appropriations; and providing an effective date.

Referred to Committee on Education.

SB 3233 by Senators Owen, Hayner, Granlund and Rasmussen

AN ACT Relating to the institutional impact account; and amending RCW 72.72.030.

Referred to Committee on Human Services and Corrections.

SB 3234 by Senators Hansen, Barr, Bauer, Bailey, Goltz, Newhouse, Benitz and Patterson

AN ACT Relating to noxious weed control funding; amending RCW 46.16.060; adding new sections to chapter 17.10 RCW; adding new sections to chapter 43.131 RCW; and providing an expiration date.

Referred to Committee on Agriculture.

SB 3235 by Senators Gaspard, McDermott, Bottiger, Rinehart, Warnke, Wojahn, Bender and Garrett

AN ACT Relating to educational excellence; amending RCW 28A.41.140; adding a new section to chapter 28A.03 RCW; adding new sections to chapter 28A.58 RCW; adding a new section to chapter 28A.67 RCW; adding a new section to chapter 28A.71 RCW; and creating new sections.

Referred to Committee on Education.

SB 3236 by Senators Moore, Sellar, Vognild, Bender, McManus, Warnke, McCaslin, Newhouse, Deccio, Wojahn, Stratton, Guess, McDermott, von Reichbauer and Conner

AN ACT Relating to banks and bank holding companies; amending RCW 30.04.230; adding a new section to chapter 30.04 RCW; creating a new section; and providing an effective date.

Referred to Committee on Financial Institutions.

SB 3237 by Senators Hansen, Barr, Bauer, Bailey, Goltz, Newhouse and Benitz

AN ACT Relating to private property; and amending RCW 77.12.655.

Referred to Committee on Agriculture.

SB 3238 by Senators Talmadge, Halsan, Granlund, Stratton, Rasmussen, Garrett and Peterson

AN ACT Relating to the abuse of children and adult dependent persons; and amending RCW 26.44.030.

Referred to Committee on Judiciary.

SB 3239 by Senators Kiskaddon, Rinehart, Johnson, Gaspard, Lee and Craswell

AN ACT Relating to school-based management; adding a new section to chapter 28A.03 RCW; adding new sections to chapter 28A.58 RCW; making an appropriation; and providing an expiration date.

Referred to Committee on Education.

SB 3240 by Senators Lee, Moore, Metcalf, Bottiger, Benitz, McDonald, McManus, McCaslin, Gaspard, Bailey, Stratton, Johnson, Garrett, Deccio, Peterson, Hayner, Barr, Craswell and Patterson

AN ACT Relating to child abuse; and adding a new section to chapter 26.44 RCW.

Referred to Committee on Judiciary.

SB 3241 by Senators Lee, Zimmerman, Metcalf, Benitz, McCaslin, McDonald, Bailey, Saling, Johnson, Deccio, Hayner and Patterson

AN ACT Relating to evidence; and adding a new section to chapter 10.58 RCW.

Referred to Committee on Judiciary.

SB 3242 by Senators Bluechel, Bender, Lee, Metcalf, Benitz, McCaslin, McDonald, Bailey, Johnson, Deccio, Hayner, Craswell and Patterson

AN ACT Relating to exploitation of children; and amending RCW 9.68A.040, 9.68A-.050, 9.68A.060, 9.68A.070, 9.68A.080, 9.68A.090, and 9.68A.110.

Referred to Committee on Judiciary.

SB 3243 by Senators Lee, Moore, Zimmerman, McManus, Metcalf, Stratton, Benitz, Peterson, McCaslin, McDonald, Saling, Johnson, Barr, Deccio, Hayner and Patterson

AN ACT Relating to the unlawful harboring of a minor; and amending RCW 13.32A.080.

Referred to Committee on Judiciary.

SB 3244 by Senators Bailey, Benitz, Zimmerman, McCaslin, McDonald, Johnson, Deccio and Hayner

AN ACT Relating to child victims of sexual abuse; amending RCW 70.58.080; and adding a new section to chapter 43.121 RCW.

Referred to Committee on Ways and Means.

SB 3245 by Senators Bailey, McCaslin, McDonald, Johnson, Deccio, Hayner and Patterson

AN ACT Relating to child abuse; amending RCW 36.18.010; and adding a new section to chapter 43.121 RCW.

Referred to Committee on Ways and Means.

SB 3246 by Senators Bluechel, Moore, Benitz, McCaslin, McDonald, Zimmerman, Bailey, Saling, Johnson, Deccio, Hayner and Patterson

AN ACT Relating to the protection of children; amending RCW 13.50.100 and 74.15-.030; adding a new section to chapter 10.01 RCW; adding new sections to chapter 43.10 RCW; creating a new section; prescribing penalties; and making an appropriation.

Referred to Committee on Judiciary.

SB 3247 by Senators Bluechel, Newhouse, Metcalf, Benitz, McCaslin, McDonald, Saling, Johnson, Deccio, Barr, Hayner and Craswell

AN ACT Relating to missing children; adding a new section to chapter 28A.03 RCW; adding new sections to chapter 43.43 RCW; and making appropriations.

Referred to Committee on Judiciary.

SB 3248 by Senators Bailey, Benitz, Johnson, Deccio and Hayner

AN ACT Relating to the education and protection of children; amending RCW 28A-.02.201 and 28A.05.010; and making an appropriation.

Referred to Committee on Education.

SB 3249 by Senators Kreidler, Moore and Rasmussen

AN ACT Relating to group life insurance; amending RCW 48.24.030 and 48.24.045; and reenacting and amending RCW 48.24.060.

Referred to Committee on Financial Institutions.

SB 3250 by Senators Kiskaddon, Gaspard, Johnson, Lee and Craswell

AN ACT Relating to district-based management of common schools; adding a new section to chapter 28A.03 RCW; adding new sections to chapter 28A.58 RCW; making an appropriation; and providing an expiration date.

Referred to Committee on Education.

SB 3251 by Senators Owen, Deccio, Bender, Warnke and Thompson

AN ACT Relating to child custody and support; amending RCW 26.09.220, and 26.09-.230; adding new sections to chapter 26.09 RCW; adding new sections to chapter 9A.64 RCW; repealing RCW 26.09.130, 26.09.190, 26.09.250, and 26.09.260; prescribing penalties; and providing an effective date.

Referred to Committee on Judiciary.

SB 3252 by Senators Owen and Warnke

AN ACT Relating to domestic relations; amending RCW 26.12.010, 26.12.020, 26.12.030, 26.12.040, 26.12.050, 26.12.060, 26.12.070, 26.12.090, 26.12.100, 26.12.110, 26.12.120, 26.12.130, 26.12.160, 26.12.190, 26.12.200, 26.12.210, 26.12.220, 26.09.030, and 36.18.020; adding a new section to chapter 26.09 RCW; adding new sections to chapter 26.12 RCW; repealing RCW 26.12.080; and providing an effective date.

Referred to Committee on Judiciary.

SB 3253 by Senators Hansen, Barr, Bauer, Bailey, Goltz, Newhouse, Bottiger, Gaspard, Benitz and Patterson

AN ACT Relating to hydraulic projects; amending RCW 75.20.100, 43.83B.320, 75.20-.300, 76.09.050, 76.09.910, 79.90.150, 90.03.247, and 90.62.020; recodifying RCW 75.20.100; and creating a new section.

Referred to Committee on Agriculture.

SB 3254 by Senators Talmadge, Hayner, McCaslin, Granlund and Halsan

AN ACT Relating to domestic violence; and amending RCW 26.50.020, 26.50.030, 26.50.035, 26.50.040, 26.50.060, 26.50.070, 26.50.200, 9A.36.040, 10.31.100, and 10.99.040.

Referred to Committee on Judiciary.

SB 3255 by Senators Moore and Sellar

AN ACT Relating to sales representatives; and adding a new chapter to Title 19 RCW.

Referred to Committee on Commerce and Labor.

SB 3256 by Senators Zimmerman, Gaspard and Rasmussen (by Legislative Budget Committee request)

AN ACT Relating to personal service contracts; amending RCW 39.29.003, 39.29.006, 39.29.010, 39.29.020, and 39.29.040; and adding new sections to chapter 39.29 RCW.

Referred to Committee on Ways and Means.

SJR 102 by Senators Bluechel, Benitz, Zimmerman, McCaslin, Bailey, Johnson, Deccio and Hayner

Exempting child abuse victims from necessity of confronting the accused face-to-face at trial.

Referred to Committee on Judiciary.

SCR 106 by Senators Talmadge, McManus, Williams and McDermott

Urging the highest priority for the pursuit of causes of action under the Nuclear Waste Policy Act of 1982.

Referred to Committee on Energy and Utilities.

MOTION

At 11:49 a.m., on motion of Senator Vognild, the Senate adjourned until 11:00 a.m., Wednesday, January 23, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

TENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 23, 1985

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 Craswell, Kiskaddon and Metcalf. On motion of Senator von Reichbauer, Senators Craswell, Kiskaddon and Metcalf were excused.

The Sergeant at Arms Color Guard, consisting of Pages Casey Coats and Angela Blyckert, presented the Colors. Reverend Ronald W. Hastie, senior pastor of the Evergreen Christian Center of Olympia, offered the prayer.

MOTION

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

MOTION

At 11:06 a.m., on motion of Senator Vognild, the Senate recessed until 11:25 a.m.

SECOND MORNING SESSION

The Senate was called to order at 11:26 a.m. by President Cherberg.

REPORTS OF STANDING COMMITTEES

January 22, 1985

SB 3001 Prime Sponsor, Senator Thompson: Changing manner of filling port commissioner vacancies. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 3001 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, McCaslin, Pullen, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

January 22, 1985

SB 3070 Prime Sponsor, Senator Vognild: Revising the record keeping requirements for the county auditor. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, McCaslin, Pullen, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

January 22, 1985

SB 3095 Prime Sponsor, Senator Talmadge: Revising appellate procedure. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Hayner, Moore, Newhouse, Owen, Thompson, Williams.

Passed to Committee on Rules for second reading.

INTRODUCTION AND FIRST READING

SB 3257 by Senators Rasmussen, Warnke and Lee

AN ACT Relating to credit cards; and adding a new chapter to Title 42 RCW.

Referred to Committee on Governmental Operations.

SB 3258 by Senator Rasmussen

AN ACT Relating to timber tax rates; amending RCW 84.33.041 and 84.33.065; repealing RCW 84.33.042, 84.33.043, 84.33.044, 84.33.045, 84.33.046, 84.33.066, and 84.33.067; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3259 by Senators Rasmussen and Warnke

AN ACT Relating to handicapped persons; and amending RCW 77.32.230.

Referred to Committee on Natural Resources.

SB 3260 by Senator Kreidler

AN ACT Relating to the regulation of health and health-related professions and businesses; amending RCW 18.130.020, 18.130.040, 18.130.070, 18.130.080, 18.130.090, 18.130.130, 18.130.160, 18.130.170, 18.130.180, 18.130.190, 18.130.200, 18.130.210, 18.130.900, 18.22.015, 18.25.017, 18.25.090, 18.26.030, 18.26.110, 18.32.085, 18.32.290, 18.32.360, 18.32.390, 18.32.500, 18.32.520, 18.32.530, 18.32.640, 18.36.010, 18.36.020, 18.36.030, 18.36.040, 18.36.050, 18.36.060, 18.36.130, 18.39.130, 18.39.145, 18.39.148, 18.39.150, 18.39.175, 18.39.181, 18.39.231, 18.39.260, 18.39.280, 18.39.300, 18.39.320, 18.39.330, 18.52.100, 18.52.140, 18.53.030, 18.53.100, 18.53.140, 18.53.150, 18.54.070, 18.57.005, 18.57A.030, 18.57A.040, 18.57A.050, 18.59.100, 18.59.130, 18.71.030, 18.71.050, 18.71.095, 18.71.200, 18.71.230, 18.71A.040, 18.71A.050, 18.72.020, 18.72.150, 18.72.265, 18.73.020, 18.74.023, 18.74.090, 18.78.050, 18.78.070, 18.78.090, 18.88.270, 18.92.030, 18.92.070, 18.92.120, 18.92.125, 70.54.150, and 70.54.190; reenacting and amending RCW 43.24.110; adding a new section to chapter 18.22 RCW; adding a new section to chapter 18.25 RCW; adding a new section to chapter 18.26 RCW; adding a new section to chapter 18.29 RCW; adding a new section to chapter 18.32 RCW; adding a new section to chapter 18.34 RCW; adding a new section to chapter 18.36 RCW; adding a new section to chapter 18.39 RCW; adding a new section to chapter 18.50 RCW; adding a new section to chapter 18.52 RCW; adding a new section to chapter 18.53 RCW; adding a new section to chapter 18.54 RCW; adding a new section to chapter 18.55 RCW; adding a new section to chapter 18.57 RCW; adding a new section to chapter 18.57A RCW; adding a new section to chapter 18.59 RCW; adding a new section to chapter 18.71 RCW; adding a new section to chapter 18.71A RCW; adding a new section to chapter 18.72 RCW; adding a new section to chapter 18.74 RCW; adding a new section to chapter 18.78 RCW; adding a new section to chapter 18.88 RCW; adding a new section to chapter 18.92 RCW; adding a new section to chapter 18.108 RCW; adding a new section to chapter 18.130 RCW; creating new sections; repealing RCW 18.130.030, 18.22.016, 18.22.017, 18.22.020, 18.22.141, 18.22.151, 18.22.215, 18.25.010, 18.25.018, 18.25.050, 18.26.027, 18.26.035, 18.26.037, 18.26.100, 18.26.120, 18.26.130, 18.26.140, 18.26.150, 18.26.160, 18.26.170, 18.26.180, 18.26.190, 18.26.200, 18.26.210, 18.26.220, 18.26.230, 18.26.240, 18.26.250, 18.26.270, 18.26.280, 18.26.290, 18.26.300, 18.26.310, 18.29.010, 18.29.075, 18.29.080, 18.29.090, 18.32.038, 18.32.055, 18.32.080, 18.32.090, 18.32.230, 18.32.380, 18.32.535, 18.32.540, 18.32.550, 18.32.630, 18.32.650, 18.32.660, 18.32.670, 18.32.680, 18.32.690, 18.32.700, 18.32.710, 18.32.720, 18.32.730, 18.32.740, 18.32.750, 18.32.760, 18.32.770, 18.32.780, 18.34.090, 18.34.100, 18.34.135, 18.34.140, 18.34.150, 18.35.173, 18.36.135, 18.36.140, 18.36.150, 18.39.176, 18.39.179, 18.39.223, 18.39.225, 18.39.310, 18.39.340, 18.50.100, 18.50.120, 18.50.125, 18.52.055, 18.52.065, 18.52.090, 18.52.120, 18.52.150, 18.52.155, 18.53.020, 18.53.155, 18.54.075, 18.54.080, 18.54.100, 18.54.110, 18.54.120, 18.55.065, 18.55.070, 18.55.080, 18.55.090, 18.55.100, 18.57.009, 18.57.030, 18.57.170, 18.57.173, 18.57.175, 18.57.177, 18.57.181, 18.57.185, 18.57.195, 18.57.205, 18.59.030, 18.59.140, 18.59.200, 18.71.018, 18.71.020, 18.71.025, 18.71.120, 18.71.140, 18.71.145, 18.71.165, 18.71.180, 18.72.030, 18.72.135, 18.72.140, 18.72.153, 18.72.160, 18.72.170, 18.72.175, 18.72.180, 18.72.201, 18.72.230, 18.72.240, 18.72.245, 18.72.250, 18.72.260, 18.72.270, 18.72.275, 18.72.280, 18.72.290, 18.72.300, 18.72.320, 18.72.330, 18.74.028, 18.74.080, 18.74.082, 18.74.084, 18.74.086, 18.74.088, 18.74.100, 18.78.053, 18.78.135, 18.78.145, 18.78.155, 18.78.165, 18.78.170, 18.78.175, 18.83.053, 18.88.085, 18.88.210, 18.88.230, 18.88.240, 18.88.250, 18.88.260, 18.88.265, 18.92.033, 18.92.045, 18.92.050, 18.92.160, 18.92.180, 18.92.210, 18.92.220, 18.92.235, 18.108.075, 18.108.080, and 18.108.170; repealing section 3, chapter 38, Laws of 1917 (uncodified); repealing section 2, chapter 48, Laws of 1935 (uncodified); repealing section 7, chapter 5, Laws of 1919 (uncodified); repealing section 30, chapter 16, Laws of 1923 (uncodified); repealing section 8, chapter 222, Laws of 1949 (uncodified); and prescribing penalties.

Referred to Committee on Human Services and Corrections.

SB 3261 by Senators Thompson and Zimmerman

AN ACT Relating to building codes; amending RCW 19.27.020, 19.27.030, 19.27.050, 19.27.060, 19.27.070, 19.27.075, 19.27.120, 19.27.300, 19.27.420, 19.27.450, and 19.27.460; adding new sections to chapter 19.27 RCW; recodifying RCW 19.27.030, 19.27.075, 19.27.130, 19.27.200, 19.27.210, 19.27.220, 19.27.230, 19.27.240, 19.27.250, 19.27.260, 19.27.270, 19.27.280, 19.27.290, 19.27.300, 19.27.310, 19.27.320, 19.27.410, 19.27.420, 19.27.430, 19.27.440, 19.27.450, 19.27.460, and 19.27.905; and repealing RCW 19.27.040.

Referred to Committee on Governmental Operations.

SB 3262 by Senators Granlund, Kiskaddon and Stratton (by Department of Social and Health Services request)

AN ACT Relating to licensing of nursing homes; amending RCW 74.42.380, 18.51.050, 18.52A.020, and 18.52A.030; adding a new section to chapter 18.51 RCW; and adding a new section to chapter 74.42 RCW.

Referred to Committee on Human Services and Corrections.

SB 3263 by Senators Granlund, Kiskaddon and Kreidler (by Department of Social and Health Services request)

AN ACT Relating to adjusting nursing home prospective rates for energy retrofitting; and amending RCW 74.46.460.

Referred to Committee on Human Services and Corrections.

SB 3264 by Senators Vognild, Warnke, Metcalf, Halsan, Moore, Bender, Benitz, Wojahn and Williams

AN ACT Relating to public works; and amending RCW 39.04.010.

Referred to Committee on Commerce and Labor.

SB 3265 by Senators Kreidler, Zimmerman, Talmadge, Granlund and Goltz

AN ACT Relating to public waste disposal and management facilities; and amending RCW 43.99F.040.

Referred to Committee on Parks and Ecology.

SB 3266 by Senators McDermott, Zimmerman, Deccio, Sellar, Moore, Thompson and Warnke (by Governor, Lieutenant Governor, Secretary of State, Treasurer, State Auditor, Attorney General, Superintendent of Public Instruction, Commissioner of Public Lands and Insurance Commissioner request)

AN ACT Relating to elected officials' salaries; amending RCW 43.03.010; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3267 by Senators Hansen, Guess and von Reichbauer (by Department of Licensing request)

AN ACT Relating to drivers' licenses; and amending RCW 46.20.315.

Referred to Committee on Transportation.

SB 3268 by Senators Hansen and Guess (by Department of Licensing request)

AN ACT Relating to occupational driver's licenses; amending RCW 46.20.391; reenacting and amending RCW 46.20.391; and providing an effective date.

Referred to Committee on Transportation.

SB 3269 by Senators McDermott, Moore, McManus and Goltz (by Lieutenant Governor request)

AN ACT Relating to cigarette taxes; amending RCW 82.24.025; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3270 by Senators McDermott, Warnke and Thompson (by Department of Retirement Systems request)

AN ACT Relating to retirement from public service; amending RCW 41.04.445, 41.04.450, 41.26.030, and 41.40.010; reenacting and amending RCW 41.32.010; adding a new section to chapter 41.04 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3271 by Senators Granlund, Deccio and Conner

AN ACT Relating to public hospital districts; and adding a new section to chapter 70.44 RCW.

Referred to Committee on Human Services and Corrections.

SB 3272 by Senators Goltz, Zimmerman, Bauer and Wojahn

AN ACT Relating to law enforcement; adding a new chapter to Title 10 RCW; adding a new section to chapter 43.10 RCW; and providing an effective date.

Referred to Committee on Governmental Operations.

SB 3273 by Senators Goltz, Zimmerman, Bauer, McCaslin and Talmadge

AN ACT Relating to law enforcement; adding a new chapter to Title 10 RCW; creating a new section; and providing an effective date.

Referred to Committee on Governmental Operations.

SB 3274 by Senators Warnke, Vognild, Gaspard, Bottiger, Moore, Wojahn, Williams, Halsan and Peterson

AN ACT Relating to school employees' compensation; amending RCW 28A.58.095; and repealing RCW 41.56.960 and 41.59.935.

Referred to Committee on Commerce and Labor.

SB 3275 by Senators Bauer, Zimmerman, Thompson, Patterson and DeJarnatt

AN ACT Relating to the sales and use tax; amending RCW 82.08.050 and 82.08.120; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 3276 by Senators McDermott, Talmadge, Stratton, Gaspard, Kreidler, DeJarnatt, Halsan, Conner, McManus, Peterson, Fleming, Goltz, Rasmussen, Garrett, Wojahn, Bauer, Hansen, Bottiger, Thompson, Bender, Granlund, Owen, Williams, Lee, Barr and von Reichbauer (by Lieutenant Governor request)

AN ACT Relating to missing children; adding a new chapter to Title 13 RCW; creating a new section; and making an appropriation.

Referred to Committee on Judiciary.

SB 3277 by Senators Rasmussen, Wojahn and Gaspard

AN ACT Relating to electrician training; and amending RCW 19.28.530.

Referred to Committee on Commerce and Labor.

SB 3278 by Senators Gaspard, Patterson, Rinehart, Goltz and McDermott

AN ACT Relating to institutions of higher education; amending RCW 28B.15.740; and adding a new section to chapter 28B.15 RCW.

Referred to Committee on Education.

SB 3279 by Senators Gaspard, Goltz, Saling, Johnson, Lee, Stratton, Conner, Bender, Kiskaddon and Guess

AN ACT Relating to home schooling; amending RCW 28A.02.201, 28A.27.010, and 28A.41.145; and adding new sections to chapter 28A.27 RCW.

Referred to Committee on Education.

SB 3280 by Senators Bottiger, Peterson, Patterson, Gaspard, Hansen and Johnson

AN ACT Relating to state-authorized improvements to state highways by counties and service districts; amending RCW 36.83.010 and 36.88.010; adding a new section to chapter 36.75 RCW; and adding a new section to chapter 47.05 RCW.

Referred to Committee on Transportation.

SB 3281 by Senators Williams and Vognild

AN ACT Relating to the structure of the utilities and transportation commission; amending RCW 43.10.067, 80.01.010, 80.01.030, 80.01.080, 80.01.100, 80.04.110, 80.04.165, 80.04.170, 80.04.190, 80.04.200, and 80.04.420; adding new sections to chapter 41.06 RCW; adding a new chapter to Title 80 RCW; and creating a new section.

Referred to Committee on Energy and Utilities.

SB 3282 by Senators Williams and Kreidler

AN ACT Relating to historic preservation; and adding a new section to chapter 43.82 RCW.

Referred to Committee on Parks and Ecology.

SB 3283 by Senator Williams

AN ACT Relating to historic preservation; adding a new chapter to Title 84 RCW; and prescribing penalties.

Referred to Committee on Parks and Ecology.

SB 3284 by Senators Patterson, Hansen, Garrett, Warnke, Barr, Peterson, Bottiger, Bauer, Sellar, Deccio, Saling and Pullen

AN ACT Relating to the county road arterial program; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SB 3285 by Senators Granlund, Zimmerman, Stratton, McCaslin, Johnson, Bender, McManus, Owen and Rasmussen

AN ACT Relating to the retail sales and use taxation of fire fighting equipment; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Ways and Means.

SB 3286 by Senators Hansen and Barr

AN ACT Relating to an agricultural irrigation commission; adding a new chapter to Title 15 RCW; and prescribing penalties.

Referred to Committee on Agriculture.

SB 3287 by Senators McDermott, Guess, Rinehart, Granlund, Cantu, Bailey and Barr (by Secretary of State request)

AN ACT Relating to election costs; amending RCW 29.13.047; and providing an effective date.

Referred to Committee on Governmental Operations.

SB 3288 by Senators Conner, Bauer, Peterson, McCaslin, Zimmerman, Barr, Metcalf and Vognild

AN ACT Relating to designated advertising signs; and amending RCW 47.42.040.

Referred to Committee on Transportation.

SJM 103 by Senators Owen, Conner, Vognild, Newhouse, Stratton, Rasmussen, Metcalf, Bauer, McCaslin, Pullen, McDonald, Sellar, von Reichbauer, Hansen, Lee, Hayner, Benitz, Guess, Deccio, Johnson, Cantu, Bailey, Craswell and Barr

Requesting Congress to call a Constitutional convention to amend the United States Constitution to require a balanced federal budget.

Referred to Committee on Judiciary.

SJR 103 by Senators Granlund, Zimmerman, McCaslin, Garrett, DeJarnatt and Bailey

Establishing procedures for the adoption of county home rule charters.

Referred to Committee on Governmental Operations.

MOTION

At 11:35 a.m., on motion of Senator Bottiger, the Senate was declared to be at ease.

The Senate was called to order at 11:38 a.m. by President Cherberg.

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

SECOND READING

SENATE BILL NO. 3072, by Senators Talmadge, Newhouse, Halsan and Moore

Making technical corrections and reenacting fiduciary provisions from the Washington trust act of 1984.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 3072 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. 3072.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3072 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Craswell, Kiskaddon, Metcalf - 3.

SENATE BILL NO. 3072, having received the constitutional majority, 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. 3073, by Senators Talmadge, Newhouse, Halsan and Moore

Making technical corrections and reenacting wills provisions from the Washington trust act of 1984.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 3073 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. 3073.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3073 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Craswell, Kiskaddon, Metcalf - 3.

SENATE BILL NO. 3073, having received the constitutional majority, 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. 3074, by Senators Halsan, Newhouse, Talmadge and Moore
Reenacting and changing partnership provisions from the Washington trust act of 1984.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 3074 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. 3074.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3074 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Craswell, Kiskaddon, Metcalf - 3.

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.

SECOND READING

SENATE BILL NO. 3075, by Senators Halsan, Newhouse, Talmadge and Moore

Reenacting declaratory judgment provisions from the Washington trust act of 1984.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 3075 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. 3075.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3075 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Craswell, Kiskaddon, Metcalf - 3.

SENATE BILL NO. 3075, having received the 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 Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, the Committee on Human Services and Corrections was relieved of further consideration of Senate Bill No. 3039.

On motion of Senator Vognild, Senate Bill No. 3039 was referred to the Committee on Parks and Ecology.

On motion of Senator Vognild, the Committee on Governmental Operations was relieved of further consideration of Senate Bill No. 3179, Senate Bill No. 3181 and Senate Bill No. 3182.

On motion of Senator Vognild, Senate Bill No. 3179, Senate Bill No. 3181 and Senate Bill No. 3182 were referred to the Committee on Ways and Means.

MOTION

At 11:57 a.m., on motion of Senator Vognild, the Senate adjourned until 11:00 a.m., Thursday, January 24, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

ELEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, January 24, 1985

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Laura Kousbaugh and William Westphal, presented the Colors. Reverend Ronald W. Hastie, senior pastor of the Evergreen Christian Center of Olympia, offered the prayer.

MOTION

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

INTRODUCTION OF SPECIAL GUESTS

The President announced the presence in the Senate Chamber of special guests and turned the gavel over to Senator George Sellar who in turn introduced Representative and Mrs. Clyde Ballard and Dr. and Mrs. Ben Knecht from Wenatchee who were accompanying Mrs. Wang Chen from Beiching, the People's Republic of China, the first Chinese exchange teacher to come to the state of Washington. Mrs. Chen will be spending the next six months in Wenatchee through an American Field Service program.

With permission of the Senate, business was suspended to permit Mrs. Chen to address the Senate.

REPORTS OF STANDING COMMITTEES

January 22, 1985

SB 3012 Prime Sponsor, Senator Talmadge: Enacting penalties and procedures to prevent harassment. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3012 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, McCaslin, Moore, Owen, Thompson, Williams.

Passed to Committee on Rules for second reading.

January 23, 1985

SB 3015 Prime Sponsor, Senator Williams: Exempting used book dealers from the record-keeping requirements for second-hand dealers. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 3015 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Cantu, Halsan, Lee, Moore, Newhouse, Williams

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

January 23, 1985

Mr. President:

The Speaker has signed:

SENATE CONCURRENT RESOLUTION NO. 105, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

INTRODUCTION AND FIRST READING

- SB 3289 by Senators Kreidler, Barr and Peterson
AN ACT Relating to taxation of personal property; and amending RCW 84.56.090.
Referred to Committee on Governmental Operations.
- SB 3290 by Senators Fleming, Talmadge and Bauer
AN ACT Relating to deadly force; and amending RCW 9A.16.010 and 9A.16.040.
Referred to Committee on Judiciary.
- SB 3291 by Senators Vognild, Peterson and Patterson
AN ACT Relating to public transportation authorities; and amending RCW 81.44.020.
Referred to Committee on Transportation.
- SB 3292 by Senators Goltz, Hansen, Sellar, Talmadge and Vognild
AN ACT Relating to operating a cold storage warehouse; and amending RCW 82.04.280.
Referred to Committee on Agriculture.
- SB 3293 by Senator Goltz
AN ACT Relating to nursing homes; and amending RCW 18.51.030.
Referred to Committee on Human Services and Corrections.
- SB 3294 by Senators Fleming, Wojahn and McManus
AN ACT Relating to education; adding new sections to chapter 28A.27 RCW; adding a new section to chapter 28A.03 RCW; making an appropriation; providing an expiration date; providing an effective date; and declaring an emergency.
Referred to Committee on Education.
- SB 3295 by Senators Fleming, Talmadge and Wojahn
AN ACT Relating to regional mental health residential care systems; amending RCW 71.05.020 and 71.24.025; adding a new section to chapter 71.24 RCW; and making an appropriation.
Referred to Committee on Human Services and Corrections.
- SB 3296 by Senators Fleming and McDermott
AN ACT Relating to educational opportunities; adding new sections to chapter 28A-.03 RCW; and creating a new section.
Referred to Committee on Education.
- SB 3297 by Senator Fleming
AN ACT Relating to a community clinic assistance program; adding a new chapter to Title 74 RCW; making appropriations; providing an effective date; and declaring an emergency.
Referred to Committee on Human Services and Corrections.
- SB 3298 by Senators Hansen, Barr, Goltz, Benitz and Newhouse
AN ACT Relating to minimum flow advertising; and amending RCW 90.22.020.
Referred to Committee on Agriculture.
- SB 3299 by Senators Rasmussen, Guess and Pullen
AN ACT Relating to the office of minority and women's business enterprises; amending RCW 47.28.030, 47.28.050, and 47.28.090; repealing RCW 28B.10.023, 39.04.160, 39.19-.010, 39.19.020, 39.19.030, 39.19.040, 39.19.050, 39.19.060, 39.19.070, 39.19.080, 39.19.090, 39.19.900, 39.19.910, 39.19.920, 39.29.050, 41.06.082, and 43.19.536; and repealing section 20, chapter 120, Laws of 1983 (uncodified).
Referred to Committee on Governmental Operations.
- SB 3300 by Senator Rasmussen

AN ACT Relating to political parties; and amending RCW 29.01.090.

Referred to Committee on Governmental Operations.

SB 3301 by Senators Rasmussen and Lee

AN ACT Relating to revenue and taxation; amending RCW 84.56.020; adding a new section to chapter 36.94 RCW; and adding a new section to chapter 84.56 RCW.

Referred to Committee on Governmental Operations.

SB 3302 by Senators Fleming, Zimmerman, Sellar, Bauer, Johnson, McDermott and Gaspard

AN ACT Relating to law enforcement chaplains; adding a new chapter to Title 41 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

SB 3303 by Senators DeJarnatt, Hayner and Granlund (by Secretary of State request)

AN ACT Relating to write-in candidates; amending RCW 29.51.170; and adding new sections to chapter 29.04 RCW.

Referred to Committee on Governmental Operations.

SB 3304 by Senators Stratton, Metcalf, Owen, McCaslin, Warnke, Benitz, Bauer and Conner

AN ACT Relating to school transportation; and amending RCW 28A.24.065.

Referred to Committee on Education.

SB 3305 by Senators Williams, Benitz, McManus, Kreidler and Garrett

AN ACT Relating to the jurisdiction of the utilities and transportation commission over economic rate regulation and entry control of telecommunications providers; amending RCW 80.04.010, 80.01.040, 80.04.110, 80.04.130, 80.04.500, 80.24.010, 80.36.010, 80.36.020, 80.36.030, 80.36.040, 80.36.050, 80.36.060, 80.36.070, 80.36.080, 80.36.090, 80.36.100, 80.36.110, 80.36.120, 80.36.130, 80.36.140, 80.36.150, 80.36.160, 80.36.170, 80.36.180, 80.36.190, 80.36.200, 80.36.220, 80.36.225, 80.36.230, 80.36.260, 80.36.270, and 80.54.010; adding new sections to chapter 80.36 RCW; and creating new sections.

Referred to Committee on Energy and Utilities.

SB 3306 by Senators Newhouse, Talmadge, Owen, Bauer, Rasmussen, Vognlid, Deccio and Lee

AN ACT Relating to motor vehicle liability insurance; amending RCW 46.52.030 and 46.63.020; adding a new chapter to Title 46 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 3307 by Senators Talmadge, Moore and Rasmussen

AN ACT Relating to campaign financing; adding new sections to chapter 42.17 RCW; creating a new section; declaring an emergency; and providing an effective date.

Referred to Committee on Judiciary.

SB 3308 by Senators Kreidler, Hayner, Rasmussen and Lee

AN ACT Relating to property taxation; and adding a new section to chapter 84.52 RCW.

Referred to Committee on Ways and Means.

SB 3309 by Senators Granlund and Zimmerman

AN ACT Relating to counties; and amending RCW 36.32.120, 36.49.010, 36.53.020, 36.71.020, 36.71.080, 67.12.030, and 67.12.110.

Referred to Committee on Governmental Operations.

SB 3310 by Senators Talmadge and Sellar

AN ACT Relating to the administration of elections; amending RCW 28A.57.322, 29.04.040, 29.04.055, 29.13.020, 29.18.025, 29.21.060, 29.27.060, 29.30.010, 29.30.081, 29.30.310,

29.34.125, 29.36.010, 29.51.100, 29.51.110, 29.85.110, 35.23.190, 35.24.080, 35.27.120, 35A.12.080, 52.14.070, 53.12.150, 54.12.100, and 68.16.180; adding a new section to chapter 29.13 RCW; and repealing RCW 29.51.090 and 29.54.180.

Referred to Committee on Judiciary.

SB 3311 by Senators Talmadge, Warnke and Rasmussen

AN ACT Relating to water resources; amending RCW 90.54.020 and 90.22.010; adding a new section to chapter 90.03 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Natural Resources.

SB 3312 by Senators Thompson and Zimmerman

AN ACT Relating to local government; and amending RCW 39.34.020.

Referred to Committee on Governmental Operations.

SB 3313 by Senators Thompson and Zimmerman

AN ACT Relating to special districts; adding a new section to chapter 85.05 RCW; adding a new section to chapter 85.06 RCW; adding a new section to chapter 85.08 RCW; adding a new section to chapter 85.24 RCW; adding a new section to chapter 85.36 RCW; and adding a new section to chapter 86.09 RCW.

Referred to Committee on Governmental Operations.

SB 3314 by Senators Halsan, Sellar, Vognild, Stratton, Owen, Peterson, Hansen, Barr, Metcalf, Patterson, Conner and McCaslin

AN ACT Relating to game fish; and amending RCW 77.12.010.

Referred to Committee on Natural Resources.

SB 3315 by Senators Moore, Sellar, Vognild, Pullen, Hansen, Warnke, Bluechel, Johnson, Owen, Gaspard, McCaslin, McManus, Conner, Deccio and Lee

AN ACT Relating to the taxation of coin and bullion investments; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3316 by Senators Fleming, McDermott and Patterson

AN ACT Relating to athletic trainers; adding a new chapter to Title 18 RCW; prescribing penalties; making an appropriation; and providing an effective date.

Referred to Committee on Commerce and Labor.

SB 3317 by Senators Fleming, McDermott, Gaspard and Patterson

AN ACT Relating to the athletic health care and training council; amending RCW 28A.58.125 and 43.131.322; adding a new section to chapter 28A.04 RCW; adding new sections to chapter 43.230 RCW; prescribing penalties; making an appropriation; and declaring an emergency.

Referred to Committee on Education.

SB 3318 by Senator Fleming

AN ACT Relating to boxing; amending RCW 67.08.001, 67.08.015, 67.08.050, 67.08.055, 67.08.080, 67.08.090, 67.08.100; adding new sections to chapter 67.08 RCW; and prescribing penalties.

Referred to Committee on Commerce and Labor

SB 3319 by Senators Talmadge, McCaslin and DeJarnatt

AN ACT Relating to open meetings; and amending RCW 42.30.120.

Referred to Committee on Judiciary.

SB 3320 by Senators McDermott, Talmadge, Fleming, Kreidler, Vognild, Williams, Conner, Owen, Wojahn, Garrett and McManus

AN ACT Relating to the Washington basic health plan; amending RCW 82.24.020, 82.24.070, and 82.02.030; reenacting and amending RCW 82.24.260; adding a new section

to chapter 50.20 RCW; adding a new section to chapter 74.08 RCW; adding a new section to chapter 82.24 RCW; adding a new section to chapter 70.39 RCW; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 70 RCW; creating a new section; repealing RCW 28A.47.440 and 82.24.025; making appropriations; providing effective dates; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3321 by Senators Bluechel, Granlund, McDonald and Vognild

AN ACT Relating to sodium nitrite; and adding a new section to chapter 70.54 RCW.

Referred to Committee on Human Services and Corrections.

SB 3322 by Senators Gaspard, Fleming, Hayner, Benitz and von Reichbauer

AN ACT Relating to boards of regents at institutions of higher education; and amending RCW 28B.20.100 and 28B.30.100.

Referred to Committee on Education.

SB 3323 by Senators Wojahn, Lee, Moore, Talmadge, Halsan, DeJarnatt and Bottiger

AN ACT Relating to child support; and amending RCW 26.09.100 and 26.09.170.

Referred to Committee on Judiciary.

SB 3324 by Senators Warnke, Moore and Owen

AN ACT Relating to urban area parks; amending RCW 43.51.380, 43.51.385 and 67.70.240.

Referred to Committee on Commerce and Labor.

SB 3325 by Senators Owen, Newhouse, McManus, Sellar, Stratton, Vognild, Warnke, Moore and Benitz

AN ACT Relating to alcoholic beverages; and amending RCW 66.28.010.

Referred to Committee on Commerce and Labor.

SB 3326 by Senators Owen, Newhouse, Vognild, Sellar, Warnke, McManus, Moore and Benitz

AN ACT Relating to liquor licenses; and amending RCW 66.24.490.

Referred to Committee on Commerce and Labor.

SJR 104 by Senators Halsan, Warnke and McManus

Modifying the lending of credit prohibitions.

Referred to Committee on Commerce and Labor.

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

SECOND READING

SENATE BILL NO. 3076, by Senators Talmadge, Newhouse, Halsan and Moore

Establishing a two-dollar filing fee for the nonjudicial resolution of certain trust provisions.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senator Bill No. 3076 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. 3076.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3076 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 49.

SENATE BILL NO. 3076, having received the constitutional majority, 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. 3077, by Senators Halsan, Newhouse, Talmadge and Moore
Reenacting and changing joint tenancy provisions from the Washington trust act of 1984.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 3077 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. 3077.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3077 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 49.

SENATE BILL NO. 3077, having received the constitutional majority, 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. 3078, by Senators Talmadge, Newhouse, Halsan and Moore
Reenacting statute of limitations provisions from the Washington trust act of 1984.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 3078 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. 3078.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3078 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 49.

SENATE BILL NO. 3078, having received the constitutional majority, 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. 3079, by Senators Talmadge, Newhouse, Halsan and Moore
Making technical corrections and reenacting procedural provisions from the
Washington trust act of 1984.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 3079 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. 3079.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3079 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 49.

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.

MOTION

On motion of Senator Talmadge, the changes in the Washington Trust Act of 1984 will be included in the Senate Journal. (See Appendix A)

MOTION

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

MOTION

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

SENATE RESOLUTION 1985-6

by Senators McManus, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn and Zimmerman; Lieutenant Governor John A. Cherberg; Sid Snyder, Secretary of the Senate; Bill Gleason, Assistant Secretary of the Senate; Ole Scarpelli, Sergeant at Arms

WHEREAS, President Ronald Reagan proclaimed January, 1985, as National Volunteer Blood Donor Month; and

WHEREAS, Blood is the very lifeline of thousands of American people; and

WHEREAS, The families of cancer and heart disease patients depend upon imperative blood transfusions to further the lives of their loved ones; and

WHEREAS, Many patients are in need of the life giving gift of blood because of surgical repair or disease; and

WHEREAS, Over ninety percent of a pint of blood donated is used to treat many different patients with the other ten percent being used as whole blood; and

WHEREAS, Only ten percent of the population voluntarily donates ninety percent of all blood used in the United States and more people should be encouraged to donate;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate assembled in this 49th Session, that we honor this state's donors and offer our thanks to these silent heroes.

MOTIONS

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, the Committee on Governmental Operations was relieved of further consideration of Senate Bill No. 3316.

On motion of Senator Vognild, Senate Bill No. 3316 was referred to the Committee on Commerce and Labor.

On motion of Senator Vognild, the Committee on Financial Institutions was relieved of further consideration of Senate Bill No. 3231.

On motion of Senator Vognild, Senate Bill No. 3231 was referred to the Committee on Human Services and Corrections.

MOTION

At 11:47 a.m., on motion of Senator Vognild, the Senate adjourned until 11:00 a.m., Friday, January 25, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

TWELFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, January 25, 1985

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 McDermott, Owen, Pullen and Sellar. On motion of Senator von Reichbauer, Senator Sellar was excused. On motion of Senator Bender, Senators McDermott and Owen were excused.

The Sergeant at Arms Color Guard consisting of Pages Eric Dale and Jorene Batali, presented the Colors. Reverend Ronald W. Hastie, senior pastor of the Evergreen Christian Center of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 24, 1985

SB 3042 Prime Sponsor, Senator Hansen: Creating a registry of security interests in the department of agriculture. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Bailey, Barr, Bauer, Benitz, Gaspard.

Passed to Committee on Rules for second reading.

January 24, 1985

SB 3043 Prime Sponsor, Senator Hansen: Eliminating requirement that cattle assessments be paid upon delivery to feedlot rather than at time of sale. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Bailey, Barr, Bauer, Benitz, Gaspard.

Passed to Committee on Rules for second reading.

January 24, 1985

SB 3172 Prime Sponsor, Senator Owen: Revising provisions relating to department of game licenses. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Barr, Halsan, Johnson, Lee, Metcalf, Patterson, Peterson, Rasmussen.

Passed to Committee on Rules for second reading.

January 24, 1985

SB 3174 Prime Sponsor, Senator Owen: Providing moneys for the fish and wildlife enhancement program. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass and refer to Committee on Ways and Means. Signed by Senators Owen, Chairman; Barr, Halsan, Johnson, Lee, Metcalf, Patterson, Peterson, Rasmussen.

Passed to Committee on Rules for second reading.

INTRODUCTION AND FIRST READING

SB 3327 by Senators Bluechel, Bottiger, Hayner, Lee and Johnson (by Attorney General request)

AN ACT Relating to compensation of crime victims; and amending RCW 7.68.020 and 7.68.070.

Referred to Committee on Judiciary.

SB 3328 by Senators Rasmussen, Conner, Bauer, Lee and Johnson

AN ACT Relating to property tax relief; amending RCW 84.36.383 and 84.36.385; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3329 by Senator Rasmussen

AN ACT Relating to comprehensive forfeiture; amending RCW 9.92.110; adding a new chapter to Title 9 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 3330 by Senators Rasmussen, Moore and Bauer (by Lieutenant Governor request)

AN ACT Relating to financial institutions; adding a new section to chapter 43.19 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Financial Institutions.

SB 3331 by Senators Moore, Bender, Sellar, Owen, Vognild, Deccio and Newhouse

AN ACT Relating to industrial loan companies; amending RCW 31.04.090 and 31.04.100; and adding a new section to chapter 31.04 RCW.

Referred to Committee on Financial Institutions.

SB 3332 by Senators Bauer, Zimmerman, Thompson, Barr, Patterson and Stratton

AN ACT Relating to local government insurance transactions; and amending RCW 48.62.040.

Referred to Committee on Education.

SB 3333 by Senators Warnke, Vognild, Sellar, Wojahn, Goltz, Bottiger, Fleming, Deccio, Moore, Stratton, Peterson, Lee, Thompson, Hansen, Conner, Barr, Garrett, Owen, Kreidler, Granlund, McManus, Gaspard, Bauer, DeJarnatt, McDermott, Halsan, Guess, Bender and Metcalf

AN ACT Relating to motorcycle dealers' franchises; amending RCW 46.70.101 and 46.70.180; adding a new chapter to Title 46 RCW; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SB 3334 by Senators McManus, Benitz, Bender, Newhouse, Vognild and Deccio

AN ACT Relating to private schools; and amending RCW 28A.58.107.

Referred to Committee on Education.

SB 3335 by Senators Peterson, Barr, Owen, Johnson and Conner

AN ACT Relating to the sale of timber from public lands; adding a new chapter to Title 79 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Natural Resources.

SB 3336 by Senators Moore, Warnke, Sellar, McManus and Benitz

AN ACT Relating to hotel class H licensees' authority to sell liquor by the bottle to registered guests for consumption in guest rooms or at banquets in the hotel; and amending RCW 66.24.400.

Referred to Committee on Commerce and Labor.

SB 3337 by Senators Owen, Peterson and Lee

AN ACT Relating to public lands; amending RCW 79.01.134, 79.01.264, and 79.28.080.

Referred to committee on Natural Resources.

SB 3338 by Senator Conner

AN ACT Relating to juries; and amending RCW 2.36.060, 2.36.063, and 2.36.070.

Referred to Committee on Judiciary.

SB 3339 by Senators Thompson and Zimmerman

AN ACT Relating to boundary review boards; and amending RCW 36.93.020.

Referred to Committee on Governmental Operations.

SB 3340 by Senators Hansen, Barr, Goltz, Gaspard, Benitz and Bauer

AN ACT Relating to agricultural supplies liens; and amending RCW 60.22.010 and 62A.9-310.

Referred to Committee on Agriculture.

SB 3341 by Senators Hansen, Barr, Goltz, Bauer, Bailey, Benitz and Guess

AN ACT Relating to combinations of vehicles; and amending RCW 46.44.037.

Referred to Committee on Transportation.

SB 3342 by Senators McDermott, Deccio, Warnke, Sellar, Stratton, McCaslin and Wojahn

AN ACT Relating to horse racing; amending RCW 67.16.010, 67.16.020, 67.16.050, 67.16.060, 67.16.090, 67.16.100, 67.16.105, 67.16.130, 67.16.170, 67.16.175, 67.16.180, and 67.16.190; and adding new sections to chapter 67.16 RCW.

Referred to Committee on Ways and Means.

SB 3343 by Senators Warnke, Vognild and Moore

AN ACT Relating to public transportation authorities; and adding a new section to chapter 41.56 RCW.

Referred to Committee on Commerce and Labor.

SB 3344 by Senators Fleming and McDermott

AN ACT Relating to the human rights commission; amending RCW 49.60.120; and adding a new section to chapter 49.60 RCW.

Referred to Committee on Judiciary.

SB 3345 by Senators Fleming and McDermott

AN ACT Relating to nondiscrimination under state contracts; adding a new chapter to Title 39 RCW; and prescribing penalties.

Referred to Committee on Governmental Operations.

SB 3346 by Senators Fleming, McDermott and Wojahn

AN ACT Relating to affirmative action programs in Washington state employment; and adding a new chapter to Title 49 RCW.

Referred to Committee on Governmental Operations.

SB 3347 by Senator Williams

AN ACT Relating to exemptions from motor vehicle license fees; and amending RCW 46.16.020.

Referred to Committee on Transportation.

SB 3348 by Senator Williams

AN ACT Relating to proceedings of the utilities and transportation commission; and adding a new chapter to Title 80 RCW.

Referred to Committee on Energy and Utilities.

SB 3349 by Senators Talmadge, Garrett and Fleming

AN ACT Relating to motor vehicle fuel taxes; and adding a new section to chapter 82.36 RCW.

Referred to Committee on Transportation.

SB 3350 by Senators Gaspard, Patterson and Barr

AN ACT Relating to cooperative programs and services between or among school districts; and amending RCW 28A.58.075.

Referred to Committee on Education.

SB 3351 by Senators Bottiger, Lee, Vognild, Craswell and Zimmerman

AN ACT Relating to permit processing; amending RCW 90.62.020, 90.62.040, 90.62.050, 90.62.060, 90.62.100, 90.62.901, and 43.21C.150; adding a new section to chapter 35.58 RCW; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.70 RCW; adding a new section to chapter 58.17 RCW; adding a new section to chapter 64.32 RCW; adding a new section to chapter 90.58 RCW; and adding new sections to chapter 90.62 RCW.

Referred to Committee on Commerce and Labor.

SB 3352 by Senators Gaspard, Bauer, Kiskaddon and Patterson

AN ACT Relating to education; and adding a new section to chapter 28A.03 RCW.

Referred to Committee on Education.

SB 3353 by Senators Owen and Lee

AN ACT Relating to the federal clean water act; and amending RCW 90.48.260.

Referred to Committee on Parks and Ecology.

SB 3354 by Senators McDermott, Newhouse, Vognild, McDonald, Owen, Talmadge, Bottiger and Deccio

AN ACT Relating to the medical aid fund; amending RCW 51.36.080, 51.44.020, 51.44.110, and 43.88.180; creating new sections; and providing an effective date.

Referred to Committee on Ways and Means.

SB 3355 by Senators McDermott, Moore, Deccio, Rasmussen and Talmadge

AN ACT Relating to group insurance for unemployed persons; amending RCW 48.21.250, 48.44.360, and 48.46.440; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; and adding a new section to chapter 48.46 RCW.

Referred to Committee on Commerce and Labor.

SB 3356 by Senators Peterson, Patterson, Hansen and Conner (by County Road Administration Board request)

AN ACT Relating to county roads; amending RCW 36.32.250, 36.75.300, 36.77.030, 36.87.020, 36.87.060, 36.87.070, 36.88.010, 36.88.080, and 36.88.090; and adding a new section to chapter 36.88 RCW.

Referred to Committee on Transportation.

SB 3357 by Senators Gaspard, Johnson, Bottiger, Granlund, Craswell, Halsan, Metcalf, Owen, Kiskaddon, Wojahn, Saling, Pullen, Stratton, Vognild, Hansen, von Reichbauer and Peterson

AN ACT Relating to tuition and fees; and amending RCW 28B.15.014.

Referred to Committee on Education.

SJM 104 by Senator Fleming

Petitioning Congress to enact legislation to provide financial assistance to Japanese-Americans who were relocated during World War II.

Referred to Committee on Governmental Operations.

SJR 105 by Senators Goltz, Zimmerman, Thompson, Bauer and Bluechel

Providing the means for the payment of indebtedness on public improvements.

Referred to Committee on Governmental Operations.

MOTION

At 11:18 a.m., on motion of Senator Bottiger, the Senate adjourned until 11:00 a.m., Monday, January 28, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

FIFTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, January 28, 1985

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Conner. On motion of Senator Bender, Senator Conner was excused.

The Sergeant at Arms Color Guard consisting of Pages Scott Anderson and Tana Bacon, presented the Colors. Sister Georgette Bayless, chaplain's director of St. Peter's Hospital of Olympia, offered the prayer.

MOTION

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

INTRODUCTION AND FIRST READING

SB 3358 by Senators Warnke, Sellar, Hansen, Newhouse, Deccio, Johnson and Hayner

AN ACT Relating to auditing and auditing procedures; and adding new sections to chapter 43.09 RCW.

Referred to Committee on Governmental Operations.

SB 3359 by Senators Granlund, Johnson and Warnke

AN ACT Relating to local health departments and officers; and amending RCW 70.08.010, 70.08.020, 70.08.030, and 70.08.040.

Referred to Committee on Human Services and Corrections.

SB 3360 by Senators McManus, Johnson, Owen, Moore and Zimmerman

AN ACT Relating to electrical installations; and amending RCW 35.22.640.

Referred to Committee on Energy and Utilities.

SB 3361 by Senators Moore and Sellar

AN ACT Relating to savings banks; amending RCW 32.04.020, 32.04.030, 32.08.142, 32.08.225, 32.12.020, 32.12.050, 32.16.040, 32.16.050, 32.20.090, 32.20.220, 32.20.330, 32.24.030, 32.24.080, 32.32.025, 32.32.040, 32.32.115, 32.32.120, 32.32.150, 32.32.210, 32.32.215, 32.32.220, 32.32.230, 32.32.265, 32.32.490, 32.32.495, 32.32.500, and 32.32.505; adding a new section to chapter 32.08 RCW; adding new sections to chapter 32.32 RCW; adding new sections to chapter 32.34 RCW; repealing RCW 32.20.140, 32.20.150, 32.20.170, 32.20.180, and 32.20.190; and prescribing penalties.

Referred to Committee on Financial Institutions.

SB 3362 by Senator Rasmussen

AN ACT Relating to juveniles; and amending RCW 13.40.080.

Referred to Committee on Judiciary.

SB 3363 by Senators Cantu and Talmadge

AN ACT Relating to incest; and amending RCW 9A.64.020.

Referred to Committee on Judiciary.

SB 3364 by Senators Kreidler, Guess, Moore, Talmadge, Goltz, McDermott and McManus

AN ACT Relating to acupuncture; amending RCW 4.24.240, 4.24.290, 7.70.020, and 18.130.040; reenacting and amending RCW 18.120.020; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Human Services and Corrections.

SB 3365 by Senators Thompson and Zimmerman

AN ACT Relating to review of administrative rules; and amending RCW 34.04.240, 28B.19.165.

Referred to Committee on Governmental Operations.

SB 3366 by Senators Thompson and Zimmerman

AN ACT Relating to the career executive program; adding new sections to chapter 43.131 RCW; repealing RCW 41.06.430 and 41.06.440; providing an effective date; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 3367 by Senators Talmadge and Newhouse (by Public Disclosure Commission request)

AN ACT Relating to the public disclosure law; amending RCW 42.17.020, 42.17.030, 42.17.050, 42.17.060, 42.17.070, 42.17.100, 42.17.125, 42.17.155, 42.17.200, 42.17.370, and 42.17.395; and prescribing penalties.

Referred to Committee on Judiciary.

SB 3368 by Senators Thompson, Owen and Lee

AN ACT Relating to the sale of salmon; and amending RCW 75.08.255.

Referred to Committee on Natural Resources.

SB 3369 by Senators Talmadge, Fleming, DeJarnatt and Kreidler

AN ACT Relating to reparations for certain municipal employees; and adding a new chapter to Title 41 RCW.

Referred to Committee on Governmental Operations.

SB 3370 by Senators Williams, Kreidler, Kiskaddon, Bailey, Benitz, Goltz, Owen and Sellar

AN ACT Relating to regulation of radio communications service companies; amending RCW 80.04.010; and adding a new chapter to Title 80 RCW.

Referred to Committee on Energy and Utilities.

SB 3371 by Senators Goltz, McDonald and Rinehart

AN ACT Relating to forest practices; amending RCW 76.09.030, 76.09.060, and 76.09.040; adding new sections to chapter 76.09 RCW; creating a new section; repealing RCW 76.09.200; and making an appropriation.

Referred to Committee on Natural Resources.

SB 3372 by Senators Fleming, Pullen, Goltz, Barr and Zimmerman

AN ACT Relating to solid waste; amending RCW 35.21.120 and 36.58.040; adding a new section to chapter 35.92 RCW; adding a new section to chapter 36.58 RCW; and creating a new section.

Referred to Committee on Governmental Operations.

SB 3373 by Senators Moore and McCaslin

AN ACT Relating to costs in supplemental proceedings; and amending RCW 6.32.010.

Referred to Committee on Judiciary.

SB 3374 by Senators Talmadge, Newhouse and Moore

AN ACT Relating to attorney fees; and amending RCW 4.84.080 and 12.20.060.

Referred to Committee on Judiciary.

SB 3375 by Senators Vognild and Warnke

AN ACT Relating to collective bargaining for law enforcement officers; and amending RCW 41.56.030.

Referred to Committee on Commerce and Labor.

SB 3376 by Senators Rinehart, Gaspard, McDermott, Patterson, Peterson, Goltz, Fleming, Bottiger, Bauer, Stratton, Saling, Zimmerman and Guess

AN ACT Relating to the council for postsecondary education; amending RCW 28B.80.050, 28B.80.060, 28B.80.070, 28B.80.080, 28B.80.090, 28B.80.110, 28B.80.150, 28B.80.160, 28B.80.170, 28B.80.200, 28B.80.210, 28B.80.230, 28B.80.240, 28B.80.250, 28B.80.260, 28B.80.270, 28B.80.280, 28A.58.824, 28A.58.826, 28A.58.828, 28A.58.830, 28A.58.832, 28B.04.020, 28B.04.030, 28B.04.040, 28B.04.050, 28B.04.060, 28B.04.070, 28B.04.080, 28B.04.110, 28B.05.030, 28B.05.050, 28B.05.130, 28B.07.020, 28B.07.030, 28B.07.040, 28B.10.045, 28B.10.052, 28B.10.215, 28B.10.220, 28B.10.650, 28B.10.790, 28B.10.792, 28B.10.802, 28B.10.832, 28B.10.840, 28B.12.040, 28B.12.050, 28B.12.060, 28B.12.070, 28B.15.012, 28B.15.013, 28B.15.015, 28B.15.070, 28B.15.076, 28B.15.100, 28B.15.543, 28B.15.730, 28B.15.732, 28B.15.734, 28B.15.736, 28B.15.750, 28B.15.752, 28B.15.754, 28B.15.756, 28B.15.758, 28B.15.760, 28B.15.762, 28B.15.764, 28B.20.280, 28B.30.500, 28B.35.205, 28B.40.206, 28B.65.040, 28B.65.050, 28B.65.060, 28C.04.040, and 28C.04.510; amending section 6, chapter 166, Laws of 1983 (unmodified); adding new sections to chapter 28B.80 RCW; creating new sections; repealing RCW 28B.40.240, 28B.40.244, 28B.80.010, 28B.80.020, 28B.80.030, 28B.80.040, 28B.80.120, 28B.80.220, 43.131.259, and 43.131.260; providing effective dates; and declaring an emergency.

Referred to Committee on Education.

SB 3377 by Senators Talmadge, Halsan, Moore, Fleming, Granlund, Wojahn, Lee and Stratton

AN ACT Relating to child abuse convictions; and adding a new section to chapter 43.43 RCW.

Referred to Committee on Judiciary.

SB 3378 by Senators Fleming, Hansen, McDermott, Bauer, Barr, Wojahn, Bailey, Deccio, Benitz and Patterson

AN ACT Relating to agricultural financing; amending RCW 39.84.020 and 42.17.2401; adding a new section to chapter 82.04 RCW; adding a new section to chapter 84.36 RCW; adding a new chapter to Title 39 RCW; and declaring an emergency.

Referred to Committee on Agriculture.

SB 3379 by Senators Fleming, Hansen, Goltz, Bauer, Rasmussen, Metcalf, Barr, Bailey, Hayner, Deccio and Zimmerman

AN ACT Relating to the state conservation commission; creating new sections; and making an appropriation.

Referred to Committee on Agriculture.

SB 3380 by Senator Fleming

AN ACT Relating to motor vehicle warranties; adding a new chapter to Title 19 RCW; and providing an effective date.

Referred to Committee on Commerce and Labor.

SB 3381 by Senator Fleming

AN ACT Relating to used motor vehicles; amending RCW 46.70.011; adding new sections to chapter 46.70 RCW; and creating a new section.

Referred to Committee on Commerce and Labor.

SB 3382 by Senators Fleming and Lee

AN ACT Relating to excise taxes; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Ways and Means.

SB 3383 by Senators Fleming, Goltz and Hansen

AN ACT Relating to the taxation of commercial, agricultural, and investment loans; and amending RCW 82.04.250.

Referred to Committee on Ways and Means.

SB 3384 by Senators Fleming and Goltz

AN ACT Relating to salmon and steelhead enhancement; adding a new chapter to Title 75 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Natural Resources.

SB 3385 by Senator Granlund

AN ACT Relating to public assistance; and amending RCW 74.09.532.

Referred to Committee on Human Services and Corrections.

SB 3386 by Senators Thompson, Talmadge and Zimmerman

AN ACT Relating to executive sessions of governing bodies; and amending RCW 42.30.110.

Referred to Committee on Governmental Operations.

SB 3387 by Senators Bauer, Zimmerman, Thompson, McCaslin and Deccio

AN ACT Relating to sewer hookups; and amending RCW 56.08.010.

Referred to Committee on Governmental Operations.

MOTION

At 11:16 a.m., on motion of Senator Vognild, the Senate recessed until 11:35 a.m.

SECOND MORNING SESSION

The Senate was called to order at 11:41 a.m. by President Cherberg.

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

MESSAGE FROM THE HOUSE

January 28, 1985

Mr. President:

The House has passed:

HOUSE JOINT MEMORIAL NO. 1, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

HJM 1 by Representatives Walk, Schmidt, Patrick, Lundquist, Schoon and Gallagher

Requesting Congress to allow release of Interstate Highway construction funds.

MOTIONS

On motion of Senator Peterson, the rules were suspended, House Joint Memorial No. 1 was advanced to second reading and read the second time.

On motion of Senator Peterson, the rules were suspended, House Joint Memorial No. 1 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Bottiger, further consideration of House Joint Memorial No. 1 was deferred.

INTRODUCTION AND FIRST READING

SCR 107 by Senators Goltz, Talmadge and Vognild

Joint Rules
of the Senate and the
House of Representatives

FORTY-NINTH LEGISLATURE

1985

JOINT RULE NO.

RULE 1 Conflict of interest.

RULE 2 Employee restrictions.

- RULE 3 Joint session.
- RULE 4 Motions for joint session.
- RULE 5 Business limited.
- RULE 6 Conference committee.
- RULE 7 Conference committee appointees.
- RULE 8 Free conference request.
- RULE 9 Free conference committee.
- RULE 10 Report of conference and free conference committee, how made out; whom returned to.
- RULE 11 Adoption of reports.
- RULE 12 Messages between the two houses.
- RULE 13 Final action on bills, how communicated.
- RULE 14 Enrolled bills--Presiding officer to sign.
- RULE 15 Disposition of enrolled bills.
- RULE 16 Transmission of documents.
- RULE 17 Joint and concurrent resolutions: memorials.
- RULE 18 Amendatory Bills.
- RULE 19 Amendatory bills, how drawn.
- RULE 20 Amendments to state constitution: action by legislature.
- RULE 21 Publicity of proposed amendments to state constitution.
- RULE 22 Initiative petition before the legislature.
- RULE 23 Adjournment.
- RULE 24 Adjournment sine die.
- RULE 25 Operation of committees during interim.
- NEW RULE 26 Joint legislative committees.
- RULE 27 Joint committee hearings.
- RULE 28 Each house judge of its own membership.
- RULE 29 Sessions of the legislature.
- RULE 30 Amendments to joint rules.
- RULE 31 Joint rules to apply for biennium.
- RULE 32 Open standing committee meeting.
- RULE 33 Standing committees--duties.
- RULE 34 Standing committees--expenses--subpoena power.
- RULE 35 Committee procedures.
- RULE 36 Legislative polling.
- RULE 37 Bills to be engrossed.

CONFLICT OF INTEREST

RULE 1. A legislator has a personal interest which is in conflict with the proper discharge of legislative duties if the legislator has reason to believe or expect that a direct monetary gain or a direct monetary loss will be derived by reason of the legislator's official activity.

However, a legislator does not have a personal interest which is in conflict with the proper discharge of legislative duties if no benefit or detriment accrues to the legislator as a member of a business, profession, occupation, or group, to a greater extent than to any other member of such business, profession, occupation, or group.

CODE OF ETHICS

In order to maintain legislative integrity and secure the public interest the following Code of Ethics is adopted for legislators:

(a) Actions which destroy independence of judgment as a legislator:

(1) A legislator shall not vote on or influence legislation in committee or on the floor of either house, where the legislator has a personal interest which is in conflict with the proper discharge of legislative duties.

(2) A legislator shall not accept any gratuity or compensation for services rendered in connection with legislative employment other than legislative salary.

(3) A legislator shall not ask, receive, or agree to receive anything of value upon any understanding that the legislator's vote, opinion, judgment, or action will be influenced thereby.

(4) A legislator shall not solicit, receive, or accept a gift, favor or service under circumstances where it could be reasonably inferred that such action would influence the legislator in the discharge of legislative duties, or was a reward.

(5) A legislator shall not accept any remuneration other than legislative compensation for legislative advice or assistance.

(6) A legislator shall not appear before any department of state government for compensation that is contingent upon action by that department of state government unless the fee is set or approved by that department.

(b) Actions which involve undue influence upon any state agency, court, or governmental subdivision:

(1) A legislator shall not represent clients for compensation in proceedings or hearings before state agencies, boards or commissions involving claims of state employees.

(2) A legislator, singularly or through others, shall not use or attempt to use improper means to influence a state agency, board or commission.

(3) A legislator may use an official title or stationery in connection with a matter or proceeding before a state agency, board or commission, only if done without compensation, in connection with legislative duties.

(4) A legislator shall not represent any claimant for compensation in any claim placed before the legislature.

(5) A legislator shall not receive compensation for an appearance before a state agency as an expert witness.

(c) Actions which constitute an abuse of official position or a violation of public trust:

(1) A legislator shall not accept employment, or engage in any business, or be involved in any activity which one might reasonably expect would require the disclosure of privileged information gained by virtue of holding legislative office.

(2) A legislator shall not enter into any contract with a state agency involving services or property, unless the contract is made after public notice and competitive bidding; except in cases where public notice and competitive bidding are not required, the contract or agreement shall be filed with the Board of Ethics.

EMPLOYEE RESTRICTIONS

RULE 2. Section 1. A legislative employee shall not accept any gratuity or compensation for services rendered in connection with legislative employment other than legislative salary. A legislative employee shall not accept any employment, in addition to legislative employment, which would impair the employee's independence of judgment. Except within the scope of employment, a legislative employee shall not provide any service to a lobbyist or any other person.

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

Section 3. A legislative employee shall not accept or solicit anything of value for personal benefit or for the benefit of others under circumstances in which it can be reasonably inferred that the legislative employee's independence of judgment is impaired or is intended as a reward for any official action.

Section 4. A legislative employee shall not disclose confidential information acquired by reason of the employee's official position to any person or group not entitled to receive such information, nor shall the employee use such information for personal gain or benefit or for the benefit of others.

Section 5. A legislative employee shall not enter into any contract with a state agency involving services or property, unless the contract is made after public notice and competitive bidding; except in cases where public notice and competitive bidding are not required, the contract or agreement shall be filed with the appropriate board of ethics.

Section 6. A legislative employee shall not solicit or accept contributions for any candidate or political committee during working hours. At no time shall a legislative employee directly or indirectly coerce another employee into making a contribution to a candidate or a political committee. No legislative employee, as a condition of becoming or remaining employed, may directly or indirectly be required to make any contribution to a political candidate, committee, or party.

JOINT SESSION

RULE 3. Whenever there shall be a joint session of the two houses, the proceedings shall be entered at length upon the journal of each house. The lieutenant governor or president of the senate shall preside over such joint session, and the clerk of the house shall act as the clerk thereof, except in the case of the joint session held for the purpose of canvassing the votes of constitutional elective state officers, when the speaker shall preside over such joint sessions. The lieutenant governor shall not act in said joint session except as the presiding officer, and in no case shall have the right to give the deciding vote.

MOTIONS FOR JOINT SESSION

RULE 4. All motions for a joint session shall be made by concurrent resolution to be introduced by the house in which such joint session is to be held; and when an agreement has once been made, it shall not be altered or annulled, except by concurrent resolution.

BUSINESS LIMITED

RULE 5. No business shall be considered in joint session other than that which may be agreed upon before the joint session is called.

CONFERENCE COMMITTEE, REPORTS, ETC.

CONFERENCE COMMITTEE

RULE 6. In every case of difference between the two houses, upon any subject of legislation, the house refusing to recede shall request a conference and appoint a committee of three for that purpose, and the other house shall grant the request for a conference and appoint a like committee to confer. The committees, at the earliest possible hour, shall ~~((meet at the earliest possible hour, to be agreed upon by their respective chairmen, and shall))~~ confer upon the differences between the two houses indicated by the amendment or amendments adopted in one house and rejected in the other. Except as provided in Rule 8, no conference committee shall consider or report on any matter except that directly at issue between the two houses. The papers shall be left with the conferees of the house requesting such conference, and they shall first present the report of the committee to their house. Every report of a conference committee must have the signatures of a majority of the conference committee members of each house.

CONFERENCE COMMITTEE APPOINTEES

RULE 7. The presiding officer of each house shall appoint on each conference committee three members, selecting them so as to represent, in each case, the majority and minority positions as relates to the subject matter, and to the extent possible the majority and minority political parties.

FREE CONFERENCE REQUEST

RULE 8. In case of failure of the conferees to agree on matters directly at issue between the two houses, the committee may in addition consider new proposed items within the scope and object of the title of the bill in conference for the purpose of requesting the powers of free conference. A report requesting the powers of free conference shall be made in the same manner as other reports of conference committees and shall set forth the proposed report of a free conference committee, including all amendments to the bill or resolution to be agreed upon by the free conference committee. The proposed report may be in the form of a new bill or resolution and such report must have the signatures of a majority of the members of the committee appointed from each house.

FREE CONFERENCE COMMITTEE

RULE 9. Upon request for free conference the power of free conference may be granted by the two houses to the same committee, to whom only the proposed free conference report may be committed, or the committee may be discharged and a new committee appointed with the power of conference, as defined in Joint Rule 6. The report of the committee of free conference shall be acted upon in the same manner as provided for reports of conference committees. The report of a free conference committee must have the signatures of a majority of the members of the committee appointed from each house.

REPORT OF CONFERENCE AND FREE CONFERENCE COMMITTEE, HOW MADE OUT:
WHOM RETURNED TO

RULE 10. The conference or free conference committee shall submit the bill as amended together with three signed copies of its report to the house which asked for the conference. A copy of the report shall be placed upon the desk of each member of the legislature at the time the report is received by this house. If this house acts to approve the report and pass the bill as amended, it shall then transmit its action, the bill, and two copies of the report to the other house.

ADOPTION OF REPORTS*

RULE 11. The report of a conference or free conference committee may be adopted by acclamation, but concurrence in the bill as amended shall be by roll call and the ayes and nays entered on the journals of the respective houses. The report must be voted upon in its entirety and cannot be amended.

The report shall be read in full in each house before a vote is taken on the report. The senate and house, within their own bodies, can suspend the reading of a report in full. ~~((The)) Each house ((and senate)) shall have ((thirty-six)) twenty-four hours from the time of proper receipt, by the chief clerk of the house and the secretary of the senate ((in the house originating the conference request)), to consider reports from a free conference committee. ((and shall not)) Neither house may vote thereon until the ((thirty-six)) twenty-four hour period shall have elapsed ~~((except that with respect to budget and appropriations and revenue and tax measures, the required interval shall be twenty-four hours)).~~ The clerk and the secretary shall place the reports on the desks of the members as soon as possible. The foregoing provisions relating to ~~((thirty-six and))~~ twenty-four hour intervals may be suspended by the senate or the house of representatives by a two-thirds vote of the members present, and such suspension shall apply only to the house voting to suspend these provisions.~~

No floor vote may be taken on any free conference committee report without a summary of additions, changes, and deletions made by the free conference committee with a reference in each instance to the page and line number or numbers in the report containing said additions, changes, or deletions.

*Requires a constitutional majority. Requires two-thirds on constitutional amendment.

MESSAGES BETWEEN THE TWO HOUSES

RULE 12. Messages from the senate to the house of representatives shall be delivered by the secretary or assistant secretary, and messages from the house of representatives to the senate shall be delivered by the chief clerk or assistant.

FINAL ACTION ON BILLS, HOW COMMUNICATED

RULE 13. Each house shall communicate its final action on any bill or resolution, or matter in which the other may be interested, in writing, signed by the secretary or clerk of the house from which such notice is sent.

ENROLLED BILLS--PRESIDING OFFICER TO SIGN

RULE 14. After a bill shall have passed both houses and all amendments have been carefully engrossed therein, it shall be signed by the presiding officer of each house in open session, first in the house in which it originated. The secretary of the senate or the chief clerk of the house shall present the original bill to the governor for signature, who, after taking action thereon, shall transmit it to the office of the secretary of state.

DISPOSITION OF ENROLLED BILLS

RULE 15. Whenever any bill shall have passed both houses, the house transmitting the bill in its final form to the governor shall also file with the secretary of state a copy of the bill together with the history of such bill up to the time of transmission to the governor.

TRANSMISSION OF DOCUMENTS

RULE 16. Each house shall transmit to the other all documents on which any bill or resolution may be founded.

JOINT AND CONCURRENT RESOLUTIONS: MEMORIALS

RULE 17. All memorials and resolutions from the legislature addressed to the President of the United States, to the Congress or either house thereof, or to the heads of any other branch of the Federal government shall be in the form of joint memorials. Proposed amendments to the state constitution shall be in the form of

joint resolutions. Business between the two houses such as joint sessions, adopting or amending joint rules, closing business of the legislature and all such related matters shall be in the form of concurrent resolutions. Joint memorials, joint resolutions, and concurrent resolutions, up to and including the signing thereof by the presiding officer of each house, shall be subject to the rules governing the course of bills.

Concurrent resolutions may be adopted without a roll call. Concurrent resolutions authorizing investigations or authorizing the expenditure or allocation of any money must be adopted by roll call, and the yeas and nays recorded in the journal.

AMENDATORY BILLS

RULE 18. All amendatory bills shall refer to the section or sections of the official codes and statutes of Washington, and supplements thereto and to the respective Session Laws, to be amended.

AMENDATORY BILLS, HOW DRAWN

RULE 19. Bills introduced in either house intended to amend existing statutes shall have the words which are amendatory to such existing statutes underlined. Any matter to be deleted from the existing statutes shall be indicated by lining out such matter with a broken line and enclosing the lined out material within double parentheses, and no bill shall be printed or acted upon until the provisions of this rule shall have been complied with.

New sections need not be underlined but shall be designated "NEW SECTION." in upper case type and such designation shall be underlined.

No bill shall be introduced by title only, and, in the event a bill is not complete, at least section 1 shall be set forth in full before the bill may be accepted for introduction.

Amendments to bills will be acted upon in the manner provided in the Rules of the Senate and in the Rules of the House. No amendment to a bill shall be considered which strikes the entire subject matter of a bill, and substitutes in lieu thereof entirely new subject matter not germane to the original or engrossed bill.

AMENDMENTS TO STATE CONSTITUTION: ACTION BY LEGISLATURE

RULE 20. Amendments to the state constitution may be proposed in either branch of the legislature by joint resolution; and if the same shall be agreed to by two-thirds of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their respective journals with the yeas and nays thereon. (Const., art. 23, sec. 1.)

PUBLICITY OF PROPOSED AMENDMENTS TO STATE CONSTITUTION

RULE 21. The legislature shall provide methods of publicity of all laws or parts of laws, and amendments to the constitution referred to the people with arguments for and against the laws and amendments so referred, so that each voter of the state shall receive the publication as soon as possible before the election at which they are to be voted upon. (Const., art. 2, sec. 1e.)

INITIATIVE PETITION BEFORE THE LEGISLATURE

RULE 22. Initiative petitions filed with the secretary of state not less than ten days before any regular session of the legislature shall take precedence over all other measures in the legislature except appropriation bills and shall be either enacted or rejected without change or amendment by the legislature before the end of such regular session.

Upon certification from the secretary of state that an initiative to the legislature has received sufficient valid signatures, the secretary of state shall submit certified copies of the said initiative to the state senate and the house of representatives. Upon receipt of said initiative, each body of the legislature through its presiding officers shall refer the certified copies of the initiative to a proper committee.

Upon receipt of a committee report on an initiative to the legislature, each house shall treat the measure in the same manner as bills, memorials and resolutions, except that initiatives cannot be placed on the calendar for amendment.

After the action of each body has been recorded on the final passage or any other action by resolution or otherwise which may refer the initiative to the people has been recorded, the president and secretary of the senate and the speaker and chief clerk of the house will certify, each for its own body, to the secretary of state the action taken. (Const., art. 2, sec. 1a.)

ADJOURNMENT

RULE 23. Neither house shall adjourn for more than three days, nor to any place other than that in which they may be sitting, without the consent of the other. (Const., art. 2, sec. 11.)

ADJOURNMENT SINE DIE

RULE 24. Adjournment sine die shall be made only by concurrent resolution.

OPERATION OF COMMITTEES DURING INTERIM

RULE 25. During the interim between legislative sessions the membership and structure of each standing committee of each house of the legislature shall be continued for the purpose of studying and making recommendations to any subsequent session.

Each standing committee shall have the following powers and duties:

(1) To perform either through the standing committee as a whole or through subcommittees thereof or select committees thereof all duties and functions customarily delegated to legislative committees acting within the scope of the duties exercised by such committee concerning the subject matter with which the legislative standing committee is generally entrusted during a regular or special legislative session;

(2) To examine and study the administrative organization and procedures of the state government, its officers, boards, committees, commissions, institutions, and other state agencies and to make recommendations where found advisable directed to the elimination of unnecessary overlapping or duplication of functions, procedures, and expenditures and to the promotion of economy and efficiency in state government and as particularly related to the scope of the activities related to the standing legislative committee while the legislature is in session;

(3) To make such other studies and examinations of the state government and its agencies as it may find advisable and to hear complaints, hold hearings, gather information, and make findings of fact with respect thereto within the scope of the activities related to the standing legislative committee while the legislature is in session;

(4) To make reports from time to time to the members of the legislature and to the public with respect to any of its findings and recommendations.

For the purposes above mentioned the Facilities and Operations Committee established in the Senate and a corresponding similar committee in the House of Representatives shall be authorized to select such clerical, legal, accounting, research, and other assistants as may be deemed desirable to work for the standing committees established hereby, and the compensation and salary of such employees shall be fixed by such committees in each respective house subject to such legislative appropriations as shall be or have been made for such purposes by the legislature for the Senate and the House of Representatives respectively.

With reference to the studies and investigations to be undertaken, each standing committee may only study subjects, areas and problems assigned to such committee by the respective house or by the rules committees of the respective house.

During the interim between sessions, proposed committee bills which may be developed as a result of the studies and investigations made by such standing committees may be proposed and filed by such committees, and such proposed committee bills shall bear the signature of a majority of the members of such standing committee. Proposed Senate bills shall be filed with the secretary of the Senate. Proposed House bills shall be filed with the chief clerk of the House.

During the interim between legislative sessions such committee bill proposals shall be printed and referred to the committee on rules.

JOINT LEGISLATIVE COMMITTEES

NEW RULE 26. Joint legislative Committees may be created by concurrent resolution originating in either house and passed by a majority vote of both houses. These committees shall be subject to the rules and procedures of the House and Senate. The resolution shall set forth all administrative matters including staffing, facilities, travel, budgets and grant applications, receipts and expenditures from non-legislative sources. All personnel matters and all expenditures from any fund source shall be subject to approval by the Senate Facilities and Operations Committee and the House Executive Rules Committee. The procedure for selecting joint committee chairs and vice-chairs and their terms of office shall also be provided

by the resolution. Staffing for joint legislative committees shall as much as possible be done through existing legislative staff. When existing staff are assigned to joint legislative committees they shall continue to be paid and reimbursed by the house from which they were assigned.

Joint legislative committees shall have a quorum present to take executive action.

Joint legislative committees may have the powers of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with the provisions of chapter 44.16 RCW. Before a joint legislative committee may issue any process, the committee chairperson shall file with the committee on rules of both houses, a statement of purpose setting forth the name or names of those subject to process. The respective rules committee shall consider every proposed issuance of process at a meeting of the rules committee immediately following the filing of the statement with the committee. The process shall not be issued prior to approval by a majority of the membership of each rules committee. The process shall be limited to the named individuals.

JOINT COMMITTEE HEARINGS

RULE 27. Whenever any standing, select, or special committee of either house shall desire to arrange for a public hearing upon any subject of legislative study pending before such committee, it shall be the duty of the chairperson of such committee to consult with the chairperson of the corresponding committee of the other house and endeavor to arrange a hearing by the committees of the two houses.

All joint public hearings held by the committees shall be scheduled at least five days in advance, shall be open to the public, and shall be given publicity. The notice and scheduling provision shall not apply to joint hearings held after the tenth day preceding adjournment sine die of any regular session or during any special session.

~~((Joint committees established by the senate and house shall be subject to the joint rules and shall have a quorum present to take executive action.))~~

EACH HOUSE JUDGE OF ITS OWN MEMBERSHIP

RULE 28. Each house of the legislature is the judge of the qualifications and election of its members, and shall try all contested elections of its members in such manner as it may direct. (Const., art. 2, sec. 8.)

SESSIONS OF THE LEGISLATURE

RULE 29. The sessions of the legislature shall be held annually, convening at ~~((10:00 a.m.))~~ 12:00 o'clock noon on the second Monday of January each year, as provided by RCW 44.04.010 in accordance with art. 2, section 12 of the state Constitution.

AMENDMENTS TO JOINT RULES

RULE 30. These joint rules may be amended by concurrent resolution agreed to by a majority of the members of each house, provided one day's notice be given of the motion thereof.

JOINT RULES TO APPLY FOR BIENNIUM

RULE 31. The permanent joint rules adopted by the legislature shall govern any session called during the same legislative biennium.

OPEN STANDING COMMITTEE MEETING

RULE 32. During its consideration of or vote on any bill, resolution or memorial, the deliberations of any standing committee of the legislature shall be open to the public in accordance with the rules of each house.

STANDING COMMITTEES--DUTIES

RULE 33. (1) All standing, select, and special committees of both houses may take executive action on bills in Olympia only. Committee hearings of either house may be held while the legislature is convened and hearings of standing committees may be held during a recessed or interim period.

(2) The rules committee of either house may provide for schedules, locations, or additional meetings of any standing committee of the same house as may be determined necessary.

(3) Subject to the approval of the rules committee of the appropriate house, standing committees, interim subcommittees, and interim select committees may conduct hearings and scheduling without a quorum being present.

STANDING COMMITTEES--EXPENSES--SUBPOENA POWER

RULE 34. Regardless of whether the legislature is in session, and subject to the provisions of Rule 32 to the extent that it is applicable, members of the legislature and the president of the senate may receive from moneys appropriated for the legislature, reimbursement for necessary travel expenses and payments in lieu of subsistence and lodging for conducting official business of the legislature.

The legislative committees of the senate and of the house of representatives, may have the powers of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with the provisions of chapter 44.16 RCW if and when specifically authorized by the committee on rules of the respective house for specific purposes and for specific subjects in accordance with the authorization of the committee on rules or pursuant to rules established by the respective house.

~~(Joint committees of the senate and house of representatives may have the powers of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with the provisions of chapter 44.16 RCW. Before a joint committee may issue any process, the committee chairperson shall file with the committee on rules of both houses, a statement of purpose setting forth the name or names of those subject to process. The respective rules committee shall consider every proposed issuance of process at a meeting of the rules committee immediately following the filing of the statement with the committee. The process shall not be issued prior to approval by a majority of the membership of each rules committee. The process shall be limited to the named individuals:)~~

COMMITTEE PROCEDURES

RULE 35. Any person whose reputation may be unfairly injured by testimony at a committee hearing shall be given a reasonable opportunity to rebut that testimony. Each committee chairperson shall conduct hearings so as to afford reasonable protection of that right. In addition, any person who believes their reputation may have been unfairly injured by such testimony shall be entitled, upon submitting a timely request, to (1) an accurate record of the pertinent testimony; (2) an opportunity to voluntarily appear before the committee and testify; and (3) an opportunity to file a sworn written statement of facts or other documents for incorporation into the hearing record.

LEGISLATIVE POLLING

RULE 36. The use of public funds by a legislator or legislative employee for legislative polling, including mailed questionnaires, is authorized only when the following criteria are met:

(1) Polling must be authorized by a legislator, and confined to soliciting opinions or facts relative to legislative issues or studies;

(2) The identity of the legislator, legislative committee, or party caucus conducting the poll must be disclosed to the person being polled;

(3) In any year in which a legislator is a candidate for public office, no poll may be conducted by or on behalf of such legislator during the period between June 1st and the general election day of that year or, in the event of a special election, no poll may be conducted by or on behalf of such legislator during the period between either sixty days prior to the election or the date of the filing of the legislator for the office subject to special election, whichever occurs last, and the special election. Such polling is not prohibited during any special legislative session or during the thirty days preceding such session. A legislative committee may authorize or conduct a poll at any time if the poll conforms to subsections (1), (2), and (4) of this rule; and

(4) The polling complies with all other pertinent laws and rules.

BILLS TO BE ENGROSSED

RULE 37. Any bill amended in the house of its origin shall be engrossed before being transmitted to the other house. The secretary or clerk of the receiving house, as the case may be, may waive the right to receive an engrossed bill.

MOTION

On motion of Senator Vognild, the rules were suspended. Senate Concurrent Resolution No. 107 was advanced to second reading and read the second time.

MOTION

Senator McDonald moved that the following amendment by Senators McDonald and Deccio be adopted:

On page 7, line 220, after "committees.", strike the language through line 221 and insert the following:

"The report of a free conference committee must have the signatures of five of the six members of the committee."

Debate ensued.

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

POINT OF INQUIRY

Senator McDermott: "Senator McDonald, in looking at this amendment, I wonder if it is your intention that this apply to all bills, including revenue and appropriation acts?"

Senator McDonald: "That is our intention."

Senator McDermott: "So it would be your intention that the minority could tie up the legislature if we used the conference committee provision on the appropriations act?"

Senator McDonald: "That is not my intention, Senator McDermott. Clearly, we have talked about bipartisan cooperation. We are twenty-two members, you are twenty-seven, and it would be our intention, clearly, to work with you to the best interests of the people of the state."

Senator McDermott: "My feeling was that there's only really one bill that has to go out of here, and that's the budget and taxes to support it. Everything else I'd be willing to support five members on a conference committee signing it. But I think--given the experience we had in 1981 around here--I think it's a little bit much to ask that we give that kind of power to one part of the legislature when, clearly, there's no way out of it except to run another bill and just never go to a conference committee. There are ways around it, but if you're talking about substantive issues, it seems to me that makes some sense to have five members. We did it for many years and had no problem, until we got to the budget."

Senator McDonald: "Senator McDermott, it seems to me that substantive issues are what we are talking about. If you're going to have it only on fluff bills and not on ten billion dollars worth of expenditures, I, clearly, am opposed to it. It seems to me that we've got tremendous opportunity for abuse if we can totally rewrite a bill without any view from the minority. That's what we want to protect, not only for ourselves, but for minorities in the future. I hope that we will get that opportunity. Thank you."

Further debate ensued.

MOTION

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

On page 7, line 220, after "committee" add "except on the general fund and capital budget bill"

Debate ensued.

POINT OF INQUIRY

Senator McDermott: "Senator Bottiger, if there is a dispute between the Houses on the rules, will it go to a conference committee?"

Senator Bottiger: "Senator McDermott, until we have some rules there aren't any conference committees."

Senator McDonald 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 Bluechel to the amendment.

ROLL CALL

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

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDermott, McDonald, Metcalf, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer, Zimmerman - 23.

Voting nay: Senators Bauer, Bender, Bottiger, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 25.

Excused: Senator Conner - 1.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators McDonald and Deccio.

ROLL CALL

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

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Pullen, Saling, Sellar, von Reichbauer, Zimmerman - 21.

Voting nay: Senators Bauer, Bender, Bottiger, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 27.

Excused: Senator Conner - 1.

MOTION

On motion of Senator Goltz, the rules were suspended, Senate Concurrent Resolution No. 107 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 Lee: "Senator Goltz, every once in awhile a bill comes along that is sponsored by a member of this body and when it finally passes it bears little resemblance to its original--and in fact may be 180 degrees opposed to the person's original intent. It happened to Senator Hansen last year and to me in 1982. Is there anything in the joint rules that helps to clarify that as far as the general public would be concerned, when the prime sponsorship of a bill gets changed other than to the sponsor's intent?"

Senator Goltz: "I do not believe there is anything in the joint rules as they are before you which would prevent, for example, a title only bill to carry content which the sponsor of that title only bill could not vote for. I do not believe there is anything in the joint rules that would prevent the amendatory process to proceed where the intent of the bill might be changed in the absence of a scope and object ruling or something of that kind. And the recourse that members have under those circumstances is to themselves vote against their own bill, and secondly, to put into the record--the Journal--a statement which would give their own accounting of their reasons for doing so."

Senator Lee: "So your answer to that question, is that the permission for a particular Journal entry by a member would cover that circumstance and that's where the public should be instructed to go to clarify an issue of that sort."

Senator Goltz: "That would be the course that I would take."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Concurrent Resolution No. 107.

ROLL CALL

The Secretary called the roll on final passage of Senate Concurrent Resolution No. 107 and the resolution passed the Senate by the following vote: Yeas, 27; nays, 20; absent, 1; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 27.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Pullen, Saling, Sellar, von Reichbauer, Zimmerman - 20.

Absent: Senator Newhouse - 1.

Excused: Senator Conner - 1.

SENATE CONCURRENT RESOLUTION NO. 107, having received the constitutional majority, was declared passed.

MOTIONS

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

On motion of Senator Vognild, the Senate resumed consideration of House Joint Memorial No. 1, deferred earlier today.

The President declared the question before the Senate to be the roll call on final passage of House Joint Memorial No. 1.

ROLL CALL

The Secretary called the roll on final passage of House Joint Memorial No. 1 and the memorial passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Benitz, Guess - 2.

Excused: Senator Conner - 1.

HOUSE JOINT MEMORIAL NO. 1, having received the constitutional majority, was declared passed.

MOTIONS

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, the Committee on Governmental Operations was relieved of further consideration of Senate Bill No. 3272 and Senate Bill No. 3273.

On motion of Senator Vognild, Senate Bill No. 3272 and Senate Bill No. 3273 were referred to the Committee on Judiciary.

MOTION

At 12:27 p.m., on motion of Senator Vognild, the Senate adjourned until 11:00 a.m., Tuesday, January 29, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

SIXTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, January 29, 1985

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 Bender, Bluechel, Gaspard, McDermott, McManus, Metcalf, Vognild and Warnke. On motion of Senator Pullen, Senators Bluechel and Metcalf were excused. On motion of Senator Bottiger, Senators Bender, Gaspard, McDermott, McManus, Vognild and Warnke were excused.

The Sergeant at Arms Color Guard consisting of Pages Karen Grayless and Jeff Mason, presented the Colors. Sister Georgette Bayless, chaplain's director of St. Peter's Hospital of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 28, 1985

SB 3048 Prime Sponsor, Senator Moore: Modifying the state advisory committee on securities. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 3048 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Deccio, McDermott, Newhouse, Vognild, Wojahn.

Passed to Committee on Rules for second reading.

January 28, 1985

SB 3098 Prime Sponsor, Senator Bauer: Revising the requirements for superintendents for the schools for the deaf and blind. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Goltz, Guess, Johnson, Kiskaddon, McDermott, McManus, Patterson, Saling, Stratton, Warnke.

Passed to Committee on Rules for second reading.

January 28, 1985

SB 3111 Prime Sponsor, Senator Gaspard: Revising the persons on the state board of education who may vote. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Craswell, Fleming, Guess, Johnson, Kiskaddon, McDermott, McManus, Patterson, Stratton, Warnke.

MINORITY recommendation: Do not pass. Signed by Senators Rinehart, Vice Chair; Bender, Goltz, Saling.

Passed to Committee on Rules for second reading.

January 28, 1985

SB 3168 Prime Sponsor, Senator Moore: Authorizing a limited offering exemption to the securities act. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 3168 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Deccio, McDermott, Newhouse, Vognild.

Passed to Committee on Rules for second reading.

January 28, 1985

SB 3173 Prime Sponsor, Senator Owen: Prohibiting trespass on aquaculture lands or structures. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Stratton, Vice Chairman; Barr, Halsan, Johnson, Lee, Metcalf, Peterson, Rasmussen.

Passed to Committee on Rules for second reading.

January 28, 1985

SB 3178 Prime Sponsor, Senator Goltz: Providing that private school minimum school year shall not be less than 180 days or equivalent. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Goltz, Johnson, McManus, Patterson, Stratton, Warnke.

Passed to Committee on Rules for second reading.

January 28, 1985

SB 3206 Prime Sponsor, Senator Moore: Modifying the regulation of water heater temperatures. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Williams, Chairman; Bailey, Halsan, Kreidler, McCaslin, Owen, Saling, Stratton.

Passed to Committee on Rules for second reading.

January 28, 1985

SB 3214 Prime Sponsor, Senator Wojahn: Declaring economic development programs with nonprofit corporations to be a public purpose for cities and counties. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, Moore, Newhouse, Williams, Wojahn.

Passed to Committee on Rules for second reading.

January 28, 1985

SJM 101 Prime Sponsor, Senator Owen: Urging ratification of a United States-Canada salmon treaty. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Stratton, Vice Chairman; Barr, Halsan, Johnson, Lee, Patterson, Peterson.

MINORITY recommendation: Do not pass. Signed by Senator Rasmussen.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENT

January 28, 1985

GA 10 RICHARD A. DAVIS, to the position of Director of the Department of Labor and Industries, appointed by the Governor on January 16, 1985, for the term ending at the Governor's pleasure, succeeding Sam Kinville. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, McDonald, Moore, Newhouse, Williams, Wojahn.

Passed to Committee on Rules.

PERSONAL PRIVILEGE

Senator Fleming: "Mr. President and members of the Senate, I would ask the body to join me in standing in a moment of silence. One of our colleagues over in the House of Representatives, Jesse Wineberry, lost his father this past week and the

funeral is today. I just thought it would be appropriate if we stand in a moment of silence. Would you join me, please?"

The members of the Senate stood for a moment of silence.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

January 28, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jacob Thomas, reappointed January 28, 1985, for a term ending at the Governor's pleasure, to be the State Historic Preservation Officer.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Parks and Ecology.

January 28, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Randy Fisher, reappointed January 28, 1985, for a term ending at the Governor's pleasure, to be Director of the Department of Veterans Affairs.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

January 28, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Karen Rahm, reappointed January 28, 1985, for a term ending at the Governor's pleasure, to be Secretary of the Department of Social and Health Services.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Human Services and Corrections.

January 28, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Paul Dzedzic, reappointed January 28, 1985, for a term ending at the Governor's pleasure, to be Director of the Department of Services for the Blind.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Human Services and Corrections.

January 28, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Amos Reed, reappointed January 28, 1985, for a term ending at the Governor's pleasure, as Secretary of the Department of Corrections.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Human Services and Corrections.

January 28, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

JOURNAL OF THE SENATE

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

Lee Blankenship, reappointed January 28, 1985, for a term ending at the Governor's pleasure, to be the Public Printer.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

January 28, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Major General George Coates, reappointed January 28, 1985, for a term ending at the Governor's pleasure, to be the Adjutant General of the Military Department.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

January 28, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Richard Watson, reappointed January 28, 1985, for a term ending at the Governor's pleasure, as Director of the Washington State Energy Office.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Energy and Utilities.

January 28, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Hugh Fowler, reappointed January 28, 1985, for a term ending at the Governor's pleasure, as Director of the Department of Emergency Management.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

INTRODUCTION AND FIRST READING

SB 3388 by Senator Talmadge

AN ACT Relating to the attorney general; adding new sections to chapter 43.10 RCW; creating a new section; repealing section 5, chapter 335, Laws of 1981 (uncodified); and declaring an emergency.

Referred to Committee on Judiciary.

SB 3389 by Senators Halsan, Newhouse and Talmadge

AN ACT Relating to sentencing reform; amending RCW 9.94A.120, 9.94A.200, 9.94A.360, and 9.94A.330; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

SB 3390 by Senators Granlund, Kiskaddon and Kreidler (by Department of Social and Health Services request)

AN ACT Relating to nursing home auditing and cost reimbursement; amending RCW 74.46.180, 74.46.680, 74.46.690, 74.46.040, 74.46.050, 74.46.060, 74.46.080, 74.46.090, 74.46.100, 74.46.105, 74.46.130, 74.46.160, 74.46.475, and 74.46.820; creating a new section; and repealing RCW 74.46.520.

Referred to Committee on Human Services and Corrections.

SB 3391 by Senators Vognild, Newhouse, Moore, Cantu, Rasmussen and Johnson

AN ACT Relating to membership on the Washington state liquor control board; amending RCW 66.08.014; and creating a new section.

Referred to Committee on Commerce and Labor.

SB 3392 by Senators Warnke, Newhouse, Vognild, Cantu, McManus, Lee and Benitz

AN ACT Relating to the department of commerce and economic development; repealing RCW 43.131.257 and 43.131.258; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 3393 by Senators Talmadge, Newhouse and Rasmussen

AN ACT Relating to limitation of actions; and amending RCW 9A.04.080.

Referred to Committee on Judiciary.

SB 3394 by Senators Moore, Benitz, Conner, Kiskaddon, Johnson, Bender and Peterson

AN ACT Relating to dental hygienists; amending RCW 18.29.050, 18.29.060, 18.29.070, 18.29.020, and 18.130.040; adding new sections to chapter 18.29 RCW; and repealing RCW 18.29.031, 18.29.080, 18.29.090, and 18.29.100.

Referred to Committee on Human Services and Corrections.

SB 3395 by Senators Goltz, Benitz, Hansen and Barr

AN ACT Relating to dairy products; and amending RCW 69.04.398.

Referred to Committee on Agriculture.

SB 3396 by Senators Rasmussen, Bottiger, Gaspard, Bender, Barr, Kreidler, Talmadge, Bluechel, Hansen, Warnke and Craswell

AN ACT Relating to migratory waterfowl; amending RCW 77.32.350; adding a new section to chapter 77.08 RCW; adding new sections to chapter 77.12 RCW; adding a new section to chapter 77.16 RCW; and making an appropriation.

Referred to Committee on Natural Resources.

SB 3397 by Senators Stratton, Vognild, Metcalf and Owen

AN ACT Relating to game and game fish; amending RCW 77.21.070; providing an effective date; and declaring an emergency.

Referred to Committee on Natural Resources.

SB 3398 by Senators Thompson, McCaslin and Zimmerman

AN ACT Relating to the consideration of local excise tax revenues arising from local purchases in awarding purchase contracts; and adding a new section to chapter 39.30 RCW.

Referred to Committee on Governmental Operations.

SB 3399 by Senators Thompson, Zimmerman and Rinehart

AN ACT Relating to municipal bidding requirements; amending RCW 35.22.620, 35.22.650, 39.04.010, 39.04.020, 39.04.050, 39.04.070, and 35.23.352; and adding a new section to chapter 35.23 RCW.

Referred to Committee on Governmental Operations.

SB 3400 by Senators Owen, Patterson and Stratton

AN ACT Relating to the exploration of nonrenewable resources from public lands; and amending RCW 79.01.668, 79.14.020, 79.14.030, and 79.14.050.

Referred to Committee on Natural Resources.

SB 3401 by Senators Peterson, Hansen and Guess (by Department of Licensing request)

AN ACT Relating to motor vehicle licensing; amending RCW 46.16.565, 46.85.020, 46.85.040, 46.85.120, 46.85.190, 46.85.270, 46.85.280, and 46.85.290.

Referred to Committee on Transportation.

SB 3402 by Senators Peterson, Guess and Hansen (by Department of Licensing request)

AN ACT Relating to motor vehicle fuel taxation; amending RCW 82.36.040 and 82.36.060; adding new sections to chapter 82.36 RCW; and prescribing penalties.

Referred to Committee on Transportation.

SB 3403 by Senator Talmadge

AN ACT Relating to vessel pilots' licenses; and amending RCW 88.16.090.

Referred to Committee on Transportation.

SB 3404 by Senator Moore

AN ACT Relating to negotiable instruments; amending RCW 9A.56.060 and 62A.3-515; and providing penalties.

Referred to Committee on Financial Institutions.

SB 3405 by Senators Moore, Wojahn, Lee, Pullen, McDonald, Stratton and Rinehart

AN ACT Relating to the mental sports competition and research commission; adding a new chapter to Title 67 RCW; and creating a new section.

Referred to Committee on Education.

SB 3406 by Senators Warnke, Newhouse, Wojahn, McManus, Rasmussen, Cantu and Vognild (by Employment Security Department request)

AN ACT Relating to the approval of a shared work compensation plan; amending RCW 50.60.030; creating a new section; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 3407 by Senators Warnke, Newhouse, Wojahn, McManus, Rasmussen, Cantu and Vognild (by Employment Security Department request)

AN ACT Relating to the approval of training by the commissioner of employment security; amending RCW 50.20.043; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 3408 by Senators Warnke, Newhouse, Wojahn, McManus, Rasmussen, Cantu and Vognild (by Employment Security Department request)

AN ACT Relating to the definition of employer for unemployment insurance purposes; amending RCW 50.04.080; and creating a new section.

Referred to Committee on Commerce and Labor.

SB 3409 by Senators Warnke, Newhouse, Granlund, Wojahn, McManus, Rasmussen, Cantu, Lee and Vognild (by Employment Security Department request)

AN ACT Relating to experience rating accounts and noncharging; amending RCW 50.29.020; creating a new section; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 3410 by Senators McManus, Zimmerman, Owen, Thompson and Lee

AN ACT Relating to expanding the responsibilities of the business license center; amending RCW 19.02.010, 19.02.040, 19.02.100, 19.02.110, and 19.02.810; and adding a new section to chapter 19.02 RCW.

Referred to Committee on Governmental Operations.

SB 3411 by Senators Bauer, Zimmerman, Rasmussen and Benitz

AN ACT Relating to property tax relief; amending RCW 84.36.383 and 84.36.385; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3412 by Senators Warnke, Zimmerman, Halsan, Rasmussen, McManus, Stratton, Garrett, Gaspard, Bender, Bauer, Wojahn and McDonald

AN ACT Relating to the department of community development; adding a new section to chapter 43.63A RCW; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 3413 by Senators Warnke, Halsan, Lee, Johnson, McManus, Stratton, Garrett, Gaspard, Bender, Bauer and Wojahn

AN ACT Relating to the business license center; amending RCW 19.02.035; and creating a new section.

Referred to Committee on Governmental Operations.

SB 3414 by Senators Wojahn, Lee, Halsan, Warnke, McManus, McDonald, Gaspard, Bauer and Rasmussen

AN ACT Relating to regulatory fairness; amending RCW 34.04.070, 34.04.230, and 43.31.925; and adding a new section to chapter 19.85 RCW.

Referred to Committee on Governmental Operations.

SB 3415 by Senators Bender, McDermott, Warnke, Sellar, Newhouse, Moore and Bottiger

AN ACT Relating to authorization of adjustable interest rates not exceeding the higher of twelve percent per annum or four percentage points above the equivalent coupon issue yield; amending RCW 19.52.020; providing an effective date; and declaring an emergency.

Referred to Committee on Financial Institutions.

SB 3416 by Senators Moore, Rasmussen, Halsan, Warnke and McDonald

AN ACT Relating to negotiable instruments; amending RCW 9A.56.060, 62A.3-515; and providing penalties.

Referred to Committee on Financial Institutions.

SB 3417 by Senators Vognild, Peterson, Granlund and McManus

AN ACT Relating to driving while intoxicated; amending RCW 46.61.515; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.16 RCW; adding a new section to chapter 51.12 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 3418 by Senators Peterson, Guess, Bottiger, Benitz, Kreidler, Johnson, Hansen, Talmadge, Vognild, Goltz, Wojahn, Warnke and Conner

AN ACT Relating to the retail sale of motor vehicle fuels; amending RCW 19.100.010; adding a new chapter to Title 19 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SB 3419 by Senators Thompson, Zimmerman and McManus

AN ACT Relating to land use controls; amending RCW 58.17.140 and 58.17.100; adding a new section to chapter 58.17 RCW; adding a new section to chapter 36.70 RCW; adding a new section to chapter 35.63 RCW; and creating a new section.

Referred to Committee on Governmental Operations.

SB 3420 by Senators Granlund, Kiskaddon, Bottiger, McCaslin and Conner

AN ACT Relating to property taxation; amending RCW 84.34.108; creating a new section; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3421 by Senators Kiskaddon, Rinehart and Zimmerman

AN ACT Relating to education and other programs to enhance human intellect; adding a new chapter to Title 43 RCW; and making an appropriation.

Referred to Committee on Education.

SJM 105 by Senators Moore and Metcalf

Petitioning Congress to enact legislation to clarify or change the current procedure for convening a constitutional convention.

Referred to Committee on Judiciary.

SJM 106 by Senators Rasmussen and Metcalf

Petitioning Congress to make certain changes to a proposed amendment to the United States Constitution regarding the federal budget.

Referred to Committee on Judiciary.

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

MOTION

Senator Wojahn moved that the following resolution be adopted:

SENATE FLOOR RESOLUTION 1985-8

by Senators Wojahn, Bottiger, Rasmussen, Gaspard, Granlund, Johnson, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Goltz, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Williams, Zimmerman; Lieutenant Governor John A. Cherberg; Sid Snyder, Secretary of the Senate; Bill Gleason, Assistant Secretary of the Senate; Ole Scarpelli, Sergeant at Arms

WHEREAS, Tacoma citizen Floyd V. Hicks was recently labeled by that city's News Tribune headline as "a retiring sort of guy"; and

WHEREAS, Headlines of this kind are, by their brevity, capable of all sorts of misinterpretation; and

WHEREAS, The Washington State Senate shares with all journalists everywhere an impeccable concern for absolute accuracy, fairness and objectivity;

NOW, THEREFORE, BE IT RESOLVED, That the Senate fully endorses the sobriquet "a retiring sort of guy" for the following reasons and upon the following authority:

The dictionary defines a "guy" as a brace or a guide that holds something else in place, as in "guy wire." Judge Hicks' career, though often blown about by the fickle winds of change, braces itself against any course other than absolute honesty in thought and deed. His implacable one-man war against insincerity in many ways guides the rest of us.

To "retire," says the dictionary, is to withdraw to a private place. As applied to our friend, it is not to be confused with such meanings as withdraw, retreat, give up an active public life or remove from active service. While we grant Judge Hicks' right now to choose still another, more private vocation, his public career and personality serve as too much of a tonic in our lives ever to be left on the shelf. His combination of candor, wit, and integrity are a refreshing elixir to our lives which we will sip wherever his newest career takes him.

AND BE IT FURTHER RESOLVED, That the Secretary of the Senate shall transmit a copy of this resolution to the following persons: Prosser native Hicks; Central Washington State College and semi-pro basketball star Hicks; Lacey schools and St. John coach Hicks; Army Air Corps serviceman Hicks; Floyd V. Hicks, Esq., Attorney at Law, Tacoma; Judge Floyd Hicks, Superior Court of the State of Washington in and for the County of Pierce; the Honorable Floyd V. Hicks, M. C., Rayburn House Office Building, Washington D. C.; Justice Floyd V. Hicks, Supreme Court, Temple of Justice, Olympia; citizen Floyd Hicks, wherever you may be and wherever you may go; and to your partner, Jeanne, with our abiding affection and esteem.

MOTION

On motion of Senator McDonald, all members and the Lieutenant Governor will be additional sponsors of Senate Resolution 1985-8.

The President declared the question before the Senate to be adoption of Senate Resolution 1985-8.

The motion by Senator Wojahn carried and Senate Resolution 1985-8 was adopted.

MOTION

At 11:38 a.m., on motion of Senator Vognild, the Senate adjourned until 11:00 a.m., Wednesday, January 30, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

SEVENTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 30, 1985

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 Kreidler, Metcalf, Pullen and Williams. On motion of Senator Bender, Senators Kreidler and Williams were excused. On motion of Senator von Reichbauer, Senators Metcalf and Pullen were excused.

The Sergeant at Arms Color Guard consisting of Pages Marcie Haller and Jason Burns, presented the Colors. Sister Georgette Bayless, chaplain's director of St. Peter's Hospital of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 29, 1985

SB 3044 Prime Sponsor, Senator Barr: Modifying excavating provisions. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass as amended. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Bailey, Barr, Bauer, Benitz.

Passed to Committee on Rules for second reading.

January 29, 1985

SB 3067 Prime Sponsor, Senator Hansen: Modifying provisions relating to aquatic farming. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Bailey, Barr, Bauer, Benitz.

Passed to Committee on Rules for second reading.

January 29, 1985

SB 3103 Prime Sponsor, Senator Rasmussen: Modifying references to the award in lieu of homestead. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, McCaslin, Newhouse, Owen, Pullen, Thompson, Williams.

Passed to Committee on Rules for second reading.

January 29, 1985

SB 3104 Prime Sponsor, Senator Talmadge: Repealing statutes superseded by court rules. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Moore, Newhouse, Thompson, Williams

Passed to Committee on Rules for second reading.

January 29, 1985

SB 3131 Prime Sponsor, Senator Thompson: Permitting the sale or transfer of dredge spoil or materials from certain rivers free of any interest of the department of natural resources. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 3131 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; Stratton, Vice Chairman; Barr, Conner, Halsan, Johnson, Lee, Peterson, Patterson.

Passed to Committee on Rules for second reading.

January 29, 1985

SB 3176 Prime Sponsor, Senator Granlund: Revising population limitations in juvenile residential facilities. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Conner, Deccio, Johnson, Kiskaddon, Peterson, Stratton.

Passed to Committee on Rules for second reading.

January 29, 1985

SB 3225 Prime Sponsor, Senator Fleming: Allowing savings banks to invest in the African Development Bank. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Deccio, McDermott, Newhouse, Wojahn.

Passed to Committee on Rules for second reading.

January 29, 1985

SB 3286 Prime Sponsor, Senator Hansen: Authorizing the formation of an agricultural irrigation commission. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Bailey, Barr, Bauer, Benitz.

Passed to Committee on Rules for second reading.

INTRODUCTION AND FIRST READING

SB 3422 by Senators Hayner, Deccio, Hansen, Benitz, Newhouse, Barr, Warnke, Lee, Thompson, Bauer, Bender, Zimmerman, Metcalf, Johnson, Kiskaddon, Bailey, Wojahn, Gaspard, DeJarnatt, Patterson, Craswell, Sellar, Rasmussen, Cantu, Garrett, Pullen, Halsan, Guess, Goltz, Peterson, Talmadge, Moore, McManus, Stratton and Saling

AN ACT Relating to the business and occupation tax; and amending RCW 82.04.260.

Referred to Committee on Ways and Means.

SB 3423 by Senators Peterson and Sellar

AN ACT Relating to property taxation; amending RCW 84.40.040, 84.48.010, and 84.52.070; adding a new section to chapter 84.40 RCW; and repealing RCW 36.21.080 and 36.21.090.

Referred to Committee on Ways and Means.

SB 3424 by Senators Guess and Hayner

AN ACT Relating to copayment by public assistance recipients of legend drugs; and amending RCW 74.09.055.

Referred to Committee on Human Services and Corrections.

SB 3425 by Senator Bauer

AN ACT Relating to marriages; and amending RCW 26.04.140, 26.04.160, 26.04.170, 26.04.180, and 26.04.210.

Referred to Committee on Judiciary.

SB 3426 by Senators Warnke, Newhouse, Vognild and Conner (by Board of Industrial Insurance Appeals request)

AN ACT Relating to industrial insurance; and amending RCW 51.52.104 and 51.41.060.

Referred to Committee on Commerce and Labor.

SB 3427 by Senators Moore, Newhouse, Bender and Sellar

AN ACT Relating to insurance holding corporations; amending RCW 48.07.030, 48.07-.040, 48.07.050, and 48.07.070; and declaring an emergency.

Referred to Committee on Financial Institutions.

SB 3428 by Senator McCaslin

AN ACT Relating to aquifer-groundwater protection; amending RCW 36.94.020; and adding new sections to chapter 36.94 RCW.

Referred to Committee on Parks and Ecology.

SB 3429 by Senators McCaslin, Granlund, Benitz and Stratton

AN ACT Relating to sales and use taxation; and amending RCW 82.08.0281 and 82.12.0275.

Referred to Committee on Ways and Means.

SB 3430 by Senator McCaslin

AN ACT Relating to local improvement districts; and amending RCW 35.44.190 and 36.94.280.

Referred to Committee on Governmental Operations.

SB 3431 by Senators Goltz, Moore, Owen, McManus, Bailey and McCaslin

AN ACT Relating to local telephone service; amending RCW 80.04.130; and adding a new section to chapter 80.36 RCW.

Referred to Committee on Energy and Utilities.

SB 3432 by Senators Rasmussen and Newhouse (by Attorney General request)

AN ACT Relating to judicial review of convictions and commitments; and amending RCW 7.36.130.

Referred to Committee on Judiciary.

SB 3433 by Senators Kreidler, Vognild and McManus

AN ACT Relating to the creation of the twenty-fourth community college district; amending RCW 28B.50.040; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Education.

SB 3434 by Senators Halsan, Bottiger, Hansen, Kreidler, McDermott, Peterson, Vognild, Thompson, Talmadge, Williams and DeJarnatt

AN ACT Relating to public disclosure by political committees; and amending RCW 42.17.040.

Referred to Committee on Judiciary.

SB 3435 by Senators Talmadge, Granlund, Kreidler, Thompson, Metcalf, Stratton, Deccio and Zimmerman

AN ACT Relating to the business and occupation taxation of alcohol treatment services; and amending RCW 82.04.4297.

Referred to Committee on Ways and Means.

SB 3436 by Senators Talmadge, Pullen and Rasmussen

AN ACT Relating to elections; and amending RCW 29.27.060.

Referred to Committee on Judiciary.

SB 3437 by Senators Granlund and Kiskaddon (by Department of Social and Health Services request)

AN ACT Relating to disclosure of personal records for research purposes; adding a new section to chapter 42.17 RCW; and prescribing penalties.

Referred to Committee on Human Services and Corrections.

SB 3438 by Senators Williams, Benitz, McCaslin, Bailey, Saling and Stratton (by Washington State Energy Office request)

AN ACT Relating to energy supply emergencies; amending RCW 43.21G.040; providing an effective date; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SB 3439 by Senators Gaspard, McDermott, Bauer, Deccio, Sellar, Vognild, Johnson and Wojahn

AN ACT Relating to basic education allocation for vocational education; amending RCW 28A.41.140; and declaring an emergency.

Referred to Committee on Education.

SB 3440 by Senators McDermott and Rinehart

AN ACT Relating to the state lottery; and amending RCW 67.70.040.

Referred to Committee on Commerce and Labor.

SB 3441 by Senator McDermott

AN ACT Relating to state government; amending RCW 67.70.040, 67.70.050, 67.70.230, 67.70.240, and 67.70.320; adding new sections to chapter 67.70 RCW; repealing RCW 67.70.020 and 67.70.260; and providing an effective date.

Referred to Committee on Commerce and Labor.

SB 3442 by Senators Vognild, Zimmerman, Bauer and Conner (by Commission for Vocational Education request)

AN ACT Relating to fire service training; and adding new sections to chapter 28C.04 RCW.

Referred to Committee on Governmental Operations.

SB 3443 by Senator Talmadge

AN ACT Relating to school districts; and adding a new section to chapter 28A.41 RCW.

Referred to Committee on Education.

SB 3444 by Senators Fleming, Wojahn and Talmadge

AN ACT Relating to higher educational opportunities; adding a new chapter to Title 28B RCW; adding a new section to chapter 28B.15 RCW; making an appropriation; providing an expiration date; and declaring an emergency.

Referred to Committee on Education.

SB 3445 by Senators Fleming, Williams and Talmadge

AN ACT Relating to parks and recreation service areas; and amending RCW 36.68.400.

Referred to Committee on Parks and Ecology.

SB 3446 by Senator Patterson

AN ACT Relating to retirement from public service; and amending RCW 28B.10.400.

Referred to Committee on Ways and Means.

SB 3447 by Senators Granlund, Deccio, Kreidler and Talmadge (by Lieutenant Governor request)

AN ACT Relating to cancer reporting; adding new sections to chapter 70.54 RCW; creating a new section; and making an appropriation.

Referred to Committee on Human Services and Corrections.

SB 3448 by Senators Gaspard, Bender, Kiskaddon, Stratton, Talmadge, Garrett, Fleming, Bauer, Rinehart, Warnke, Lee and Goltz

AN ACT Relating to safety in public school buildings; adding new sections to chapter 28A.03 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Education.

SB 3449 by Senators Talmadge, Pullen, Halsan, Barr and Rasmussen

AN ACT Relating to firearms; and amending RCW 9.41.290.

Referred to Committee on Judiciary.

SB 3450 by Senator Talmadge

AN ACT Relating to firearms; amending RCW 9A.56.030, 9A.56.040, 9A.56.150, 9A.56.160, 9.41.240, 9.41.070, 9.41.090, 9.41.098, and 46.09.130; adding new sections to chapter 9.41 RCW; and adding a new section to chapter 70.74 RCW.

Referred to Committee on Judiciary.

SB 3451 by Senators Conner, Kreidler, Guess, Owen, Barr, Goltz, Johnson, Rinehart and Peterson

AN ACT Relating to dietetics; adding a new chapter to Title 18 RCW; prescribing penalties; and making an appropriation.

Referred to Committee on Human Services and Corrections.

SB 3452 by Senators Talmadge and Granlund

AN ACT Relating to civil and criminal proceedings in sexual offense cases; adding a new section to chapter 9A.44 RCW; and adding new sections to chapter 13.34 RCW.

Referred to Committee on Judiciary.

SB 3453 by Senators Talmadge, Newhouse and Hayner

AN ACT Relating to liens; and adding a new chapter to Title 60 RCW.

Referred to Committee on Judiciary.

SB 3454 by Senators Talmadge and Halsan

AN ACT Relating to the court of appeals; amending RCW 2.06.150; and adding new sections to chapter 2.06 RCW.

Referred to Committee on Judiciary.

SB 3455 by Senators Wojahn and Fleming

AN ACT Relating to general assistance; amending RCW 74.04.005; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3456 by Senators Hansen, Guess, Goltz, Peterson and Barr

AN ACT Relating to tax exemptions; amending RCW 82.04.325, 82.29A.135, and 84.36-.490; and amending section 6, chapter 131, Laws of 1980 (uncodified).

Referred to Committee on Transportation.

SB 3457 by Senators Conner and Peterson

AN ACT Relating to the Hood Canal bridge; amending RCW 47.60.326; adding a new section to chapter 47.60 RCW; repealing RCW 47.56.365; and declaring emergency.

Referred to Committee on Transportation.

SB 3458 by Senator Conner

AN ACT Relating to automobile insurance; and adding new sections to chapter 48.19 RCW.

Referred to Committee on Financial Institutions.

SB 3459 by Senators Thompson, Hayner and Bottiger

AN ACT Relating to the placement of names on primary ballots; amending RCW 29.30.060, 29.30.350, and 29.30.450; and adding new sections to chapter 29.18 RCW.

Referred to Committee on Governmental Operations.

SB 3460 by Senators Williams and Talmadge

AN ACT Relating to felony sexual offenses; and amending RCW 9.69.100.

Referred to Committee on Judiciary.

SB 3461 by Senators Moore, Garrett, Bauer, DeJarnatt, Hansen, Halsan and Granlund (by Lieutenant Governor request)

AN ACT Relating to the Captain George Vancouver bicentennial commission; creating new sections; and making an appropriation.

Referred to Committee on Governmental Operations.

SJM 107 by Senators Talmadge, Kreidler, Williams, Hansen and Lee

Requesting congressional funding for cleanup of hazardous waste sites.

Referred to Committee on Parks and Ecology.

SJR 106 by Senators Rinehart, Patterson, Granlund and Zimmerman

Providing tax reform.

Referred to Committee on Ways and Means.

STATEMENT FOR THE JOURNAL

TO: Sid Snyder

FROM: Alex A. Deccio

DATE: January 30, 1985

RE: Senate Bill No. 3229

Please remove my name as a sponsor from Senate Bill No. 3229 which was introduced January 22, 1985.

Thank you.

ALEX DECCIO

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

SECOND READING

SENATE BILL NO. 3092, by Senators Talmadge, Newhouse, Halsan, Hayner and Metcalf

Revising the jurisdiction of the judicial qualifications commission.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 3092 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. 3092.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3092 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vogt, von Reichbauer, Warnke, Wojahn, Zimmerman - 45.

Excused: Senators Kreidler, Metcalf, Pullen, Williams - 4.

SENATE BILL NO. 3092, having received the 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 GUESTS

The President introduced the following delegation of African dignitaries who were seated with him on the rostrum: Mr. Raymond Ngouanepa, Director of Relations with the Interior Ministry and Mr. Jean Kpwoka, Prefect of Ministry of the Interior from the Central African Republic; Mr. Abdourahamane Sow, Director of the Political Division of the Ministry of Foreign Affairs from Guinea; and Mr. Abdou Gningue, Editor-in-Chief of the Senegalese Press Service and local correspondent for the A.P. and Mr. Biram Deme, National Assembly Deputy from Senegal. Escorting the African dignitaries was Mr. Tobie Lanou, an interpreter from Seattle.

With permission of the Senate, business was suspended to permit Congressman Deme to address the Senate.

After appropriate remarks of welcome from Senators Fleming and Zimmerman, the honored guests remained in the Senate chambers to observe the Senate business of the day.

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

MESSAGES FROM THE GOVERNOR
WITHDRAWAL OF GUBERNATORIAL APPOINTMENTS

January 28, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am requesting the withdrawal of the following appointments which are pending before you:

Thomas Cable, nominated as a member of the Council for Post Secondary Education.

Michael D. Coan, nominated as a member of the Council for Post Secondary Education.

Shani Taha, nominated as a member of the Council for Post Secondary Education.

Robert T. Greene, nominated as a member of the Board for Community College Education.

Dorothy Plath, nominated as a member of the Board for Community College Education.

Herman Sarkowsky, nominated as a Regent of the University of Washington.

Janet Skadan, nominated as a Regent of the University of Washington.

Thomas Hyslop, nominated as a Regent of Washington State University.

Jeanne Rounds-Olsen, nominated as a Regent of Washington State University.

Harold L. Tracy, M.D., nominated as a Trustee of Central Washington University.

Holly Frost-Sonneland, nominated as a Trustee of Eastern Washington University.

Deborah J. Reis, nominated as a Trustee of Eastern Washington University.

James D. Ray, nominated as a Trustee of Eastern Washington University.

Judith T. Maleng, nominated as a Trustee of Western Washington University.

Ronald J. Carlson, nominated as a Trustee of Community College District 1 (Peninsula).

W. Keith Herrell, nominated as a Trustee of Community College District 2 (Grays Harbor).

W. Kelly Moldstad, nominated as a Trustee of Community College District 4 (Skagit Valley).

Margaret Bruland, nominated as a Trustee of Community College District 5 (Everett).

Jean M. Cooley, nominated as a Trustee of Community College District 5 (Everett).

Helen G. Sutton, nominated as a Trustee of Community College District 6 (Seattle).

James E. Massart, nominated as a Trustee of Community College District 7 (Shoreline).

Cherry A. McGee Banks, nominated as a Trustee of Community College District 7 (Shoreline).

Carol B. James, nominated as a Trustee of Community College District 8 (Bellevue).

Marilu M. Brock, nominated as a Trustee of Community College District 9 (Highline).

Elizabeth N. Metz, nominated as a Trustee of Community College District 9 (Highline).

Jack A. Hawkins, nominated as a Trustee of Community College District 10 (Green River).

Stanley R. Norquist, M.D., nominated as a Trustee of Community College District 13 (Lower Columbia).

William F. Byrd, Jr., nominated as a Trustee of Community College District 14 (Clark).

Helen Bjodstrup, nominated as a Trustee of Community College District 14 (Clark).

Judith J. Borth, nominated as a Trustee of Community College District 15 (Wenatchee Valley).

Betty L. Edmondson, nominated as a Trustee of Community College District 16 (Yakima Valley).

Max J. (Jeff) Kuney, III, nominated as a Trustee of Community College District 17 (Spokane).

Dee McMillan, nominated as a Trustee of Community College District 17 (Spokane).

Paul Hirai, nominated as a Trustee of Community College District 18 (Big Bend).

Norma Jean Watson, nominated as Trustee of Community College District 18 (Big Bend).

W. David Shaw, nominated as a Trustee of Community College District 19 (Columbia Basin).

Donald W. McClure, nominated as a Trustee of Community College District 19 (Columbia Basin).

Geneva U. Davidson, nominated as a Trustee of Community College District 19 (Columbia Basin).

L. C. Mike Floyd, nominated as a Trustee of Community College District 20 (Walla Walla).

Jean H. Adams, nominated as a Trustee of Community College District 20 (Walla Walla).

Orphalee Smith, nominated as a Trustee of Community College District 21 (Whatcom).

M. Harvey Segall, nominated as a Trustee of Community College District 22 (Tacoma).

Terry L. Smith, Ed.D., nominated as a Trustee of Community College District 22 (Tacoma).

Sincerely,
BOOTH GARDNER, Governor

MOTION

Senator Bottiger moved that the Senate comply with the request of the Governor and return the aforementioned nominations to him.

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President and members of the Senate, the Governor has requested back a series of appointments which you will find on your desk, and also a second message from the Governor reappointing some of those people and in some cases replacing the former appointees with other nominees which would be appropriately referred to our committees. This is not a new custom by any means. On January 16, 1981, I had the pleasure of moving to comply with the request of Governor Spellman that pending nominations before this body be returned to him--in a spirit of cooperation.

"I made a couple of comments for the Journal then, pointing out to the Governor that in that instance he was only withdrawing and not renominating. So there was a created vacancy, and suggesting that there could be problems which we found when Governor Ray did the same thing back in 1977. Governor Gardner has picked up that problem and has the appointments already back in line, so with the single reference we will have filled any vacancy. There will be no problems with quorums on any boards that I'm aware of. In the Journal, also, I read the very kind remarks of Senator Hayner thanking me for my spirit of cooperation and, also, from Senator von Reichbauer thanking me for my spirit of cooperation with, the then, Governor Spellman, and I'm sure that I will have their cooperation now."

MOTION

Senator McDonald moved that the question be divided and the name of Shani Taha, nominated as a member of the Council for Post Secondary Education, be considered separately.

REMARKS BY SENATOR McDONALD.

Senator McDonald: "Mr. President and members of the Senate, I don't know how to exactly attack this problem, but I guess each individual on this is separate and unique. The problem is generic, however. Senator Bottiger mentioned the fact that names were withdrawn before, but never has it been that we have waited for two years for confirmation of many of these people. Those were nominations made in the interim and Shani Taha has been serving--and serving well--on the Council for Post Secondary Education.

"Now a little history on Miss Taha--a member of the minority community--most importantly, a very, very wise woman in the ways of government--and she has been in government for a long time. She's been in government back in New York. She came to us, and I remember, as a member of the Seattle King County Drug Commission where she was staff for that and many other commissions in the human services area. She is very sharp. She was, also, then moved to the department head and finally moved to the county executive and right hand person to the county executive--both in Spellman's administration and Dunlap's administration. She is a Republican, but it appears to me that the Governor has talked about bi-partisan cooperation. They have talked about talent--about people knowing the ins and outs of government--and clearly, Miss Taha fits that category. She's capable; she fully justifies your vote for her confirmation, and if, indeed, we do divide the question that would be what I would intend to do--to have us look at that confirmation."

POINT OF INQUIRY

Senator Bottiger: "Senator McDonald, I'm curious and wondering how many of these divisions you propose to make?"

Senator McDonald: "Well, I'm not sure, but clearly there is one."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, speaking against dividing the question. We did not do that in 1981 when we clearly had a majority and could have done that. We were withdrawing, as I mentioned in my remarks, some very close and personal friends, and yet we voted almost unanimously in this body to give Governor Spellman the authority to administer a new administration. We could have simply refused to do it--having the majority--and we did not do it then. I would ask you to vote to not divide the question and to comply with the request of the Governor."

REMARKS BY SENATOR von REICHBAUER

Senator von Reichbauer: "Just to respond to the remarks by Senator Bottiger. At the time, prior to the beginning of the session, one of the members of his 25-member caucus announced publicly that he would not support that proposal, so he did not have the clear majority in public at that time."

REMARKS BY SENATOR DECCIO

Senator Deccio: "Thank you, Mr. President. Speaking in favor of the proposal to divide, Governor Gardner has been in our caucus two or three times. And on no less than a couple of occasions, he has indicated very clearly that he was very interested in keeping on good people on the boards and commissions, regardless of party. This individual, I think, makes it a completely different kind of a case because this individual has been serving for two years. Are we on this side of the aisle to understand that the Governor really didn't mean what he said when he wanted to keep good people on boards and commissions? If we don't get the opportunity to vote on this separately, I think that's what he was really telling us. And I think the air ought to be cleared on the issue--and I think this is a good way to do it. I urge your support for the division."

REPLY BY THE PRESIDENT

President Cherberg: "Senator Bottiger, the President calls your attention to Rule 31. The President believes that there are two distinct motions left after the division, therefore the division is granted."

The President declared the question before the Senate to be the motion by Senator Bottiger that all the nominees be returned to the Governor, at his request, with the exception of Shani Taha.

The motion by Senator Bottiger carried and all the appointments were returned to the Governor, with the exception of Shani Taha.

The President declared the question before the Senate to be the motion by Senator McDonald to not return the nomination of Shani Taha to the Governor.

PARLIAMENTARY INQUIRY

Senator McDonald: "Mr. President, I wonder if the proper motion would be to confirm Shani Taha?"

REPLY BY THE PRESIDENT

President Cherberg: "That's not before the Senate, Senator."

PARLIAMENTARY INQUIRY

Senator McDonald: "Then is the motion before us whether to return to the Governor Shani Taha's name?"

REPLY BY THE PRESIDENT

President Cherberg: "Yes. Are there any further remarks?"

REMARKS BY SENATOR McDONALD

Senator McDonald: "Mr. President and fellow members of the Senate, it seems to me once again, reiterating, that Miss Taha is very capable. She knows her job, has demonstrated her knowledge of government and her abilities, and clearly should be somebody that the Governor should consider for confirmation, and this body to consider for confirmation. That would be my intent that the body do consider Miss Taha for confirmation as she should have been for the last two years. I think it's extremely important that we keep the sanctity of this process and not make it a mockery as I believe it has been for the last two years. I hope you will vote with me to give that signal to the Governor and to this body."

MOTION

Senator Bluechel moved that the Shani Taha be confirmed by the Senate.

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, there is a pending motion of equal rank, and I think Senator Bluechel's motion is out of order."

REPLY BY THE PRESIDENT

President Cherberg: "The President believes that the remarks by Senator Bottiger are correct."

REMARKS BY SENATOR LEE

Senator Lee: "Mr. President and ladies and gentlemen, some of you may recall that I chided you--not necessarily gently but rather directly--about the day before session was to be completed last year, about the fact that you, indeed, had left a disproportionate number of female appointees who had already been recommended by the respective committees, to be confirmed by the full body of the Senate. This was one of those names. Now we could have chosen all of them. We did not choose to do so. In fact, Governor Gardner has done a good job in reappointing many of those individuals. However, this is a particularly significant one, because not only is it an extremely capable woman, but she is an extremely capable black woman--one of those that all of us have good respect for and who is a leader, not only in her own community, but in the state as a whole. And to allow this one to slip by the wayside without giving the Governor an additional

opportunity to place on the reappointment list which he has not had the opportunity to do at this point in time. I think would be a crime and a disgrace and that we should retain this particular appointment to allow that opportunity to take place."

REMARKS BY SENATOR VOGNILD

Senator Vognild: "Thank you Mr. President and members of the Senate. Listening to Senator Lee's remarks, I think, made me feel I had to stand up and say something. I believe that it is unfortunate that this is before this body. I believe it's a rather transparent attempt to somehow make the press and the people believe that the majority party is going to vote against women and minorities. I think the selection of this individual was unfortunate. The majority party here had asked that we respond to our Governor--that we return all. This one was selected. I doubt very much if it's going to fool anybody and it's not going to change my vote."

PARLIAMENTARY INQUIRY

Senator McDonald: "It seems to me that the motion is divided--that Miss Taha's name is before us and that now we should be voting whether she should be confirmed or not confirmed. It seems that Senator Bluechel's motion would be in order."

REPLY BY THE PRESIDENT

President Cherberg: "Senator McDonald, with all due respect, your request for the division of the question--the question was divided. The first portion has been acted upon. The motion now before the Senate is that the nomination of Shani Taha be returned to the Governor."

PARLIAMENTARY INQUIRY

Senator McDonald: "So a positive vote will return the appointment to the Governor, and a negative vote will keep it before us?"

REPLY BY THE PRESIDENT

President Cherberg: "It would keep it in the possession of the committee considering the appointment."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "I would just like to add something--and I'm sure you have thought of it, Senator McDonald. If you force us to vote not to confirm, she is ineligible for appointment to another position. If we simply return it, and she's as qualified as you've indicated she is and based on Governor Gardner's past record of, candidly, not paying too much attention to politics on appointments, it may very well be she would be eligible for something else."

REMARKS BY SENATOR NEWHOUSE

Senator Newhouse: "Mr. President, ladies and gentlemen. I believe Senator Bottiger is raising a bit of a red herring. Obviously, if such a change in appointments was contemplated, she could resign her present position and be appointed. Let me say about the subject involved here that really, the principle we are talking about is continuity of our boards and commissions--and we stagger terms of all of these boards and commissions, so we will have continuity in government. And what happens with this procedure when the majority party has for years refused to consider, not just confirm, but consider in open vote, all these nominees to boards and commissions, we have created a situation, where if the Governor can withdraw him and appoint new members, we're going to lack that continuity which is so vital to good government. I think it's a bad practice. I think it's wrong."

REMARKS BY SENATOR GASPARD

Senator Gaspard: "Mr. President and members of the Senate, I think Governor Gardner has been very careful in his recommendations to us and his appointments that he has made thus far. He has been very careful in not upsetting any quorum requirements for any boards or commissions before us. He has been very deliberate in his process of nominating people to serve state government. He has appointed Republicans, Democrats and Independents to serve on those department heads and boards and commissions. I find it a bit ironic that in the spirit that

Governor Gardner has put these appointments to us, that he is looking for a spirit of cooperation. But I think what he is probably going to see today, that spirit of cooperation is interpreted by the other side of the aisle as being a one-way street. You want the Governor to cooperate with you, but you don't want to cooperate with the Governor. It is his right and his prerogative to make the type of appointments that he sees as being in the best interests for the state of Washington. He has presented us with a list of appointees that will assure that the flow and transition is smooth, that we don't interrupt any type of a quorum position on those boards and commissions.

"Now out of the gubernatorial appointments that were handled in the Education Committee, for example, out of that committee, we had a total of sixty-four appointments recommended by the Education Committee. Twenty of those appointments did not get out of committee, and out of those twenty appointments, thirteen of them were made in 1984--and some were made after the session was over, too. But, if you remember, in 1984, we had a sixty day session, where we had to deal with the Excellence in Education package. As you can recall, that became a major item for this legislature, and in many cases we adopted many good proposals. But I think the record, as a majority party handling a Governor's request on gubernatorial appointments from another party, has been one that has been very good, very admirable, and I don't think we have anything to apologize for. We have appointed and confirmed a majority of Governor Spellman's appointees. Now we have a new Governor who wants a new team. He's asking for cooperation and I hope that you'll give that cooperation."

REMARKS BY SENATOR BENITZ

Senator Benitz: "Mr. President and members of the Senate, to set the record straight. In 1981, when I was chairman of the Higher Education Committee, we confirmed, down to the last four--they came in very late. You all know what the problem is--the problem is the majority party here in the Senate, that has refused to do it, and now you're blaming us for politics. You have to take the brunt of it. It is not good government and I want you to understand that."

REMARKS BY SENATOR von REICHBAUER

Senator von Reichbauer: "Mr. President and members of the Senate. Senator Bottiger referred to the 1981 session of the legislature where he and I and others discussed this same issue during the transition between the Spellman administration and the Ray administration. I had the honor to serve with Senator Bottiger, Senator Hayner, Senator Goltz and others on a select committee on confirmations. In the process of that committee, we made many modifications to the procedures and policies of this body. There are a lot of abuses to the system of this body. We had individuals who claimed they had PhD's, who didn't. So we added a questionnaire to be certified, notarized--so that we could find out if people, indeed, had the educational background they claimed. We provided oaths of office at that time. We made other procedural changes including policy-making positions that had not been included, such as the Chief of the Washington State Patrol and the head of the National Guard--and replaced such non policy-making positions as the Ambulance Review Board from confirmation process.

"But we also included another item. The item of fixed dates to have individuals who are brought before this body to be brought before the respective committees and to be reviewed in public. Unfortunately, that did not pass and we've had to return to the system where we have individuals who are appointed to major positions, Senator Gaspard, not just minor positions--major positions--like UTC. The majority of the UTC were not confirmed. Major positions on the WSU and UW Board of Regents were not confirmed. And these positions are the most sought after positions in state government. But they were held over--some for two and one-half years. Surely there was time in that period for that to be done. I think the system has been politicized and abused. The question is not this body versus the Governor. The fault lies with the system that the Senate has. The Senate had got to either participate in the concept of advice and consent or get rid of it. It's a mockery to have in our State Constitution the reference to this body's responsibility of advice and consent if we do not participate. And to participate, we have to have fixed time

periods and we've failed. We failed as a body. The argument is not with Governor Gardner, it is with ourselves."

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Mr. President and members of the Senate, brave words, indeed, from Senator von Reichbauer. But as I recall, serving on that select committee, also, we had a provision in the bill that required the Senate to consider a nomination given by the Governor, and if the nomination was not considered during the legislative session, then, in fact, that nomination would be returned to the Governor and would be considered a lack of confirmation for that appointment. As I remember, Senator von Reichbauer was one of the people who spoke out against that provision out here in 1981, while working for the removal of that provision in the House of Representatives. There were many of us that supported that quite vigorously and quite actively. I think it's a very important provision. I certainly agree that that's the way we should go, but the fact of the matter is we have here the usual early in the session--particularly in a transition session--controversy about gubernatorial appointments that's really much ado about nothing. This was something we did for Governor Spellman as Senator Bottiger has pointed out. We're simply doing the same thing for Governor Gardner as he has requested. It's no more than that--no much more--no little more than that--and we should simply get on with the business of the Senate rather than wasting all this time."

PARLIAMENTARY INQUIRY

Senator Deccio: "Mr. President, would you explain, for the benefit of the body, the motion that is before us?"

REPLY BY THE PRESIDENT

President Cherberg: "The question before the Senate is the motion that the appointment of Shani Taha be returned to the Governor. A vote 'yea' will return the appointment to the Governor. A vote 'no' will keep it in the possession of the committee considering her appointment."

REMARKS BY SENATOR RINEHART

Senator Rinehart: "Thank you Mr. President and members of the Senate. An examination of the list of names withdrawn and the list of names resubmitted will suggest the rationale for treatment of appointees to the Council for Postsecondary Education. Most of the proposals before both bodies this session call for a restructuring in the determination of that particular body, so the practical approach is to maintain a quorum for that body, but not necessarily to extend its life beyond the time that it's already assumed it's going to have. Personalities aside and individuals aside, that's the rationale from the higher education point of view."

PARLIAMENTARY INQUIRY

Senator Deccio: "Mr. President, if Miss Taha's name goes back to the committee, then that name is still under consideration by the committee with the possibility of bringing it back out on the floor at a later time?"

REPLY BY THE PRESIDENT

President Cherberg: "Yes, Senator."

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

The President declared the question before the Senate to be the motion that the appointment of Shani Taha be returned to the Governor.

ROLL CALL

The Secretary called the roll and the motion by Senator Bottiger carried by the following vote: Yeas, 27; nays, 20; absent, 1; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 27.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Newhouse, Pullen, Saling, Sellar, von Reichbauer, Zimmerman - 20.

Absent: Senator Patterson - 1.

Excused: Senator Metcalf - 1.

The nomination of Shani Taha was returned to the Governor.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

January 28, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Michael D. Coan, reappointed January 28, 1985, for a term co-extensive with his student tenure, to be a member of the Council for Postsecondary Education.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

January 28, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

David Cohn, appointed January 28, 1985, for a term ending September 30, 1989, as a member of the Board of Regents of the University of Washington.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

January 28, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Janet Skadan, reappointed January 28, 1985, for a term ending September 30, 1989, as a member of the Board of Regents of the University of Washington.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

January 28, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Edwin J. McWilliams, reappointed January 28, 1985, for a term ending September 30, 1990, as a member of the Board of Regents of Washington State University.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

January 28, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Bruce Wilkes, appointed January 28, 1985, for a term ending September 30, 1988, as a member of the Board of Trustees of Central Washington University.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

January 28, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Michael Ormsby, appointed January 28, 1985, for a term ending September 30, 1989, as a member of the Board of Trustees of Eastern Washington University.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Education.

January 28, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jean L. Beschel, appointed January 28, 1985, for a term ending September 30, 1988, as a member of the Board of Trustees of Eastern Washington University.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Education.

January 28, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Craig Cole, appointed January 28, 1985, for a term ending September 30, 1989, as a member of the Board of Trustees of Western Washington University.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Education.

January 28, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Martha Choe, appointed January 28, 1985, for a term ending September 30, 1990, as a member of the Board of Trustees of Western Washington University.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Education.

January 28, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Richard Page, appointed January 28, 1985, for a term ending September 30, 1990, as a member of the Board of Trustees of The Evergreen State College.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Education.

January 28, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

James Dinan, appointed January 28, 1985, for a term ending September 30, 1988, as a Trustee of Community College District No. 1 (Peninsula).

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

January 28, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Marietta J. Kilmer, appointed January 28, 1985, for a term ending September 30, 1989, as a Trustee of Community College District No. 1 (Peninsula).

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

January 28, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

W. Keith Herrell, reappointed January 28, 1985, for a term ending September 30, 1988, as a Trustee of Community College District No. 2 (Grays Harbor).

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

January 28, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Frank H. Larner, reappointed January 28, 1985, for a term ending September 30, 1989, as a Trustee of Community College District No. 2 (Grays Harbor).

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

January 28, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Carolyn Powers, reappointed January 28, 1985, for a term ending September 30, 1989, as a Trustee of Community College District No. 3 (Olympic).

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

January 28, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

W. Kelley Moldstad, reappointed January 28, 1985, for a term ending September 30, 1988, as a Trustee of Community College District No. 4 (Skagit Valley).

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

January 28, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Janet Finn, reappointed January 28, 1985, for a term ending September 30, 1989, as a Trustee of Community College District No. 4 (Skagit Valley).

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

January 28, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Jean Berkey, appointed January 28, 1985, for a term ending September 30, 1988, as a Trustee of Community College District No. 5 (Everett).

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

January 28, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Jean M. Cooley, reappointed January 28, 1985, for a term ending September 30, 1989, as a Trustee of Community College District No. 5 (Everett).

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

January 28, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Lee Pasquarella, appointed January 28, 1985, for a term ending September 30, 1986, as a Trustee of Community College District No. 6 (Seattle).

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

January 28, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Phillip L. Burton, reappointed January 28, 1985, for a term ending September 30, 1989, as a Trustee of Community College District No. 6 (Seattle).

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

January 28, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

James E. Massart, reappointed January 28, 1985, for a term ending September 30, 1988, as a Trustee of Community College District No. 7 (Shoreline).

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

January 28, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Cherry McGee Banks, reappointed January 28, 1985, for a term ending September 30, 1989, as a Trustee of Community College District No. 7 (Shoreline).

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

January 28, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Carol B. James, reappointed January 28, 1985, for a term ending September 30, 1988, as a Trustee of Community College District No. 8 (Bellevue).

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

January 28, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Elizabeth N. Metz, reappointed January 28, 1985, for a term ending September 30, 1988, as a Trustee of Community College District No. 9 (Highline).

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

January 28, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Marilyn M. Brock, reappointed January 28, 1985, for a term ending September 30, 1989, as a Trustee of Community College District No. 9 (Highline).

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

January 28, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Jack A. Hawkins, reappointed January 28, 1985, for a term ending September 30, 1988, as a Trustee of Community College District No. 10 (Green River).

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

January 28, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Arland Lyons, appointed January 28, 1985, for a term ending September 30, 1989, as a Trustee of Community College District No. 12 (Centralia).

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

January 28, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Asa Reed, appointed January 28, 1985, for a term ending September 30, 1989, as a Trustee of Community College District No. 13 (Lower Columbia).

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

January 28, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

R. L. "Dick" Schwary, appointed January 28, 1985, for a term ending September 30, 1988, as a Trustee of Community College District No. 14 (Clark).

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

January 28, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Georgia-Mae Gallivan, appointed January 28, 1985, for a term ending September 30, 1989, as a Trustee of Community College District No. 14 (Clark).

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

January 28, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

T. W. Small, Jr., appointed January 28, 1985, for a term ending September 30, 1988, as a Trustee of Community College District No. 15 (Wenatchee).

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

January 28, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Cherste N. Brundage, appointed January 28, 1985, for a term ending September 30, 1989, as a Trustee of Community College District No. 15 (Wenatchee).

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

January 28, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Betty L. Edmondson, reappointed January 28, 1985, for a term ending September 30, 1988, as a Trustee of Community College District No. 16 (Yakima Valley).

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

January 28, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Joan Harris, reappointed January 28, 1985, for a term ending September 30, 1989, as a Trustee of Community College District No. 16 (Yakima Valley).

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

January 28, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Dee McMillan, reappointed January 28, 1985, for a term ending September 30, 1989, as a Trustee of Community College District No. 17 (Spokane).

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

January 28, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Paul Hirai, reappointed January 28, 1985, for a term ending September 30, 1988, as a Trustee of Community College District No. 18 (Big Bend).

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

January 28, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

W. David Shaw, reappointed January 28, 1985, for a term ending September 30, 1987, as a Trustee of Community College District No. 19 (Columbia Basin).

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

January 28, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Jean H. Adams, reappointed January 28, 1985, for a term ending September 30, 1987, as a Trustee of Community College District No. 20 (Walla Walla).

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

January 28, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

L. C. Mike Floyd, reappointed January 28, 1985, for a term ending September 30, 1988, as a Trustee of Community College District No. 20 (Walla Walla).

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

January 28, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

William A. Grant, reappointed January 28, 1985, for a term ending September 30, 1989, as a Trustee of Community College District No. 20 (Walla Walla).

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

January 28, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Judy Wiseman, appointed January 28, 1985, for a term ending September 30, 1987, as a Trustee of Community College District No. 21 (Whatcom).

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

January 28, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Patricia G. Hite, reappointed January 28, 1985, for a term ending September 30, 1989, as a Trustee of Community College District No. 21 (Whatcom).

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

January 28, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Terry L. Smith, reappointed January 28, 1985, for a term ending September 30, 1989, as a Trustee of Community College District No. 22 (Tacoma).

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

January 28, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Margaret Hayes, reappointed January 28, 1985, for a term ending September 30, 1989, as a Trustee of Community College District No. 23 (Edmonds).

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

January 28, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Robert "Mac" Crowe, appointed January 28, 1985, for a term ending September 30, 1989, as a member of the Board of Regents of Washington State University.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

MOTION

On motion of Senator Vognild, all of the Gubernatorial Appointments were referred to the Committee on Education.

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

REPORTS OF STANDING COMMITTEES

January 29, 1985

SB 3068 Prime Sponsor, Senator Thompson: Providing for a special movement permit decal for mobile homes. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 3068 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Conner, DeJarnatt, Garrett, Granlund, Guess, Johnson, Patterson.

Passed to Committee on Rules for second reading.

January 29, 1985

SB 3085 Prime Sponsor, Senator Patterson: Permitting application of approved sunscreens to vehicle windows. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Conner, Garrett, Granlund, Guess, Johnson, Patterson.

Passed to Committee on Rules for second reading.

January 29, 1985

SB 3121 Prime Sponsor, Senator Granlund: Authorizing DOT activities to receive federal funds. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Conner, DeJarnatt, Garrett, Granlund, Guess, Johnson, Patterson.

Passed to Committee on Rules for second reading.

January 29, 1985

SB 3122 Prime Sponsor, Senator Garrett: Permitting the DOT to deliver plans and specifications for bid proposals without advance payment or written request. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 3122 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Conner, DeJarnatt, Garrett, Granlund, Guess, Johnson, Patterson.

Passed to Committee on Rules for second reading.

January 30, 1985

SB 3406 Prime Sponsor, Senator Warnke: Eliminating certain requirements for shared work compensation programs. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Moore, Newhouse.

January 30, 1985

SB 3408 Prime Sponsor, Senator Warnke: Limiting the definition of employer for unemployment insurance purposes. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Moore, Newhouse.

Passed to Committee on Rules for second reading.

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

MESSAGE FROM THE HOUSE

January 30, 1985

Mr. President:

The Speaker has signed:

HOUSE JOINT MEMORIAL NO. 1, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE JOINT MEMORIAL NO. 1.

MOTION

At 12:11 p.m., on motion of Senator Vognild, the Senate adjourned until 11:00 a.m., Thursday, January 31, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

EIGHTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, January 31, 1985

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 Patterson, Rinehart and Warnke. On motion of Senator Bender, Senators Rinehart and Warnke were excused.

The Sergeant at Arms Color Guard consisting of Pages Brenae Bowers and Karlyn Trulove, presented the Colors. Sister Georgette Bayless, chaplain's director of St. Peter's Hospital of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 28, 1985

SB 3039 Prime Sponsor, Senator McManus: Regulating smoking in public places and office workplaces. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 3039 be substituted therefor, and the substitute bill do pass. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Kiskaddon, Williams.

Passed to Committee on Rules for second reading.

January 30, 1985

SB 3144 Prime Sponsor, Senator Garrett: Updating statutory references in the Model Traffic Ordinance. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, DeJarnatt, Garrett, Granlund, Johnson, Patterson.

Passed to Committee on Rules for second reading.

January 29, 1985

SB 3177 Prime Sponsor, Senator Granlund: Continuing respite care demonstration projects. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 3177 be substituted therefor, and the substitute bill do pass and be referred to the Committee on Ways and Means. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Deccio, Johnson, Kiskaddon, Peterson, Stratton.

Referred to Committee on Ways and Means.

January 29, 1985

SB 3200 Prime Sponsor, Senator Talmadge: Modifying provisions relating to crime victims' assistance. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3200 be substituted therefor, and the substitute bill do pass and be referred to the Committee on Ways and Means. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Moore, Owen, Thompson, Williams.

Referred to Committee on Ways and Means.

January 30, 1985

SB 3204 Prime Sponsor, Senator Gaspard: Providing for activities in observance of Veterans' Day in the schools. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Bender, Benitz, Craswell, Fleming, Goltz, Guess, Johnson, Kiskaddon, McDermott, McManus, Patterson, Saling, Stratton.

Passed to Committee on Rules for second reading.

January 30, 1985

SB 3270 Prime Sponsor, Senator McDermott: Modifying tax deferral benefits under public retirement systems. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Cantu, Deccio, Fleming, Goltz, Hayner, Lee, McDonald, Moore, Rasmussen, Talmadge, Thompson, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

January 29, 1985

SB 3361 Prime Sponsor, Senator Moore: Regulating savings banks; providing for acquisition of control; and regulating conversions. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 3361 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Deccio, Newhouse, Sellar, Wojahn.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

January 30, 1985

Mr. President:

The House has passed:

HOUSE BILL NO. 20,

ENGROSSED HOUSE BILL NO. 21,

HOUSE BILL NO. 34,

ENGROSSED HOUSE BILL NO. 37,

HOUSE BILL NO. 107,

ENGROSSED SENATE BILL NO. 3065, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 3065.

INTRODUCTION AND FIRST READING

SB 3462 by Senators Newhouse, Benitz, Hayner, Hansen, Sellar, Deccio, McCaslin, Patterson, Bailey, Goltz, Lee and Johnson

AN ACT Relating to the business and occupation tax; and amending RCW 82.04.260.

Referred to Committee on Ways and Means.

SB 3463 by Senators Lee, Talmadge, Zimmerman, Pullen and Thompson

AN ACT Relating to local government; and amending RCW 35.03.020, 35.03.030, 35A.03.030, 35A.03.080, and 35A.03.110.

Referred to Committee on Ways and Means.

SB 3464 by Senators Bottiger, Lee, Saling, Johnson, Bailey and Owen

AN ACT Relating to special requirements for organized competitions of off-road vehicles; and amending RCW 46.09.120 and 70.107.080.

Referred to Committee on Parks and Ecology.

SB 3465 by Senators Bauer, Conner and Benitz

AN ACT Relating to the practice of physical therapy; and amending RCW 18.74.010.

Referred to Committee on Human Services and Corrections.

SB 3466 by Senators Kreidler and Peterson

AN ACT Relating to licensing of physical therapist assistants; amending RCW 18.74.010, 18.74.023, and 18.74.060; and adding new sections to chapter 18.74 RCW.

Referred to Committee on Human Services and Corrections.

SB 3467 by Senators Hansen, Peterson, Barr and Sellar

AN ACT Relating to county rail districts; and amending RCW 36.60.010.

Referred to Committee on Transportation.

SB 3468 by Senators Williams, Bailey, Saling, Talmadge, Bauer and Rasmussen

AN ACT Relating to radioactive waste disposal; amending RCW 43.200.015; adding a new section to chapter 43.200 RCW; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SB 3469 by Senators Thompson, McCaslin, Garrett, Zimmerman and McManus

AN ACT Relating to boundary review boards; and amending RCW 36.93.050, 36.93.060, 36.93.070, 36.93.090, 36.93.100, 36.93.110, 36.93.120, 36.93.150, and 36.93.190.

Referred to Committee on Governmental Operations.

SB 3470 by Senators Guess, Stratton and Saling

AN ACT Relating to aquifer-groundwater protection; adding a new chapter to Title 90 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Parks and Ecology.

SB 3471 by Senators Warnke, Newhouse, Moore, Stratton, Halsan, Hansen and Vognilid

AN ACT Relating to raffle tickets; and amending RCW 9.46.020.

Referred to Committee on Commerce and Labor.

SB 3472 by Senators Kreidler, Rinehart and Halsan

AN ACT Relating to the Nisqually river system; creating new sections; and making an appropriation.

Referred to Committee on Parks and Ecology.

SB 3473 by Senators Thompson, Zimmerman and Rasmussen (by Department of General Administration request)

AN ACT Relating to state purchasing; and repealing RCW 39.25.010, 39.25.020, and 39.25.030.

Referred to Committee on Governmental Operations.

SB 3474 by Senators Thompson, Zimmerman and Rasmussen (by Department of General Administration request)

AN ACT Relating to state purchasing; and adding a new section to chapter 43.19 RCW.

Referred to Committee on Governmental Operations.

SB 3475 by Senators Rinehart, Zimmerman, Thompson and Rasmussen (by Department of General Administration request)

AN ACT Relating to state purchasing; and amending RCW 43.19.1906.

Referred to Committee on Governmental Operations.

SB 3476 by Senators Thompson, Zimmerman and Rasmussen (by Department of General Administration request)

AN ACT Relating to state purchasing; and repealing RCW 39.24.020, 39.24.030, and 39.24.040.

Referred to Committee on Governmental Operations.

SB 3477 by Senators Rinehart, Newhouse and Rasmussen (by Secretary of State request)

AN ACT Relating to voter registration records; adding a new section to chapter 29.07 RCW; and repealing RCW 29.07.150.

Referred to Committee on Governmental Operations.

SB 3478 by Senators Kreidler, Kiskaddon and Vognild

AN ACT Relating to health services and facilities requiring certificates of need; and amending RCW 70.38.105.

Referred to Committee on Human Services and Corrections.

SB 3479 by Senators Thompson, McCaslin, McManus and Zimmerman

AN ACT Relating to local government; and amending RCW 42.24.115 and 42.24.150.

Referred to Committee on Governmental Operations.

SB 3480 by Senators Williams, Benitz, Saling and Kreidler (by Utilities and Transportation Commission request)

AN ACT Relating to public utilities regulations; and amending RCW 80.04.010.

Referred to Committee on Energy and Utilities.

SB 3481 by Senators Wojahn and Bluechel (by Attorney General request)

AN ACT Relating to children's testimony; and adding a new section to chapter 13.34 RCW.

Referred to Committee on Judiciary.

SB 3482 by Senators Wojahn, Newhouse, Talmadge and von Reichbauer (by Department of Social and Health Services request)

AN ACT Relating to child support enforcement; amending RCW 74.20.040, 74.20A.040, 74.20.330, 74.20A.020, 74.20A.030, 74.20A.080, 74.20A.100, 74.20A.160, 74.20A.180, 74.20A.200, 74.20A.230, 74.20A.240, 74.20A.250, and 74.20A.270; adding a new section to chapter 74.20A RCW; repealing RCW 74.20.020; and prescribing penalties.

Referred to Committee on Judiciary.

SB 3483 by Senators Gaspard and Warnke

AN ACT Relating to employment and discharge of noncertificated employees by school directors; and amending RCW 28A.58.099.

Referred to Committee on Education.

SB 3484 by Senators Gaspard and Warnke

AN ACT Relating to school district contracts; and adding a new section to chapter 28A.58 RCW.

Referred to Committee on Education.

SB 3485 by Senators Williams, Stratton, Warnke and Wojahn

AN ACT Relating to bonds for financing zoo and aquarium development; adding new sections to chapter 43.99B RCW; and declaring an emergency.

Referred to Committee on Parks and Ecology.

SB 3486 by Senators DeJarnatt, Newhouse, Halsan, Warnke and Vognild

AN ACT Relating to taxation of gambling; and amending RCW 9.46.110.

Referred to Committee on Commerce and Labor.

SB 3487 by Senators Goltz, Bailey, Williams and Benitz

AN ACT Relating to energy consumption by state agencies; adding new sections to chapter 43.19 RCW; making an appropriation; and providing an expiration date.

Referred to Committee on Energy and Utilities.

SB 3488 by Senators Fleming, Warnke, Rinehart, Goltz and Granlund

AN ACT Relating to seismic safety; adding a new chapter to Title 43 RCW; and providing an expiration date.

Referred to Committee on Governmental Operations.

SB 3489 by Senators Warnke, Newhouse, Vognild, Sellar, Goltz, Williams, Moore, McCaslin, Wojahn, Guess and Zimmerman

AN ACT Relating to the practice of architecture; adding new sections to chapter 18.08 RCW; repealing RCW 18.08.100, 18.08.110, 18.08.120, 18.08.130, 18.08.140, 18.08.150, 18.08.160, 18.08.170, 18.08.180, 18.08.190, 18.08.200, 18.08.210, 18.08.220, 18.08.230, 18.08.250, 18.08.260, and 18.08.270; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SB 3490 by Senator Newhouse

AN ACT Relating to the removal of county seats; and amending RCW 36.12.010, 36.12.080, and 36.12.090.

Referred to Committee on Governmental Operations.

SB 3491 by Senators Goltz, Williams, Saling and Bauer

AN ACT Relating to the transportation of radioactive materials; and adding a new section to chapter 70.98 RCW.

Referred to Committee on Energy and Utilities.

SB 3492 by Senators Talmadge and Williams

AN ACT Relating to land use planning; adding a new chapter to Title 64 RCW; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.70 RCW; and adding a new section to chapter 58.17 RCW.

Referred to Committee on Governmental Operations.

SB 3493 by Senators Warnke, Owen, Rasmussen, Barr, Zimmerman, Bottiger and Talmadge

AN ACT Relating to the Washington state sportsmen's commission and sportsmen's facility; adding a new chapter to Title 67 RCW; and making an appropriation.

Referred to Committee on Natural Resources.

SB 3494 by Senator Gaspard

AN ACT Relating to turkey shoots conducted by charitable or nonprofit organizations; and adding a new section to chapter 9.46 RCW.

Referred to Committee on Commerce and Labor.

SB 3495 by Senators Kreidler and Gaspard

AN ACT Relating to the regulation of amusement rides; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SB 3496 by Senators Goltz and McCaslin

AN ACT Relating to the small claims department; amending RCW 12.40.010 and 12.40.040; and adding new sections to chapter 12.40 RCW.

Referred to Committee on Judiciary.

SB 3497 by Senators Warnke, Owen and Moore

AN ACT Relating to bingo facilities; and amending RCW 9.46.020.

Referred to Committee on Commerce and Labor.

SB 3498 by Senators Warnke, Bender, Vognild and Stratton

AN ACT Relating to recreational water contact facilities; adding new sections to chapter 70.90 RCW; repealing RCW 70.90.010, 70.90.020, 70.90.030, 70.90.040, and 70.90.900; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SB 3499 by Senator Warnke

AN ACT Relating to juvenile sex offenders' treatment; creating new sections; and making an appropriation.

Referred to Committee on Judiciary.

SB 3500 by Senators Peterson, Benitz, Hansen, Vognild, Conner and Metcalf

AN ACT Relating to tourist and agricultural directional signs; amending RCW 47.42-.020, 47.42.040, 47.42.047, 47.42.055, and 47.42.080; adding new sections to chapter 47.42 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 3501 by Senators Peterson, Hansen, Bender, Vognild and Conner

AN ACT Relating to low-level radioactive waste disposal; amending RCW 70.98.030; and adding new sections to chapter 70.98 RCW.

Referred to Committee on Energy and Utilities.

SB 3502 by Senators McDermott, Bender, Talmadge, Garrett and Peterson

AN ACT Relating to retirement benefits based on excess compensation; and repealing RCW 41.50.150.

Referred to Committee on Ways and Means.

SB 3503 by Senators Granlund and Kreidler

AN ACT Relating to inmate grievances; and amending RCW 72.09.160.

Referred to Committee on Human Services and Corrections.

SB 3504 by Senators Bottiger, von Reichbauer, Talmadge, Warnke, Pullen, Johnson, Granlund, Conner, Bender, Vognild, Gaspard, McDermott and Williams

AN ACT Relating to county, municipal, and political subdivision employees; amending RCW 51.32.090; and adding a new section to chapter 41.04 RCW.

Referred to Committee on Commerce and Labor.

SB 3505 by Senators Wojahn, Hayner, McDermott and Zimmerman

AN ACT Relating to excise taxation of municipal amusement and recreational activities; amending RCW 82.04.419; adding a new section to chapter 82.04 RCW; and adding a new section to chapter 82.08 RCW.

Referred to Committee on Ways and Means.

SJM 108 by Senators Williams, Benitz, Bottiger, McDermott, McManus, Halsan, Bailey, Wojahn, Kreidler, Granlund, Rasmussen, DeJarnatt, Owen, Thompson, Stratton, Warnke, McCaslin, Saling, Bauer, Goltz, Peterson and Garrett

Requesting the federal government to withdraw the proposal to modify payments of the Bonneville Power Administration.

Referred to Committee on Energy and Utilities.

SJM 109 by Senators Goltz, Williams and Saling

Petitioning the U.S. Department of Energy to shut down operations at the Purex plant under certain circumstances.

Referred to Committee on Energy and Utilities.

SJR 107 by Senators Vognild, Newhouse, Warnke, McDonald, Moore, Rasmussen, Bottiger, Bender, Cantu, Owen, Talmadge and Lee (by Joint Select Committee on Workers' Compensation request)

Permitting investment of industrial insurance trust funds.

Referred to Committee on Commerce and Labor.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 20 by Representatives Vander Stoep, Sayan and Dobbs

Recomputing school districts maintenance and operation levies in counties with classified or designated forest land.

Referred to Committee on Ways and Means.

EHB 21 by Representatives Vekich, C. Smith, Rayburn, Chandler, Tilly and Sayan

Revising provisions relating to horticultural nursery dealers.

Referred to Committee on Agriculture.

HB 34 by Representatives Smitherman, Lewis, Wang, Zellinsky, Thomas, Winsley, Ebersole, Tanner, Kremen, Hargrove, Haugen and Isaacson

Modifying the regulation of water heater temperatures.

Referred to Committee on Energy and Utilities.

EHB 37 by Representatives D. Nelson, Brough, Rust, Allen, Unsoeld, R. King, P. King, Fisch, McMullen and Lux

Authorizing above-ground tanks for recycling used oil.

Referred to Committee on Parks and Ecology.

HB 107 by Representatives Crane, P. King, Armstrong, Dellwo, Sutherland, Zellinsky, Barnes, Locke, West and Padden

Expanding and clarifying the crime of interference with official proceedings.

Referred to Committee on Judiciary.

MOTIONS

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, the Committee on Natural Resources was relieved of further consideration of Senate Bill No. 3311.

On motion of Senator Vognild, Senate Bill No. 3311 was referred to the Committee on Parks and Ecology.

On motion of Senator Vognild, the Committee on Human Services and Corrections was relieved of further consideration of Senate Bill No. 3297.

On motion of Senator Vognild, Senate Bill No. 3297 was referred to the Committee on Ways and Means.

MOTION

At 11:26 a.m., on motion of Senator Vognild, the Senate adjourned until 11:00 a.m., Friday, February 1, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

NINETEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 1, 1985

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 McCaslin, Pullen, Rinehart and Talmadge. On motion of Senator Bender, Senators Rinehart and Talmadge were excused.

The Sergeant at Arms Color Guard consisting of Pages Kari Herring and Kirsten Swanson, presented the Colors. Sister Georgette Bayless, chaplain's director of St. Peter's Hospital of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 24, 1985

SB 3038 Prime Sponsor, Senator Kreidler: Requiring the provision of information about day care centers. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 3038 be substituted therefor, and the substitute bill do pass. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Deccio, Johnson, Kiskaddon, Peterson, Stratton.

Passed to Committee on Rules for second reading.

January 31, 1985

SB 3039 Prime Sponsor, Senator McManus: Regulating smoking in public places and office workplaces. Reported by Committee on Rules

MAJORITY recommendation: That Substitute Senate Bill No. 3039 be substituted therefor, as recommended by the Committee on Parks and Ecology, and the bill be referred to the Committee on Commerce and Labor. Signed by John A. Cherberg, Chairman; Senators Bauer, Bender, Benitz, Bottiger, Conner, DeJarnatt, Guess, Hayner, McDonald, Rasmussen, Sellar, Vognild, von Reichbauer, Wojahn.

Referred to Committee on Commerce and Labor.

January 31, 1985

SB 3067 Prime Sponsor, Senator Hansen: Modifying provisions relating to aquatic farming. Reported by Committee on Rules

MAJORITY recommendation: That the bill do pass, as recommended by the Committee on Agriculture, and be referred to Committee on Ways and Means. Signed by John A. Cherberg, Chairman; Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Goltz, Guess, Hayner, McDonald, Metcalf, Rasmussen, Sellar, Vognild, von Reichbauer, Wojahn, Zimmerman.

Referred to Committee on Ways and Means.

January 31, 1985

SB 3127 Prime Sponsor, Senator Moore: Authorizing the assistant state treasurer to serve on the state investment board. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, McCaslin, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

January 31, 1985

SB 3147 Prime Sponsor, Senator Granlund: Allowing institutional industries to purchase products and services for resale. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Deccio, Johnson, Kiskaddon, Peterson, Stratton.

Passed to Committee on Rules for second reading.

January 31, 1985

SB 3163 Prime Sponsor, Senator Thompson: Reauthorizing the Center for Voluntary Action. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 3163 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

January 31, 1985

SB 3168 Prime Sponsor, Senator Moore: Authorizing a limited offering exemption to the securities act. Reported by Committee on Rules

MAJORITY recommendation: That Substitute Senate Bill No. 3168 be substituted therefor, as recommended by the Committee on Financial Institutions, and that the bill be referred to the Committee on Ways and Means. Signed by John A. Cherberg, Chairman; Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Goltz, Guess, Hayner, McDonald, Metcalf, Rasmussen, Sellar, Vognild, von Reichbauer, Wojahn, Zimmerman.

Referred to Committee on Ways and Means.

January 31, 1985

SB 3202 Prime Sponsor, Senator McCaslin: Modifying provisions relating to initial assessed property valuations. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, McCaslin, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

January 31, 1985

SB 3234 Prime Sponsor, Senator Hansen: Providing funds for noxious weed control. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Bailey, Barr, Bauer, Benitz, Gaspard.

Passed to Committee on Rules for second reading.

January 31, 1985

SB 3331 Prime Sponsor, Senator Moore: Revising industrial loan company provisions. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 3331 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, McDermott, Newhouse, Wojahn.

Passed to Committee on Rules for second reading.

January 31, 1985

SJM 102 Prime Sponsor, Senator Owen: Requesting restrictions on importation of Canadian forest products. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Stratton, Vice Chairman; Barr, Conner, Halsan, Johnson, Metcalf, Patterson, Rasmussen.

Passed to Committee on Rules for second reading.

January 31, 1985

SJR 103 Prime Sponsor, Senator Granlund: Establishing procedures for the adoption of county home rule charters. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Joint Resolution No. 103 be substituted therefor, and the substitute joint resolution do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, McCaslin, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

INTRODUCTION AND FIRST READING

SB 3506 by Senators Bailey, Vognild, Saling, McManus, Johnson, Barr, Cantu and Lee

AN ACT Relating to children's testimony; amending RCW 5.60.050; adding a new section to chapter 5.60 RCW; and repealing RCW 9A.44.120.

Referred to Committee on Judiciary.

SB 3507 by Senators Granlund, Kiskaddon and Kreidler (by Department of Social and Health Services request)

AN ACT Relating to the disclosure of confidential information and records to persons believed to be in possible danger; and amending RCW 71.05.390.

Referred to Committee on Human Services and Corrections.

SB 3508 by Senators Granlund and Kreidler (by Department of Social and Health Services request)

AN ACT Relating to reimbursement for social and health services; amending RCW 10.77.250, 10.82.080, 71.02.413, 72.23.230, 72.33.180, 72.33.670, 74.04.530, 74.04.540, and 74.04.550; adding a new section to chapter 74.04 RCW; creating a new section; and repealing RCW 71.02.416.

Referred to Committee on Human Services and Corrections.

SB 3509 by Senators Granlund, Kiskaddon and Kreidler (by Department of Social and Health Services request)

AN ACT Relating to making state eligibility requirements for grant assistance programs consistent with federal law; and amending RCW 74.12.035, 74.04.005, and 74.04.660.

Referred to Committee on Human Services and Corrections.

SB 3510 by Senators Bauer, Gaspard, Benitz, DeJarnatt, Rasmussen and Bender (by Temporary Committee on Educational Policies request)

AN ACT Relating to remediation; amending RCW 28A.41.400, 28A.41.402, 28A.41.404, 28A.41.406, and 28A.41.410; and adding a new section to chapter 28A.41 RCW.

Referred to Committee on Education.

SB 3511 by Senators Bauer, Benitz, Warnke, Vognild, Saling and Bailey (by Temporary Committee on Educational Policies request)

AN ACT Relating to the state board of education; amending RCW 28A.04.010 and 28A.04.040; creating new sections; and repealing RCW 28A.04.020, 28A.04.030, 28A.04.050, 28A.04.060, 28A.04.065, 28A.04.070, and 28A.04.080.

Referred to Committee on Education.

SB 3512 by Senators Bauer, Gaspard, Benitz, DeJarnatt, Goltz, Bender, Vognild, Warnke, Kiskaddon, Bailey and Lee (by Temporary Committee on Educational Policies request)

AN ACT Relating to preschool opportunities for disadvantaged children; adding a new section to chapter 28A.03 RCW; creating a new section; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Education.

SB 3513 by Senators Bauer, Benitz and Lee (by Temporary Committee on Educational Policies request)

AN ACT Relating to supervisory certificated employees in the common schools; amending RCW 28A.58.099 and 28A.67.073; adding a new section to chapter 28A.01 RCW; and creating a new section.

Referred to Committee on Education.

SB 3514 by Senators Bauer, Benitz, Goltz, Rasmussen, Peterson, Vognild, Bender, Saling, Zimmerman, Bailey, Lee and Johnson (by Temporary Committee on Educational Policies request)

AN ACT Relating to education; adding a new section to chapter 28A.03 RCW; creating new sections; and making appropriations.

Referred to Committee on Education.

SB 3515 by Senators Bauer, Gaspard, Benitz, Moore, Rasmussen, Bender, Lee and Johnson (by Temporary Committee on Educational Policies request)

AN ACT Relating to school district consultation, evaluation, and assistance program; and adding a new section to chapter 28A.03 RCW.

Referred to Committee on Education.

SB 3516 by Senators Bauer, Gaspard, Benitz, Moore, Bender, Rinehart, Lee and Johnson (by Temporary Committee on Educational Policies request)

AN ACT Relating to instruction in foreign languages; adding a new section to chapter 28A.03 RCW; adding a new section to chapter 28A.04 RCW; creating a new section; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Education.

SB 3517 by Senators Bauer, Gaspard, Benitz, Moore, Bender, Rinehart and Johnson (by Temporary Committee on Educational Policies request)

AN ACT Relating to adult educational skills; adding new sections to chapter 28A.03 RCW; and making an appropriation.

Referred to Committee on Education.

SB 3518 by Senators Bauer, Gaspard, Benitz, Moore, DeJarnatt, Goltz, Warnke, Bender, Kiskaddon, Conner, Bailey and Johnson (by Temporary Committee on Educational Policies request)

AN ACT Relating to early childhood education; amending RCW 28A.41.130; adding new sections to chapter 28A.03 RCW; adding a new section to chapter 28A.70 RCW; and making appropriations.

Referred to Committee on Education.

SB 3519 by Senators Bauer, Benitz, Moore, Bender, Vognild, Conner and McDonald (by Temporary Committee on Educational Policies request)

AN ACT Relating to education; amending RCW 28A.05.060 and 28A.03.360; adding a new section to chapter 28A.03 RCW; adding a new section to chapter 28A.04 RCW; adding a new section to chapter 28A.05 RCW; adding a new section to chapter 28A.58 RCW; and making an appropriation.

Referred to Committee on Education.

SB 3520 by Senators Bottiger, Hayner, Moore and Sellar

AN ACT Relating to insolvent insurers; and amending RCW 48.32A.020, 48.32A.030, 48.32A.040, 48.32A.050, 48.32A.060, 48.32A.080, and 48.32A.090.

Referred to Committee on Financial Institutions.

SB 3521 by Senators Hansen, Guess and Rasmussen (by Utilities and Transportation Commission request)

AN ACT Relating to agricultural haulers; amending RCW 81.80.010 and 81.80.040; and adding a new section to chapter 81.80 RCW.

Referred to Committee on Transportation.

SB 3522 by Senators Guess, Hansen and Rasmussen (by Utilities and Transportation Commission request)

AN ACT Relating to the transportation regulation of package or parcel delivery; and amending RCW 81.80.040.

Referred to Committee on Transportation.

SB 3523 by Senators Guess, Hansen and Rasmussen (by Utilities and Transportation Commission request)

AN ACT Relating to passenger charter carriers; amending RCW 81.70.020; adding new sections to chapter 81.70 RCW; and repealing RCW 81.70.040, 81.70.050, 81.70.060, 81.70.070, 81.70.080, 81.70.090, 81.70.095, 81.70.100, 81.70.110, 81.70.120, 81.70.130, 81.70.140, 81.70.150, 81.70.160, 81.70.170, 81.70.180, 81.70.190, 81.70.200, 81.70.210, 81.70.900, and 81.70.910.

Referred to Committee on Transportation.

SB 3524 by Senators McDermott, Johnson, Talmadge and von Reichbauer (by Department of Retirement Systems request)

AN ACT Relating to the law enforcement officers' and fire fighters' retirement system; amending RCW 41.26.120, 41.26.270, 41.26.005, and 41.50.090; adding a new section to chapter 41.26 RCW; and creating a new section.

Referred to Committee on Ways and Means.

SB 3525 by Senators Warnke, Fleming, Lee, Halsan, Cantu, McDonald, Williams, Moore, Newhouse and Vognild

AN ACT Relating to the sale of kosher food; adding a new chapter to Title 69 RCW; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SB 3526 by Senators Talmadge, Kreidler and Halsan

AN ACT Relating to collective bargaining for correctional officers; and amending RCW 41.56.030.

Referred to Committee on Commerce and Labor.

SB 3527 by Senators Bender, Bauer, Lee and Gaspard

AN ACT Relating to student teacher ratios; and amending RCW 28A.41.130.

Referred to Committee on Education.

SB 3528 by Senator Moore

AN ACT Relating to registered securities broker dealers; amending RCW 82.04.290, 82.04.300, and 82.04.440; adding a new section to chapter 82.04 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3529 by Senators Bluechel, Goltz, Guess, Vognild, Johnson, McDonald, Craswell, Kiskaddon and Barr

AN ACT Relating to health planning and resources development; amending RCW 18.120.040, 48.46.170, 70.39.120, 70.39.130, 70.39.150, 74.46.290, 74.46.410, 74.46.660, and 74.46.680; reenacting and amending RCW 70.37.050 and 70.39.070; repealing RCW 70.38-015, 70.38.025, 70.38.035, 70.38.045, 70.38.055, 70.38.065, 70.38.085, 70.38.095, 70.38.105, 70.38.111, 70.38.115, 70.38.125, 70.38.135, 70.38.145, 70.38.155, 70.38.156, 70.38.157, 70.38.905, 70.38.910, 70.38.911, 70.38.914, 70.38.915, 70.38.916, 70.38.920, and 70.126.050; providing an effective date; and declaring an emergency.

Referred to Committee on Human Services and Corrections.

SB 3530 by Senators Bender, Bluechel, Vognild and Guess

AN ACT Relating to the Milwaukee road corridor; and amending RCW 43.51.405, 43.51.407, and 79.08.275.

Referred to Committee on Parks and Ecology.

SB 3531 by Senators Cantu, Owen, Johnson, Stratton, Bluechel and McManus

AN ACT Relating to blood donors; and adding a new section to chapter 70.01 RCW.

Referred to Committee on Human Services and Corrections.

SB 3532 by Senator Moore (by Liquor Control Board request)

AN ACT Relating to permissible acts on liquor licensed premises by persons under twenty-one years of age; and amending RCW 66.44.310, 66.44.340, and 66.44.350.

Referred to Committee on Commerce and Labor.

SB 3533 by Senators Moore and Rasmussen (by Liquor Control Board request)

AN ACT Relating to the sale and possession of alcoholic beverages by retail beer licensees and private parties; and amending RCW 66.12.120 and 66.28.070.

Referred to Committee on Commerce and Labor.

SB 3534 by Senators DeJarnatt, Bender and Thompson

AN ACT Relating to political advertising; and amending RCW 42.17.510.

Referred to Committee on Governmental Operations.

SB 3535 by Senators Wojahn, Johnson, Peterson and Granlund

AN ACT Relating to excise taxation of motor vehicle and special fuel by cities; amending RCW 82.39.010 and 82.39.030; amending section 9, chapter 181, Laws of 1979 ex. sess. (uncodified); and adding a new section to chapter 82.39 RCW.

Referred to Committee on Ways and Means.

SB 3536 by Senators Vognild, Bailey, McManus, McCaslin and Moore

AN ACT Relating to public utility districts; adding a new section to chapter 54.04 RCW; and repealing RCW 54.04.120.

Referred to Committee on Commerce and Labor.

SB 3537 by Senators Thompson, Zimmerman, Saling, Newhouse, Benitz, Hayner and Rasmussen (by Attorney General request)

AN ACT Relating to state officers and employees; amending RCW 28B.50.060, 35.21-.418, 42.20.010, 43.33A.110, 66.08.080, 67.16.160, 74.09.290, and 86.09.286; reenacting and amending RCW 80.50.030; adding a new chapter to Title 42 RCW; and repealing RCW 42.18.010, 42.18.020, 42.18.030, 42.18.040, 42.18.050, 42.18.060, 42.18.070, 42.18.080, 42.18.090, 42.18.100, 42.18.110, 42.18.120, 42.18.130, 42.18.140, 42.18.150, 42.18.160, 42.18.170, 42.18.180, 42.18.190, 42.18.200, 42.18.210, 42.18.220, 42.18.230, 42.18.240, 42.18.250, 42.18.260, 42.18.270, 42.18.280, 42.18.290, 42.18.300, 42.18.310, 42.18.320, 42.18.330, 42.18.900, 42.21.010, 42.21.020, 42.21.030, 42.21.040, 42.21.050, 42.21.080, 42.21.090, 42.22.010, 42.22.020, 42.22.030, 42.22.040, 42.22.050, 42.22.060, 42.22.070, and 42.22.120.

Referred to Committee on Governmental Operations.

SJM 110 by Senators Bauer, Benitz, DeJarnatt, Warnke, Bender and Conner (by Temporary Committee on Educational Policies request)

Petitioning Congress to support a federal college savings plan.

Referred to Committee on Education.

SJM 111 by Senators Bauer, Benitz and Rasmussen (by Temporary Committee on Educational Policies request)

Petitioning for federal action to increase minority participation in graduate education programs.

Referred to Committee on Education.

SJM 112 by Senators Bauer, Gaspard, Benitz, Williams, Rasmussen, Granlund, Peterson, Warnke and Vognild (by Temporary Committee on Educational Policies request)

Petitioning Congress to provide financial assistance to help the public school system accommodate non-English speaking students.

Referred to Committee on Education.

SJR 108 by Senators Bauer, Benitz, Moore and Lee (by Temporary Committee on Educational Policies request)

Providing for the appointment of the superintendent of public instruction.

Referred to Committee on Education.

SCR 108 by Senators Bauer, Gaspard, Benitz, Goltz, Rasmussen, Bender, Vognild, Warnke and Lee (by Temporary Committee on Educational Policies request)

Authorizing a needs assessment and planning guide for common school construction and maintenance.

Referred to Committee on Education.

MOTION

At 11:17 a.m., on motion of Senator Vognild, the Senate recessed until 11:50 a.m.

SECOND MORNING SESSION

The Senate was called to order at 11:53 a.m. by President Cherberg.

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

REPORTS OF STANDING COMMITTEES

SB 3028 Prime Sponsor, Senator Williams: Revising procedures for the disposition of archaeological materials from cairns or graves. Reported by Committee on Parks and Ecology

January 31, 1985

MAJORITY recommendation: Do pass. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Cantu, Hansen, Kiskaddon, Williams.

Passed to Committee on Rules for second reading.

SB 3139 Prime Sponsor, Senator Rinehart: Increasing tuition and fee waivers awarded by community colleges. Reported by Committee on Education

February 1, 1985

MAJORITY recommendation: Do pass and refer to Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Bender, Benitz, Goltz, Guess, Johnson, McManus, Patterson, Saling, Stratton.

Referred to Committee on Ways and Means

SB 3140 Prime Sponsor, Senator Patterson: Modifying charges for higher education students taking two or fewer credit hours or more than eighteen credit hours. Reported by Committee on Education

February 1, 1985

MAJORITY recommendation: Do pass and refer to Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Bender, Craswell, Goltz, Guess, Johnson, McManus, Patterson, Saling, Stratton.

Referred to Committee on Ways and Means

SB 3278 Prime Sponsor, Senator Gaspard: Waiving higher education fees for students of foreign nations. Reported by Committee on Education

February 1, 1985

MAJORITY recommendation: Do pass and refer to Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Bender, Benitz, Goltz, Johnson, McManus, Patterson, Saling, Stratton.

Referred to Committee on Ways and Means.

February 1, 1985

SB 3357 Prime Sponsor, Senator Gaspard: Removing the one year limit on the waiver of the out-of-state fee differential for military personnel and their spouses and dependents. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended and refer to Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Bender, Craswell, Goltz, Johnson, McManus, Patterson, Stratton.

Referred to Committee on Ways and Means.

MOTION

At 11:55 a.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Monday, February 4, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

TWENTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 4, 1985

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 Rinehart, von Reichbauer and Williams. On motion of Senator Bender, Senators Rinehart and Williams were excused. On motion of Senator Zimmerman, Senator von Reichbauer was excused.

The Sergeant at Arms Color Guard consisting of Pages Kelly Patrick and James Chaplin, presented the Colors. Reverend H. Raymond Banks, senior pastor of the First Free Methodist Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 1, 1985

SB 3081 Prime Sponsor, Senator Warnke: Authorizing reciprocal agreements with other states to collect claims payable to the department of labor and industries. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, McDonald, Moore, Newhouse, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 1, 1985

SB 3409 Prime Sponsor, Senator Warnke: Specifying types of benefit payments not charged to employers' unemployment insurance experience rating accounts. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, McDonald, Moore, Newhouse, Williams, Wojahn.

Passed to Committee on Rules for second reading.

January 25, 1985

SJR 107 Prime Sponsor, Senator Vognild: Permitting investment of industrial insurance trust funds. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Halsan, Lee, McDonald, Moore, Wojahn.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

February 1, 1985

Mr. President:

The House has adopted:

SENATE CONCURRENT RESOLUTION NO. 107, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

February 1, 1985

Mr. President:

The Speaker has signed:

SENATE BILL NO. 3065, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 107.

INTRODUCTION AND FIRST READING

SB 3538 by Senators Warnke and Talmadge

AN ACT Relating to school employees' transfer rights; and amending RCW 28A.58.099.

Referred to Committee on Education.

SB 3539 by Senators Goltz, Granlund, Kreidler, Conner, Stratton, Zimmerman, Deccio and McCaslin

AN ACT Relating to a deaf-blind service center; adding a new chapter to Title 70 RCW; creating a new section; providing an expiration date; making an appropriation; and declaring an emergency.

Referred to Committee on Human Services and Corrections.

SB 3540 by Senators Moore, Deccio, Sellar, Newhouse, Bender and Wojahn (by Insurance Commissioner request)

AN ACT Relating to health maintenance organizations; amending RCW 48.46.030, 48.46.060, 48.46.070, 48.46.240, 48.46.270, 48.46.320, and 48.46.360; adding new sections to chapter 48.46 RCW; and repealing RCW 48.46.330.

Referred to Committee on Financial Institutions.

SB 3541 by Senators Moore, Deccio, Sellar, Newhouse, Bender, Wojahn and Rasmussen (by Insurance Commissioner request)

AN ACT Relating to health care service; amending RCW 48.44.020, 48.44.030, 48.44.080, 48.44.200, 48.44.210, 48.44.290, 48.44.300, 48.44.310, and 48.44.350; reenacting and amending RCW 48.44.010; and adding new sections to chapter 48.44 RCW.

Referred to Committee on Financial Institutions.

SB 3542 by Senators Williams, Bottiger, Fleming, Wojahn, Goltz, McDermott, Gaspard and Vogndl

AN ACT Relating to firearm ammunition control; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 3543 by Senators Hansen, Guess, Benitz, Stratton, Rasmussen, Saling, Metcalf, Sellar, Zimmerman, Newhouse, Bauer, McCaslin and Hayner

AN ACT Relating to sales and use taxation of farm machinery; amending RCW 82.08.0268; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Ways and Means.

SB 3544 by Senators Guess, Hansen, Benitz, Stratton, Goltz, Rasmussen and Metcalf

AN ACT Relating to boards of regents and trustees of universities and colleges; and amending RCW 28B.20.105, 28B.30.120, 28B.35.110, and 28B.40.110.

Referred to Committee on Education.

SB 3545 by Senators Guess, Hansen, Rasmussen, Saling, Metcalf and Barr

AN ACT Relating to retail sales and use taxation; adding a new section to chapter 43.21C RCW; adding a new section to chapter 80.50 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Energy and Utilities.

SB 3546 by Senators Guess, Stratton, Benitz, Goltz, Rasmussen, Metcalf and Lee

AN ACT Relating to higher education; adding new sections to chapter 28B.10 RCW; creating new sections; and making an appropriation.

Referred to Committee on Education.

SB 3547 by Senators Granlund, Kiskaddon, Kreidler, Johnson, Deccio, Peterson, Conner and Stratton

AN ACT Relating to school immunization programs; amending RCW 28A.31.104; adding new sections to chapter 28A.31 RCW; repealing RCW 28A.31.108; and declaring an emergency.

Referred to Committee on Human Services and Corrections.

SB 3548 by Senators Williams, Talmadge, McDermott, Rinehart, Moore, Kreidler, Wojahn, Goltz and Fleming

AN ACT Relating to unlawful discrimination based on sexual orientation in employment, housing, public accommodations, credit, insurance, and commercial transactions; and amending RCW 48.30.300, 49.60.010, 49.60.020, 49.60.030, 49.60.040, 49.60.120, 49.60.130, 49.60.175, 49.60.176, 49.60.178, 49.60.180, 49.60.190, 49.60.200, 49.60.215, 49.60.222, 49.60.223, 49.60.224, and 49.60.225.

Referred to Committee on Judiciary.

SB 3549 by Senators Rinehart, Talmadge, Williams, McDermott, Moore, Kreidler, Wojahn, Goltz and Fleming

AN ACT Relating to malicious harassment; and amending RCW 9A.36.080.

Referred to Committee on Judiciary.

SB 3550 by Senators Goltz, Conner, Stratton, Garrett, Benitz, Hayner, Johnson, Kiskaddon, Craswell, Metcalf, Lee and Barr

AN ACT Relating to home schools and unapproved church schools; adding a new section to chapter 28A.27 RCW; creating new sections; declaring an emergency; and providing an expiration date.

Referred to Committee on Education.

SB 3551 by Senator McDermott

AN ACT Relating to clarifying the excise tax statutes after *Bond v. Burrows*, 103 Wn.2d 153 (1984); amending RCW 82.04.255, 82.04.290, and 82.04.2904; reenacting and amending RCW 82.04.2901; reenacting RCW 82.08.020; repealing RCW 82.04.2902 and 82.04.2903; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3552 by Senators Warnke, Talmadge, McDermott, Garrett, Bender, Williams, Moore, DeJarnatt and Vognild

AN ACT Relating to collective bargaining; amending RCW 41.56.030 and 41.56.950; and adding a new section to chapter 41.56 RCW.

Referred to Committee on Commerce and Labor.

SB 3553 by Senators Peterson, Sellar, Garrett, Granlund, DeJarnatt, Bottiger and Bender

AN ACT Relating to abandoned, unauthorized, and junk vehicles; adding a new chapter to Title 46 RCW; creating a new section; repealing RCW 46.52.102, 46.52.104, 46.52.106, 46.52.108, 46.52.110, 46.52.111, 46.52.112, 46.52.113, 46.52.114, 46.52.115, 46.52.116, 46.52.117, 46.52.118, 46.52.119, 46.52.1192, 46.52.1194, 46.52.1195, 46.52.1196, 46.52.1198, 46.52.145, 46.52.150, 46.52.160, and 46.52.210; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

SB 3554 by Senators Peterson, Patterson, Conner, Garrett, Granlund, DeJarnatt and Sellar

AN ACT Relating to river recreational activities; adding a new chapter to Title 67 RCW; prescribing penalties; making an appropriation; providing an expiration date; and declaring an emergency.

Referred to Committee on Parks and Ecology.

SB 3555 by Senators Moore, Metcalf, Rasmussen and Barr

AN ACT Relating to the federal reserve system; creating new sections; and providing for submission of this act to a vote of the people.

Referred to Committee on Financial Institutions.

SB 3556 by Senators Vognild, Metcalf, Owen, Barr, Stratton, Johnson, Rasmussen, Peterson and Lee

AN ACT Relating to fish and shellfish propagation; and amending RCW 75.08.065 and 75.48.120.

Referred to Committee on Natural Resources.

SB 3557 by Senators Conner, Metcalf and Warnke

AN ACT Relating to disabled parking; and adding new sections to chapter 70.92 RCW.

Referred to Committee on Transportation.

SB 3558 by Senators Thompson, Metcalf and Conner

AN ACT Relating to education in maritime studies; and amending RCW 28B.80.160.

Referred to Committee on Education.

SB 3559 by Senators Granlund and Johnson

AN ACT Relating to rebating by practitioners of healing professions; amending RCW 19.68.010; providing an effective date; and declaring an emergency.

Referred to Committee on Human Services and Corrections.

SB 3560 by Senators Lee, Bluechel and Guess

AN ACT Relating to waste disposal facilities; and amending RCW 43.83A.050.

Referred to Committee on Governmental Operations.

SB 3561 by Senators Lee, Vognild, Bluechel, Guess and Johnson

AN ACT Relating to excise taxation of new buildings; amending RCW 82.04.050; and providing an effective date.

Referred to Committee on Ways and Means.

SB 3562 by Senators Lee, Bluechel, McDonald, Craswell and Guess

AN ACT Relating to public employees; and adding a new section to chapter 41.04 RCW.

Referred to Committee on Ways and Means.

SB 3563 by Senators Lee and Guess

AN ACT Relating to game department property taxes; repealing RCW 77.12.201 and 77.12.203; and declaring an emergency.

Referred to Committee on Natural Resources.

SB 3564 by Senators Thompson, Kreidler, DeJarnatt and Vognild

AN ACT Relating to public transportation employees; and adding a new section to chapter 35.58 RCW.

Referred to Committee on Governmental Operations.

SB 3565 by Senators Talmadge, Warnke, Fleming, Williams, Stratton and Deccio

AN ACT Relating to the health, safety, and welfare of the confederated tribes of the Colville reservation; authorizing retrocession of jurisdiction over Indian lands; and adding new sections to chapter 37.12 RCW.

Referred to Committee on Judiciary.

SB 3566 by Senator McDermott

AN ACT Relating to hospital charity care; amending RCW 70.39.130 and 70.39.165; adding a new section to chapter 70.39 RCW; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3567 by Senators Vognild, Warnke, Wojahn, Williams, Bender and Bottiger

AN ACT Relating to public health care labor relations; and adding a new chapter to Title 41 RCW.

Referred to Committee on Commerce and Labor.

SB 3568 by Senators Kreidler, Wojahn and Fleming

AN ACT Relating to the Washington conservation corps; and adding a new section to chapter 43.220 RCW.

Referred to Committee on Parks and Ecology.

SB 3569 by Senators Talmadge, Thompson and Zimmerman

AN ACT Relating to risk management; amending RCW 43.19.1935, 43.19.19361, 43.19.19362, 43.19.19366, 4.92.100, 4.92.110, 4.92.140, and 4.92.150; and adding a new section to chapter 43.19 RCW.

Referred to Committee on Governmental Operations.

SB 3570 by Senators Gaspard, Saling, Conner and McManus (by Military Department request)

AN ACT Relating to the National Guard educational assistance program; repealing RCW 43.131.267 and 43.131.268; and declaring an emergency.

Referred to Committee on Education.

SB 3571 by Senators Warnke, Hayner, Vognild, Barr and Garrett

AN ACT Relating to cigarette sales; and amending RCW 19.91.010 and 19.91.911.

Referred to Committee on Commerce and Labor.

SB 3572 by Senators McDermott, Lee and Rasmussen (by State Treasurer, Office of Financial Management, State Auditor request)

AN ACT Relating to public funds and accounts; amending RCW 2.56.100, 15.52.320, 18.04.105, 18.08.240, 18.43.150, 18.72.390, 27.34.090, 27.60.060, 28A.46.010, 28B.10.821, 28B.10.851, 28B.10.852, 28B.14D.040, 28B.31.040, 28B.35.370, 28B.50.360, 28B.56.030, 28B.57.050, 28C.50.040, 37.14.010, 39.42.090, 40.14.025, 41.04.260, 41.05.040, 42.16.011, 43.01.050, 43.08.250, 43.19.610, 43.24.072, 43.31.942, 43.31.958, 43.33A.160, 43.51.200, 43.51.280, 43.51.310, 43.79.080, 43.79.201, 43.79.330, 43.79.350, 43.79.445, 43.79.450, 43.83.020, 43.83A.030, 43.83B.030, 43.83B.360, 43.83C.030, 43.83D.030, 43.83H.030, 43.83I.166, 43.88.525, 43.99.040, 43.99.060, 43.99C.040, 43.99F.030, 43.101.210, 43.140.030, 46.08.172, 46.09.110, 46.10.075, 46.81.060, 47.68.236, 47.76.030, 58.24.060, 67.40.040, 70.39.170, 70.93.180, 70.94.656, 70.05.180, 72.72.030, 74.18.230, 75.48.030, 76.04.515, 76.12.110, 79.24.030, 79.24.060, 79.24.085, 79.24.580, 79.64.020, 82.14.050, 82.14.200, 82.14.210, 82.29A.080, 82.32.400, 82.42.090, 84.33.041, and 86.26.007; adding a new section to chapter 43.84 RCW; repealing RCW 43.84.100, 43.84.110, and 43.85.241; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SJR 109 by Senators Fleming, Bottiger, Bailey, Moore, Goltz, Talmadge, DeJarnatt and Wojahn

Ratifying the U.S. Constitutional amendment giving voting rights to the District of Columbia.

Referred to Committee on Judiciary.

SJR 110 by Senators Lee, Bluechel, McDonald, Guess, Craswell and Barr

Amending Constitution to require 60% majority vote to enact legislation changing public employee benefit formulas.

Referred to Committee on Ways and Means.

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

SECOND READING

SENATE BILL NO. 3173, by Senators Owen, Metcalf and Stratton

Prohibiting trespass on aquaculture lands or structures.

The bill was read the second time.

MOTION

On motion of Senator Owen, the rules were suspended, Senate Bill No. 3173 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. 3173.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3173 and the bill passed the Senate by the following vote: Yeas, 44; absent, 2; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vogndild, Wojahn, Zimmerman - 44.

Absent: Senators Bluechel, Warnke - 2.

Excused: Senators Rinehart, von Reichbauer, Williams - 3.

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.

SECOND READING

SENATE BILL NO. 3225, by Senators Fleming and McDermott

Allowing savings banks to invest in the African Development Bank.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Senate Bill No. 3225 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTIONS

On motion of Senator Zimmerman, Senator Bluechel was excused.

On motion of Senator Bender, Senator Warnke was excused.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3225.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3225 and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vogndild, von Reichbauer, Wojahn, Zimmerman - 44.

Absent: Senator Kreidler - 1.

Excused: Senators Bluechel, Rinehart, Warnke, Williams - 4.

SENATE BILL NO. 3225, having received the constitutional majority, 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. 3012, by Senators Talmadge, Moore, Conner, Wojahn, Williams, Rasmussen and Peterson

Enacting penalties and procedures to prevent harassment.

MOTION

On motion of Senator Talmadge, Substitute Senate Bill No. 3012 was substituted for Senate Bill No. 3012 and the substitute bill was placed on second reading and read the second time.

Senator Pullen moved that the following amendment by Senators Pullen, Barr, Benitz, Rasmussen, Zimmerman, McCaslin and Metcalf be adopted:

On page 2, line 26, after "order" delete everything up to "(3)" on page 3, line 1, and renumber accordingly.

Debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator Pullen, my understanding of this section is that it is simply a restatement of already existing authority under Senate Bill No. 3782 and parallel to the authority given in the Domestic Violence Protection Act to remove the firearm of someone who is potentially a harasser or someone who might, as was the case here in Olympia, use such firearms to do serious injury or death to another individual. If this section is simply duplicative of already existing authority, I have no objection to your amendment.

"But I think it is particularly important where someone is clearly a danger--and there is probable cause to assert that that person is going to go out and do harm--that there be some authority in the courts to remove the firearm under these circumstances. If that authority is preserved, under existing law, I have no disagreement with taking this particular section out, but I do want to make sure that the authority is there someplace to deal with the problem."

Senator Pullen: "If this section of law comes out, it will not affect the current authority of the courts. The courts will retain all their current inherent powers to make appropriate pre-trial orders. However, this does deal with a different section of law than some of the sections of law that were contained in Senate Bill 3782 which included civil matters and matters dealing with domestic violence. So it is a different section of law and arguably there was a need in Senate Bill 3782 to deal with those sections of law and include those civil matters. Here we are dealing with purely criminal matters, so there is that difference."

Senator Talmadge: "Mr. President and members of the Senate, if I might continue. As I said in my question to Senator Pullen, this particular section was designed to make clear already existing authority under Senate Bill 3782 and to parallel the authority already given in the Domestic Violence Protection Act to temporarily remove the firearm where there is probable cause to believe that the harasser--the individual who is the problem--may, in fact, use that deadly weapon against the victim--the person who has been harassed repeatedly. With Senator Pullen's assurance, and I know he is one that looks very carefully at issues relating to firearms, that authority exists in law already to deal with the problem of the potential criminal who will use the firearms to harass, primarily women, I would join him in his amendment, but we will look, of course, very carefully at that to make sure that that authority is preserved and available to law enforcement to deal with the problem of the person who is the victim of long-term personal harassment."

POINT OF INQUIRY

Senator Bottiger: "Senator Pullen, my problem with your answer was that it was so qualified that if it's written up in the Journal, I, candidly, don't think I'll be able to understand what you said. I want you to read the new Section 4 which says that there has already been--new Section 4, Sub 1--an instance of violence in using harassment with a firearm. Pending the trial, and while this person charged with

having harassed his wife, or in the case of Evergreen--his girlfriend--with a firearm, and he's out on parole, can the court then say, 'you may not carry a firearm, you must surrender your firearms under Subsection 2?'"

Senator Pullen: "The answer to your question is if they have the authority to do that now, that authority will be retained."

Senator Bottiger: "So you're not willing to say that they have the authority now?"

Senator Pullen: "It's my understanding that under circumstances at arraignment, courts have made orders relative to felon's use or possession of firearms, in the past. I cannot speak to all the crimes that has covered. I cannot speak to all the situations that has covered, but we're not, in this bill, attempting to limit the court's authority, nor by adoption of this amendment, are we attempting to add any new restrictions on the court."

Senator Bottiger: "Then, Senator Pullen, what harm does it do to leave it in? Realizing that under New Section 4, Sub 1, we're only talking about somebody that's been charged, and under 3, the court has probable cause to believe that he's going to do it again. Why not leave it in and let the courts say 'that as a condition of getting out on bail or on personal recognizance you must surrender your firearms, so you don't go out and do it again?'"

Senator Pullen: "The danger in leaving it in is we're not really sure of the ramifications of what this might do beyond what's already been discussed on the floor. This is a new section of law. This could be sending a message to the court beyond, perhaps, what we intend to send them. The courts could interpret this as some additional authority that they do not now have. I feel that it is the first time we will have specifically said this in law and the groups that support the right to keep and bear arms did not have a chance to testify on what all the other implications might be during committee hearings. They may have been invited, but some of them, perhaps, could not make it there. I don't know why they were weren't there, but there was no testimony on this. We're not sure what all the implications are, so the safest thing, if we want to support the right of citizens to keep and bear arms, is to take it out."

Further debate ensued.

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Pullen, Barr, Benitz, Rasmussen, Zimmerman, McCaslin and Metcalf.

ROLL CALL

The Secretary called the roll and the motion by Senator Pullen failed and the amendment was not adopted by the following vote:

Yeas, 22; nays, 23; excused, 4.

Voting yea: Senators Barr, Benitz, Cantu, Craswell, Deccio, Garrett, Hayner, Johnson, McCaslin, McDonald, Metcalf, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Vognlid, von Reichbauer, Zimmerman - 22.

Voting nay: Senators Bailey, Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Kiskaddon, Kreidler, Lee, McDermott, McManus, Moore, Peterson, Talmadge, Thompson, Wojahn - 23.

Excused: Senators Bluechel, Rinehart, Warnke, Williams - 4.

MOTION

Senator Pullen moved that the following amendment by Senators Pullen, Barr, Benitz, Rasmussen, Zimmerman, McCaslin and Metcalf be adopted:

On page 4, line 13, delete everything after "victim" up to and including "firearms" on page 4, line 14.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Guess served notice that he would move to reconsider the vote by which the amendment on page 2, line 26, to Substitute Senate Bill No. 3012 failed to pass the Senate.

MOTION

On motion of Senator Bottiger, further consideration of Substitute Senate Bill No. 3012 was deferred.

SECOND READING

SENATE BILL NO. 3178, by Senators Goltz, Hayner, Bauer, Conner, Bottiger, Kiskaddon, Johnson and Gaspard

Providing that private school minimum school year shall not be less than 180 days or equivalent.

The bill was read the second time.

MOTION

On motion of Senator Gaspard, the rules were suspended, Senate Bill No. 3178 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. 3178.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3178 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Wojahn, Zimmerman - 45.

Excused: Senators Bluechel, Rinehart, Warnke, Williams - 4.

SENATE BILL NO. 3178, having received the constitutional majority, 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. 3144, by Senators Garrett and Barr

Updating statutory references in the Model Traffic Ordinance.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended, Senate Bill No. 3144 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. 3144.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3144 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Wojahn, Zimmerman - 45.

Excused: Senators Bluechel, Rinehart, Warnke, Williams - 4.

SENATE BILL NO. 3144, having received the constitutional majority, 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. 3001, by Senators Thompson, Zimmerman, Conner and von Reichbauer

Changing manner of filling port commissioner vacancies.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 3001 was substituted for Senate Bill No. 3001 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thompson, the rules were suspended, Substitute Senate Bill No. 3001 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. 3001.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3001 and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalif, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Wojahn, Zimmerman - 44.

Absent: Senator Pullen - 1.

Excused: Senators Bluechel, Rinehart, Warnke, Williams - 4.

SUBSTITUTE SENATE BILL NO. 3001, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3286, by Senators Hansen and Barr

Authorizing the formation of an agricultural irrigation commission.

The bill was read the second time.

MOTION

On motion of Senator Hansen, the rules were suspended, Senate Bill No. 3286 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator McDermott: "Senator Hansen, I don't propose to know everything about energy, but reading Section 19 on page 8, it says, 'the commission may assess each irrigated producer up to 00075 mills per kilowatt hour,' etc. Is this bill intended to make direct service industries out of agricultural businesses?"

Senator Hansen: "Absolutely not. All that is, is they are assessing themselves--collected by the PUD's--this minimal fee to enable the commission to hire the expertise to put their case before the BPA."

Senator McDermott: "It's your opinion then that this will have no effect on the general ratepayer in the state of Washington because of the establishment of this commission?"

Senator Hansen: "Of this fee--no. It should not have."

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3286.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3286 and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalif, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Wojahn, Zimmerman - 44.

Voting nay: Senator McDermott - 1.

Excused: Senators Bluechel, Rinehart, Warnke, Williams - 4.

SENATE BILL NO. 3286, having received the constitutional majority, 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. 3098, by Senators Bauer, Zimmerman, Thompson, Deccio and Gaspard (by Department of Social and Health Services request)

Revising the requirements for superintendents for the schools for the deaf and blind.

The bill was read the second time.

MOTION

Senator Gaspard moved that the following Committee on Education amendment be adopted:

On page 1, line 21, after "education," strike "three" and insert "five"

POINT OF INQUIRY

Senator Deccio: "Senator Gaspard, is this going to make it more difficult to find someone if you increase the amount of experience?"

Senator Gaspard: "No, that question was asked in committee and the response was 'no.' Under current statute, they have to have ten years. And this is consistent with the legislation being proposed in the House. It will most likely have a good chance of succeeding over here, too. What this would really do is to get more applicants, because the tenure requirement was very difficult. I think they were only able to draw three people originally to look at. This would be a reduction from the current tenure, but an increase from the floor that the select committee had recommended. They thought that going up to where we are now, they would still get a good group of people to select from."

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

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

MOTION

On motion of Senator Gaspard, the following Committee on Education amendment was adopted:

On page 1, line 22, after "and" strike "two" and insert "three"

MOTION

On motion of Senator Gaspard, the rules were suspended, Engrossed Senate Bill No. 3098 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. 3098.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3098 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Haisan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Wojahn, Zimmerman - 45.

Excused: Senators Bluechel, Rinehart, Warnke, Williams - 4.

ENGROSSED SENATE BILL NO. 3098, having received the 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: "Senator McDonald, would you tell us how it feels to be fifty?"

Senator McDonald: "I'm sure you're much closer to that than I am although maybe farther away on the other end. Forty-one is the number of years. As I remember, a year ago Governor Cherberg gave me a very glowing remark about the process of aging at age forty, and it doesn't feel all that bad."

MOTION

At 11:16 a.m., on motion of Senator Vognild, the Senate recessed until 11:55 a.m.

SECOND MORNING SESSION

The Senate was called to order at 11:55 a.m. by President Cherberg.

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

REPORTS OF STANDING COMMITTEES

February 4, 1985

SB 3133 Prime Sponsor, Senator Gaspard: Increasing the membership on the boards of trustees for the regional universities and The Evergreen State College. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Bender, Craswell, Fleming, Goltz, Johnson, Kiskaddon, Patterson, Saling, Stratton.

Passed to Committee on Rules for second reading.

February 4, 1985

SB 3322 Prime Sponsor, Senator Gaspard: Increasing the members of the boards of regents of the state universities. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Bender, Craswell, Fleming, Goltz, Johnson, Kiskaddon, Patterson, Saling, Stratton.

Passed to Committee on Rules for second reading.

MOTION

At 11:58 a.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Tuesday, February 5, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

TWENTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 5, 1985

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, Gaspard and Rinehart. On motion of Senator Bender, Senators Gaspard and Rinehart were excused. On motion of Senator von Reichbauer, Senator Benitz was excused.

The Sergeant at Arms Color Guard consisting of Pages Sarah McLatchey and Lora Conn, presented the Colors. Reverend Jon M. Lindenauer, rector of Saint Elizabeth's Episcopal Church of Seattle, and a guest of Senator Phil Talmadge, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 4, 1985

SB 3018 Prime Sponsor, Senator Gaspard: Adopting life-cycle costing in construction design of public facilities. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Cantu, Deccio, Fleming, Goltz, Hayner, Lee, McDonald, Talmadge, Thompson, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 4, 1985

SB 3030 Prime Sponsor, Senator McDermott: Enhancing accountability for publicly owned vehicles. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Cantu, Deccio, Goltz, Hayner, Lee, McDonald, Talmadge, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

January 30, 1985

SB 3145 Prime Sponsor, Senator Rasmussen: Clarifying the distribution of forest reserve funds for county roads and schools. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 3145 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Deccio, Fleming, Goltz, Lee, McDonald, Moore, Rasmussen, Talmadge, Thompson, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 4, 1985

SB 3170 Prime Sponsor, Senator Owen: Establishing criteria for annual natural resources reports. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 3170 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; Stratton, Vice Chairman; Conner, Halsan, Johnson, Lee, Metcalf, Peterson.

Passed to Committee on Rules for second reading.

February 4, 1985

SB 3171 Prime Sponsor, Senator Owen: Requiring a license for nonresidents to take food fish and shellfish. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 3171 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; Stratton, Vice Chairman; Barr, Conner, Halsan, Johnson, Lee, Patterson, Peterson.

Passed to Committee on Rules for second reading.

February 4, 1985

SB 3180 Prime Sponsor, Senator Kreidler: Requiring salary surveys to be completed by September 30 prior to legislative session. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 3180 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, McCaslin, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

January 31, 1985

SB 3228 Prime Sponsor, Senator Kreidler: Changing language in the natural death act. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 3228 be substituted therefor, and the substitute bill do pass. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Conner, Peterson, Stratton.

MINORITY recommendation: Do not pass. Signed by Senator Craswell.

Passed to Committee on Rules for second reading.

February 4, 1985

SB 3236 Prime Sponsor, Senator Moore: Relating to banks and bank holding companies. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Deccio, McDermott, Newhouse, Sellar, Vognild, von Reichbauer, Wojahn.

Passed to Committee on Rules for second reading.

February 4, 1985

SB 3368 Prime Sponsor, Senator Thompson: Revising provisions relating to the sale of salmon. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Stratton, Vice Chairman; Barr, Conner, Halsan, Johnson, Lee, Metcalf, Patterson, Peterson.

Passed to Committee on Rules for second reading.

February 5, 1985

SB 3551 Prime Sponsor, Senator McDermott: Clarifying the tax statutes as a result of Bond v. Burrows 103 Wn. 2d 153 (1984). Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Cantu, Deccio, Goltz, Hayner, Lee, McDonald, Talmadge, Thompson, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 4, 1985

SJM 108 Prime Sponsor, Senator Williams: Requesting the federal government to withdraw the proposal to modify payments of the Bonneville Power Administration. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators McManus, Vice Chairman; Bailey, Benitz, Halsan, Kiskaddon, Kreidler, McCaslin, Owen, Saling, Stratton.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

GA 3 A. N. "BUD" SHINPOCH, to the position of Director of the Department of Revenue, appointed by the Governor on January 1, 1985, for a term ending at the Governor's pleasure, succeeding Donald R. Burrows.
 Reported by Committee on Ways and Means

February 5, 1985

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Cantu, Deccio, Fleming, Goltz, Hayner, Lee, McDonald, Talmadge, Thompson, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules.

GA 6 GEORGE B. TELLEVIK, to the position of Chief of the Washington State Patrol, appointed by the Governor on January 16, 1985, for a term ending at the Governor's pleasure, succeeding Neil W. Moloney.
 Reported by Committee on Transportation

February 4, 1985

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, DeJarnatt, Garrett, Granlund, Guess, Johnson, Metcalf, Patterson, Vognild.

Passed to Committee on Rules.

MESSAGE FROM THE GOVERNOR

February 4, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on February 4, 1985, Governor Gardner approved the following Senate Bill entitled:

Senate Bill No. 3065

Relating to members of the legislature.

Sincerely,

TERRY SEBRING, Counsel to the Governor

MESSAGES FROM THE HOUSE

February 4, 1985

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 50,

ENGROSSED HOUSE BILL NO. 55, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

February 4, 1985

Mr. President:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

INTRODUCTION AND FIRST READING

SB 3573 by Senators Granlund, Kiskaddon, Kreidler and Deccio (by Department of Social and Health Services request)

AN ACT Relating to medical care programs; amending RCW 74.09.035, 74.09.510, 74.09.520, 74.09.700; declaring an emergency; and providing an effective date.

Referred to Committee on Human Services and Corrections.

SB 3574 by Senators Gaspard, Sellar, Thompson, Warnke, Johnson, Rasmussen and Wojahn

AN ACT Relating to leasehold excise taxation; and amending RCW 82.29A.020, 82.29A.120, and 84.40.175.

Referred to Committee on Ways and Means.

SB 3575 by Senators Goltz, Zimmerman, Williams and Gaspard

AN ACT Relating to archives and records management; and amending RCW 40.14.025.

Referred to Committee on Ways and Means.

SB 3576 by Senators Hansen, Barr, Goltz and Newhouse

AN ACT Relating to a Lake Osoyoos water project; amending RCW 43.21A.450; and amending section 2, chapter 76, Laws of 1982 (uncodified).

Referred to Committee on Agriculture.

SB 3577 by Senators Kreidler, Vognild and Halsan

AN ACT Relating to plumbers; and amending RCW 18.106.070.

Referred to Committee on Commerce and Labor.

SB 3578 by Senators Vognild, Saling, Peterson, Garrett, Stratton and Kreidler

AN ACT Relating to post-retirement benefits; amending RCW 2.12.060, 41.40.330, 43.43.260, and 43.43.300; 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 41.50 RCW; adding a new section to chapter 43.43 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3579 by Senators Kreidler and Vognild

AN ACT Relating to refrigeration services; amending RCW 18.27.010; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SB 3580 by Senators Talmadge, Newhouse and Hayner

AN ACT Relating to business corporations; amending RCW 23A.08.120, 23A.08.190, 23A.08.390, 23A.08.450, 23A.12.020, 23A.16.010, 23A.16.030, 23A.16.040, 23A.24.040, 23A.28.135, 23A.32.050, 23A.32.073, 23A.32.075, 23A.32.140, 23A.40.040, 23A.40.060, 23A.40.070, and 23A.98.030; adding new sections to chapter 23A.08 RCW; repealing RCW 23A.08.160, 23A.08.210, 23A.08.440, 23A.32.077, 23A.32.079, 23A.40.037, 23A.40.050, and 23A.40.090; making an appropriation; and prescribing penalties.

Referred to Committee on Judiciary.

SB 3581 by Senator Goltz

AN ACT Relating to private carrier buses; and adding a new section to chapter 46.44 RCW.

Referred to Committee on Transportation.

SB 3582 by Senators Goltz, Rasmussen, Owen and Barr

AN ACT Relating to watercraft registration; and amending RCW 88.02.030.

Referred to Committee on Ways and Means.

SB 3583 by Senator Goltz

AN ACT Relating to watercraft excise taxation; and amending RCW 82.49.030.

Referred to Committee on Ways and Means.

SB 3584 by Senator Goltz

AN ACT Relating to excise taxation; and amending RCW 82.32.090.

Referred to Committee on Ways and Means.

SB 3585 by Senator Goltz

AN ACT Relating to hearing aids; and amending RCW 18.35.020, 82.08.0283, and 82.12.0277.

Referred to Committee on Ways and Means.

SB 3586 by Senator Goltz

AN ACT Relating to property taxes; and amending RCW 84.64.080.

Referred to Committee on Ways and Means.

SB 3587 by Senator Goltz

AN ACT Relating to education in osteopathic medicine; and amending RCW 28B.80.160.

Referred to Committee on Education.

SB 3588 by Senator Goltz

AN ACT Relating to short subdivisions; and amending RCW 58.17.020.

Referred to Committee on Governmental Operations.

SB 3589 by Senators Hansen, Barr and Lee

AN ACT Relating to the business and occupation tax; amending RCW 82.04.260; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3590 by Senators Thompson, Zimmerman, Newhouse, Benitz and Hayner (by Attorney General request)

AN ACT Relating to public employees; amending RCW 42.20.010; adding a new section to chapter 9.46 RCW; adding a new section to chapter 67.70 RCW; adding a new section to chapter 42.18 RCW; and repealing RCW 42.18.210 and 42.18.320.

Referred to Committee on Governmental Operations.

SB 3591 by Senators DeJarnatt, Metcalf, Craswell, Johnson and Lee

AN ACT Relating to educational pilot projects; creating new sections; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Education.

SB 3592 by Senators Gaspard, Hansen, Benitz, Bauer, Goltz, Bottiger, Bailey and Barr

AN ACT Relating to commodity commissions; and amending RCW 15.65.020, 15.65.070, 15.65.120, 15.65.140, 15.65.150, 15.65.160, 15.65.190, 15.65.200, 15.65.250, 15.65.260, 15.65.280, 15.65.350, 15.65.390, 15.65.410, 15.65.440, and 15.65.630.

Referred to Committee on Agriculture.

SB 3593 by Senators Thompson, McCaslin, Hansen, Patterson and Zimmerman

AN ACT Relating to previous reimbursements for costs related to the Mt. St. Helens eruption; and creating new sections.

Referred to Committee on Governmental Operations.

SB 3594 by Senators Hansen, Benitz, Goltz and Newhouse

AN ACT Relating to irrigation district voting rights; amending RCW 87.03.045 and 87.03.075; adding a new section to chapter 87.03 RCW; and repealing RCW 87.03.050, 87.03.055, 87.03.060, 87.03.065, and 87.03.070.

Referred to Committee on Agriculture.

SB 3595 by Senators Talmadge, McCaslin, Pullen, Moore, Barr, Rasmussen and Lee

AN ACT Relating to theft of controlled substances; and amending RCW 9A.56.030 and 9.94A.320.

Referred to Committee on Judiciary.

SB 3596 by Senators Granlund, Kiskaddon, Talmadge, Deccio and Kreidler (by Office of Financial Management request)

AN ACT Relating to criminal justice information; amending RCW 10.98.040, 10.98.050, 10.98.080, 10.98.090, 10.98.100, and 10.98.140; and making an appropriation.

Referred to Committee on Human Services and Corrections.

SB 3597 by Senators Craswell, Granlund, McManus, Stratton, Kiskaddon, Goltz, Rasmussen and Johnson

AN ACT Relating to fund-raising activities for individuals during legislative sessions; and adding a new section to chapter 42.17 RCW.

Referred to Committee on Governmental Operations.

SB 3598 by Senators Granlund, Craswell, McManus, Stratton and Kiskaddon

AN ACT Relating to physically disabled persons; amending RCW 70.84.030, 70.84.040, 70.84.060, and 70.84.070; and adding a new section to chapter 70.84 RCW.

Referred to Committee on Human Services and Corrections.

SB 3599 by Senator Conner

AN ACT Relating to elections; amending RCW 29.13.070, 29.13.075, 29.18.025, 29.21-.060, 29.24.060, 29.24.075, 29.27.020, 29.27.050, 29.30.075, 29.30.360, 29.36.060, 29.39.030, 29.54.043, 29.62.020, 29.62.090, and 42.17.080; repealing RCW 29.01.160; and providing an effective date.

Referred to Committee on Governmental Operations.

SB 3600 by Senator Conner

AN ACT Relating to wages and other conditions of employment; and amending RCW 49.46.060.

Referred to Committee on Commerce and Labor.

SB 3601 by Senators Guess, Hansen, Patterson, Peterson, Owen, Barr and Benitz

AN ACT Relating to apportionment of motor vehicle registration fee; amending RCW 46.16.060, 46.16.061, 46.16.070, 46.16.090, and 46.16.135; reenacting and amending RCW 46.01.140 and 46.68.030; adding new sections to chapter 46.16 RCW; adding a new section to chapter 46.68 RCW; adding a new section to chapter 82.44 RCW; creating a new chapter in Title 46 RCW; repealing RCW 46.16.115; prescribing penalties; and providing a contingent effective date.

Referred to Committee on Transportation.

SB 3602 by Senators Moore, Sellar and Wojahn (by Department of General Administration request)

AN ACT Relating to savings and loan associations; amending RCW 33.12.060; and adding a new section to chapter 33.40 RCW.

Referred to Committee on Financial Institutions.

SB 3603 by Senators McManus and Goltz

AN ACT Relating to public television; adding a new section to chapter 43.08 RCW; and making an appropriation.

Referred to Committee on Ways and Means.

SB 3604 by Senators McManus, Zimmerman, Thompson and Lee

AN ACT Relating to sales and use taxation; and amending RCW 82.14.060.

Referred to Committee on Ways and Means.

SB 3605 by Senators Moore, McManus and McCaslin

AN ACT Relating to class H liquor licensees; and adding a new section to chapter 66.08 RCW.

Referred to Committee on Commerce and Labor.

SB 3606 by Senators McManus and Moore

AN ACT Relating to health insurance; adding a new section to chapter 48.02 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW;

adding a new section to chapter 48.46 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Financial Institutions.

SB 3607 by Senators Kiskaddon, Saling, Craswell, Johnson and Lee

AN ACT Relating to effective education; adding a new section to chapter 28A.04 RCW; and creating a new section.

Referred to Committee on Education.

SB 3608 by Senators Granlund, McDermott, Stratton and McCaslin

AN ACT Relating to controlled substances; and amending RCW 69.50.505.

Referred to Committee on Judiciary.

SB 3609 by Senators McManus, Moore, Bailey, Vognild, Talmadge, Goltz, DeJarnatt, Garrett, Fleming and Metcalf

AN ACT Relating to small business assistance centers; adding new sections to chapter 28B.30 RCW; and making an appropriation.

Referred to Committee on Commerce and Labor.

SB 3610 by Senators McManus, Warnke, Bender, Goltz, Vognild, Talmadge, DeJarnatt, Garrett and Fleming

AN ACT Relating to high-technology educational programs; and making an appropriation.

Referred to Committee on Ways and Means.

SB 3611 by Senators Thompson, Zimmerman, Goltz, Lee and Moore

AN ACT Relating to local government planning; amending RCW 35.63.010, 35.63.110, 35A.63.010, 35A.63.100, 36.70.020, and 36.70.750; and declaring emergency.

Referred to Committee on Governmental Operations.

SB 3612 by Senators Gaspard, Kiskaddon, Johnson, Bauer, Bender, Wojahn and Conner

AN ACT Relating to excess school levies; reenacting and amending RCW 84.52.0531; and creating a new section.

Referred to Committee on Education.

SB 3613 by Senators Bluechel, Granlund, McDonald and Vognild

AN ACT Relating to sodium nitrite; and adding a new section to chapter 70.54 RCW.

Referred to Committee on Human Services and Corrections.

SB 3614 by Senators Bender, McManus, Rasmussen, Vognild, DeJarnatt, Stratton, Moore, Garrett, Kreidler, Bauer, Gaspard, Goltz, Williams and Granlund

AN ACT Relating to the Washington economic development coordinating council; and adding new sections to chapter 43.31 RCW.

Referred to Committee on Commerce and Labor.

SJR 111 by Senators Bottiger, Fleming, Patterson, Thompson, Lee, Owen and Goltz

Authorizing public land permanent funds to be invested.

Referred to Committee on Ways and Means.

SJR 112 by Senators Craswell, Rasmussen, McCaslin, Owen, Metcalf, Barr and Pullen

Amending the state Constitution to require a three-fifths vote on new or increased state excise taxes.

Referred to Committee on Ways and Means.

SCR 109 by Senator Goltz

Calling attention to the issue of liability in the transportation and storage of high-level and defense nuclear waste.

Hold.

SCR 110 by Senators McManus, McDermott, Granlund, Kreidler, Deccio and Zimmerman

Establishing the joint select committee on health care cost containment.

Referred to Committee on Human Services and Corrections.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 50 by Committee on Judiciary (originally sponsored by Representatives Fisher, Armstrong, Brekke, Padden, Sayan, Baugher, Rayburn and Taylor) (by Department of Social and Health Services request)

Making certain reimbursements for social security assistance retroactive.

Referred to Committee on Judiciary.

EHB 55 by Representatives D. Nelson, Rust, Miller, Van Luvan, Jacobsen, Nealey, Long, Sutherland, Valle, Gallagher, P. King and Unsoeld

Providing for a study of the transportation of radioactive materials.

Referred to Committee on Energy and Utilities.

HCR 4 by Representatives J. King, Barrett and Hankins

Calling a joint session to hold a memorial service for deceased former legislators.

Hold.

MOTIONS

On motion of Senator Vognild, the rules were suspended, Senate Concurrent Resolution No. 109 was advanced to second reading and placed on the second reading calendar.

On motion of Senator Vognild, further consideration of Senate Concurrent Resolution No. 109 was deferred.

MOTIONS

On motion of Senator Vognild, the rules were suspended, House Concurrent Resolution No. 4 was advanced to second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, House Concurrent Resolution No. 4 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

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

SECOND READING

SENATE BILL NO. 3406, by Senators Warnke, Newhouse, Wojahn, McManus, Rasmussen, Cantu and Vognild (by Employment Security Department request)

Eliminating certain requirements for shared work compensation programs.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, Senate Bill No. 3406 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3406.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3406 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Benitz, Gaspard, Rinehart - 3.

SENATE BILL NO. 3406, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3172, by Senators Owen, Metcalf and Stratton

Revising provisions relating to department of game licenses.

The bill was read the second time.

MOTION

On motion of Senator Owen, the following amendment by Senators Owen and Metcalf was adopted:

On page 2, line 14, after "persons" insert "sixteen years of age or older"

MOTION

On motion of Senator Owen, the rules were suspended, Engrossed Senate Bill No. 3172 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. 3172.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3172 and the bill passed the Senate by the following vote: Yeas, 43; nays, 2; absent, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Saling, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senators Pullen, von Reichbauer - 2.

Absent: Senator Sellar - 1.

Excused: Senators Benitz, Gaspard, Rinehart - 3.

ENGROSSED SENATE BILL NO. 3172, having received the 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 Vognild, the Senate resumed consideration of Substitute Senate Bill No. 3012 and the pending amendment by Senators Pullen, Barr, Benitz, Rasmussen, Zimmerman, McCaslin and Metcalf, as well as the motion by Senator Guess to reconsider the vote by which the first amendment failed to be adopted, deferred February 4, 1985.

On motion of Senator Guess, and there being no objection, the motion to reconsider the vote on the first amendment on page 2, line 26, was withdrawn.

There being no objection, the Senate resumed consideration of the pending amendment by Senators Pullen, Barr, Benitz, Rasmussen, Zimmerman, McCaslin and Metcalf on page 4, line 13.

Debate ensued.

POINT OF ORDER

Senator Fleming: "Mr. President, I need to find out which amendment the Senator is speaking on."

Senator Pullen: "I'm speaking in favor of the amendment on page 4, line 13."

Senator Fleming: "Did someone move adoption of the amendment?"

Senator Pullen: "Yes, I explained it in my initial comments and that motion was made at the prior session."

Senator Fleming: "I heard the withdrawal of the motion for reconsideration of the other amendment, and I didn't hear a motion to adopt this one."

REPLY BY THE PRESIDENT

President Cherberg: "The motion was made yesterday, Senator, and was pending until today."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Pullen, Barr, Benitz, Rasmussen, Zimmerman, McCaslin and Metcalf.

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

MOTION

Senator Bottiger moved that the following amendment be adopted:

On page 2, line 13, strike all of Subsection 2 of Section 4

Debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator Bottiger, is it your understanding that your amendment, in striking that language, simply deals with an area that's already covered by a court rule?"

Senator Bottiger: "Yes, Senator, and it is not my intention to, in any way, take away from the court's authority over people they release on personal recognizance or bond."

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

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute Senate Bill No. 3012 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 Halsan: "Senator Talmadge, is it the intent of this particular legislation to make criminal an isolated idle threat defined as a threat not taken seriously by the person either giving it or receiving it?"

Senator Talmadge: "No."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3012.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3012 and the bill passed the Senate by the following vote:

Yeas, 38; nays, 7; absent, 1; excused, 3.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 38.

Voting nay: Senators Barr, Craswell, Deccio, Guess, McCaslin, Pullen, Sellar - 7.

Absent: Senator Metcalf - 1.

Excused: Senators Benitz, Gaspard, Rinehart - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3012, having received the constitutional majority, 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. 3204, by Senators Gaspard, Bauer, Johnson, Goltz, Patterson, Bender and von Reichbauer

Providing for activities in observance of Veterans' Day in the schools.

The bill was read the second time.

MOTION

On motion of Senator Bauer, the rules were suspended, Senate Bill No. 3204 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. 3204.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3204 and the bill passed the Senate by the following vote:

Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Benitz, Rinehart - 2.

SENATE BILL NO. 3204, having received the constitutional majority, 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. 3131, by Senators Thompson, Owen, Johnson and Zimmerman

Permitting the sale or transfer of dredge spoil or materials from certain rivers free of any interest of the department of natural resources.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 3131 was substituted for Senate Bill No. 3131 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 3131 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. 3131.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3131 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Benitz, Rinehart - 2.

SUBSTITUTE SENATE BILL NO. 3131, having received the constitutional majority, 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. 3111, by Senators Gaspard, Hayner, McManus, Johnson, Vognild, Bottiger and Kiskaddon

Revising the persons on the state board of education who may vote.

MOTION

Senator McDonald moved that the following amendment by Senators McDonald, Craswell and Hayner be adopted:

On page 3, line 6, add a new section to read as follows:

"NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the entire amendatory act shall have no force or effect and shall be null and void."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators McDonald, Hayner and Craswell.

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

MOTION

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

On page 3, after line 5, add a new section to read as follows:

"NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

MOTION

On motion of Senator Gaspard, the rules were suspended, Engrossed Senate Bill No. 3111 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 Senate Bill No. 3111.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3111 and the bill passed the Senate by the following vote: Yeas, 34; nays, 13; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Halsan, Hayner, Johnson, Kiskaddon, McCaslin, McDermott, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 34.

Voting nay: Senators Bender, Bluechel, Conner, Garrett, Goltz, Granlund, Guess, Hansen, Kreidler, Lee, Moore, Rasmussen, Saling - 13.

Excused: Senators Benitz, Rinehart - 2.

ENGROSSED SENATE BILL NO. 3111, having received the constitutional 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 advanced to the eighth order of business.

MOTION

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

SENATE RESOLUTION 1985-10

by Senators McDermott, Goltz, Wojahn, Bauer, Fleming, Thompson and Zimmerman

WHEREAS, The drought and famine existing in Africa has caused untold suffering and has taken the lives of more than 900,000 men, women and children; and

WHEREAS, increasing world concern has promoted our government to provide over 150,000 metric tons of grain to famine relief efforts in Africa; and

WHEREAS, Without the continued commitment of support from individual and governmental volunteer sources, the spectre of hunger and starvation will continue to ravage the third world; and

WHEREAS, The Northwest Medical Team composed of Helen Burns, Travis Cavens, Marie Davis, Dawn Fitzgibbons, Michael Glassey, Dannie Hawley, Carol King, Jay Kravitz, Barbara Oakes, Linda Patrick, Shari Pfeiffer, Kathy Salmonson, Don Scott, Dianne Van Order and Kathryn Williams has unselfishly given of itself to fight the spread of disease and famine by providing medical services and assistance; and

WHEREAS, Dr. Jim Owens and Joanne Turner have recently returned from Alamata, Ethiopia, where they provided medical assistance at a refugee facility of more than 60,000 people under great risk to themselves; and

WHEREAS, Without the care and concern of thousands of religious and medical volunteers and support organizations, such as World Vision, the death and famine would continue to take the lives of thousands of helpless people; and

WHEREAS, Each individual member of the Northwest Medical Team and of World Vision has made a deep personal, religious and professional commitment to the eradication of hunger and starvation;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize and honor the humanitarian service of the Northwest Medical Team reflected in their contributions of medical care and assistance to eliminate hunger and suffering; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Northwest Medical Team and World Vision.

MOTIONS

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, the Committee on Commerce and Labor was relieved of further consideration of Senate Bill No. 3355.

On motion of Senator Vognild, Senate Bill No. 3355 was referred to the Committee on Financial Institutions

On motion of Senator Vognild, the Committee on Ways and Means was relieved of further consideration of SB 3463.

On motion of Senator Vognild, Senate Bill No. 3463 was referred to Committee on Governmental Operations.

On motion of Senator Vognild, the Committee on Ways and Means was relieved of further consideration of Senate Concurrent Resolution No. 110.

On motion of Senator Vognild, Senate Concurrent Resolution No. 110 was referred to the Committee on Human Services and Corrections.

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

REPORTS OF STANDING COMMITTEES

February 4, 1985

SB 3215 Prime Sponsor, Senator Peterson: Enhancing the authority of ferry advisory committees. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Conner, DeJarnatt, Garrett, Granlund, Guess, Johnson, Metcalf, Patterson, Vognild.

Passed to Committee on Rules for second reading.

February 4, 1985

SB 3249 Prime Sponsor, Senator Kreidler: Modifying provisions relating to group life insurance. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 3249 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Deccio, Newhouse, Sellar, Vognild, Wojahn.

Passed to Committee on Rules for second reading.

February 5, 1985

SB 3572 Prime Sponsor, Senator McDermott: Correcting nomenclature in accounts and funds to fit generally accepted accounting procedures. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Cantu, Deccio, Goltz, Hayner, Lee, McDonald, Talmadge, Thompson, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

MOTION

At 11:34 a.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Wednesday, February 6, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

TWENTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 6, 1985

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 Granlund, McManus, Owen, Pullen, Rinehart and Sellar. On motion of Senator Bender, Senators Granlund and Rinehart were excused. On motion of Senator von Reichbauer, Senator Sellar was excused.

The Sergeant at Arms Color Guard consisting of Pages Elizabeth Boerner and Brad Bargmeyer, presented the Colors. Reverend H. Raymond Banks, senior pastor of the First Free Methodist Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 5, 1985

SB 3038 Prime Sponsor, Senator Kreidler: Requiring the provision of information about day care centers. Reported by Committee on Rules

MAJORITY recommendation: That Substitute Senate Bill No. 3038 be substituted therefor, as recommended by the Committee on Human Services and Corrections, and the bill be referred to the Committee on Ways and Means. Signed by John A. Cherberg, Chairman; Senators Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Goltz, Guess, Hayner, McDonald, Metcalf, Rasmussen, Sellar, Vognild, von Reichbauer, Wojahn, Zimmerman.

Referred to the Committee on Ways and Means.

February 5, 1985

SB 3233 Prime Sponsor, Senator Owen: Expanding the permissible uses of the institutional impact account. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Deccio, Johnson, Kiskaddon, Peterson, Stratton.

Passed to Committee on Rules for second reading.

February 5, 1985

SB 3234 Prime Sponsor, Senator Hansen: Providing funds for noxious weed control. Reported by Committee on Rules

MAJORITY recommendation: That the bill do pass as recommended by the Committee on Agriculture, and the bill be referred to the Committee on Ways and Means. Signed by John A. Cherberg, Chairman; Senators Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Goltz, Guess, Hayner, McDonald, Metcalf, Rasmussen, Sellar, Vognild, von Reichbauer, Wojahn, Zimmerman.

Referred to Committee on Ways and Means.

February 4, 1985

SB 3325 Prime Sponsor, Senator Owen: Limiting the definition of financial interest for persons engaged in alcoholic beverage businesses. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Moore, Newhouse.

Passed to Committee on Rules for second reading.

February 4, 1985

SB 3326 Prime Sponsor, Senator Owen: Allowing multiple occasion use of special occasion liquor license. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Moore, Newhouse.

Passed to Committee on Rules for second reading.

February 1, 1985

SB 3407 Prime Sponsor, Senator Warnke: Changing provisions relating to approved training for purposes of unemployment compensation. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 3407 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, McDonald, Moore, Newhouse, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 4, 1985

SB 3438 Prime Sponsor, Senator Williams: Extending the governors powers to declare energy emergencies. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 3438 be substituted therefor, and the substitute bill do pass. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Benitz, Halsan, Kiskaddon, Kreidler, McCaslin, Owen, Saling, Stratton.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Vognild, action on the list of Introduction and First Readings was deferred to enable each member to study the referrals, so that action could be taken on the referrals before adjournment.

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

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator McDermott, the appointment of A. N. "Bud" Shinpoch as Director of the Department of Revenue was confirmed.

APPOINTMENT OF A. N. "BUD" SHINPOCH

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; absent, 3; excused, 3.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Patterson, Peterson, Rasmussen, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Absent: Senators McManus, Owen, Pullen - 3.

Excused: Senators Granlund, Rinehart, Sellar - 3.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 109, by Senator Goltz

Calling attention to the issue of liability in the transportation and storage of high-level and defense nuclear waste.

The resolution was read the second time.

MOTION

Senator Goltz moved that all members be additional sponsors of Senate Concurrent Resolution No. 109.

Debate ensued.

MOTIONS

On motion of Senator Goltz, and there being no objection, the motion to include all members as sponsors of Senate Concurrent Resolution No. 109 was withdrawn.

On motion of Senator von Reichbauer, Senator Guess was excused.

On motion of Senator Goltz, the rules were suspended, Senate Concurrent Resolution No. 109 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

SECOND READING

SENATE BILL NO. 3214, by Senators Wojahn, Warnke, Lee, Moore, Williams, Halsan, Fleming and Peterson

Declaring economic development programs with nonprofit corporations to be a public purpose for cities and counties.

The bill was read the second time.

MOTIONS

On motion of Senator Warnke, the following Committee on Commerce and Labor amendments were considered simultaneously and adopted:

On line 6, after "cities" strike "and counties"

Beginning on line 7, after "cities" strike "and counties"

On motion of Senator Warnke, the following Committee on Commerce and Labor amendments were considered simultaneously and adopted:

On line 12, after "all" strike "cities and"

On line 13, after "addition," strike "cities and"

MOTION

Senator Lee moved that the following amendment by Senators Lee, Thompson and Zimmerman be adopted:

On page 1, after line 15, add the following:

NEW SECTION. Sec. 1. A new section is added to Title 54 RCW to read as follows:

It shall be in the public purpose for all public utility districts to engage in economic development programs. In addition, public utility districts may contract with nonprofit corporations in furtherance of this and other acts relating to economic development."

POINT OF INQUIRY

Senator Pullen: "Senator Lee, you discussed port districts and I can understand how port districts want to be involved in economic development programs. But you also talked about public utility districts which is really the subject of your amendment. It's not clear to me how or why a public utility district would be involved in economic development."

Senator Lee: "Senator Pullen, I know that you and I both come from areas which do not have public utility districts as such. We either have private utilities or municipal utilities providing our electrical power. In the case of public utility districts, particularly in the rural portions of the state, it is an extremely important part of their activity. In fact, Grant County uses their low public power since they have their own generating facilities, as one of their assets in promoting that particular area. This is just simply one of the things that our constitution--the way it is written--really only allows municipalities, including public utility districts, to do what we specifically permit them to do. This simply adds the ability to contract with nonprofit corporations to be a public purpose as it already is for some of the other agencies."

Further debate ensued.

MOTION

On motion of Senator Fleming, further consideration of Senate Bill No. 3214 was deferred.

SECOND READING

SENATE BILL NO. 3121, by Senators Granlund, Hansen, Garrett, Vognild and Bender (by Department of Transportation request)

Authorizing DOT activities to receive federal funds.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended, Senate Bill No. 3121 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. 3121.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3121 and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senator Pullen - 1.

Excused: Senators Granlund, Guess, Rinehart, Sellar - 4.

SENATE BILL NO. 3121, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3070, by Senators Vognild, Zimmerman and Conner

Revising the record keeping requirements for the county auditor.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Senate Bill No. 3070 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. 3070.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3070 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Excused: Senators Granlund, Guess, Rinehart, Sellar - 4.

SENATE BILL NO. 3070, having received the constitutional majority, 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. 3103, by Senators Rasmussen and Talmadge

Modifying references to the award in lieu of homestead.

The bill was read the second time.

MOTIONS

On motion of Senator Bender, Senators Owen and Goltz were excused.

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 3103 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. 3103.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3103 and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Excused: Senators Goltz, Granlund, Guess, Owen, Rinehart, Sellar - 6.

SENATE BILL NO. 3103, having received the constitutional majority, 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. 3059, by Senators Vognild, Newhouse, Warnke, Hansen, Bottiger, Benitz, McManus and Barr

Changing manner in which certain unemployment benefit payments are charged to employers for purposes of calculating contribution rates.

MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 3059 was substituted for Senate Bill No. 3059 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 3059 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. 3059.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3059 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Excused: Senators Goltz, Granlund, Owen, Rinehart, Sellar - 5.

SUBSTITUTE SENATE BILL NO. 3059, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3068, by Senators Thompson, Barr and Peterson

Providing for a special movement permit decal for mobile homes.

MOTIONS

On motion of Senator Peterson, Substitute Senate Bill No. 3068 was substituted for Senate Bill No. 3068 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Peterson, the rules were suspended, Substitute Senate Bill No. 3068 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. 3068.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3068 and the bill passed the Senate by the following vote: Yeas, 42; nays, 2; excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Boltiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Voting nay: Senators Pullen, Rasmussen - 2.

Excused: Senators Goltz, Granlund, Owen, Rinehart, Sellar - 5.

SUBSTITUTE SENATE BILL NO. 3068, having received the constitutional majority, 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. 3044, by Senator Barr

Modifying excavating provisions.

The bill was read the second time.

MOTIONS

On motion of Senator Hansen, the following Committee on Agriculture amendment was not adopted:

On page 1, line 22, after "soil," insert "installing of irrigation or drainage system."

On motion of Senator Hansen, the following amendment by Senators Hansen and Barr was adopted:

On page 1, line 22, delete "including but not limited to the tilling of soil, cleaning of sediment ponds, and terracing."

MOTION

On motion of Senator Hansen, 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, 43; absent, 2; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Boltiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Peterson, Pullen, Rasmussen, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Absent: Senators Bluechel, Patterson - 2.

Excused: Senators Granlund, Owen, Rinehart, Sellar - 4.

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.

PERSONAL PRIVILEGE

Senator Zimmerman: "I just wanted to say a word through the interpreters for the folks from Finland. Having been in Finland on two Friendship Force visits in recent years and having had an extremely informative time visiting Helsinki, Sibbo and Ahtari, and being in the same hotel with your President, we are very, very pleased to have you here. Of course, we did recognize that the Finnish people truly have an incredible contribution that they have made to the relationships around the world. Of course, we have always been impressed with the fact they

could know so many languages. We were impressed with them and we're pleased to have you here. We want to return another time to that very beautiful land."

MOTION

On motion of Senator von Reichbauer, Senator Bluechel was excused.

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Peterson, the appointment of George B. Tellevik as Chief of the Washington State Patrol was confirmed.

POINT OF INQUIRY

Senator Bottiger: "Senator Peterson, where did all those patrol officers come from? I haven't seen so many people between here and Tacoma in a long, long time."

Senator Peterson: "Well, I think perhaps there's a little change in direction. We grilled the Chief about this in his hearing, before the committee, and he indicated to us that we're going to have more troopers and more aid out there on the highways than we've had in the past. And I think this body will have an opportunity to help him in that direction by very shortly approving a little item that I hope to put in the budget that will enable him to graduate another class of troopers at an early date. But we'll speak to that later. I think we're going to see a change in direction in the patrol."

APPOINTMENT OF GEORGE B. TELLEVIK

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

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Excused: Senators Bluechel, Granlund, Owen, Rinehart, Sellar - 5.

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

MOTION

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

SENATE RESOLUTION 1985-9

by Senators DeJarnatt, Owen, Conner and Vognild

WHEREAS, The United States Navy is conducting a search for a base for two Cardinal Class Mine Sweeper-Hunter vessels; and

WHEREAS, Grays Harbor is being considered by the Navy for such an installation; and

WHEREAS, The elected officials and many residents of Grays Harbor have expressed great interest and support for such an installation; and

WHEREAS, Grays Harbor has the capability to handle such an installation;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington does hereby endorse and heartily support the establishment of a United States Navy Mine Sweeper-Hunter base on Grays Harbor; and

BE IT FURTHER RESOLVED, That the Senate of the State of Washington does hereby request any and all agencies of the state to work with Grays Harbor officials to speed the review and consideration of this project, including applications for grants or loans, permits, and other authorizations; and

BE IT FURTHER RESOLVED, That the Senate of the State of Washington does hereby direct that copies of this resolution be transmitted by the Secretary of the Senate to the Honorable Ronald Reagan, President of the United States, the Secretary of the Navy, each member of Congress from the State of Washington, and the directors of all departments of the State of Washington.

MOTION

At 11:19 a.m., on motion of Senator Vognild, the Senate recessed until 11:55 a.m.

AFTERNOON SESSION

The President called the Senate to order at 12:01 p.m.

MOTIONS

On motion of Senator Vognild, the Senate reverted to the fifth order of business.

On motion of Senator Vognild, the Introductions and First Readings were referred to the Committees, with the noted changes, as listed on the referral lists on the desks of each member.

INTRODUCTION AND FIRST READING

SB 3615 by Senators Bauer and Benitz (by Temporary Committee on Educational Policies, Structure and Management request)

AN ACT Relating to local excess levies; providing for a study of the current situation with respect to expenditure of funds and a temporary increase in the state property tax to provide relief from the levy limitation; adding a new section to chapter 84.55 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Education.

SB 3616 by Senators Bauer, Benitz, Deccio, Gaspard, Lee, Bailey, Saling, Bender, Goltz, Zimmerman and Guess (by Temporary Committee on Educational Policies, Structure and Management request)

AN ACT Relating to highly capable students; and amending RCW 28A.16.060.

Referred to Committee on Education.

SB 3617 by Senators Bauer, Benitz, Gaspard, Lee, Bender, Goltz, Fleming, Guess and Garrett (by Temporary Committee on Educational Policies, Structure and Management request)

AN ACT Relating to student financial assistance; adding a new section to chapter 28B.80 RCW; creating a new section; and making an appropriation.

Referred to Committee on Education.

SB 3618 by Senators Bauer, Benitz, Bender, Rasmussen, Johnson, Lee, Bailey, Saling, Gaspard, Guess and Barr (by Temporary Committee on Educational Policies, Structure and Management request)

AN ACT Relating to the state advisory council on vocational education; and amending RCW 28C.04.310.

Referred to Committee on Education.

SB 3619 by Senators Bauer, Benitz, Gaspard, Rasmussen, Lee, Bender, Guess and Sellar (by Temporary Committee on Educational Policies, Structure and Management request)

AN ACT Relating to the superintendent of public instruction; adding a new section to chapter 28A.41 RCW; and declaring an emergency.

Referred to Committee on Education.

SB 3620 by Senators Bauer, Benitz, Gaspard and Rasmussen (by Temporary Committee on Educational Policies, Structure and Management request)

AN ACT Relating to collective bargaining; amending RCW 41.58.020; adding new sections to chapter 41.59 RCW; and making an appropriation.

Referred to Committee on Education.

SB 3621 by Senators Bauer, Benitz, Goltz, McDonald, Hayner, McManus, Guess and Sellar (by Temporary Committee on Educational Policies, Structure and Management request)

AN ACT Relating to education; amending RCW 28A.67.065, 28A.67.072, and 28A.01-025; adding new sections to chapter 28A.04 RCW; adding new sections to chapter 28A.70 RCW; adding a new section to chapter 28A.71 RCW; creating new sections; making appropriations; and providing an expiration date.

Referred to Committee on Education.

SB 3622 by Senators Gaspard, Hayner and Johnson

AN ACT Relating to the attorney general; repealing section 5, chapter 335, Laws of 1981 (uncodified); providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

SB 3623 by Senators Warnke, Thompson, Talmadge and Vognil

AN ACT Relating to industrial insurance; amending RCW 51.32.090; adding a new section to chapter 51.32 RCW; and creating a new section.

Referred to Committee on Commerce and Labor.

SB 3624 by Senator Kreidler

AN ACT Relating to appointments by the commissioner of the department of employment security; and amending RCW 50.12.020.

Referred to Committee on Commerce and Labor.

SB 3625 by Senators Kreidler, Zimmerman and Bottiger

AN ACT Relating to fire protection districts; and amending RCW 52.04.061.

Referred to Committee on Governmental Operations.

SB 3626 by Senator Gaspard

AN ACT Relating to vehicle license plates; and amending RCW 46.16.275.

Referred to Committee on Transportation.

SB 3627 by Senators Warnke, Wojahn, Goltz, Metcalf and Bender

AN ACT Relating to benefit qualifications for individuals with marginal labor force attachment; amending RCW 50.20.015; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 3628 by Senators Thompson, Zimmerman, McManus, Fleming, Talmadge, von Reichbauer and Metcalf

AN ACT Relating to gubernatorial appointments; and amending RCW 43.06.092.

Referred to Committee on Governmental Operations.

SB 3629 by Senators Goltz, Bluechel, Williams and Kreidler (by Secretary of State request)

AN ACT Relating to public records; amending RCW 40.14.020; adding a new section to chapter 40.14 RCW; and making an appropriation.

Referred to Committee on Governmental Operations.

SB 3630 by Senators Warnke, Gaspard and Talmadge

AN ACT Relating to the Washington high-technology coordinating board; and amending RCW 28B.65.040, 28B.65.050, and 28B.65.060.

Referred to Committee on Commerce and Labor.

SB 3631 by Senator Talmadge

AN ACT Relating to deferred prosecution.

Referred to Committee on Judiciary.

SB 3632 by Senator Thompson

AN ACT Relating to economic development.

Referred to Committee on Governmental Operations.

SB 3633 by Senator Thompson

AN ACT Relating to economic development.

Referred to Committee on Governmental Operations.

SB 3634 by Senator Thompson

AN ACT Relating to social and health services.

Referred to Committee on Governmental Operations.

SB 3635 by Senator Thompson

AN ACT Relating to small businesses.

Referred to Committee on Governmental Operations.

SB 3636 by Senator Moore

AN ACT Relating to insurance.

Referred to Committee on Financial Institutions.

SB 3637 by Senator Moore

AN ACT Relating to pharmacy services.

Referred to Committee on Human Services and Corrections.

SB 3638 by Senator Moore

AN ACT Relating to controlled substances.

Referred to Committee on Human Services and Corrections.

SB 3639 by Senator Moore

AN ACT Relating to revenue and taxation.

Referred to Committee on Financial Institutions.

SB 3640 by Senator Moore

AN ACT Relating to gambling.

Referred to Committee on Commerce and Labor.

SB 3641 by Senator Moore

AN ACT Relating to insurance.

Referred to Committee on Financial Institutions.

SB 3642 by Senator Moore

AN ACT Relating to financial planners.

Referred to Committee on Financial Institutions.

SB 3643 by Senator Moore

AN ACT Relating to mortgage brokers.

Referred to Committee on Financial Institutions.

SB 3644 by Senator Moore

AN ACT Relating to mortgage companies.

Referred to Committee on Financial Institutions.

SB 3645 by Senator Moore

AN ACT Relating to credit card transactions.

Referred to Committee on Financial Institutions.

SB 3646 by Senator Moore

AN ACT Relating to investment advisers.

Referred to Committee on Financial Institutions.

SB 3647 by Senator Moore

AN ACT Relating to insurance premium rates.

Referred to Committee on Financial Institutions.

- SB 3648 by Senator McDermott
AN ACT Relating to corrections.
Referred to Committee on Ways and Means.
- SB 3649 by Senator McDermott
AN ACT Relating to government.
Referred to Committee on Ways and Means.
- SB 3650 by Senator McDermott
AN ACT Relating to government.
Referred to Committee on Ways and Means.
- SB 3651 by Senator McDermott
AN ACT Relating to general obligation bonds.
Referred to Committee on Ways and Means.
- SB 3652 by Senator McDermott
AN ACT Relating to general obligation bonds.
Referred to Committee on Ways and Means.
- SB 3653 by Senator McDermott
AN ACT Relating to general obligation bonds.
Referred to Committee on Ways and Means.
- SB 3654 by Senator McDermott
AN ACT Relating to the capital budget.
Referred to Committee on Ways and Means.
- SB 3655 by Senator McDermott
AN ACT Relating to the capital budget.
Referred to Committee on Ways and Means.
- SB 3656 by Senator McDermott
AN ACT Relating to the budget.
Referred to Committee on Ways and Means.
- SB 3657 by Senator McDermott
AN ACT Relating to the budget.
Referred to Committee on Ways and Means.
- SB 3658 by Senator McDermott
AN ACT Relating to the budget.
Referred to Committee on Ways and Means.
- SB 3659 by Senator McDermott
AN ACT Relating to state government.
Referred to Committee on Ways and Means.
- SB 3660 by Senator McDermott
AN ACT Relating to state government.
Referred to Committee on Ways and Means.
- SB 3661 by Senator McDermott
AN ACT Relating to state government.
Referred to Committee on Ways and Means.
- SB 3662 by Senator McDermott

AN ACT Relating to state government.

Referred to Committee on Ways and Means.

SB 3663 by Senator McDermott

AN ACT Relating to state government.

Referred to Committee on Ways and Means.

SB 3664 by Senator McDermott

AN ACT Relating to state government.

Referred to Committee on Ways and Means.

SB 3665 by Senator McDermott

AN ACT Relating to state government.

Referred to Committee on Ways and Means.

SB 3666 by Senator McDermott

AN ACT Relating to state government.

Referred to Committee on Ways and Means.

SB 3667 by Senator McDermott

AN ACT Relating to common school funding.

Referred to Committee on Ways and Means.

SB 3668 by Senator McDermott

AN ACT Relating to levy lids.

Referred to Committee on Ways and Means.

SB 3669 by Senator McDermott

AN ACT Relating to fiscal matters.

Referred to Committee on Ways and Means.

SB 3670 by Senator McDermott

AN ACT Relating to fiscal matters.

Referred to Committee on Ways and Means.

SB 3671 by Senator McDermott

AN ACT Relating to revenue and taxation.

Referred to Committee on Ways and Means.

SB 3672 by Senator McDermott

AN ACT Relating to revenue and taxation.

Referred to Committee on Ways and Means.

SB 3673 by Senator McDermott

AN ACT Relating to revenue and taxation.

Referred to Committee on Ways and Means.

SB 3674 by Senator McDermott

AN ACT Relating to revenue and taxation.

Referred to Committee on Ways and Means.

SB 3675 by Senator McDermott

AN ACT Relating to revenue and taxation.

Referred to Committee on Ways and Means.

SB 3676 by Senator McDermott

AN ACT Relating to revenue and taxation.

Referred to Committee on Ways and Means.

- SB 3677 by Senator McDermott
AN ACT Relating to revenue and taxation.
Referred to Committee on Ways and Means.
- SB 3678 by Senator McDermott
AN ACT Relating to revenue and taxation.
Referred to Committee on Ways and Means.
- SB 3679 by Senator McDermott
AN ACT Relating to general obligation bonds.
Referred to Committee on Ways and Means.
- SB 3680 by Senator McDermott
AN ACT Relating to public works.
Referred to Committee on Ways and Means.
- SB 3681 by Senator McDermott
AN ACT Relating to public works.
Referred to Committee on Ways and Means.
- SB 3682 by Senator McDermott
AN ACT Relating to timber taxation.
Referred to Committee on Ways and Means.
- SB 3683 by Senator McDermott
AN ACT Relating to accounting.
Referred to Committee on Ways and Means.
- SB 3684 by Senator McDermott
AN ACT Relating to lotteries.
Referred to Committee on Ways and Means.
- SB 3685 by Senator McDermott
AN ACT Relating to a lottery appropriation.
Referred to Committee on Ways and Means.
- SB 3686 by Senator Warnke
AN ACT Relating to between terms denial of unemployment compensation.
Referred to Committee on Commerce and Labor.
- SB 3687 by Senator Warnke
AN ACT Relating to tips and wages for unemployment compensation.
Referred to Committee on Commerce and Labor.
- SB 3688 by Senator Warnke
AN ACT Relating to international trade.
Referred to Committee on Commerce and Labor.
- SB 3689 by Senator Warnke
AN ACT Relating to tax deferral.
Referred to Committee on Commerce and Labor.
- SB 3690 by Senator Warnke
AN ACT Relating to aggregate material removed from the earth.
Referred to Committee on Commerce and Labor.
- SB 3691 by Senator Warnke

AN ACT Relating to lottery.

Referred to Committee on Commerce and Labor.

SB 3692 by Senator Warnke

AN ACT Relating to small business.

Referred to Committee on Commerce and Labor.

SB 3693 by Senator Warnke

AN ACT Relating to the small business development center.

Referred to Committee on Commerce and Labor.

SB 3694 by Senator Warnke

AN ACT Relating to industrial development bonds.

Referred to Committee on Commerce and Labor.

SB 3695 by Senator Warnke

AN ACT Relating to industrial development.

Referred to Committee on Commerce and Labor.

SB 3696 by Senator Warnke

AN ACT Relating to economic development.

Referred to Committee on Commerce and Labor.

SB 3697 by Senator Warnke

AN ACT Relating to economic development.

Referred to Committee on Commerce and Labor.

SB 3698 by Senator Guess

AN ACT Relating to deregulation of thoroughbred horse racing.

Referred to Committee on Commerce and Labor.

SB 3699 by Senator McDermott

AN ACT Relating to nursing homes.

Referred to Committee on Ways and Means.

SB 3700 by Senator McDermott

AN ACT Relating to fiscal matters.

Referred to Committee on Ways and Means.

SB 3701 by Senator McDermott

AN ACT Relating to property tax.

Referred to Committee on Ways and Means.

SB 3702 by Senator McDermott

AN ACT Relating to economic development.

Referred to Committee on Ways and Means.

SB 3703 by Senator McDermott

AN ACT Relating to water quality.

Referred to Committee on Ways and Means.

SB 3704 by Senator McDermott

AN ACT Relating to environment.

Referred to Committee on Ways and Means.

SB 3705 by Senator McDermott

AN ACT Relating to public safety and welfare.

Referred to Committee on Ways and Means.

- SB 3706 by Senator McDermott
AN ACT Relating to hazardous waste.
Referred to Committee on Ways and Means.
- SB 3707 by Senator McDermott
AN ACT Relating to comparable worth.
Referred to Committee on Ways and Means.
- SB 3708 by Senator McDermott
AN ACT Relating to mental health.
Referred to Committee on Ways and Means.
- SB 3709 by Senator McDermott
AN ACT Relating to public employees' retirement system.
Referred to Committee on Ways and Means.
- SB 3710 by Senator McDermott
AN ACT Relating to education.
Referred to Committee on Ways and Means.
- SB 3711 by Senator McDermott
AN ACT Relating to education.
Referred to Committee on Ways and Means.
- SB 3712 by Senator McDermott
AN ACT Relating to higher education.
Referred to Committee on Ways and Means.
- SB 3713 by Senator McDermott
AN ACT Relating to higher education.
Referred to Committee on Ways and Means.
- SB 3714 by Senator McDermott
AN ACT Relating to teachers' compensation.
Referred to Committee on Ways and Means.
- SB 3715 by Senator McDermott
AN ACT Relating to teachers' retirement system.
Referred to Committee on Ways and Means.
- SB 3716 by Senator McDermott
AN ACT Relating to state employees' compensation.
Referred to Committee on Ways and Means.
- SB 3717 by Senator McDermott
AN ACT Relating to retirement systems.
Referred to Committee on Ways and Means.
- SB 3718 by Senator McDermott
AN ACT Relating to retirement systems.
Referred to Committee on Ways and Means.
- SB 3719 by Senator McDermott
AN ACT Relating to hospital charity care.
Referred to Committee on Ways and Means.
- SB 3720 by Senator McDermott

AN ACT Relating to nursing home cost reimbursement.

Referred to Committee on Ways and Means.

SB 3721 by Senator McDermott

AN ACT Relating to state health care purchasing.

Referred to Committee on Ways and Means.

SB 3722 by Senator McDermott

AN ACT Relating to Washington basic health plan.

Referred to Committee on Ways and Means.

SB 3723 by Senator McDermott

AN ACT Relating to local government.

Referred to Committee on Ways and Means.

SB 3724 by Senator McDermott

AN ACT Relating to medical assistance.

Referred to Committee on Ways and Means.

SB 3725 by Senator McDermott

AN ACT Relating to social and health services.

Referred to Committee on Ways and Means.

SB 3726 by Senator McDermott

AN ACT Relating to social and health services.

Referred to Committee on Ways and Means.

SB 3727 by Senator McDermott

AN ACT Relating to nursing homes.

Referred to Committee on Ways and Means.

SB 3728 by Senator McDermott

AN ACT Relating to sales and use taxation.

Referred to Committee on Ways and Means.

SB 3729 by Senator McDermott

AN ACT Relating to revenue bonds.

Referred to Committee on Ways and Means.

SB 3730 by Senator McDermott

AN ACT Relating to economic development.

Referred to Committee on Ways and Means.

SB 3731 by Senator McDermott

AN ACT Relating to income tax.

Referred to Committee on Ways and Means.

SB 3732 by Senator McDermott

AN ACT Relating to business and occupation tax.

Referred to Committee on Ways and Means.

SB 3733 by Senator McDermott

AN ACT Relating to centennial partnership.

Referred to Committee on Ways and Means.

SB 3734 by Senator Williams

AN ACT Relating to utilities and transportation commission.

Referred to Committee on Energy and Utilities.

SB 3735 by Senator Williams

AN ACT Relating to energy.

Referred to Committee on Energy and Utilities.

SB 3736 by Senator Williams

AN ACT Relating to energy.

Referred to Committee on Energy and Utilities.

SB 3737 by Senator Williams

AN ACT Relating to energy facilities site evaluation council.

Referred to Committee on Energy and Utilities.

SB 3738 by Senator Craswell

AN ACT Relating to education.

Referred to Committee on Education.

SB 3739 by Senator Craswell

AN ACT Relating to education.

Referred to Committee on Education.

SB 3740 by Senator Talmadge

AN ACT Relating to courts.

Referred to Committee on Judiciary.

SB 3741 by Senator Talmadge

AN ACT Relating to revision of the law on racketeering.

Referred to Committee on Judiciary.

SB 3742 by Senator Talmadge

AN ACT Relating to the effective date of racketeering laws.

Referred to Committee on Judiciary.

SB 3743 by Senator Talmadge

AN ACT Relating to driving while intoxicated.

Referred to Committee on Judiciary.

SB 3744 by Senator Talmadge

AN ACT Relating to civil procedure.

Referred to Committee on Judiciary.

SB 3745 by Senator Talmadge

AN ACT Relating to criminal procedure.

Referred to Committee on Judiciary.

SB 3746 by Senator Talmadge

AN ACT Relating to crimes.

Referred to Committee on Judiciary.

SB 3747 by Senator Talmadge

AN ACT Relating to crimes.

Referred to Committee on Judiciary.

SB 3748 by Senator Talmadge

AN ACT Relating to crimes.

Referred to Committee on Judiciary.

SB 3749 by Senator Talmadge

AN ACT Relating to real property.

Referred to Committee on Judiciary.

SB 3750 by Senator Talmadge

AN ACT Relating to condominiums.

Referred to Committee on Judiciary.

SB 3751 by Senator Talmadge

AN ACT Relating to the department of corrections.

Referred to Committee on Judiciary.

SB 3752 by Senator Talmadge

AN ACT Relating to the state appellate defender.

Referred to Committee on Judiciary.

SB 3753 by Senators Deccio and Moore

AN ACT Relating to insurance cancellation or nonrenewal notices.

Referred to Committee on Financial Institutions.

SB 3754 by Senators Bluechel, McDonald, Kiskaddon, Deccio, Craswell, Newhouse, Bailey, Hayner, Benitz, Cantu, Zimmerman, Saling and Lee

AN ACT Relating to private sector services; and amending RCW 28B.16.240, 41.06.380, and 43.19.1921.

Referred to Committee on Governmental Operations.

SB 3755 by Senators Barr, Deccio and Stratton

AN ACT Relating to the establishment and maintenance of records of sales of kegs of malt beverages; and adding a new section to chapter 66.28 RCW.

Referred to Committee on Commerce and Labor.

SB 3756 by Senators Lee and Talmadge

AN ACT Relating to aircraft noise abatement; and amending RCW 53.54.030.

Referred to Committee on Parks and Ecology.

SB 3757 by Senator Lee

AN ACT Establishing a school district equalized calculation formula; and reenacting and amending RCW 84.52.0531.

Referred to Committee on Education.

SB 3758 by Senators McDonald, Hayner, Vognild, Bottiger, Lee and Gaspard

AN ACT Relating to the state actuary; and amending RCW 44.44.040.

Referred to Committee on Ways and Means.

SB 3759 by Senators Lee, Hayner, Bottiger, McDonald and Gaspard

AN ACT Relating to unfunded retirement system liabilities; and amending RCW 41.26.040, 41.26.080, 41.32.401, and 41.40.361.

Referred to Committee on Ways and Means.

SB 3760 by Senators McDonald and Gaspard

AN ACT Relating to judicial retirement; amending RCW 2.10.040 and 41.40.120; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3761 by Senators Hayner, Vognild, Bottiger, McDonald and Lee

AN ACT Relating to postretirement cost of living adjustments; adding a new section to chapter 43.88 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3762 by Senators McDermott, Goltz, Bluechel, Warnke, McDonald, Fleming and Bender

AN ACT Relating to the state convention and trade center: amending RCW 67.40.030, 43.84.080, and 43.84.090; adding a new section to chapter 43.03 RCW; adding new sections to chapter 67.40 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3763 by Senators Rinehart, Craswell, Bottiger, Johnson and Zimmerman

AN ACT Relating to the collection of watercraft excise taxes; and amending RCW 82.49.030.

Referred to Committee on Ways and Means.

SB 3764 by Senators Talmadge, Newhouse, Halsan and McManus

AN ACT Relating to criminal justice assistance; amending RCW 82.44.020 and 82.44.110; adding a new chapter to Title 43 RCW; creating a new section; making an appropriation; providing effective dates; and declaring an emergency.

Referred to Committee on Judiciary.

SB 3765 by Senators Thompson and Zimmerman

AN ACT Relating to municipal utilities; amending RCW 35.67.030, 35.67.110, 35.92.070, and 35.92.080; adding a new section to chapter 35.67 RCW; and repealing RCW 35.67.070.

Referred to Committee on Governmental Operations.

SB 3766 by Senators McDermott, Guess, Thompson and Zimmerman

AN ACT Relating to property tax levies; and amending RCW 84.55.050.

Referred to Committee on Ways and Means.

SB 3767 by Senators Thompson and Zimmerman

AN ACT Relating to contracts for architectural and engineering services; and amending RCW 39.80.010.

Referred to Committee on Governmental Operations.

SB 3768 by Senators Thompson and Zimmerman

AN ACT Relating to changes in municipal utility systems; amending RCW 35.92.010, 35.92.020, 35.92.022, 35.92.030, 35.92.050, and 35.92.060; and repealing RCW 35.22.380, 35.22.390, and 35.22.400.

Referred to Committee on Governmental Operations.

SB 3769 by Senators Lee, Newhouse, Johnson, Zimmerman, McCaslin, Kiskaddon, Craswell, Deccio, Bailey, Barr, McDonald, Guess, Hayner, Benitz, Metcalf and Sellar

AN ACT Relating to the reduction of business and occupation taxes; amending RCW 82.04.255, 82.04.290, and 82.02.030; repealing RCW 82.04.2901, 82.04.2902, 82.04.2903, and 82.04.2904; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3770 by Senators Lee, McDonald, Craswell, McCaslin, Guess, Johnson, Bailey, Hayner, Barr, Benitz and Metcalf

AN ACT Relating to the state lottery; amending RCW 67.70.040; and adding a new section to chapter 67.70 RCW.

Referred to Committee on Commerce and Labor.

SB 3771 by Senators Fleming and Kreidler

AN ACT Relating to surgeons' assistants; and amending RCW 18.71A.010, 18.71A.020, 18.71A.030, and 18.71A.070.

Referred to Committee on Human Services and Corrections.

SB 3772 by Senator Fleming

AN ACT Relating to elections; amending RCW 29.07.160 and 29.13.047; and adding a new section to chapter 29.07 RCW.

Referred to Committee on Judiciary.

SB 3773 by Senator Fleming

AN ACT Relating to strip searches and body cavity searches; amending RCW 10.79-.110; and adding new sections to chapter 10.79 RCW.

Referred to Committee on Judiciary.

SB 3774 by Senators Fleming, Moore, Wojahn and Williams

AN ACT Relating to emergency shelters; adding a new chapter to Title 70 RCW; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Human Services and Corrections.

SB 3775 by Senators Deccio, Moore, Metcalf, McCaslin, Bender, Warnke, McDermott, Craswell, Sellar, Newhouse, Vognild, Lee, Johnson, Zimmerman, Saling, Wojahn, Bottiger, Fleming and Bailey

AN ACT Relating to insurance cancellation or nonrenewal notices; and amending RCW 48.18.290, 48.18.291, and 48.18.292.

Referred to Committee on Financial Institutions.

SB 3776 by Senators Thompson, Bluechel, Wojahn, Zimmerman, Goltz, Kiskaddon, McDermott, Warnke and McManus (by Arts Commission request)

AN ACT Relating to the Washington state arts commission; amending RCW 43.46.030, 43.46.040, 43.46.045, 43.46.050, and 43.46.070; adding new sections to chapter 43.46 RCW; repealing RCW 43.46.010, 43.46.020, 43.46.080, 43.131.261, and 43.131.262; providing an effective date; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 3777 by Senators Fleming, Bottiger, Kreidler, Sellar, Hayner, McDonald, Thompson, Zimmerman, McCaslin, DeJarnatt, Vognild, Granlund, Bailey, Halsan, Saling, Garrett, McManus and Pullen

AN ACT Relating to the data processing authority; and amending RCW 43.105.010, 43.105.032, and 43.105.041.

Referred to Committee on Governmental Operations.

SB 3778 by Senators Gaspard and Bauer (by Superintendent of Public Instruction request)

AN ACT Relating to basic education; amending RCW 28A.41.140; and adding a new section to chapter 28A.41 RCW.

Referred to Committee on Education.

SB 3779 by Senators Bauer, Gaspard, Bender, Stratton, Patterson and Conner (by Superintendent of Public Instruction request)

AN ACT Relating to the tenth grade achievement test; and amending RCW 28A.03.360.

Referred to Committee on Education.

SB 3780 by Senators Bauer, Gaspard, Rinehart, Kreidler, DeJarnatt, Bender, Goltz and Conner (by Superintendent of Public Instruction request)

AN ACT Relating to preschool, day school care, and before-and-after-school care by school districts; amending RCW 28A.34.010; adding new sections to chapter 28A.34 RCW; repealing RCW 28A.34.020, 28A.34.040, and 28A.34.050; prescribing penalties; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Education.

SB 3781 by Senators Peterson and Patterson (by Washington State Patrol request)

AN ACT Relating to the Washington state patrol; and amending RCW 43.43.330.

Referred to Committee on Transportation.

SB 3782 by Senators Gaspard, Bender, Johnson, Stratton, Goltz and Conner (by Superintendent of Public Instruction request)

AN ACT Relating to the Washington state honors awards program; adding new sections to chapter 28A.03 RCW; and making an appropriation.

Referred to Committee on Education.

SB 3783 by Senators Gaspard, Bender and Johnson (by Superintendent of Public Instruction request)

AN ACT Relating to obsolete provisions in Title 28A RCW; amending RCW 28A.02.080, 28A.03.310, 28A.04.134, 28A.13.010, 28A.13.070, 28A.21.031, 28A.21.071, 28A.21.120, 28A.21.360, 28A.30.040, 28A.44.170, 28A.58.246, 28A.58.772, 28A.58.820, 28A.67.074, and 28B.15.543; repealing RCW 28A.03.400, 28A.03.401, 28A.03.402, 28A.03.403, 28A.03.405, 28A.03.407, 28A.03.409, 28A.13.065, 28A.41.250, 28A.41.270, 28A.41.280, 28A.41.290, 28A.41.412, 28A.58.248, 28A.58.832, and 28A.67.050; and providing an effective date.

Referred to Committee on Education.

SB 3784 by Senators Gaspard, Bender and Johnson (by Superintendent of Public Instruction request)

AN ACT Relating to school plant facilities; amending RCW 28A.47.100 and 28A.47.830; and repealing RCW 28A.47.055, 28A.47.070, 28A.47.760, 28A.47.762, 28A.47.764, 28A.47.766, 28A.47.768, 28A.47.770, 28A.47.772, and 28A.47.774.

Referred to Committee on Education.

SB 3785 by Senators Gaspard, Bauer, Rinehart, DeJarnatt, Bender, Patterson, Stratton and Goltz (by Superintendent of Public Instruction request)

AN ACT Relating to teachers; adding a new section to chapter 28A.67 RCW; and making an appropriation.

Referred to Committee on Education.

SB 3786 by Senators DeJarnatt and Owen

AN ACT Relating to theft of shopping carts; amending RCW 9A.56.010; adding a new section to chapter 9A.56 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 3787 by Senators Kreidler and Halsan

AN ACT Relating to utility ratemaking; and adding new sections to chapter 80.20 RCW.

Referred to Committee on Energy and Utilities.

SB 3788 by Senators Owen, Deccio, Goltz, McManus and McCaslin

AN ACT Relating to financial institutions; adding a new chapter to Title 48 RCW; and declaring an emergency.

Referred to Committee on Financial Institutions.

SB 3789 by Senators Kreidler, McDermott and Goltz (by Department of Social and Health Services request)

AN ACT Relating to certificate of need review; amending RCW 70.38.105; and creating a new section.

Referred to Committee on Human Services and Corrections.

SB 3790 by Senators Cantu, Granlund, Johnson, Owen, Craswell and Bailey

AN ACT Relating to the disclosure of drivers' license records; and amending RCW 46.20.171.

Referred to Committee on Transportation.

SB 3791 by Senators Patterson, Garrett and Zimmerman

AN ACT Relating to the consolidation of cities and towns; amending RCW 35.10.200 and 35.10.211; repealing RCW 35A.05.170; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 3792 by Senators Moore, Sellar and Wojahn (by Department of General Administration request)

AN ACT Relating to banks and banking; amending RCW 30.04.010, 30.04.060, 30.04.230, 30.12.060, 30.42.100, and 30.42.115; and declaring an emergency.

Referred to Committee on Financial Institutions.

SB 3793 by Senators Moore, Deccio and McManus

AN ACT Relating to the long-term care ombudsman; amending RCW 43.190.020, 43.190.030, 43.190.070, and 43.190.100; creating new sections; and repealing RCW 43.190.120.

Referred to Committee on Financial Institutions.

SB 3794 by Senators Granlund and Bottiger

AN ACT Relating to public lands; and amending RCW 79.01.770.

Referred to Committee on Education.

SB 3795 by Senators Granlund and Peterson

AN ACT Relating to splash and spray suppression devices on motor vehicles; amending RCW 46.37.500; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

SB 3796 by Senators Moore, Deccio, Wojahn and McManus

AN ACT Relating to nursing home administration; and adding a new section to chapter 18.51 RCW.

Referred to Committee on Human Services and Corrections.

SB 3797 by Senators Bauer, Thompson, Zimmerman and Conner

AN ACT Relating to the state schools for the blind, deaf, and sensory handicapped; amending RCW 72.01.050, 72.05.010, 72.05.130, 72.40.010, 72.40.020, 72.40.031, 72.40.040, 72.40.050, 72.40.060, 72.40.070, 72.40.080, 72.40.090, 72.40.100, 72.41.010, 72.41.020, 72.41.040, 72.42.010, 72.42.020, and 72.42.040; adding new sections to chapter 72.40 RCW; adding a new section to chapter 72.41 RCW; adding a new section to chapter 72.42 RCW; creating new sections; repealing RCW 72.05.140, 72.40.001, 72.41.050, and 72.42.050; declaring an emergency; and providing an effective date.

Referred to Committee on Education.

SB 3798 by Senators McDermott, Zimmerman, Thompson, Lee, Bender and Talmadge

AN ACT Relating to public works financing; amending RCW 82.02.030, 82.16.020, 82.20.010, and 82.45.060; adding a new chapter to Title 43 RCW; adding a new section to chapter 82.08 RCW; creating a new section; repealing RCW 43.63A.200, 43.79.450, and 43.79.452; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3799 by Senators Stratton and Williams

AN ACT Relating to nuclear energy and materials; amending RCW 70.98.050; and adding a new section to chapter 70.98 RCW.

Referred to Committee on Energy and Utilities.

SB 3800 by Senators Granlund, Bailey and Garrett

AN ACT Relating to publication; amending RCW 4.28.090, 4.28.110, 8.12.300, 8.12.430, 8.12.460, 12.04.100, 15.28.300, 16.04.050, 17.08.020, 17.08.070, 19.76.100, 25.12.040, 27.40.034, 28B.60.050, 30.44.210, 32.04.040, 35.03.020, 35.07.240, 35.16.020, 35.21.320, 35.21.530, 35.22.060, 35.22.170, 35.23.352, 35.24.220, 35.27.300, 35.33.061, 35.42.080, 35.43.140, 35.44.090, 35.47.010, 35.61.030, 35.61.190, 35.61.260, 35.61.270, 35.70.060, 35.68.030, 35.68.050, 35.70.080, 35.94.020, 35A.09.050, 35A.12.160, 35A.33.060, 36.29.060, 36.34.020, 36.34.090, 36.40.060, 36.40.100, 36.55.040, 36.82.190, 53.20.010, 53.20.050, 53.25.040, 53.25.120, 54.08.010, 56.24.070,

56.24.080, 57.04.030, 57.28.040, 65.12.135, 79.92.090, 80.32.010, 81.64.020, 84.24.030, 85.05.030, 85.05.040, 85.05.072, 85.05.110, 85.05.560, 85.06.030, 85.06.040, 85.06.110, 85.07.020, 85.08.070, 85.15.040, 85.18.040, 85.20.030, 85.20.090, 85.22.030, 85.22.080, 85.24.040, 85.24.070, 85.24.150, 85.32.060, 85.36.010, 86.16.067, 87.03.310, 87.03.430, 87.03.655, 87.03.755, 87.53.080, 87.56.060, 87.56.080, 87.56.130, 88.32.070, 91.08.070, 91.08.310, and 91.08.500; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35.22 RCW; adding a new section to chapter 35.30 RCW; and adding a new section to chapter 35A.21 RCW.

Referred to Committee on Judiciary.

SB 3801 by Senators Warnke, Fleming, Vognild, Bender, Thompson and McManus

AN ACT Relating to public transit construction projects; adding new sections to chapter 35.58 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 3802 by Senators Peterson, Patterson and Conner

AN ACT Relating to oil company taxation; and adding a new chapter to Title 82 RCW.

Referred to Committee on Transportation.

SB 3803 by Senator Peterson

AN ACT Relating to fair campaign practices; amending RCW 42.17.395; adding a new section to chapter 42.17 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Judiciary.

SB 3804 by Senators Zimmerman, McDermott, Talmadge and Kiskaddon

AN ACT Relating to blood; and amending RCW 70.54.120.

Referred to Committee on Human Services and Corrections.

SB 3805 by Senators Fleming, Zimmerman, Talmadge, Guess, McDermott, Bluechel, Stratton, McCaslin, Bauer, Saling, Garrett and Bailey

AN ACT Relating to deaths; amending RCW 6.04.040, 36.16.030, 36.16.050, 36.18.070, 36.28.040, 36.47.020, 43.101.090, 43.101.100, 46.04.040, 46.52.050, 49.08.030, 68.08.010, 68.08.020, 68.08.040, 68.08.050, 68.08.070, 68.08.100, 68.08.103, 68.08.105, 68.08.106, 68.08.300, 68.08.305, 68.08.320, 68.08.355, 68.08.360, 70.58.180, 70.58.390, and 78.40.351; reenacting and amending RCW 4.16.080; adding a new chapter to Title 43 RCW; creating new sections; repealing RCW 36.18.030, 36.24.010, 36.24.020, 36.24.030, 36.24.040, 36.24.050, 36.24.060, 36.24.070, 36.24.080, 36.24.090, 36.24.100, 36.24.110, 36.24.120, 36.24.130, 36.24.140, 36.24.150, 36.24.155, 36.24.160, 36.24.170, 36.24.175, 36.24.180, 68.08.030, 43.103.010, 43.103.020, 43.103.030, 43.103.040, 43.103.050, 43.103.060, 43.103.070, 43.103.080, 43.103.090, 43.103.900, 43.103.901, 68.08.104, 68.08.106, 68.08.107, 68.08.108, 68.12.010, 68.12.020, and 70.58.190; and prescribing penalties.

Referred to Committee on Human Services and Corrections.

SB 3806 by Senators Zimmerman, Newhouse, McCaslin, Deccio, McDonald, Guess, Barr, Benitz and Hayner

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

Referred to Committee on Governmental Operations.

SB 3807 by Senators Zimmerman, Bluechel and Cantu

AN ACT Relating to state budget and accounting; and amending RCW 43.88.060.

Referred to Committee on Ways and Means.

SB 3808 by Senators McManus, Williams, Zimmerman, Stratton and Halsan

AN ACT Relating to nuclear waste board studies; amending RCW 43.200.150; and adding a new section to chapter 43.200 RCW.

Referred to Committee on Energy and Utilities.

SB 3809 by Senators Moore, Bottiger and Halsan

AN ACT Relating to the award of interest on judgments; and amending RCW 4.56.110 and 4.56.115.

Referred to Committee on Financial Institutions.

SB 3810 by Senators Talmadge, Kreidler and McManus

AN ACT Relating to mental health facilities; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; and adding a new section to chapter 36.70 RCW.

Referred to Committee on Human Services and Corrections.

SJM 113 by Senators McManus, Bailey, DeJarnatt, Garrett and Pullen

Requesting Congress to retain the Small Business Administration.

Referred to Committee on Governmental Operations.

SJR 113 by Senators Bauer, Benitz, Lee, Bluechel, Guess, Hayner, McDonald, Lee and Johnson (by Temporary Committee on Educational Policies, Structure and Management request)

Providing for the appointment of the superintendent of public instruction.

Referred to Committee on Education.

SJR 114 by Senators Kiskaddon, Hayner, McCaslin, Deccio and Lee

Making voter approval requirements for bond issues the same as for other additional property tax levies.

Referred to Committee on Ways and Means.

SJR 115 by Senators Craswell, Zimmerman, Newhouse, McCaslin, Deccio, Lee, McDonald and Barr

Limiting state expenditures.

Referred to Committee on Ways and Means.

SJR 116 by Senators Lee, Newhouse, Deccio, McCaslin, Zimmerman, Bailey, Craswell, Barr, Hayner, Bluechel, Cantu, Metcalf and Sellar

Establishing a rainy day reserve account.

Referred to Committee on Ways and Means.

SJR 117 by Senators Kiskaddon, Benitz, McCaslin and Metcalf

Providing for a general and equivalent public school system.

Referred to Committee on Education.

SJR 118 by Senators Zimmerman, McDonald, Guess and Benitz

Authorizing reorganization of the executive branch.

Referred to Committee on Governmental Operations.

SCR 111 by Senators Gaspard, McDonald, Bottiger, Hayner and Lee

Continuing the joint interim committee on public retirement.

Referred to Committee on Ways and Means.

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

REPORTS OF STANDING COMMITTEES

February 5, 1985

SB 3007 Prime Sponsor, Senator Bauer: Specifying motor vehicle licensing exemptions to be declared by the department for vehicles registered in other jurisdictions. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 3007 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman, Barr, Bender, DeJarnatt, Garrett, Guess, Johnson, Patterson, Vognild.

Passed to Committee on Rules for second reading.

February 5, 1985

SB 3296 Prime Sponsor, Senator Fleming: Establishing a global education program. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 3296 be substituted therefor, and the substitute bill do pass and be referred to the Committee on Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Bender, Fleming, Goltz, McDermott, McManus, Patterson, Warnke.

Referred to Committee on Ways and Means.

February 5, 1985

SB 3337 Prime Sponsor, Senator Owen: Giving certain specific duties of the public lands commissioner to the department of natural resources. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Stratton, Vice Chairman; Barr, Halsan, Lee, Metcalf, Patterson, Peterson, Rasmussen.

Passed to Committee on Rules for second reading.

February 4, 1985

SB 3352 Prime Sponsor, Senator Gaspard: Providing a state clearinghouse for educational information. Reported by Committee on Education

MAJORITY recommendation: Do pass and refer to Ways and Means Committee. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Bender, Fleming, Goltz, Kiskaddon, McDermott, McManus, Warnke.

Referred to Committee on Ways and Means.

February 5, 1985

SB 3400 Prime Sponsor, Senator Owen: Changing provisions relating to state mineral, oil, and gas leases. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Stratton, Vice Chairman; Halsan, Metcalf, Patterson, Rasmussen.

Passed to Committee on Rules for second reading.

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

MESSAGES FROM THE HOUSE

February 6, 1985

Mr. President:

The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 4, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

February 6, 1985

Mr. President:

The Speaker has signed:

SENATE CONCURRENT RESOLUTION NO. 107, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 4.

MOTION

At 12:06 p.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Thursday, February 7, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

TWENTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, February 7, 1985

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 Granlund, Peterson and Rinehart. On motion of Senator Bender, Senators Granlund, Peterson and Rinehart were excused.

The Sergeant at Arms Color Guard consisting of Pages Maureen Deger and Chris Butenko, presented the Colors. Reverend H. Raymond Banks, senior pastor of the First Free Methodist Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 5, 1985

SB 3292 Prime Sponsor, Senator Goltz: Defining "operating a cold storage warehouse." Reported by Committee on Agriculture

MAJORITY recommendation: Do pass and refer to Committee on Ways and Means. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman, Bailey, Barr, Bauer, Benitz.

Referred to Committee on Ways and Means.

February 6, 1985

SB 3324 Prime Sponsor, Senator Warnke: Allocating funds for urban area parks. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Refer to Committee on Ways and Means without recommendation. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, McDonald, Moore, Newhouse, Williams, Wojahn.

Referred to Committee on Ways and Means.

February 4, 1985

SB 3354 Prime Sponsor, Senator McDermott: Modifying provisions relating to medical aid to workers. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 3354 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Cantu, Deccio, Fleming, Goltz, Hayner, Lee, McDonald, Talmadge, Thompson, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 4, 1985

SB 3525 Prime Sponsor, Senator Warnke: Regulating the sale of kosher foods. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 3525 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Moore, Newhouse.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENT

February 6, 1985

GA 11 C. ALAN PETTIBONE, to the position of Director of the Department of Agriculture, appointed by the Governor on January 16, 1985, for the term ending at the Governor's pleasure, succeeding M. Keith Ellis.
Reported by Committee on Agriculture

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Bailey, Barr, Bauer, Benitz, Bottiger, Gaspard, Newhouse.

Passed to Committee on Rules.

MOTION

On motion of Senator Vognilid, action on the list of Introduction and First Readings was deferred to enable each member to study the referrals so that action could be taken on the referrals before adjournment.

MOTION

At 10:08 a.m., on motion of Senator Vognilid, the Senate recessed until 10:40 a.m.

SECOND MORNING SESSION

The Senate was called to order at 11:00 a.m. by President Cherberg.

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

SECOND READING

SENATE BILL NO. 3270, by Senators McDermott, Warnke and Thompson (by Department of Retirement Systems request)

Modifying tax deferral benefits under public retirement systems.

The bill was read the second time.

MOTION

On motion of Senator McDermott, the rules were suspended, Senate Bill No. 3270 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. 3270.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3270 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Granlund, Peterson, Rinehart - 3.

SENATE BILL NO. 3270, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3551, by Senator McDermott

Clarifying the tax statutes as a result of Bond v. Burrows 103 Wn. 2d 153 (1984).

The bill was read the second time.

MOTION

On motion of Senator McDermott, the rules were suspended, Senate Bill No. 3551 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Pullen: "You simply said this was a clarifying bill, Senator McDermott. Could you clarify what it clarifies? Are we, for example, making any B & O taxes permanent that are now temporary?"

Senator McDermott: "The answer to that question is 'yes.' The bill, as it was originally written, left those questions for the decision of this legislature. The courts have taken the decisions out of our hands. We have to make them permanent."

Further debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator McDermott, as I read the poop sheet, it says that this would continue until June of 1985--the surcharge. Is that correct?"

Senator McDermott: "If this bill is not enacted, the surcharges will go off in June, 1985."

Senator Rasmussen: "But, it will give us a six month collection period?"

Senator McDermott: "We will have the taxes until June, 1985."

Senator Rasmussen: "Would this then help to relieve the shortage of sales tax revenue, because of the previous law--amounted to around \$56 million--so we should probably leave the surtax on and collect the difference? Then we vote 'no' on this bill?"

Senator McDermott: "If you vote 'no,' you'll create another hole in the budget. The budget was built anticipating this money. Now, the Department of Revenue has raised questions about whether it can be collected."

Senator Rasmussen: "Well, Senator McDermott, if the law is still that they can collect it up until June, that will give us a little cushion. I can't see where it will leave a hole in the budget."

Senator McDermott: "It leaves a hole in the budget for the next two years. If it's not implemented, we will wind up suddenly having another hole in the budget in 1985-87."

Senator Rasmussen: "I frankly don't understand. If we continue to collect the surcharge, that will amount to how much?"

Senator McDermott: "I don't have the exact figures here as to what it means in the next biennium. It's tens of millions of dollars. I'm not sure of the right figure."

Senator Rasmussen: "We will collect extra millions of dollars?"

Senator McDermott: "Yes."

Senator Rasmussen: "And that will make up for what we lost?"

Senator McDermott: "Yes."

MOTION

On motion of Senator Bluechel, further consideration of Senate Bill No. 3551 was deferred.

SECOND READING

SENATE BILL NO. 3572, by Senators McDermott, Lee and Rasmussen (by Treasurer, Office of Financial Management and State Auditor request)

Correcting nomenclature in accounts and funds to fit generally accepted accounting procedures.

The bill was read the second time.

MOTION

On motion of Senator McDermott, the following Committee on Ways and Means amendments were considered and adopted simultaneously:

On page 24, line 31, after the period strike all of the material down to and including the period on line 32

On page 26, on line 17, after "(13)" strike "All" and insert "Except as provided in RCW 43.84.090, all"

On page 26, after line 20, insert the following:

"Sec. 39. Section 43.79.335, chapter 8, Laws of 1965 and RCW 43.79.335 are each amended to read as follows:

Upon and after June 30, 1961 the account (~~within the general fund~~) in the state treasury known as the "State College of Washington Building Account" shall be known and referred to

as the "Washington State University Building Account." This section shall not be construed as effecting any change in such fund other than the name thereof and as otherwise provided by law."

MOTION

On motion of Senator McDermott, the following title amendment was adopted: On page 1, on line 8 of the title, after "43.79.330," insert "43.79.335."

MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed Senate Bill No. 3572 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. 3572.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3572 and the bill passed the Senate by the following vote: Yeas, 43; absent, 3; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Absent: Senators Benitz, Moore, Newhouse - 3.

Excused: Senators Granlund, Peterson, Rinehart - 3.

ENGROSSED SENATE BILL NO. 3572, having received the constitutional majority, 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. 3043, by Senators Hansen, Barr and Peterson

Eliminating requirement that cattle assessments be paid upon delivery to feedlot rather than at time of sale.

The bill was read the second time.

MOTION

On motion of Senator Hansen, the rules were suspended, Senate Bill No. 3043 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. 3043.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3043 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Granlund, Peterson, Rinehart - 3.

SENATE BILL NO. 3043, having received the constitutional majority, 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. 3122, by Senators Garrett, Hansen, Granlund and Vognild (by Department of Transportation request)

Permitting the DOT to deliver plans and specifications for bid proposals without advance payment or written request.

MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 3122 was substituted for Senate Bill No. 3122 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hansen, the rules were suspended, Substitute Senate Bill No. 3122 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Talmadge: "Senator Garrett, you know my concern about this bill. There's no intention that this bill could give any contractor a leg-up in the process of dealing with bidding for contracts with the Department of Transportation?"

Senator Garrett: "No, there is not, Senator Talmadge. I've discussed this with the Assistant Secretary and the Secretary of Transportation, both, and they have assured me that this will treat all contractors equally."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3122.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3122 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Granlund, Peterson, Rinehart - 3.

SUBSTITUTE SENATE BILL NO. 3122, having received the constitutional majority, 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. 3085, by Senators Patterson, Peterson, Barr and Garrett

Permitting application of approved sunscreens to vehicle windows.

The bill was read the second time.

MOTION

On motion of Senator Hansen, the rules were suspended, 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 declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3085.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3085 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Granlund, Peterson, Rinehart - 3.

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.

SECOND READING

SENATE BILL NO. 3048, by Senator Moore

Modifying the state advisory committee on securities.

MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 3048 was substituted for Senate Bill No. 3048 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. 3048 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. 3048.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3048 and the bill passed the Senate by the following vote: Yeas, 44; absent, 2; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Halsan, Kreidler - 2.

Excused: Senators Granlund, Peterson, Rinehart - 3.

SUBSTITUTE SENATE BILL NO. 3048, having received the constitutional 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, Senator Craswell was excused.

SECOND READING

SENATE BILL NO. 3408, by Senators Warnke, Newhouse, Wojahn, McManus, Rasmussen, Cantu and Vognild (by Employment Security Department request)

Limiting the definition of employer for unemployment insurance purposes.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, Senate Bill No. 3408 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. 3408.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3408 and the bill passed the Senate by the following vote:

Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Excused: Senators Craswell, Granlund, Peterson, Rinehart - 4.

SENATE BILL NO. 3408, having received the 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 Vognild, the Senate reverted to the fifth order of business.

On motion of Senator Vognild, the Introduction and First Readings were referred to the committees, with the noted changes, as listed on the referral lists on the desks of each member.

INTRODUCTION AND FIRST READING

SB 3811 by Senators Moore, Lee, Rasmussen and Johnson (by Attorney General request)

AN ACT Relating to unfair practices; and adding a new section to chapter 49.60 RCW.

Referred to Committee on Judiciary.

SB 3812 by Senators Kreidler and Talmadge

AN ACT Relating to water pollution control; and amending RCW 90.48.144.

Referred to Committee on Parks and Ecology.

SB 3813 by Senators Vognild, Warnke, Newhouse, Patterson, Wojahn and Bauer

AN ACT Relating to the small business development center; amending RCW 28B.30-.530 and 28B.30.533; adding new sections to chapter 28B.30 RCW; and making an appropriation.

Referred to Committee on Commerce and Labor.

SB 3814 by Senators Warnke, Cantu, Vognild, Goltz, Newhouse, Lee, Conner, Wojahn, Bauer and Johnson

AN ACT Relating to international trade; establishing a center for international trade in forest products at the University of Washington; and adding a new chapter to Title 76 RCW.

Referred to Committee on Commerce and Labor.

SB 3815 by Senator Metcalf

AN ACT Relating to surface waters; and adding a new section to chapter 90.03 RCW.

Referred to Committee on Parks and Ecology.

SB 3816 by Senator Metcalf

AN ACT Relating to private schools; and amending RCW 28A.02.201.

Referred to Committee on Education.

SB 3817 by Senator Conner

AN ACT Relating to deputy voter registrars; and amending RCW 29.07.010 and 29.07.040.

Referred to Committee on Governmental Operations.

SB 3818 by Senators Rasmussen, Pullen and Kreidler (by Secretary of State request)

AN ACT Relating to the records committee; and amending RCW 40.14.050.

Referred to Committee on Governmental Operations.

SB 3819 by Senators McDermott, Kiskaddon, Peterson, Bender, Gaspard, Cantu and Stratton

AN ACT Relating to services and activities fees at institutions of higher education; and amending RCW 28B.15.044 and 28B.15.045.

Referred to Committee on Education.

SB 3820 by Senators Lee, Newhouse, Zimmerman, Deccio, Bailey, Guess, Benitz and Hayner

AN ACT Relating to state government; adding a new section to chapter 44.28 RCW; and creating a new section.

Referred to Committee on Governmental Operations.

SB 3821 by Senator Thompson

AN ACT Relating to judgments; amending RCW 4.56.090, 4.56.100, and 4.56.200; and creating a new section.

Referred to Committee on Judiciary.

SB 3822 by Senator Sellar

AN ACT Relating to insurance; and amending RCW 48.23.300.

Referred to Committee on Financial Institutions.

SB 3823 by Senator Sellar

AN ACT Relating to insurance; and amending RCW 48.18A.050.

Referred to Committee on Financial Institutions.

SB 3824 by Senator Peterson

AN ACT Relating to highway and other public contracting procedures; amending RCW 47.28.090 and 36.32.250; and adding a new section to chapter 47.28 RCW.

Referred to Committee on Transportation.

SB 3825 by Senators DeJarnatt, Deccio and Gaspard (by Attorney General request)

AN ACT Relating to initiatives; amending RCW 29.79.015; and adding a new section to chapter 29.79 RCW.

Referred to Committee on Judiciary.

SB 3826 by Senator Garrett

AN ACT Relating to local government finances; and amending RCW 39.50.030 and 39.50.040.

Referred to Committee on Governmental Operations.

SB 3827 by Senators Kreidler, Talmadge, Bluechel, Moore, McManus, Stratton, Warnke, Bender, Fleming, Rasmussen, Williams, Vognild, Cantu, Saling, Granlund, Goltz, Kiskaddon, Gaspard, Johnson, Conner, Bailey, Lee, Garrett, von Reichbauer, Zimmerman and Bauer (by Governor Gardner request)

AN ACT Relating to the financing of water pollution control facilities and systems; and adding a new chapter to Title 43 RCW.

Referred to Committee on Parks and Ecology.

SB 3828 by Senators Talmadge, Kreidler, Bluechel, McDermott, Conner, Lee, Rasmussen, Cantu, Gaspard, Kiskaddon, Granlund, Craswell, Warnke, Goltz, Johnson, Moore, McManus, Peterson, Bailey, Fleming, Bender, Halsan, Zimmerman, Williams, von Reichbauer, Garrett and Vognild (by Governor Gardner request)

AN ACT Relating to Puget Sound water quality; amending RCW 90.70.900; adding new sections to chapter 90.70 RCW; repealing RCW 90.70.010, 90.70.020, 90.70.030, 90.70.040, and 90.70.050; making an appropriation; and declaring an emergency.

Referred to Committee on Parks and Ecology.

SB 3829 by Senators Kreidler and Deccio (by Department of Licensing request)

AN ACT Relating to medical practice; amending RCW 18.71.050, 18.71.070, 18.71.095, 18.71A.080; reenacting and amending RCW 18.71.040, 18.71.080; and reenacting RCW 18.71.090.

Referred to Committee on Human Services and Corrections.

SB 3830 by Senators Garrett, Saling and Williams

AN ACT Relating to street vacations; and amending RCW 35.79.030.

Referred to Committee on Governmental Operations.

SB 3831 by Senator Talmadge

AN ACT Relating to adverse possession; and adding a new section to chapter 7.28 RCW.

Referred to Committee on Judiciary.

SB 3832 by Senator Talmadge

AN ACT Relating to political campaigns; amending RCW 42.17.390 and 42.17.395; adding new sections to chapter 42.17 RCW; and providing an effective date.

Referred to Committee on Judiciary.

SB 3833 by Senators Newhouse and McDermott

AN ACT Relating to the public employees' insurance board; amending RCW 41.05-.005, 41.05.010, 41.05.025, 41.05.030, 41.05.040, 41.05.050, 41.05.070, 41.04.205, 41.04.230, 41.40.380, 47.64.270, and 48.24.010; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3834 by Senators Gaspard, Warnke and Pullen

AN ACT Relating to labor relations in institutions of higher education; amending RCW 41.58.020; adding a new chapter to Title 41 RCW; repealing RCW 28B.52.010, 28B.52.020, 28B.52.030, 28B.52.035, 28B.52.050, 28B.52.060, 28B.52.070, 28B.52.080, 28B.52.090, 28B.52.100, and 28B.52.200; and providing an effective date.

Referred to Committee on Commerce and Labor.

SB 3835 by Senator Warnke

AN ACT Relating to local taxation of gambling; and amending RCW 9.46.110.

Referred to Committee on Commerce and Labor.

SB 3836 by Senators Warnke, Newhouse and Vognild

AN ACT Relating to vocational rehabilitation counselors; and adding a new section to chapter 51.41 RCW.

Referred to Committee on Commerce and Labor.

SB 3837 by Senators Wojahn, McDermott, Vognild, Stratton, Warnke and Fleming

AN ACT Relating to the encouragement of early warning in the case of a reduction in business operations; adding a new chapter to Title 49 RCW; adding a new section to chapter 82.04 RCW; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 3838 by Senators McDermott, Zimmerman, Bottiger, McDonald, Bauer, Goltz, Talmadge and Vognild

AN ACT Relating to business and occupation taxation; and amending RCW 82.04.250.

Referred to Committee on Ways and Means.

SB 3839 by Senators Bottiger and Vognild

AN ACT Relating to special rights of action; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Ways and Means.

SB 3840 by Senators Bottiger and Vognild

AN ACT Relating to business and occupation taxation; and amending RCW 82.04.290.

Referred to Committee on Ways and Means.

SB 3841 by Senator Conner

AN ACT Relating to state ferry system tolls; and amending RCW 47.60.326.

Referred to Committee on Transportation.

SB 3842 by Senators DeJarnatt, Goltz, Thompson, Owen and Gaspard

AN ACT Relating to state legislative districts; amending RCW 44.07B.190 and 44.07B.390; and repealing RCW 44.07B.195 and 44.07B.395.

Referred to Committee on Governmental Operations.

SB 3843 by Senators Gaspard and Bluechel

AN ACT Relating to the national history day program; adding new sections to chapter 28A.02 RCW; creating a new section; and making an appropriation.

Referred to Committee on Education.

SB 3844 by Senators Wojahn and Williams

AN ACT Relating to retail sales and use taxation; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Ways and Means.

SB 3845 by Senator Williams

AN ACT Relating to energy construction costs investment; amending RCW 80.04.010, 80.04.250, 80.04.320, 80.28.060, 80.50.010, 80.50.040, and 80.50.090; adding new sections to chapter 80.04 RCW; creating a new section; and repealing RCW 80.50.075.

Referred to Committee on Energy and Utilities.

SB 3846 by Senators Gaspard, Patterson, Kiskaddon and Bauer

AN ACT Relating to public school in-service training; and amending RCW 28A.71.210.

Referred to Committee on Education.

SB 3847 by Senators McDermott and Patterson

AN ACT Relating to retired teachers; and amending RCW 41.32.570.

Referred to Committee on Ways and Means.

SB 3848 by Senators Gaspard, Patterson and Bauer

AN ACT Relating to basic education allocations; amending RCW 28A.41.140; and declaring an emergency.

Referred to Committee on Education.

SB 3849 by Senator Williams (by 1989 Washington Centennial Commission request)

AN ACT Relating to the centennial partnership corporation; amending section 3, chapter 231, Laws of 1984 (uncodified); amending section 4, chapter 231, Laws of 1984 (uncodified); amending section 5, chapter 231, Laws of 1984 (uncodified); amending section 6, chapter 231, Laws of 1984 (uncodified); amending section 8, chapter 231, Laws of 1984 (uncodified); amending section 9, chapter 231, Laws of 1984 (uncodified); amending section 11, chapter 231, Laws of 1984 (uncodified); adding new sections to chapter 27.60 RCW; adding a new section to chapter 41.06 RCW; repealing section 7, chapter 231, Laws of 1984 (uncodified); making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Parks and Ecology.

SB 3850 by Senator McDermott

AN ACT Relating to elections; amending RCW 42.17.350, 42.17.360, 42.17.370, and 42.17.380; adding a new section to chapter 29.04 RCW; creating new sections; and repealing RCW 29.04.070.

Referred to Committee on Governmental Operations.

SB 3851 by Senators Wojahn, Warnke and Vognild

AN ACT Relating to presence of persons eighteen years of age or older on licensed premises; and amending RCW 66.44.316.

Referred to Committee on Commerce and Labor.

SB 3852 by Senators Wojahn, von Reichbauer, McManus, Pullen, Vognild and Johnson

AN ACT Relating to the joint legislative committee on child support; and amending section 36, chapter 260, Laws of 1984 (uncodified).

Referred to Committee on Human Services and Corrections.

SB 3853 by Senators Rinehart and Rasmussen

AN ACT Relating to the use of public facilities in political campaigns; and amending RCW 42.17.130.

Referred to Committee on Governmental Operations.

SB 3854 by Senators Rinehart, Rasmussen and Bender

AN ACT Relating to absentee voting; amending RCW 29.36.010; and adding new sections to chapter 29.36 RCW.

Referred to Committee on Governmental Operations.

SB 3855 by Senators Warnke, Garrett, Patterson and Peterson

AN ACT Relating to county roads; and adding new sections to chapter 47.26 RCW.

Referred to Committee on Transportation.

SB 3856 by Senators Vognild, Hansen, McManus, Metcalf, Bottiger, Zimmerman and Stratton

AN ACT Relating to fire protection; amending RCW 28C.50.010, 28C.50.050, 28C.51.010, and 28C.51.050; adding new sections to chapter 48.48 RCW; creating new sections; repealing RCW 28C.04.140, 48.05.320, 48.48.010, 48.48.020, 48.48.100, and 48.48.130; making an appropriation; and providing an effective date.

Referred to Committee on Commerce and Labor.

SB 3857 by Senators Bottiger, Newhouse, Vognild, Lee, Zimmerman and Patterson

AN ACT Relating to property tax levies for emergency medical care and services; amending RCW 29.30.111; and adding a new section to chapter 84.52 RCW.

Referred to Committee on Ways and Means.

SB 3858 by Senators Vognild, Lee, Newhouse, Metcalf, Zimmerman, Patterson, Bauer and Johnson

AN ACT Relating to the community economic revitalization board; amending RCW 43.160.900; and making an appropriation.

Referred to Committee on Ways and Means.

SB 3859 by Senators Vognild, Zimmerman and Moore

AN ACT Relating to precinct committeemen; and amending RCW 29.42.040 and 29.42.050.

Referred to Committee on Governmental Operations.

SB 3860 by Senators Vognild, Lee, McManus, Zimmerman, Bauer and Johnson

AN ACT Relating to property taxation; adding new sections to chapter 84.36 RCW; and providing an effective date.

Referred to Committee on Ways and Means.

SB 3861 by Senators Vognild, Lee, Gaspard, Conner, McManus, Metcalf, Zimmerman and Bauer

AN ACT Relating to the community economic revitalization board; amending RCW 43.160.900; and making an appropriation.

Referred to Committee on Commerce and Labor.

SB 3862 by Senators Bender, Lee, Vognild, Bauer and Warnke

AN ACT Relating to sales and use taxation; and amending RCW 82.12.010.

Referred to Committee on Ways and Means.

SB 3863 by Senators Vognild and Metcalf

AN ACT Relating to public health and safety; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Transportation.

SB 3864 by Senators Vognild, Lee, McManus, Metcalf, Zimmerman, Newhouse and Patterson

AN ACT Relating to use tax exemptions for nonprofit teaching and research institutions; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Ways and Means.

SJM 114 by Senators Metcalf and Johnson

Requesting an amendment to the U.S. Constitution establishing 12-year terms for the federal judiciary.

Referred to Committee on Judiciary.

SJM 115 by Senators McDermott, Williams, Moore, Wojahn and Talmadge

Requesting Congress to prohibit aid to Nicaraguan rebels.

Referred to Committee on Governmental Operations.

SJR 119 by Senators Hayner, Vognild, Zimmerman and Johnson (by Attorney General request)

Adopting the federal search and seizure law.

Referred to Committee on Judiciary.

SJR 120 by Senators Vognild, Metcalf, Peterson, Zimmerman, Granlund, Conner, McManus, Hansen, Patterson, Moore, Hayner and Johnson

Extending the terms of state legislators to four years for representatives and six years for senators.

Referred to Committee on Governmental Operations.

MOTIONS

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, the Committee on Natural Resources was relieved of further consideration of Senate Bill No. 3493.

On motion of Senator Vognild, Senate Bill No. 3493 was referred to the Committee on Ways and Means.

MOTION

At 11:51 a.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Friday, February 8, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

TWENTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 8, 1985

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, Bottiger, Craswell, Granlund, Guess, Halsan, Lee, Peterson and Rinehart. On motion of Senator Bender, Senators Bottiger, Granlund, Halsan, Peterson and Rinehart were excused. On motion of Senator Zimmerman, Senators Craswell, Guess and Lee were excused. On motion of Senator Bluechel, Senator Benitz was excused.

The Sergeant at Arms Color Guard consisting of Scouts Jeff Carrington, David Carr, David Pope and Stephen Pope, celebrating the seventy-fifth anniversary of Boy Scouts in America from Troop No. 321 in Chehalis, Washington, and guests of Senator Stu Halsan, presented the Colors and led the body in the flag salute and Boy Scout oath. Reverend H. Raymond Banks, senior pastor of the First Free Methodist Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 7, 1985

SB 3007 Prime Sponsor, Senator Bauer: Specifying motor vehicle licensing exemptions to be declared by the department for vehicles registered in other jurisdictions. Reported by Committee on Rules

MAJORITY recommendation: That Substitute Senate Bill No. 3007 be substituted therefor, as recommended by the Committee on Transportation and that the bill be referred to the Committee on Ways and Means. Signed by John A. Cherberg, Chairman; Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Goltz, Guess, Hayner, Rasmussen, Vognild.

Referred to Committee on Ways and Means.

February 4, 1985

SB 3017 Prime Sponsor, Senator McDermott: Delegating to LBC certain budget approval powers for emergency expenditures, unanticipated receipts, or transfers of appropriated moneys. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 3017 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Cantu, Goltz, Lee, McDonald, Moore, Talmadge, Thompson, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 5, 1985

SB 3088 Prime Sponsor, Senator Talmadge: Revising provisions relating to emergency assistance. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3088 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Metcalf, Newhouse, Pullen, Williams.

Passed to Committee on Rules for second reading.

February 7, 1985

SB 3116 Prime Sponsor, Senator Patterson: Modifying provisions relating to damage being done by wildlife. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 3116 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; Stratton, Vice Chairman; Barr, Halsan, Johnson, Lee, Metcalf, Patterson, Rasmussen.

Passed to Committee on Rules for second reading.

February 6, 1985

SB 3143 Prime Sponsor, Senator Talmadge: Extending the period for reregistration of trade names with the state. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; DeJarnatt, Hayner, McCaslin, Metcalf, Moore, Newhouse, Thompson, Williams.

Passed to Committee on Rules for second reading.

February 5, 1985

SB 3198 Prime Sponsor, Senator Talmadge: Revising provisions of the victims of sexual assault act. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3198 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, McCaslin, Metcalf, Newhouse, Williams.

Passed to Committee on Rules for second reading.

February 6, 1985

SB 3254 Prime Sponsor, Senator Talmadge: Revising certain provisions of domestic violence prevention laws. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3254 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Hayner, McCaslin, Moore, Newhouse, Thompson, Williams.

Passed to Committee on Rules for second reading.

February 7, 1985

SB 3259 Prime Sponsor, Senator Rasmussen: Exempting specified handicapped persons from hunting and fishing license requirements. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Barr, Halsan, Metcalf, Patterson, Rasmussen.

Passed to Committee on Rules for second reading.

February 6, 1985

SB 3273 Prime Sponsor, Senator Goltz: Modifying terms and procedures for the delivery of mutual aid services between law enforcement agencies. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Hayner, McCaslin, Moore, Newhouse, Thompson, Williams.

Passed to Committee on Rules for second reading.

February 5, 1985

SB 3363 Prime Sponsor, Senator Cantu: Clarifying the incest statute. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, McCaslin, Metcalf, Newhouse, Williams.

Passed to Committee on Rules for second reading.

February 6, 1985

SB 3393 Prime Sponsor, Senator Talmadge: Revising statutes of limitations. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Hayner, McCaslin, Metcalf, Moore, Newhouse, Pullen, Thompson.

Passed to Committee on Rules for second reading.

February 7, 1985

SB 3415 Prime Sponsor, Senator Bender: Authorizing adjustable interest rates. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, McDermott, Newhouse, Vognild.

Passed to Committee on Rules for second reading.

February 4, 1985

SJR 101 Prime Sponsor, Senator McDermott: Authorizing the establishment of a legislative committee to authorize when permitted emergency expenditures, spending unanticipated receipts, and certain transfers of appropriated funds. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Cantu, Goltz, Lee, Moore, Talmadge, Thompson, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Vognild, action on the list of Introduction and First Readings was deferred to enable each member to study the referrals so that action could be taken on the referrals before adjournment.

POINT OF INQUIRY

Senator Hansen: "Senator Vognild, when we go through these requests, can any of us who want to sign on other bills--that are on this list--can we do so, just to have our names added to it?"

Senator Vognild: "Certainly, you would be able to up until at least twelve. Sid, can we extend that any longer?"

REPLY BY THE PRESIDENT

President Cherberg: "The Secretary advises possibly until 2:00 p.m."

Senator Vognild: "Let's put a 2:00 p.m. cutoff then on adding signatures."

PERSONAL PRIVILEGE

Senator McDonald: "A point of personal privilege, just to expand on what Senator Vognild said. We did have 605 referrals and Senator Vognild and I have worked it out such that he will be lenient on changing these things. Also, people who have made introductions yesterday, please get to me if we have any major problems."

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

SECOND READING

SENATE BILL NO. 3018, by Senators Gaspard, Zimmerman, McDermott and Conner (by Legislative Budget Committee request)

Adopting life-cycle costing in construction design of public facilities.

The bill was read the second time.

MOTION

On motion of Senator Gaspard, the rules were suspended, Senate Bill No. 3018 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. 3018.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3018 and the bill passed the Senate by the following vote: Yeas, 40; excused, 9.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 40.

Excused: Senators Benitz, Bottiger, Craswell, Granlund, Guess, Halsan, Lee, Peterson, Rinehart - 9.

SENATE BILL NO. 3018, having received the constitutional majority, 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. 3170, by Senators Owen and Metcalf

Establishing criteria for annual natural resources reports.

MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 3170 was substituted for Senate Bill No. 3170 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the rules were suspended, Substitute Senate Bill No. 3170 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. 3170.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3170 and the bill passed the Senate by the following vote: Yeas, 40; excused, 9.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 40.

Excused: Senators Benitz, Bottiger, Craswell, Granlund, Guess, Halsan, Lee, Peterson, Rinehart - 9.

SUBSTITUTE SENATE BILL NO. 3170, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3202, by Senators McCaslin, Thompson and Zimmerman

Modifying provisions relating to initial assessed property valuations.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Senate Bill No. 3202 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3202.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3202 and the bill passed the Senate by the following vote: Yeas, 40; excused, 9.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 40.

Excused: Senators Benitz, Bottiger, Craswell, Granlund, Guess, Halsan, Lee, Peterson, Rinehart - 9.

SENATE BILL NO. 3202, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3368, by Senators Thompson, Owen and Lee

Revising provisions relating to the sale of salmon.

The bill was read the second time.

MOTION

On motion of Senator Owen, the rules were suspended, Senate Bill No. 3368 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. 3368.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3368 and the bill passed the Senate by the following vote: Yeas, 42; excused, 7.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Excused: Senators Benitz, Granlund, Guess, Halsan, Lee, Peterson, Rinehart - 7.

SENATE BILL NO. 3368, having received the constitutional 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 Bender, Senator Owen was excused.

SECOND READING

SENATE BILL NO. 3409, by Senators Warnke, Newhouse, Granlund, Wojahn, McManus, Rasmussen, Cantu, Lee and Vognild (by Employment Security Department request)

Specifying types of benefit payments not charged to employers' unemployment insurance experience rating accounts.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, Senate Bill No. 3409 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. 3409.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3409 and the bill passed the Senate by the following vote: Yeas, 41; excused, 8.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 41.

Excused: Senators Benitz, Granlund, Guess, Halsan, Lee, Owen, Peterson, Rinehart - 8.

SENATE BILL NO. 3409, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Warnke, the appointment of Richard A. Davis as Director of the Department of Labor and Industries was confirmed.

APPOINTMENT OF RICHARD A. DAVIS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; excused, 8.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 41.

Excused: Senators Benitz, Granlund, Guess, Halsan, Lee, Owen, Peterson, Rinehart - 8.

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

There being no objection, the Senate resumed consideration of Senate Bill No. 3551, deferred on third reading February 7, 1985.

THIRD READING

SENATE BILL NO. 3551, by Senator McDermott

Clarifying the tax statutes as a result of Bond v. Burrows 103 Wn. 2d 153 (1984).

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. 3551.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3551 and the bill passed the Senate by the following vote: Yeas, 40; nays, 1; excused, 8.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 40.

Voting nay: Senator Pullen - 1.

Excused: Senators Benitz, Granlund, Guess, Halsan, Lee, Owen, Peterson, Rinehart - 8.

SENATE BILL NO. 3551, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

SECOND READING

SENATE BILL NO. 3042, by Senators Hansen, Barr and Goltz

Creating a registry of security interests in the department of agriculture.

The bill was read the second time.

MOTIONS

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

On page 3, line 13, strike all of section 8 and insert a new section to read as follows:

"NEW SECTION, Sec. 8. The livestock security interest fund is hereby established in the custody of the state treasurer. The department shall deposit in the fund all moneys received from livestock security interest filing fees. Moneys in the fund shall be spent only for carrying out the purpose and provisions of this chapter. The fund is subject to the allotment procedure provided under chapter 43.88 RCW and an appropriation is required for disbursements."

On motion of Senator Hansen, the rules were suspended. Engrossed Senate Bill No. 3042 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. 3042.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3042 and the bill passed the Senate by the following vote: Yeas, 41; excused, 8.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 41.

Excused: Senators Benitz, Granlund, Guess, Halsan, Lee, Owen, Peterson, Rinehart - 8.

ENGROSSED SENATE BILL NO. 3042, having received the constitutional majority, 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. 3015, by Senators Williams, Lee, Garrett and Vognild

Exempting used book dealers from the record-keeping requirements for second-hand dealers.

MOTIONS

On motion of Senator Williams, Substitute Senate Bill No. 3015 was substituted for Senate Bill No. 3015 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Williams, the rules were suspended, Substitute Senate Bill No. 3015 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. 3015.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3015 and the bill passed the Senate by the following vote: Yeas, 41; excused, 8.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 41.

Excused: Senators Benitz, Granlund, Guess, Halsan, Lee, Owen, Peterson, Rinehart - 8.

SUBSTITUTE SENATE BILL NO. 3015, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Hayner served notice that she would move for reconsideration of the vote by which Senate Bill No. 3551 passed the Senate earlier today.

SECOND READING

SENATE BILL NO. 3095, by Senators Talmadge, Newhouse and Halsan

Revising appellate procedure.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 3095 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 Senate Bill No. 3095.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3095 and the bill passed the Senate by the following vote: Yeas, 38; nays, 1; absent, 2; excused, 8. Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Hansen, Hayner, Johnson, Kiskaddon, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 38.

Voting nay: Senator Pullen - 1.

Absent: Senators Deccio, Kreidler - 2.

Excused: Senators Benitz, Granlund, Guess, Halsan, Lee, Owen, Peterson, Rinehart - 8.

SENATE BILL NO. 3095, having received the constitutional majority, 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. 3361, by Senators Moore and Sellar

Regulating savings banks; providing for acquisition of control; and regulating conversions.

MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 3361 was substituted for Senate Bill No. 3361 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Moore, the rules were suspended, Substitute Senate Bill No. 3361 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3361.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3361 and the bill passed the Senate by the following vote: Yeas, 40; absent, 1; excused, 8.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 40.

Absent: Senator Deccio - 1.

Excused: Senators Benitz, Granlund, Guess, Halsan, Lee, Owen, Peterson, Rinehart - 8.

SUBSTITUTE SENATE BILL NO. 3361, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3104, by Senators Talmadge and Newhouse

Repealing statutes superseded by court rules.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 3104 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 Senate Bill No. 3104.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3104 and the bill passed the Senate by the following vote: Yeas, 35; nays, 5; absent, 1; excused, 8.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McDermott, McDonald, McManus, Moore, Newhouse, Patterson, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 35.

Voting nay: Senators Barr, Craswell, McCaslin, Metcalf, Pullen - 5.

Absent: Senator Deccio - 1.

Excused: Senators Benitz, Granlund, Guess, Halsan, Lee, Owen, Peterson, Rinehart - 8.

SENATE BILL NO. 3104, having received the constitutional 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 Vognilid, the Senate advanced to the eighth order of business.

MOTION

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

SENATE RESOLUTION 1985-11

by Senators Hansen, McDermott, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn and Zimmerman; Lieutenant Governor John A. Cherberg; Sid Snyder, Secretary of the Senate; Bill Gleason, Assistant Secretary of the Senate; Ole Scarpelli, Sergeant at Arms

WHEREAS, The pain of hunger knows no politics; and

WHEREAS, Thousands of people are dying in Ethiopia and other foreign nations from the lack of proper nutrition; and

WHEREAS, Washington State is blessed with bountiful harvests and caring people; and

WHEREAS, Two months ago a campaign to ease the famine situation in Ethiopia was launched with grassroots support from hundreds of farmers, concerned individuals, and businesses throughout the state; and

WHEREAS, The culmination of this massive outpouring of love will be the shipment of more than 3 million pounds of donated wheat from the Port of Olympia to Ethiopia on Monday, February 11, 1985; and

WHEREAS, The bags of wheat are imprinted with "A Gift of Love from the State of Washington."

NOW, THEREFORE, BE IT RESOLVED, That we, the Washington State Senate assembled in session, extend our heartfelt appreciation to the Reverend Dave Oliver and Les Walker for spearheading the wheat drive; to World Concern, a non-profit self-help agency; to the farmers of Washington State for sharing their crops with those truly in need; to the Washington State Department of Agriculture for inspecting the shipment free of charge; to the Logan Feed and Maxi Seed Companies for bagging the wheat; to the Port of Olympia and the International Longshoremen's and Warehousemen's Union, Local 47 for donating their skills; to Stevedoring Services of America; the Hoegh Shipping Lines for carrying the wheat to Africa; and

BE IT FURTHER RESOLVED, That we, the members of the Washington State Senate send our blessings with the grain to Ethiopia along with our prayers for an end to the tragedy of starvation, recognizing that we must be our brothers' and sisters' keepers; and

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to World Concern for distribution to all those who participated in this generous outpouring of love.

MOTION

On motion of Senator Hansen, all members and the Lieutenant Governor will be additional sponsors of Senate Resolution 1985-11.

PERSONAL PRIVILEGE

Senator McDonald: "Mr. President and fellow members of the Senate. I just want to bring to everybody's attention the fact that we have introduced 430 Title Only Bills. Now, we were very much in favor of the cutoff resolution--the one that made this a short period of time, so that we could get our agenda set. I just want to bring to the attention of the body and everybody else present that the agenda isn't set. We have 430 vehicles in which we can write virtually anything. In fact, anything. That does seem an inordinate amount of flexibility and we simply have not cut off anything at this date."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Senator McDonald, we have, in fact, cut off things. We are operating on a tight schedule. We have four weeks now for committee chairmen to get bills out of their committee--a week later to get them out of the Senate and conversely to the House. Obviously, a Title Only is a vehicle to handle problems that arise after the introduction date. They are seldom used, but they are there in case an emergency comes up. As for example, one just came up yesterday in King County. The King County Council called up and we were urgently searching for a title that would resolve the problem for them."

REMARKS BY SENATOR HAYNER

Senator Hayner: "Mr. President and ladies and gentlemen of the Senate. We have no doubt that Title Only Bills serve a good purpose, Senator. Obviously, we always have emergencies and we have to take care of them. But in the sixteen more or less committees that we have--if you had ten Title Onlys in each one, that would be 160. This is an ordinate number of Title Onlys and I can't imagine what we're going to have to face. It sounds like we may go to July."

MOTION

At 11:25 a.m., on motion of Senator Vognild, the Senate recessed until 11:55 a.m.

SECOND MORNING SESSION

The Senate was called to order at 11:57 a.m. by President Cherberg.

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

REPORT OF STANDING COMMITTEE

February 7, 1985

SB 3201 Prime Sponsor, Senator Halsan: Classifying PCBs as dangerous waste. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 3201 be substituted therefor, and the substitute bill do pass. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Hansen, Williams.

Passed to Committee on Rules for second reading.

MOTIONS

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

On motion of Senator Vognild, the Introductions and First Readings were referred to the committee, with the noted changes, as listed on the referral lists on the desks of each member.

INTRODUCTION AND FIRST READING

SB 3865 by Senators Bauer and Benitz (by Temporary Committee on Educational Policies, Structure and Management request)

AN ACT Relating to vocational education and student eligibility; amending RCW 28A.58.190; adding a new section to chapter 28C.04 RCW; and creating a new section.

Referred to Committee on Education.

SB 3866 by Senators Bauer, Benitz, Bender, Wojahn, Warnke, Johnson, Lee, Rasmussen, Conner, Vognild and Goltz (by Temporary Committee on Educational Policies, Structure and Management request)

AN ACT Relating to higher education; amending RCW 28A.58.824, 28A.58.826, 28A.58.828, 28A.58.830, 28B.04.020, 28B.04.030, 28B.04.040, 28B.04.050, 28B.04.060, 28B.04.070, 28B.04.080, 28B.04.110, 28B.05.030, 28B.05.050, 28B.05.130, 28B.07.030, 28B.07.040, 28B.10.045, 28B.10.052, 28B.10.215, 28B.10.220, 28B.10.650, 28B.10.790, 28B.10.792, 28B.10.802, 28B.10.806, 28B.10.832, 28B.10.840, 28B.15.012, 28B.15.013, 28B.15.015, 28B.15.070, 28B.15.076, 28B.15.100, 28B.15.543, 28B.15.730, 28B.15.732, 28B.15.734, 28B.15.736, 28B.15.750, 28B.15.752, 28B.15.754, 28B.15.756, 28B.15.758, 28B.15.760, 28B.15.762, 28B.15.764, 28B.20.280, 28B.35.100, 28B.30.500, 28B.35.205, 28B.40.206, 28B.65.040, 28B.50.050, 28B.65.050, 28B.65.060, 28B.80.040, 28B.80.060, 28B.80.090, 28B.80.110, 28B.80.120, 28B.80.150, 28B.80.160, 28B.80.170, 28B.80.230, 28B.80.240, 28B.80.250, 28B.80.260, and 28B.80.270; adding a new chapter to Title 28B RCW; adding a new section to chapter 28B.80 RCW; creating new sections; repealing RCW 28B.10.650, 28B.40.240, 28B.40.244, 28B.80.010, 28B.80.020, 28B.80.030, 28B.80.035, 28B.80.200, 28B.80.210, 28B.80.220, 28B.80.280, 28B.80.290, 28B.80.900, 28B.80.910, 43.131.259, and 43.131.260; and providing an effective date.

Referred to Committee on Education.

SB 3867 by Senators Bauer, Benitz, McDermott, Lee, Vognild, Rasmussen, Conner and Hayner (by Temporary Committee on Educational Policies, Structure and Management request)

AN ACT Relating to teacher competency; adding new sections to chapter 28A.70 RCW; and making an appropriation.

Referred to Committee on Education.

SB 3868 by Senators Bauer, Benitz, Bender, Wojahn, Rasmussen, Vognild, Goltz and Fleming (by Temporary Committee on Educational Policies, Structure and Management request)

AN ACT Relating to local excess levies; providing for a study of the current situation with respect to expenditure of funds and a temporary allocation from the state general fund to provide relief from the levy limitation; creating new sections; making an appropriation; and declaring an emergency.

Referred to Committee on Education.

SB 3869 by Senators Bauer, Benitz, Bender, Wojahn, Gaspard, Rasmussen, McDonald and Lee (by Temporary Committee on Educational Policies, Structure and Management request)

AN ACT Relating to college entrance requirements; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Education.

SB 3870 by Senators Bauer, Benitz, Lee and Bailey (by Temporary Committee on Educational Policies, Structure and Management request)

AN ACT Relating to vocational education; amending RCW 18.106.040, 19.28.510, 19.28.530, 28B.04.080, 28B.05.030, 28B.05.050, 28B.05.130, 28B.50.090, 28B.80.040, 28B.80.060, 28C.04.020, 28C.04.060, 28C.04.070, 28C.04.080, 28C.04.310, 28C.04.410, 28C.04.420, 28C.04.430, 28C.04.440, 28C.04.460, 28C.04.470, 28C.04.530, 28C.04.535, 28C.04.540, 28C.04.550, 28C.50.010, 28C.50.050, 28C.51.010, 28C.51.050, 43.03.028, 43.131.287, 49.04.010, 49.04.030, and 50.38.030; adding a new section to chapter 28B.50 RCW; adding new sections to chapter 28C.04 RCW; creating a new section; recodifying RCW 28C.50.010, 28C.50.050, 28C.51.010, 28C.51.050, 28C.50.020, 28C.50.030, 28C.50.040, 28C.50.060, 28C.50.900, 28C.51.020, 28C.51.030, 28C.51.040, and 28C.51.060; decodifying RCW 28C.04.500 and 28C.04.510;

repealing RCW 28C.04.030, 28C.04.040, 28C.04.050, 28C.04.090, 28C.04.140, 28C.04.150, and 43.131.288; providing an effective date; and declaring an emergency.

Referred to Committee on Education.

SB 3871 by Senator Goltz

AN ACT Relating to liability settlements and jury trials; and adding a new section to chapter 5.64 RCW.

Referred to Committee on Judiciary.

SB 3872 by Senators Stratton and Saling

AN ACT Relating to the protection of subterranean water; and adding a new chapter to Title 36 RCW.

Referred to Committee on Parks and Ecology.

SB 3873 by Senators Lee, Cantu, Hayner, McCaslin, Deccio, Zimmerman and Saling

AN ACT Relating to business and occupation tax deferral; adding a new section to chapter 82.04 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3874 by Senators Kiskaddon, McDonald and Barr

AN ACT Relating to life-care retirement centers; and amending RCW 70.38.025.

Referred to Committee on Human Services and Corrections.

SB 3875 by Senators Cantu, Hayner, Lee, Deccio, McCaslin and Johnson

AN ACT Relating to retail sales and use taxation; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3876 by Senators Kiskaddon and Patterson

AN ACT Relating to alcohol and drug treatment; amending RCW 71.05.020 and 71.05.040; and repealing RCW 70.96A.140.

Referred to Committee on Human Services and Corrections.

SB 3877 by Senators Stratton, Saling, Guess, Conner, Lee, Barr, Halsan, Kreidler, Johnson, Warnke, Hansen, Goltz and Vognil

AN ACT Relating to food fish and shellfish; amending RCW 75.25.015, 75.25.100, 75.25.110, 75.25.120, 75.25.130, 75.25.140, 75.25.150, and 75.25.160; adding new sections to chapter 75.25 RCW; and providing an effective date.

Referred to Committee on Natural Resources.

SB 3878 by Senators Stratton and Saling

AN ACT Relating to the taxation of military installations on the national register of historic places; amending RCW 84.36.800, 84.36.805, and 84.36.810; and adding a new section to chapter 84.36 RCW.

Referred to Committee on Ways and Means.

SB 3879 by Senators Barr and Thompson

AN ACT Relating to retirement from public service; amending RCW 41.40.330; and creating a new section.

Referred to Committee on Ways and Means.

SB 3880 by Senators Talmadge and Owen (by Military Department request)

AN ACT Relating to claims against the state judge advocate; and adding a new section to chapter 38.40 RCW.

Referred to Committee on Judiciary.

SB 3881 by Senators Talmadge and Rasmussen (by Military Department request)

AN ACT Relating to the militia; and amending RCW 38.40.010.

Referred to Committee on Judiciary.

SB 3882 by Senators Thompson, McCaslin, McManus, Rasmussen and Johnson
(by Military Department request)

AN ACT Relating to rental of state-owned armories; and amending RCW 38.20.010.

Referred to Committee on Governmental Operations.

SB 3883 by Senators McDermott and Rasmussen (by Department of Revenue
request)

AN ACT Relating to the tax on conveyances; adding a new section to chapter 82.20
RCW; repealing RCW 82.20.020, 82.20.030, and 82.20.040; providing an effective date; and
declaring an emergency.

Referred to Committee on Ways and Means.

SB 3884 by Senators McDermott and Rasmussen (by Department of Revenue
request)

AN ACT Relating to taxation; and amending RCW 42.17.310 and 82.32.330.

Referred to Committee on Ways and Means.

SB 3885 by Senators McDermott and McDonald (by Department of Revenue
request)

AN ACT Relating to use taxation; and amending RCW 82.12.010.

Referred to Committee on Ways and Means.

SB 3886 by Senator McDermott (by Department of Revenue request)

AN ACT Relating to excise tax definitions; and amending RCW 82.04.190.

Referred to Committee on Ways and Means.

SB 3887 by Senator McDermott (by Department of Revenue request)

AN ACT Relating to property taxation; and amending RCW 84.40.060, 84.38.020,
84.38.030, 84.38.050, 84.38.100, 84.38.130, 84.48.110, 84.48.120 and 84.56.290.

Referred to Committee on Ways and Means.

SB 3888 by Senators McDermott and McDonald (by Department of Revenue
request)

AN ACT Relating to excise taxation; and amending RCW 82.04.180 and 82.32.140.

Referred to Committee on Ways and Means.

SB 3889 by Senators McDermott and McDonald (by Department of Revenue
request)

AN ACT Relating to revenue and taxation; and amending RCW 11.28.120 and
43.10.067.

Referred to Committee on Ways and Means.

SB 3890 by Senators McDermott and McDonald (by Department of Revenue
request)

AN ACT Relating to excise tax administration; amending RCW 82.32.340, 82.32.290,
and 82.48.090; and adding new sections to chapter 82.32 RCW.

Referred to Committee on Ways and Means.

SB 3891 by Senators Peterson and Rasmussen

AN ACT Relating to vehicle certificates of title; and amending RCW 46.12.050.

Referred to Committee on Transportation.

SB 3892 by Senator McDermott (by Department of Revenue request)

AN ACT Relating to business and occupation taxation of the business of making sales
through direct seller's representatives; and amending RCW 82.04.423.

Referred to Committee on Ways and Means.

SB 3893 by Senators McDermott and McDonald (by Department of Revenue request)

AN ACT Relating to administrative and definitional changes to the excise tax laws; and amending RCW 82.04.170 and 82.04.260.

Referred to Committee on Ways and Means.

SB 3894 by Senators Owen, Pullen, Warnke, Metcalf and Kreidler

AN ACT Relating to water and watersheds; amending RCW 70.54.010; adding new sections to chapter 70.54 RCW; creating a new section; repealing RCW 35.88.010 and 35.88.020; and declaring an emergency.

Referred to Committee on Natural Resources.

SB 3895 by Senators Guess, Kreidler, Granlund, Garrett, Bluechel, DeJarnatt, Bender, Conner, Gaspard, Vognild and McManus

AN ACT Relating to bicycle safety programs; adding new sections to chapter 43.59 RCW; and making an appropriation.

Referred to Committee on Transportation.

SB 3896 by Senator Rasmussen

AN ACT Relating to school employees' compensation; and amending RCW 28A.58.095.

Referred to Committee on Education.

SB 3897 by Senators Bender, Talmadge, McDermott, Halsan, Vognild and Moore

AN ACT Relating to insurance reporting; and adding new sections to chapter 48.05 RCW.

Referred to Committee on Financial Institutions.

SB 3898 by Senators Granlund, Kreidler and Kiskaddon

AN ACT Relating to occupational therapy; and amending RCW 18.59.020.

Referred to Committee on Human Services and Corrections.

SB 3899 by Senators Conner, Craswell, Deccio, McCaslin, Stratton, Pullen and Newhouse

AN ACT Relating to property tax limitations; adding a new section to chapter 84.55 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 3900 by Senator Bauer

AN ACT Relating to gasoline trucks; and adding a new section to chapter 19.94 RCW.

Referred to Committee on Transportation.

SB 3901 by Senators Kreidler, McManus, Conner, Newhouse, Warnke, McDermott and Bauer

AN ACT Relating to counselors, social workers, mental health counselors, and marriage and family counselors; amending RCW 18.130.040 and 26.44.030; reenacting and amending RCW 18.120.020; adding a new chapter to Title 18 RCW; and making an appropriation.

Referred to Committee on Human Services and Corrections.

SB 3902 by Senators Guess and McDonald

AN ACT Relating to labor dispute disqualifications for unemployment compensation; and amending RCW 50.20.090.

Referred to Committee on Commerce and Labor.

SB 3903 by Senators Talmadge, Moore, Lee, Bender and Williams

AN ACT Relating to discrimination on the basis of sex or marital status in the business of insurance; adding a new section to chapter 48.30 RCW; and creating new sections.

Referred to Committee on Financial Institutions.

SB 3904 by Senators Kiskaddon and Johnson

AN ACT Relating to self-medication; and amending RCW 18.20.010 and 18.20.160.

Referred to Committee on Human Services and Corrections.

SB 3905 by Senators Kreidler, Saling and McManus

AN ACT Relating to certifying radiological technologists and nuclear medicine technologists; amending RCW 18.130.040; adding a new chapter to Title 18 RCW; making an appropriation; and providing an effective date.

Referred to Committee on Human Services and Corrections.

SB 3906 by Senators Talmadge and Cantu (by Attorney General request)

AN ACT Relating to pornography and moral nuisances; amending RCW 7.48A.040, 7.48A.050, and 9.68.140; prescribing penalties; and declaring an emergency.

Referred to Committee on Judiciary.

SB 3907 by Senators Fleming, Peterson, Bender, Stratton, Barr, Owen, Zimmerman, Conner and Vognild

AN ACT Relating to the creation of a forest products market development task force; creating new sections; making an appropriation; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 3908 by Senators Halsan and Vognild

AN ACT Relating to the parties in warranty actions; amending RCW 62A.2-318; and creating a new section.

Referred to Committee on Judiciary.

SB 3909 by Senators Gaspard and Bender

AN ACT Relating to certain elections; amending RCW 84.52.056; adding a new section to chapter 29.64 RCW; and providing a contingent effective date.

Referred to Committee on Education.

SB 3910 by Senators Talmadge, Halsan and Goltz

AN ACT Relating to unfair manufacturing processes; and adding a new chapter to Title 19 RCW.

Referred to Committee on Judiciary.

SB 3911 by Senators Fleming, McDermott, Bailey, Vognild, McManus and Kreidler

AN ACT Relating to housing authorities; and amending RCW 35.82.010, 35.82.020, 35.82.030, 35.82.070, 35.82.080, 35.82.090, and 35.82.140.

Referred to Committee on Ways and Means.

SB 3912 by Senators Stratton, Deccio, Wojahn, Sellar and McManus

AN ACT Relating to employee health care assistance plans; and adding a new chapter to Title 48 RCW.

Referred to Committee on Financial Institutions.

SB 3913 by Senators Kreidler, Johnson, Deccio and McManus

AN ACT Relating to licensing of dental faculty; and adding a new section to chapter 18.32 RCW.

Referred to Committee on Human Services and Corrections.

SB 3914 by Senators Stratton, Craswell, Deccio, Gaspard and Kreidler

AN ACT Relating to professional licensing; amending RCW 18.32.035, 18.32.040, 18.29.060, 18.32.120, 18.29.020, 18.32.210, and 18.32.030; adding a new section to chapter 18.29 RCW; adding a new section to chapter 18.32 RCW; and repealing RCW 18.29.031.

Referred to Committee on Human Services and Corrections.

SB 3915 by Senators Moore, Deccio, Wojahn, Sellar, Vognild and McManus

AN ACT Relating to a survey of reimbursement standards for commercial insurers and health care contractors; and creating new sections.

Referred to Committee on Financial Institutions.

SB 3916 by Senators Bottiger, Deccio, Wojahn, Vognild and McManus

AN ACT Relating to payment of health care providers by health care service contractors as directed by subscribers; amending RCW 48.44.026; and creating a new section.

Referred to Committee on Financial Institutions.

SB 3917 by Senators Warnke, Zimmerman, Williams, Newhouse, Gaspard, McDermott and Saling

AN ACT Relating to landscape architects; amending RCW 18.96.040, 18.96.110, and 18.96.130; repealing RCW 43.131.265 and 43.131.266; and providing penalties.

Referred to Committee on Commerce and Labor.

SB 3918 by Senators Halsan, Newhouse, Williams, Wojahn, Goltz, Guess, McDonald and Hayner

AN ACT Relating to claims arising from improvements upon real property; and amending RCW 4.16.160 and 4.16.310.

Referred to Committee on Judiciary.

SB 3919 by Senator Peterson

AN ACT Relating to vehicle licensing.

Referred to Committee on Transportation.

SB 3920 by Senator Peterson

AN ACT Relating to transportation.

Referred to Committee on Transportation.

SB 3921 by Senator Peterson

AN ACT Relating to the state patrol.

Referred to Committee on Transportation.

SB 3922 by Senator Peterson

AN ACT Relating to the state patrol.

Referred to Committee on Transportation.

SB 3923 by Senator Peterson

AN ACT Relating to transportation safety.

Referred to Committee on Transportation.

SB 3924 by Senator Peterson

AN ACT Relating to transportation safety.

Referred to Committee on Transportation.

SB 3925 by Senator Peterson

AN ACT Relating to marine transportation.

Referred to Committee on Transportation.

SB 3926 by Senator Peterson

AN ACT Relating to public transportation.

Referred to Committee on Transportation.

SB 3927 by Senator Peterson

AN ACT Relating to the department of licensing.

Referred to Committee on Transportation.

SB 3928 by Senator Peterson

AN ACT Relating to utilities and transportation commission.

Referred to Committee on Transportation.

SB 3929 by Senator Peterson

AN ACT Relating to revenue and taxation of common carriers of motor freight.

Referred to Committee on Transportation.

SB 3930 by Senator Peterson

AN ACT Relating to driving while intoxicated.

Referred to Committee on Transportation.

SB 3931 by Senator Peterson

AN ACT Relating to transportation services, programs and improvements for Expo '86.

Referred to Committee on Transportation.

SB 3932 by Senator Peterson

AN ACT Relating to limitations upon the valuation of motor vehicles.

Referred to Committee on Transportation.

SB 3933 by Senator Peterson

AN ACT Relating to fisheries.

Referred to Committee on Natural Resources.

SB 3934 by Senator Peterson

AN ACT Relating to fisheries.

Referred to Committee on Natural Resources.

SB 3935 by Senator Peterson

AN ACT Relating to game.

Referred to Committee on Natural Resources.

SB 3936 by Senator Peterson

AN ACT Relating to game.

Referred to Committee on Natural Resources.

SB 3937 by Senator Peterson

AN ACT Relating to natural resources.

Referred to Committee on Natural Resources.

SB 3938 by Senator Peterson

AN ACT Relating to natural resources.

Referred to Committee on Natural Resources.

SB 3939 by Senator Metcalf

AN ACT Relating to the teacher's retirement system.

Referred to Committee on Ways and Means.

SB 3940 by Senator Peterson

AN ACT Relating to pilotage.

Referred to Committee on Transportation.

SB 3941 by Senator Peterson

AN ACT Relating to railroads.

Referred to Committee on Transportation.

SB 3942 by Senator Peterson

AN ACT Relating to driver licensing.

Referred to Committee on Transportation.

SB 3943 by Senator Peterson

AN ACT Relating to driver licensing.

Referred to Committee on Transportation.

SB 3944 by Senator Peterson

AN ACT Relating to motor vehicles.

Referred to Committee on Transportation.

SB 3945 by Senator Peterson

AN ACT Relating to motor vehicles.

Referred to Committee on Transportation.

SB 3946 by Senator Peterson

AN ACT Relating to hazardous materials.

Referred to Committee on Transportation.

SB 3947 by Senator Peterson

AN ACT Relating to transportation.

Referred to Committee on Transportation.

SB 3948 by Senator Peterson

AN ACT Relating to transportation.

Referred to Committee on Transportation.

SB 3949 by Senator Peterson

AN ACT Relating to transportation services, programs and improvements for Expo '86.

Referred to Committee on Transportation.

SB 3950 by Senator Peterson

AN ACT Relating to northern state hospital.

Referred to Committee on Human Services and Corrections.

SB 3951 by Senator Peterson

AN ACT Relating to northern state hospital.

Referred to Committee on Human Services and Corrections.

SB 3952 by Senator Peterson

AN ACT Relating to taxation of fishing vessels.

Referred to Committee on Natural Resources.

SB 3953 by Senator Peterson

AN ACT Relating to insurance.

Referred to Committee on Financial Institutions.

SB 3954 by Senator McDermott

AN ACT Relating to timber tax distribution.

Referred to Committee on Ways and Means.

SB 3955 by Senator McDermott

AN ACT Relating to debt limit.

Referred to Committee on Ways and Means.

SB 3956 by Senator Benitz

AN ACT Relating to radioactive waste disposal.

Referred to Committee on Energy and Utilities.

SB 3957 by Senator McDermott

AN ACT Relating to excise taxation.

Referred to Committee on Ways and Means.

SB 3958 by Senator Bluechel

AN ACT Relating to department of ecology.

Referred to Committee on Parks and Ecology.

SB 3959 by Senator Bluechel

AN ACT Relating to parks and recreation.

Referred to Committee on Parks and Ecology.

SB 3960 by Senator Bluechel

AN ACT Relating to winter recreation.

Referred to Committee on Parks and Ecology.

SB 3961 by Senator Bluechel

AN ACT Relating to water quality.

Referred to Committee on Parks and Ecology.

SB 3962 by Senator Bluechel

AN ACT Relating to ecology.

Referred to Committee on Parks and Ecology.

SB 3963 by Senator Granlund

AN ACT Relating to families-in-conflict.

Referred to Committee on Human Services and Corrections.

SB 3964 by Senator Granlund

AN ACT Relating to children and family services.

Referred to Committee on Human Services and Corrections.

SB 3965 by Senator Granlund

AN ACT Relating to juveniles.

Referred to Committee on Human Services and Corrections.

SB 3966 by Senator Granlund

AN ACT Relating to crime victims notification program.

Referred to Committee on Human Services and Corrections.

SB 3967 by Senator Granlund

AN ACT Relating to neurologically impaired persons.

Referred to Committee on Human Services and Corrections.

SB 3968 by Senator Granlund

AN ACT Relating to a study to assess the need for programs for the neurologically impaired.

Referred to Committee on Human Services and Corrections.

SB 3969 by Senator Granlund

AN ACT Relating to adult corrections.

Referred to Committee on Human Services and Corrections.

SB 3970 by Senator Granlund

AN ACT Relating to adult corrections.

Referred to Committee on Human Services and Corrections.

SB 3971 by Senator Granlund

AN ACT Relating to institutional industries.

Referred to Committee on Human Services and Corrections.

SB 3972 by Senator Granlund

AN ACT Relating to sentencing of criminal offenders.

Referred to Committee on Human Services and Corrections.

SB 3973 by Senator Granlund

AN ACT Relating to social and health services.

Referred to Committee on Human Services and Corrections.

SB 3974 by Senator Granlund

AN ACT Relating to social and health services.

Referred to Committee on Human Services and Corrections.

SB 3975 by Senator Granlund

AN ACT Relating to public assistance.

Referred to Committee on Human Services and Corrections.

SB 3976 by Senator Granlund

AN ACT Relating to nursing homes.

Referred to Committee on Human Services and Corrections.

SB 3977 by Senator Granlund

AN ACT Relating to nursing homes.

Referred to Committee on Human Services and Corrections.

SB 3978 by Senator Granlund

AN ACT Relating to jails.

Referred to Committee on Human Services and Corrections.

SB 3979 by Senator Granlund

AN ACT Relating to social services.

Referred to Committee on Human Services and Corrections.

SB 3980 by Senator Granlund

AN ACT Relating to children's mental health.

Referred to Committee on Human Services and Corrections.

SB 3981 by Senator Vognild

AN ACT Relating to exemption from industrial insurance premiums.

Referred to Committee on Commerce and Labor.

SB 3982 by Senator Moore

AN ACT Relating to usury.

Referred to Committee on Financial Institutions.

SB 3983 by Senator Moore

AN ACT Relating to savings and loan associations.

Referred to Committee on Financial Institutions.

SB 3984 by Senator Moore

AN ACT Relating to savings and loan associations.

Referred to Committee on Financial Institutions.

SB 3985 by Senator Moore

AN ACT Relating to savings and loan associations.

Referred to Committee on Financial Institutions.

SB 3986 by Senator Moore

AN ACT Relating to industrial loan companies.

Referred to Committee on Financial Institutions.

SB 3987 by Senator Moore

AN ACT Relating to insurance.

Referred to Committee on Financial Institutions.

SB 3988 by Senator Moore

AN ACT Relating to pawn brokers.

Referred to Committee on Financial Institutions.

SB 3989 by Senator Moore

AN ACT Relating to insurance.

Referred to Committee on Financial Institutions.

SB 3990 by Senator Moore

AN ACT Relating to securities.

Referred to Committee on Financial Institutions.

SB 3991 by Senator Moore

AN ACT Relating to the taxation of coin and bullion investments.

Referred to Committee on Financial Institutions.

SB 3992 by Senator Moore

AN ACT Relating to port district's authority to acquire and/or operate extraterritorial rail facilities.

Referred to Committee on Transportation.

SB 3993 by Senator Moore

AN ACT Relating to securities.

Referred to Committee on Financial Institutions.

SB 3994 by Senator Moore

AN ACT Relating to adjustable interest rates.

Referred to Committee on Financial Institutions.

SB 3995 by Senator Moore

AN ACT Relating to securities.

Referred to Committee on Financial Institutions.

SB 3996 by Senator Moore

AN ACT Relating to credit unions.

Referred to Committee on Financial Institutions.

SB 3997 by Senator Moore

AN ACT Relating to consumer finance companies.

Referred to Committee on Financial Institutions.

SB 3998 by Senator Moore

AN ACT Relating to credit unions.

Referred to Committee on Financial Institutions.

SB 3999 by Senator Moore

AN ACT Relating to savings banks.

Referred to Committee on Financial Institutions.

SB 4000 by Senators Rasmussen, Warnke, Wojahn, Vognild, McCaslin and Zimmerman

AN ACT Relating to local government; adding a new section to chapter 35.21 RCW; adding a new section to chapter 36.32 RCW; and creating a new section.

Referred to Committee on Governmental Operations.

SB 4001 by Senator Moore

AN ACT Relating to savings banks.

Referred to Committee on Financial Institutions.

SB 4002 by Senator Moore

AN ACT Relating to savings banks.

Referred to Committee on Financial Institutions.

SB 4003 by Senator Moore

AN ACT Relating to consumer finance companies.

Referred to Committee on Financial Institutions.

SB 4004 by Senator Moore

AN ACT Relating to banks and bank holding companies.

Referred to Committee on Financial Institutions.

SB 4005 by Senator Moore

AN ACT Relating to banks and bank holding companies.

Referred to Committee on Financial Institutions.

SB 4006 by Senator Kiskaddon

AN ACT Relating to insurance; and creating a new section.

Referred to Committee on Financial Institutions.

SB 4007 by Senator Kiskaddon

AN ACT Relating to financial support for state mandated programs and policies.

Referred to Committee on Ways and Means.

SB 4008 by Senator Thompson

AN ACT Relating to the gubernatorial appointments.

Referred to Committee on Governmental Operations.

SB 4009 by Senator Zimmerman

AN ACT Relating to education.

Referred to Committee on Education.

SB 4010 by Senator Zimmerman

AN ACT Relating to merit pay for management employees in state government.

Referred to Committee on Governmental Operations.

SB 4011 by Senator Zimmerman

AN ACT Relating to state government reorganization.

Referred to Committee on Governmental Operations.

SB 4012 by Senator Zimmerman

AN ACT Relating to public employees.

Referred to Committee on Governmental Operations.

SB 4013 by Senator Barr

AN ACT Relating to administrative procedure act.

Referred to Committee on Governmental Operations.

SB 4014 by Senator Barr

AN ACT Relating to irrigation development bonds.

Referred to Committee on Agriculture.

SB 4015 by Senator Barr

AN ACT Relating to agricultural improvements.

Referred to Committee on Agriculture.

SB 4016 by Senator Barr

AN ACT Relating to agricultural commodities.

Referred to Committee on Agriculture.

SB 4017 by Senator Conner

AN ACT Relating to the modification of the public utility tax on common carriers.

Referred to Committee on Ways and Means.

SB 4018 by Senator Benitz

AN ACT Relating to energy generating facilities.

Referred to Committee on Energy and Utilities.

SB 4019 by Senator Benitz

AN ACT Relating to nuclear energy.

Referred to Committee on Energy and Utilities.

SB 4020 by Senator Benitz

AN ACT Relating to radioactive materials.

Referred to Committee on Energy and Utilities.

SB 4021 by Senator Benitz

AN ACT Relating to energy and utilities.

Referred to Committee on Energy and Utilities.

SB 4022 by Senator Benitz

AN ACT Relating to the Hanford federal reservation.

Referred to Committee on Energy and Utilities.

SB 4023 by Senator Kreidler

AN ACT Relating to Puget Sound water quality funding.

Referred to Committee on Parks and Ecology.

SB 4024 by Senator Kreidler

AN ACT Relating to litter control.

Referred to Committee on Parks and Ecology.

SB 4025 by Senator Kreidler

AN ACT Relating to environmental regulation.

Referred to Committee on Parks and Ecology.

SB 4026 by Senators Kreidler and McManus

AN ACT Relating to environmental impact of radioactive waste transportation, storage, and disposal.

Referred to Committee on Parks and Ecology.

SB 4027 by Senator Kreidler

AN ACT Relating to permit processing.

Referred to Committee on Parks and Ecology.

SB 4028 by Senator Kreidler

AN ACT Relating to the Washington conservation corps.

Referred to Committee on Parks and Ecology.

SB 4029 by Senator Kreidler

AN ACT Relating to pesticides.

Referred to Committee on Parks and Ecology.

SB 4030 by Senator Kreidler

AN ACT Relating to hazardous waste.

Referred to Committee on Parks and Ecology.

SB 4031 by Senator Kreidler

AN ACT Relating to ground water.

Referred to Committee on Parks and Ecology.

SB 4032 by Senator Owen

AN ACT Relating to game fish.

Referred to Committee on Natural Resources.

SB 4033 by Senator Owen

AN ACT Relating to department of game.

Referred to Committee on Natural Resources.

SB 4034 by Senator Owen

AN ACT Relating to game animals.

Referred to Committee on Natural Resources.

SB 4035 by Senator Owen

AN ACT Relating to natural resources.

Referred to Committee on Natural Resources.

SB 4036 by Senator Owen

AN ACT Relating to fisheries.

Referred to Committee on Natural Resources.

SB 4037 by Senator Owen

AN ACT Relating to hydraulic works.

Referred to Committee on Natural Resources.

SB 4038 by Senator Owen

AN ACT Relating to food fish and shellfish.

Referred to Committee on Natural Resources.

SB 4039 by Senator Owen

AN ACT Relating to game funding.

Referred to Committee on Natural Resources.

SB 4040 by Senator Owen

AN ACT Relating to fisheries funding.

Referred to Committee on Natural Resources.

SB 4041 by Senator Owen

AN ACT Relating to state oyster reserves.

Referred to Committee on Natural Resources.

- SB 4042 by Senator Owen
AN ACT Relating to hunting and fishing licenses.
Referred to Committee on Natural Resources.
- SB 4043 by Senator Owen
AN ACT Relating to hunting.
Referred to Committee on Natural Resources.
- SB 4044 by Senator Owen
AN ACT Relating to fishing.
Referred to Committee on Natural Resources.
- SB 4045 by Senator Owen
AN ACT Relating to the department of natural resources funding.
Referred to Committee on Natural Resources.
- SB 4046 by Senator Owen
AN ACT Relating to the department of natural resources.
Referred to Committee on Natural Resources.
- SB 4047 by Senator Owen
AN ACT Relating to natural resources.
Referred to Committee on Natural Resources.
- SB 4048 by Senator Owen
AN ACT Relating to fishing.
Referred to Committee on Natural Resources.
- SB 4049 by Senator Owen
AN ACT Relating to public lands.
Referred to Committee on Natural Resources.
- SB 4050 by Senator Owen
AN ACT Relating to forest practices.
Referred to Committee on Natural Resources.
- SB 4051 by Senator Owen
AN ACT Relating to forestry.
Referred to Committee on Natural Resources.
- SB 4052 by Senator Owen
AN ACT Relating to timber.
Referred to Committee on Natural Resources.
- SB 4053 by Senator Owen
AN ACT Relating to oil and gas.
Referred to Committee on Natural Resources.
- SB 4054 by Senator Owen
AN ACT Relating to aquatic lands.
Referred to Committee on Natural Resources.
- SB 4055 by Senator Owen
AN ACT Relating to aquatic land leases.
Referred to Committee on Natural Resources.
- SB 4056 by Senator Warnke

AN ACT Relating to hazard communication; and making an appropriation.

Referred to Committee on Commerce and Labor.

SB 4057 by Senator McDermott

AN ACT Relating to worker and community right-to-know.

Referred to Committee on Ways and Means.

SB 4058 by Senator Talmadge

AN ACT Relating to juveniles.

Referred to Committee on Judiciary.

SB 4059 by Senator Talmadge

AN ACT Relating to juveniles.

Referred to Committee on Judiciary.

SB 4060 by Senator Talmadge

AN ACT Relating to corporations.

Referred to Committee on Judiciary.

SB 4061 by Senator Talmadge

AN ACT Relating to elections.

Referred to Committee on Judiciary.

SB 4062 by Senator Talmadge

AN ACT Relating to courts.

Referred to Committee on Judiciary.

SB 4063 by Senator Talmadge

AN ACT Relating to campaign financing.

Referred to Committee on Judiciary.

SB 4064 by Senator Talmadge

AN ACT Relating to consumer protection.

Referred to Committee on Judiciary.

SB 4065 by Senator Goltz

AN ACT Relating to nuclear waste.

Referred to Committee on Energy and Utilities.

SB 4066 by Senator Goltz

AN ACT Relating to tourism.

Referred to Committee on Commerce and Labor.

SB 4067 by Senator Goltz

AN ACT Relating to the centennial commission.

Referred to Committee on Ways and Means.

SB 4068 by Senator Goltz

AN ACT Relating to insurance companies.

Referred to Committee on Financial Institutions.

SB 4069 by Senator Goltz

AN ACT Relating to the centennial commission.

Referred to Committee on Ways and Means.

SB 4070 by Senator Goltz

AN ACT Relating to food processing.

Referred to Committee on Agriculture.

SB 4071 by Senator Goltz

AN ACT Relating to agricultural exports.

Referred to Committee on Agriculture.

SB 4072 by Senator Goltz

AN ACT Relating to tourism promotion.

Referred to Committee on Commerce and Labor.

SB 4073 by Senator Goltz

AN ACT Relating to tourism promotion.

Referred to Committee on Commerce and Labor.

SB 4074 by Senator Goltz

AN ACT Relating to settlement of claims from lawsuits involving forest lands held in trust for counties.

Referred to Committee on Ways and Means.

SB 4075 by Senator Goltz

AN ACT Relating to the settlement of claims against the department of natural resources.

Referred to Committee on Ways and Means.

SB 4076 by Senator Goltz

AN ACT Relating to department of natural resources.

Referred to Committee on Ways and Means.

SB 4077 by Senator Goltz

AN ACT Relating to settlement of claims against board of natural resources.

Referred to Committee on Ways and Means.

SB 4078 by Senator Goltz

AN ACT Relating to settlement of claims arising from lawsuits involving state-owned forest lands.

Referred to Committee on Ways and Means.

SB 4079 by Senator Goltz

AN ACT Relating to agricultural exports.

Referred to Committee on Commerce and Labor.

SB 4080 by Senator Goltz

AN ACT Relating to health insurance for retired city, county and other municipal employees.

Referred to Committee on Ways and Means.

SB 4081 by Senator Goltz

AN ACT Relating to health insurance for retired public school employees.

Referred to Committee on Ways and Means.

SB 4082 by Senator Goltz

AN ACT Relating to health insurance for retired public school employees.

Referred to Committee on Ways and Means.

SB 4083 by Senator Goltz

AN ACT Relating to colleges and universities.

Referred to Committee on Education.

SB 4084 by Senator Moore

AN ACT Relating to financial institutions.

Referred to Committee on Financial Institutions.

SB 4085 by Senator Moore

AN ACT Relating to financial institutions.

Referred to Committee on Financial Institutions.

SB 4086 by Senator Moore

AN ACT Relating to financial institutions.

Referred to Committee on Financial Institutions.

SB 4087 by Senator Moore

AN ACT Relating to banks and bank holding companies.

Referred to Committee on Financial Institutions.

SB 4088 by Senator Moore

AN ACT Relating to closely held corporations.

Referred to Committee on Financial Institutions.

SB 4089 by Senator Warnke

AN ACT Relating to international trade.

Referred to Committee on Commerce and Labor.

SB 4090 by Senator Warnke

AN ACT Relating to employee contributions to the unemployment insurance fund.

Referred to Committee on Commerce and Labor.

SB 4091 by Senator Warnke

AN ACT Relating to small business.

Referred to Committee on Commerce and Labor.

SB 4092 by Senator Warnke

AN ACT Relating to high technology.

Referred to Committee on Commerce and Labor.

SB 4093 by Senator Warnke

AN ACT Relating to high technology.

Referred to Committee on Commerce and Labor.

SB 4094 by Senator Warnke

AN ACT Relating to sale of liquor by race tracks.

Referred to Committee on Commerce and Labor.

SB 4095 by Senator Warnke

AN ACT Relating to community development financing.

Referred to Committee on Commerce and Labor.

SB 4096 by Senator Warnke

AN ACT Relating to small business.

Referred to Committee on Commerce and labor.

SB 4097 by Senator Warnke

AN ACT Relating to international trade.

Referred to Committee on Commerce and Labor.

SB 4098 by Senator Warnke

AN ACT Relating to financial assistance to international trade-related business.

Referred to Committee on Commerce and Labor.

SB 4099 by Senator Warnke

AN ACT Relating to collective bargaining.

Referred to Committee on Commerce and Labor.

SB 4100 by Senator Warnke

AN ACT Relating to economic development.

Referred to Committee on Commerce and Labor.

SB 4101 by Senator Warnke

AN ACT Relating to revising the administrative structure of the department of commerce and economic development.

Referred to Committee on Commerce and Labor.

SB 4102 by Senator Williams

AN ACT Relating to high-level waste.

Referred to Committee on Energy and Utilities.

SB 4103 by Senator Williams

AN ACT Relating to low-level radioactive waste.

Referred to Committee on Energy and Utilities.

SB 4104 by Senator Goltz

AN ACT Relating to immunity from implied warranties and civil liability for blood transfusions; and amending RCW 70.54.120.

Referred to Committee on Human Services and Corrections.

SB 4105 by Senators Newhouse, Hayner, Lee and McCaslin

AN ACT Relating to mental illness; and amending RCW 71.05.390.

Referred to Committee on Judiciary.

SB 4106 by Senators Thompson, Cantu and Fleming (by Attorney General request)

AN ACT Relating to criminal profiteering; amending RCW 9A.82.010, 9A.82.060, 9A.82.100, 9A.82.120, 9A.82.130, 9A.82.140, 9A.82.150, 9A.82.160, and 9A.82.170; adding a new section to chapter 9A.82 RCW; prescribing penalties; making an appropriation; declaring an emergency; and providing an effective date.

Referred to Committee on Judiciary.

SB 4107 by Senators Talmadge, Zimmerman, Moore, Pullen, Kreidler, Williams, McManus and Johnson

AN ACT Relating to privileged communications for registered nurses; adding a new chapter to Title 5 RCW; and creating a new section.

Referred to Committee on Judiciary.

SB 4108 by Senator Williams

AN ACT Relating to the review of public utility management decisions; and adding a new section to chapter 80.04 RCW.

Referred to Committee on Energy and Utilities.

SB 4109 by Senators Moore, Williams and Goltz

AN ACT Relating to the interception of telephone communications; adding a new section to chapter 49.44 RCW; repealing RCW 9.73.070; and prescribing penalties.

Referred to Committee on Energy and Utilities.

SB 4110 by Senator Talmadge (by Superintendent of Public Instruction request)

AN ACT Relating to administrative hearings by the office of the superintendent of public instruction; adding a new section to chapter 28A.03 RCW; and declaring an emergency.

Referred to Committee on Education.

- SB 4111** by Senator Rinehart (by Superintendent of Public Instruction request)
AN ACT Relating to minimum base year levy percentages for school districts; reenacting and amending RCW 84.52.0531; and declaring an emergency.
Referred to Committee on Education.
- SB 4112** by Senator Sellar
AN ACT Relating to a state industrial training program in the community colleges; adding a new chapter to Title 28B RCW; making an appropriation; providing an effective date; and declaring an emergency.
Referred to Committee on Commerce and Labor.
- SB 4113** by Senators McDermott, Sellar and Johnson
AN ACT Relating to credit card interest; and adding a new section to chapter 19.52 RCW.
Referred to Committee on Financial Institutions.
- SB 4114** by Senator Owen
AN ACT Relating to securities of the state, its agencies, political subdivisions, municipal corporations, or instrumentalities; amending RCW 21.20.430; and creating a new section.
Referred to Committee on Judiciary.
- SB 4115** by Senators Warnke, Bluechel, Bottiger, Newhouse and Sellar
AN ACT Relating to sports facilities; and amending RCW 39.84.020.
Referred to Committee on Commerce and Labor.
- SB 4116** by Senators McManus, Kiskaddon, McDermott, Lee and Stratton
AN ACT Relating to the governing bodies of institutions of higher education; and amending RCW 28B.20.100, 28B.30.100, 28B.35.100, and 28B.40.100.
Referred to Committee on Education.
- SB 4117** by Senator Williams
AN ACT Relating to the disposition of the franchises, properties, or facilities of an electric company; and adding a new section to chapter 80.12 RCW.
Referred to Committee on Energy and Utilities.
- SB 4118** by Senators Gaspard, Rinehart, Bauer, Johnson and Saling (by Superintendent of Public Instruction request)
AN ACT Relating to the school administrators' academy; adding new sections to chapter 28A.03 RCW; and making an appropriation.
Referred to Committee on Education.
- SB 4119** by Senator Barr
AN ACT Relating to weed control; amending RCW 17.10.010, 17.10.030, 17.10.050, 17.10.060, 17.10.070, 17.10.080, 17.10.090, 17.10.100, 17.10.110, 17.10.120, 17.10.130, 17.10.170, 17.10.180, 17.10.190, 17.10.200, 17.10.235, 17.10.240, and 17.10.270; adding new sections to chapter 17.10 RCW; and repealing RCW 17.10.250.
Referred to Committee on Agriculture.
- SB 4120** by Senators Hansen, Barr and McManus
AN ACT Relating to state market development activities; amending RCW 43.31.350 and 43.31.370; adding new sections to chapter 43.23 RCW; and creating a new section.
Referred to Committee on Commerce and Labor.
- SB 4121** by Senators Hansen and Barr
AN ACT Relating to agriculture; adding a new section to chapter 15.04 RCW; and providing an effective date.
Referred to Committee on Agriculture.

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SB 4122 by Senators Hansen, Barr and Bailey (by Department of Agriculture request)

AN ACT Relating to the contents of flour and bread; and amending RCW 69.08.030 and 69.08.040.

Referred to Committee on Agriculture.

SB 4123 by Senators Barr and Bauer

AN ACT Establishing a school district equalized calculation formula; and reenacting and amending RCW 84.52.0531.

Referred to Committee on Education.

SB 4124 by Senators Moore and Johnson

AN ACT Relating to reimbursement for medical care; and amending RCW 74.46.440 and 74.46.460.

Referred to Committee on Human Services and Corrections.

SB 4125 by Senators Peterson and Hansen

AN ACT Relating to general obligation bonds for the state patrol; amending RCW 46.68.130; reenacting and amending RCW 46.68.030; and adding a new chapter to Title 43 RCW.

Referred to Committee on Transportation.

SB 4126 by Senators Bender, Goltz, Bottiger, Vognild, Bailey, Johnson and Warnke

AN ACT Relating to public assistance for funeral expenses; and amending RCW 74.08.120.

Referred to Committee on Human Services and Corrections.

SB 4127 by Senators Wojahn, Newhouse, Vognild, Benitz, Goltz, Hansen, Halsan, Warnke, Deccio and Hayner

AN ACT Relating to alcoholic beverage licenses; amending RCW 66.24.240 and 66.08.070; and adding new sections to chapter 66.28 RCW.

Referred to Committee on Commerce and Labor.

SB 4128 by Senator McCaslin (by Corrections Standards Board request)

AN ACT Relating to the corrections standards board; amending RCW 19.27.060, 70.48.020, 70.48.050, 70.48.060, 70.48.070, 70.48.080, 70.48.090, 70.48.110, 70.48.120, 70.48.130, 70.48.160, 70.48.200, 70.48.260, 70.48.280, 70.48.330, 70.48A.020, 70.48A.040, and 72.09.170; and repealing RCW 70.48.030, 70.48.040, and 70.48.150.

Referred to Committee on Human Services and Corrections.

SB 4129 by Senator McCaslin (by Corrections Standards Board request)

AN ACT Relating to jail work release; and amending RCW 70.48.210.

Referred to Committee on Human Services and Corrections.

SB 4130 by Senators Hansen, Goltz, Benitz, Bauer, Barr, Bailey and McManus

AN ACT Relating to agricultural marketing; amending section 1, chapter 57, Laws of 1984 (uncodified); amending section 2, chapter 57, Laws of 1984 (uncodified); amending section 3, chapter 57, Laws of 1984 (uncodified); amending section 6, chapter 57, Laws of 1984 (uncodified); amending section 7, chapter 57, Laws of 1984 (uncodified); adding new sections to chapter 28B.30 RCW; repealing section 4, chapter 57, Laws of 1984 (uncodified); repealing section 5, chapter 57, Laws of 1984 (uncodified); repealing section 8, chapter 57, Laws of 1984 (uncodified); making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 4131 by Senators Thompson, Guess and Garrett

AN ACT Relating to local government; amending RCW 6.12.100, 35.44.020, 35.45.020, 35.45.050, 35.45.070, 35.45.080, 35.45.130, 35.54.010, 35.54.040, 35.54.050, 35.54.070, 35.54.080,

and 36.88.220; adding new sections to chapter 35.45 RCW; adding a new section to chapter 35.54 RCW; adding a new section to chapter 36.88 RCW; and creating a new section.

Referred to Committee on Governmental Operations.

SB 4132 by Senators Talmadge, Newhouse, Hayner and Halsan

AN ACT Relating to criminal profiteering; amending RCW 9A.82.010, 9A.82.020, 9A.82.030, 9A.82.040, 9A.82.050, 9A.82.060, 9A.82.080, 9A.82.090, 9A.82.100, 9A.82.110, 9A.82.170, and 9A.04.080; adding new sections to chapter 9A.82 RCW; repealing RCW 9A.82.120, 9A.82.130, 9A.82.140, 9A.82.150, 9A.82.160, 9A.82.010, 9A.82.020, 9A.82.030, 9A.82.040, 9A.82.____, 9A.82.050, 9A.82.060, 9A.82.070, 9A.82.080, 9A.82.____, 9A.82.090, 9A.82.100, 9A.82.110, 9A.82.170, 9A.82.900, and 9A.82.901; repealing section 18, chapter 270, Laws of 1984, section 14 of this 1985 act; prescribing penalties; declaring an emergency; and providing an effective date.

Referred to Committee on Judiciary.

SB 4133 by Senators McDonald, Hayner and Lee

AN ACT Relating to community colleges; amending RCW 28B.15.502; adding a new section to chapter 28B.50 RCW; adding new sections to chapter 28B.59D RCW; and providing for submission of parts of this act to a vote of the people.

Referred to Committee on Ways and Means.

SB 4134 by Senators Warnke, Newhouse, Vognild and Moore

AN ACT Relating to lotteries and promotional contests; and amending RCW 9.46.020 and 9.46.030.

Referred to Committee on Commerce and Labor.

SB 4135 by Senators Goltz, Bluechel, Bender and Deccio

AN ACT Relating to pharmacy services; and adding new sections to chapter 74.09 RCW.

Referred to Committee on Ways and Means.

SB 4136 by Senators Hansen, Fleming, Goltz, Benitz, Bauer, Barr, Bailey, Deccio, McDermott, Sellar and Patterson

AN ACT Relating to water supply projects; and adding a new chapter to Title 43 RCW.

Referred to Committee on Agriculture.

SB 4137 by Senators Owen, Newhouse, Hansen, Sellar, Saling, McCaslin, Deccio, Barr, Benitz, Bailey, Craswell, Patterson, Metcalf, Johnson and Cantu

AN ACT Relating to workers' compensation; amending RCW 43.22.030, 48.32.020, 51.04.020, 51.04.030, 51.04.040, 51.04.070, 51.04.085, 51.04.100, 51.04.105, 51.08.013, 41.06.070, 51.08.015, 51.08.100, 51.08.160, 51.12.050, 51.12.070, 51.12.100, 51.12.110, 51.12.120, 51.12.140, 51.12.150, 51.14.010, 51.14.020, 51.14.050, 51.14.150, 51.16.035, 51.16.060, 51.16.070, 51.16.100, 51.16.120, 51.16.140, 51.16.150, 51.24.030, 51.24.050, 51.24.060, 51.24.070, 51.24.080, 51.24.090, 51.28.010, 51.28.020, 51.28.025, 51.28.030, 51.28.070, 51.32.010, 51.32.015, 51.32.030, 51.32.040, 51.32.050, 51.32.055, 51.32.060, 51.32.072, 51.32.073, 51.32.075, 51.32.080, 51.32.090, 51.32.095, 51.32.110, 51.32.130, 51.32.135, 51.32.150, 51.32.160, 51.32.190, 51.32.200, 51.32.210, 51.32.220, 51.32.230, 51.32.240, 51.32.250, 51.36.010, 51.36.020, 51.36.040, 51.36.060, 51.36.070, 51.36.080, 51.44.040, 51.44.070, 51.44.140, 51.44.150, 51.48.010, 51.48.015, 51.48.017, 51.48.020, 51.48.040, 51.48.050, 51.48.060, 51.48.090, 51.48.110, 51.48.120, 51.48.130, 51.48.140, 51.48.150, 51.52.010, 51.52.030, 51.52.050, 51.52.060, 51.52.070, 51.52.080, 51.52.095, 51.52.100, 51.52.110, 51.52.120, 51.52.130, 51.52.132, and 51.52.135; adding a new section to chapter 48.19 RCW; adding a new section to chapter 51.04 RCW; adding new sections to chapter 51.08 RCW; adding a new section to chapter 51.16 RCW; adding a new section to chapter 51.28 RCW; adding a new section to chapter 51.32 RCW; adding new sections to chapter 51.44 RCW; adding a new section to chapter 51.52 RCW; adding a new section to chapter 51.98 RCW; adding a new chapter to Title 51 RCW; creating new sections; repealing RCW 51.04.110, 51.08.014, 51.08.175, 51.14.100, 51.14.110, 51.16.042, 51.16.050, 51.36.050, 51.41.005, 51.41.010, 51.41.020, 51.41.030, 51.41.040, 51.41.050, 51.41.060, 51.41.070, 51.41.080, 51.41.090, 51.41.100, 51.44.010, 51.44.020, 51.44.050, 51.44.060, 51.44.160, and 51.52.150; making appropriations; and providing an effective date.

Referred to Committee on Financial Institutions.

SB 4138 by Senators Moore, Saling and Stratton (by Office of Insurance Commissioner request)

AN ACT Relating to insurance holding company systems; amending RCW 48.31A.020 and 48.31A.050; and declaring an emergency.

Referred to Committee on Financial Institutions.

SB 4139 by Senators Gaspard and Bauer (by Superintendent of Public Instruction request)

AN ACT Relating to remediation; amending RCW 28A.41.400, 28A.41.402, 28A.41.404, and 28A.41.406; and repealing RCW 28A.41.412 and 28A.41.414.

Referred to Committee on Education.

SB 4140 by Senator Gaspard (by Superintendent of Public Instruction, State Board of Education request)

AN ACT Relating to high school graduation requirements; and amending RCW 28A.05.060.

Referred to Committee on Education.

SB 4141 by Senators Fleming, Bottiger, Hayner and Sellar

AN ACT Relating to the joint legislative systems committee.

Referred to Committee on Governmental Operations.

SB 4142 by Senator Gaspard (by State Board of Education request)

AN ACT Relating to education; amending RCW 28A.57.020, 28A.57.030, 28A.57.031, 28A.57.032, 28A.57.033, 28A.57.034, 28A.57.035, 28A.57.040, 28A.57.050, 28A.57.055, 28A.57.057, 28A.57.060, 28A.57.070, 28A.57.075, 28A.57.080, 28A.57.090, 28A.57.100, 28A.57.110, 28A.57.150, 28A.57.170, 28A.57.180, 28A.57.190, 28A.57.196, 28A.57.200, 28A.57.240, 28A.57.245, 28A.57.342, 28A.57.344, 28A.57.390, 28A.56.005, 28A.56.010, 28A.56.020, 28A.56.030, 28A.56.040, 28A.56.060, and 28A.56.070; and adding new sections to chapter 28A.57 RCW.

Referred to Committee on Education.

SB 4143 by Senator Gaspard (by Superintendent of Public Instruction request)

AN ACT Relating to student transportation allocations; and amending RCW 28A.41.520 and 28A.41.525.

Referred to Committee on Education.

SB 4144 by Senator Gaspard (by Superintendent of Public Instruction request)

AN ACT Relating to school district comparable worth; creating new sections; making an appropriation; and providing an expiration date.

Referred to Committee on Education.

SB 4145 by Senators Kreidler, Kiskaddon, McManus, Conner, Moore and Williams

AN ACT Relating to naturopathic medicine; amending RCW 18.36.010 and 18.36.060; and repealing RCW 18.36.020.

Referred to Committee on Human Services and Corrections.

SB 4146 by Senators Thompson, McDermott, DeJarnatt and Zimmerman

AN ACT Relating to the effects of the eruption of Mount St. Helens; amending RCW 43.01.200, 43.01.210, 43.21A.500, 43.21C.500, 75.20.110, 75.20.300, 79.90.160, 89.16.500, and 90.58.500; repealing RCW 44.04.500; making appropriations; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 4147 by Senators Guess, Bottiger, Vognild, Bauer, Metcalf, Saling, Johnson and Stratton

AN ACT Relating to capital improvements; adding new sections to chapter 82.08 RCW; and adding a new chapter to Title 39 RCW.

Referred to Committee on Governmental Operations.

SB 4148 by Senators Owen, Warnke, Patterson and Barr

AN ACT Relating to teachers' retirement; and adding a new section to chapter 41.32 RCW.

Referred to Committee on Ways and Means.

SB 4149 by Senator Thompson (by Department of Personnel, Washington State Patrol, and Higher Education Personnel Board request)

AN ACT Relating to personnel actions; and amending RCW 28B.16.100, 41.06.150, and 43.43.340.

Referred to Committee on Governmental Operations.

SB 4150 by Senators Goltz, Williams, Bailey, Kreidler and Halsan

AN ACT Relating to the preservation of universal telecommunications service and the protection of basic voice grade telecommunications service; and adding new sections to chapter 80.04 RCW.

Referred to Committee on Energy and Utilities.

SB 4151 by Senators Rinehart, Gaspard, Goltz and Patterson

AN ACT Relating to higher education tuition and fees; and adding a new section to chapter 28B.15 RCW.

Referred to Committee on Education.

SB 4152 by Senators Rinehart, Gaspard, Goltz and Bauer

AN ACT Relating to tuition and fees at institutions of higher education; and amending RCW 28B.15.012.

Referred to Committee on Education.

SB 4153 by Senators Rinehart, Patterson, Gaspard and Goltz

AN ACT Relating to higher education tuition and fees; and amending RCW 28B.15.067.

Referred to Committee on Education.

SB 4154 by Senators Owen, Zimmerman, DeJarnatt, Halsan, McManus, Conner, Fleming, Hansen, Thompson, Warnke, Bauer, Bender, Stratton, Metcalf and Benitz

AN ACT Relating to economic development; adding new sections to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 84.36 RCW; adding a new section to Title 43 RCW; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 28C.04 RCW; and creating a new section.

Referred to Committee on Ways and Means.

SB 4155 by Senators Halsan and DeJarnatt

AN ACT Relating to court costs; and amending RCW 10.01.160.

Referred to Committee on Judiciary.

SB 4156 by Senators Newhouse, Benitz and Deccio

AN ACT Relating to state general obligation bonds for agricultural water supply facilities; and adding a new chapter to Title 43 RCW.

Referred to Committee on Agriculture.

SB 4157 by Senator Gaspard

AN ACT Relating to purchases of works of art for state educational institutions; and amending RCW 28B.10.025.

Referred to Committee on Education.

SB 4158 by Senators Kreidler and Williams

AN ACT Relating to permits for stationary air pollution sources; and adding a new section to chapter 70.94 RCW.

Referred to Committee on Parks and Ecology.

SB 4159 by Senator Talmadge

AN ACT Relating to consumer protection; adding a new section to chapter 18.85 RCW; adding a new section to chapter 59.18 RCW; adding a new section to chapter 59.20 RCW; and adding a new section to chapter 63.14 RCW.

Referred to Committee on Judiciary.

SB 4160 by Senator Moore

AN ACT Relating to cigarette taxes; amending RCW 82.24.020, 82.24.070, and 82.02-.030; reenacting and amending RCW 82.24.260; repealing RCW 28A.47.440 and 82.24.025; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 4161 by Senators Barr and Bauer

AN ACT Relating to grain security agreements; amending RCW 69A.9-203; and adding new sections to Article 62A.9 RCW.

Referred to Committee on Agriculture.

SB 4162 by Senator Metcalf

AN ACT Relating to excise taxes; adding a new section to chapter 82.08 RCW; and creating a new section.

Referred to Committee on Ways and Means.

SB 4163 by Senator Metcalf

AN ACT Relating to the scenic and recreational highway system; and amending RCW 47.39.020.

Referred to Committee on Transportation.

SB 4164 by Senator Stratton

AN ACT Relating to parenting education; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Human Services and Corrections.

SB 4165 by Senators Thompson and Moore

AN ACT Relating to checks and checking account information; and adding new sections to chapter 30.22 RCW.

Referred to Committee on Financial Institutions.

SB 4166 by Senator Gaspard

AN ACT Relating to fair campaign practices; and adding new sections to chapter 42.17 RCW.

Referred to Committee on Judiciary.

SB 4167 by Senator Metcalf

AN ACT Relating to education; and adding a new section to chapter 28A.27 RCW.

Referred to Committee on Education.

SB 4168 by Senators Talmadge, Zimmerman and Garrett

AN ACT Relating to the powers of a metropolitan municipal corporation to collect connection charges; and amending RCW 35.58.200.

Referred to Committee on Governmental Operations.

SB 4169 by Senators McDermott, Zimmerman and Gaspard

AN ACT Relating to the state museum of the University of Washington; amending RCW 27.40.010; repealing RCW 43.131.263 and 43.131.264; providing an effective date; and declaring an emergency.

Referred to Committee on Education.

SB 4170 by Senators Warnke, DeJarnatt and Vognild

AN ACT Relating to the center for international trade and economic development; adding a new section to chapter 28B.20 RCW; and creating a new section.

Referred to Committee on Commerce and Labor.

SB 4171 by Senator Kreidler

AN ACT Relating to medical services offered by hospitals; and amending RCW 70.41.180.

Referred to Committee on Human Services and Corrections.

SB 4172 by Senators Bauer and Patterson

AN ACT Relating to the teachers' retirement system; amending section 30, chapter 80, Laws of 1947 as last amended by section 5, chapter 14, Laws of 1963 ex. sess. and RCW 41.32.300; amending section 31, chapter 80, Laws of 1947 as last amended by section 1, chapter 193, Laws of 1974 ex. sess. and RCW 41.32.310; and amending section 32, chapter 80, Laws of 1947 as last amended by section 6, chapter 14, Laws of 1963 ex. sess. and RCW 41.32.320.

Referred to Committee on Ways and Means.

SB 4173 by Senator Talmadge

AN ACT Relating to public utilities; amending RCW 80.01.100, 80.04.510, 80.01.080, and 80.24.020; adding a new chapter to Title 80 RCW; prescribing penalties; and making an appropriation.

Referred to Committee on Energy and Utilities.

SB 4174 by Senators Gaspard and Benitz

AN ACT Relating to day care; adding new sections to chapter 74.15 RCW; creating a new section; and making an appropriation.

Referred to Committee on Human Services and Corrections.

SB 4175 by Senators Gaspard and Benitz

AN ACT Relating to education; amending RCW 28A.67.065; adding a new section to chapter 28A.04 RCW; adding new sections to chapter 28A.67 RCW; adding a new section to chapter 28A.70 RCW; creating new sections; making appropriations; and providing an expiration date.

Referred to Committee on Education.

SB 4176 by Senators Gaspard, Benitz and Bauer

AN ACT Relating to early childhood education; adding a new chapter to Title 28A RCW; making appropriations; providing effective dates; and declaring an emergency.

Referred to Committee on Education.

SB 4177 by Senators Gaspard, Benitz and Bauer

AN ACT Relating to students; amending RCW 28A.02.201, 28A.03.360, and 28A.04.155; and making an appropriation.

Referred to Committee on Education.

SB 4178 by Senators Gaspard and Benitz

AN ACT Relating to in-service training; adding a new section to chapter 28A.41 RCW; and making appropriations.

Referred to Committee on Education.

SB 4179 by Senators Gaspard, Benitz, Bauer and Johnson

AN ACT Relating to remediation; and amending RCW 28A.41.404 and 28A.41.406.

Referred to Committee on Education.

SB 4180 by Senators Gaspard and Benitz

AN ACT Relating to school administrators; adding a new section to chapter 28A.03 RCW; and making an appropriation.

Referred to Committee on Education.

SB 4181 by Senators Gaspard and Benitz

AN ACT Relating to in-service training; and making an appropriation.

Referred to Committee on Education.

SB 4182 by Senators Gaspard and Benitz

AN ACT Relating to teachers; adding new sections to chapter 28A.67 RCW; adding a new section to chapter 28A.70 RCW; and making an appropriation.

Referred to Committee on Education.

SB 4183 by Senators Bender, McDermott and Wojahn

AN ACT Relating to education funding; amending RCW 28A.41.050; reenacting and amending RCW 84.52.0531; adding a new section to chapter 28A.46 RCW; creating a new section; and making an appropriation.

Referred to Committee on Ways and Means.

SB 4184 by Senators Williams and Moore

AN ACT Relating to business and occupation taxation; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Ways and Means.

SB 4185 by Senators Rinehart, Patterson and Gaspard

AN ACT Relating to higher education tuition and fees; amending RCW 28B.10.265, 28B.14C.010, 28B.14C.080, 28B.14C.090, 28B.14C.100, 28B.14C.110, 28B.14C.120, 28B.14C.130, 28B.14D.900, 28B.14G.900, 28B.15.020, 28B.15.041, 28B.15.067, 28B.15.070, 28B.15.076, 28B.15.100, 28B.15.202, 28B.15.210, 28B.15.220, 28B.15.310, 28B.15.380, 28B.15.402, 28B.15.502, 28B.15.520, 28B.15.522, 28B.15.535, 28B.15.540, 28B.15.543, 28B.15.545, 28B.15.600, 28B.15.615, 28B.15.740, 28B.15.800, 28B.15.805, 28B.15.820, 28B.20.700, 28B.20.705, 28B.20.715, 28B.20.720, 28B.20.735, 28B.30.700, 28B.30.710, 28B.30.730, 28B.30.740, 28B.31.100, 28B.35.361, 28B.35.370, 28B.35.700, 28B.35.710, 28B.35.720, 28B.35.750, 28B.40.361, 28B.50.320, 28B.50.340, 28B.50.350, 28B.50.360, 28B.50.370, 28B.57.080, 28B.58.070, 28B.59.070, 28B.59B.070, 28B.59C.070, and 28B.59D.060; and repealing RCW 28B.15.031.

Referred to Committee on Education.

SB 4186 by Senator McDonald

AN ACT Relating to admission standards to institutions of higher education; adding a new section to chapter 28A.03 RCW; adding new sections to chapter 28B.10 RCW; adding new sections to chapter 28B.80 RCW; repealing RCW 28B.10.045, 28B.10.050, and 28B.10.052; and making an appropriation.

Referred to Committee on Education.

SB 4187 by Senators Talmadge, Vognild, Newhouse, Warnke, Bauer, Gaspard, Conner, Halsan and Rasmussen (by Joint Select Committee on Workers' Compensation request)

AN ACT Relating to workers' compensation benefits, offsets and insuring workers' compensation benefits through self-insurance; amending RCW 51.08.100, 51.08.140, 51.32.050, 51.32.060, 51.32.080, 51.32.220, 51.14.010, 51.14.020, 51.14.070, 51.14.150, 51.14.160, 51.32.055, and 51.44.150; and adding a new section to chapter 51.32 RCW.

Referred to Committee on Commerce and Labor.

SB 4188 by Senators Warnke, Conner, Halsan, Rasmussen and Vognild (by Joint Select Committee on Workers' Compensation request)

AN ACT Relating to benefits provided to injured workers; amending RCW 51.08.100, 51.08.140, 51.32.050, 51.32.060, 51.32.080, and 51.32.220; and adding a new section to chapter 51.32 RCW.

Referred to Committee on Commerce and Labor.

SB 4189 by Senators Newhouse, Deccio, Warnke, Vognild and Cantu (by Joint Select Committee on Workers' Compensation request)

AN ACT Relating to appellate jurisdiction in industrial insurance tax assessment actions; and amending RCW 51.16.160 and 51.52.050.

Referred to Committee on Commerce and Labor.

SB 4190 by Senators Talmadge, Newhouse, Deccio, Cantu, Warnke and Vognild (by Joint Select Committee on Workers' Compensation request)

AN ACT Relating to administrative procedures of the board of industrial insurance appeals; amending RCW 51.52.100 and 51.52.095; and adding a new section to chapter 51.52 RCW.

Referred to Committee on Commerce and Labor.

SB 4191 by Senators Warnke, Newhouse, Bender, Vognild, Conner, Lee and Deccio (by Joint Select Committee on Workers' Compensation request)

AN ACT Relating to retrospective and experience rating for accident and medical aid fund premiums under industrial insurance; amending RCW 51.16.035 and 74.46.180; and adding a new section to chapter 51.44 RCW.

Referred to Committee on Commerce and Labor.

SB 4192 by Senators Warnke, Newhouse, Conner, Deccio and Vognild (by Joint Select Committee on Workers' Compensation request)

AN ACT Relating to the activities of the workers' compensation advisory committee; and adding a new section to chapter 51.04 RCW.

Referred to Committee on Commerce and Labor.

SB 4193 by Senators Vognild, Conner, Newhouse, Lee, Deccio and Warnke (by Joint Select Committee on Workers' Compensation request)

AN ACT Relating to vocational rehabilitation; amending RCW 51.41.030, 51.41.040, 51.41.060, 51.41.070, and 51.32.250; and adding new sections to chapter 51.41 RCW.

Referred to Committee on Commerce and Labor.

SB 4194 by Senators Bender, Newhouse, Vognild, Deccio and Warnke (by Joint Select Committee on Workers' Compensation request)

AN ACT Relating to industrial insurance penalties; amending RCW 51.28.025, 51.48-.010, 51.48.017, 51.48.030, 51.48.040, 51.48.060, and 51.48.080; and adding new sections to chapter 51.48 RCW.

Referred to Committee on Commerce and Labor.

SB 4195 by Senators Bauer, Zimmerman, Vognild, Warnke, Conner, Hansen, Garrett and Bottiger

AN ACT Relating to fireworks; amending RCW 70.77.126, 70.77.131, 70.77.136, 70.77-.177, 70.77.250, 70.77.265, 70.77.270, 70.77.280, 70.77.315, 70.77.355, 70.77.435, 70.77.450, 70.77.525, and 35.22.280; adding new sections to chapter 70.77 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 4196 by Senators Warnke, Cantu and Wojahn (by Employment Security Department request)

AN ACT Relating to services for the unemployed and underemployed; amending RCW 50.04.070, 50.04.072, 50.16.010, and 50.29.025; adding a new chapter to Title 50 RCW; adding a new section to chapter 50.24 RCW; creating a new section; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 4197 by Senators Fleming, Deccio, Stratton, McDermott and Conner

AN ACT Relating to nursing home cost reimbursement; and amending RCW 74.46.460.

Referred to Committee on Ways and Means.

SB 4198 by Senator Thompson

AN ACT Relating to legal advertising; amending RCW 29.27.072 and 29.27.074; and providing an effective date.

Referred to Committee on Governmental Operations.

SB 4199 by Senators Kreidler, Zimmerman, Metcalf and Johnson

AN ACT Relating to ground water; and amending RCW 90.44.130 and 90.44.180.

Referred to Committee on Parks and Ecology.

SB 4200 by Senators Kreidler, Zimmerman, Metcalf and Johnson

AN ACT Relating to ground water management; amending RCW 90.44.130; adding new sections to chapter 90.44 RCW; and declaring an emergency.

Referred to Committee on Parks and Ecology.

SB 4201 by Senator Bauer

AN ACT Relating to teachers' pensions; amending RCW 41.32.570; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 4202 by Senator Vognild

AN ACT Relating to superior court revenue; and amending RCW 10.82.070, 27.24.070, and 36.18.025.

Referred to Committee on Judiciary.

SB 4203 by Senators Newhouse, McCaslin, Sellar, Hayner, Metcalf, Lee, Patterson, Saling, Bailey, Zimmerman and Bluechel

AN ACT Relating to crime prevention; amending RCW 36.27.020; adding a new chapter to Title 7 RCW; and making an appropriation.

Referred to Committee on Judiciary.

SB 4204 by Senators Cantu, Lee, Zimmerman, Patterson, Johnson, Barr, Bailey, Benitz, Bluechel, McCaslin and Sellar

AN ACT Relating to economic development; adding a new chapter to Title 82 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 4205 by Senators McDonald, Zimmerman, Cantu, Saling, Benitz, Barr, Johnson, Bailey, Kiskaddon, Bluechel, McCaslin, Hayner, Lee and Patterson

AN ACT Relating to the legislative evaluation and accountability program; adding a new section to chapter 44.48 RCW; and creating a new section.

Referred to Committee on Ways and Means.

SB 4206 by Senators Gaspard, Hayner and Johnson

AN ACT Relating to school bidding procedures; and amending RCW 28A.58.135.

Referred to Committee on Education.

SB 4207 by Senators Bottiger, Johnson, Hansen and Gaspard

AN ACT Relating to self-regulated private utilities; and adding a new chapter to Title 80 RCW.

Referred to Committee on Energy and Utilities.

SB 4208 by Senators Warnke, Bottiger, McManus, Bender, Rasmussen and Owen

AN ACT Relating to mine safety and rescue; and adding new sections to chapter 38.52 RCW.

Referred to Committee on Commerce and Labor.

SB 4209 by Senators Warnke, Bauer, McManus, Owen and Thompson

AN ACT Relating to the regulation of persons removing or encapsulating asbestos; adding new sections to chapter 49.26 RCW; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SB 4210 by Senators Warnke, McManus, Rasmussen, McDonald, Lee, Bauer, Moore and Newhouse

AN ACT Relating to international capital projects; creating new sections; making an appropriation; and providing an expiration date.

Referred to Committee on Commerce and Labor.

SB 4211 by Senators Warnke, Fleming, Bottiger, Vognild, Bender, McManus, Moore, Lee and Johnson

AN ACT Relating to the legislative committee on economic development; and adding a new chapter to Title 44 RCW.

Referred to Committee on Commerce and Labor.

SB 4212 by Senators Warnke, McManus, Bender, Bauer, Gaspard, Moore and Johnson

AN ACT Relating to international trade and investment; adding new sections to chapter 43.31 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 4213 by Senators Warnke, Bender, McManus, Gaspard, Bauer and Moore

AN ACT Relating to international trade assistance; amending RCW 43.210.010, 43.210.020, 43.210.030, 43.210.040, and 43.210.050; amending section 7, chapter 20, Laws of 1983 1st ex. sess. (uncodified); creating new sections; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 4214 by Senators Hansen, Fleming, Patterson, Warnke, McManus, Bauer, Gaspard, Bender, Wojahn, Rasmussen, Moore, Newhouse and Johnson

AN ACT Relating to agricultural marketing; amending section 1, chapter 57, Laws of 1984 (uncodified); amending section 2, chapter 57, Laws of 1984 (uncodified); amending section 3, chapter 57, Laws of 1984 (uncodified); amending section 6, chapter 57, Laws of 1984 (uncodified); amending section 7, chapter 57, Laws of 1984 (uncodified); adding new sections to chapter 28B.30 RCW; repealing section 4, chapter 57, Laws of 1984 (uncodified); repealing section 5, chapter 57, Laws of 1984 (uncodified); repealing section 8, chapter 57, Laws of 1984 (uncodified); providing an effective date; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 4215 by Senators Goltz and McDonald

AN ACT Relating to the water systems of municipalities; and adding a new chapter to Title 35 RCW.

Referred to Committee on Energy and Utilities.

SB 4216 by Senators Granlund and Kreidler

AN ACT Relating to dentistry; and adding a new section to chapter 18.32 RCW.

Referred to Committee on Human Services and Corrections.

SB 4217 by Senators Kreidler, Pullen and Halsan

AN ACT Relating to state government; adding a new chapter to Title 41 RCW; repealing RCW 43.03.110; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 4218 by Senator Goltz

AN ACT Relating to the licensing of home care providers; amending RCW 70.38.025, 70.38.105, and 70.126.010; adding a new chapter to Title 70 RCW; adding a new section to chapter 70.126 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Human Services and Corrections.

SB 4219 by Senators Rinehart and Patterson

AN ACT Relating to revenue and taxation; amending RCW 82.03.130, 82.03.140, 82.03.180, 82.08.020, 82.04.230, 82.04.240, 82.04.250, 82.04.255, 82.04.260, 82.04.270, 82.04.280, 82.04.290, 82.02.030, 84.52.065, and 84.52.043; adding a new title to the Revised Code of Washington to be numbered Title 82A RCW; repealing RCW 82.04.2901, 82.04.2902, 82.04.2903, and 82.04.2904; prescribing penalties; and providing an effective date.

Referred to Committee on Ways and Means.

SB 4220 by Senators Kreidler, Bluechel, Talmadge and Rinehart

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AN ACT Relating to Puget Sound; establishing a Puget Sound institute; adding a new chapter to Title 90 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Parks and Ecology.

SB 4221 by Senator Rinehart

AN ACT Relating to the distribution of moneys in the liquor revolving fund; and amending RCW 66.08.180 and 68.08.107.

Referred to Committee on Ways and Means.

SB 4222 by Senator Rinehart

AN ACT Relating to a single rate business excise tax; amending RCW 82.04.080, 82.04.220, 82.04.300, 82.04.310, 82.04.320, 82.04.330, 82.04.335, 82.04.360, 82.04.390, 82.04.405, 82.04.408, 82.04.410, 82.04.419, 82.04.4286, 82.04.4287, 82.04.4294, and 82.04.4284; adding new sections to chapter 82.04 RCW; creating a new section; and repealing RCW 82.04.230, 82.04.240, 82.04.250, 82.04.255, 82.04.260, 82.04.270, 82.04.280, 82.04.290, 82.04.2901, 82.04.2902, 82.04.2903, 82.04.2904, 82.04.315, 82.04.325, 82.04.340, 82.04.350, 82.04.355, 82.04.365, 82.04.370, 82.04.380, 82.04.385, 82.04.395, 82.04.397, 82.04.415, 82.04.417, 82.04.418, 82.04.423, 82.04.425, 82.04.4271, 82.04.4281, 82.04.4282, 82.04.4283, 82.04.4285, 82.04.4288, 82.04.4289, 82.04.4291, 82.04.4292, 82.04.4293, 82.04.4295, 82.04.4296, 82.04.4297, 82.04.4298, 82.04.431, 82.04.432, 82.04.4322, 82.04.4324, 82.04.4326, 82.04.4328, 82.04.435, 82.04.440, 82.04.444, 82.04.445, 82.04.450, 82.04.460, 82.04.600, and 82.04.900.

Referred to Committee on Ways and Means.

SB 4223 by Senators Bender, Rasmussen, Conner, Bottiger, Warnke, Vognild, Johnson, Moore, McDermott, Garrett, Talmadge, DeJarnatt and Halsan

AN ACT Relating to property taxation; and amending RCW 84.36.381.

Referred to Committee on Ways and Means.

SB 4224 by Senators Bender and Vognild

AN ACT Relating to apprenticeship; adding new sections to chapter 49.04 RCW; creating a new section; and making an appropriation.

Referred to Committee on Commerce and Labor.

SB 4225 by Senators Bender and Vognild

AN ACT Relating to transfers of classified school employees; and amending RCW 28A.58.099.

Referred to Committee on Education.

SB 4226 by Senators Vognild, Sellar, Goltz and Bender

AN ACT Relating to the taxation of food fish and shellfish; amending RCW 82.27.030; and reenacting and amending RCW 82.27.010.

Referred to Committee on Ways and Means.

SB 4227 by Senators Bender, Kiskaddon, Vognild and Johnson

AN ACT Relating to scoliosis screening in public schools; and amending RCW 28A.31.130, 28A.31.132, 28A.31.134, 28A.31.136, and 28A.31.140.

Referred to Committee on Human Services and Corrections.

SB 4228 by Senator McDermott (by Department of Revenue request)

AN ACT Relating to revenue and excise taxation; amending RCW 82.04.440; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 4229 by Senators Granlund, Kiskaddon, Talmadge, Johnson, Stratton, Conner and McManus

AN ACT Relating to juveniles; and adding a new section to chapter 13.04 RCW.

Referred to Committee on Human Services and Corrections.

SB 4230 by Senators Thompson, McDermott, Zimmerman and Bauer

AN ACT Relating to community colleges; amending RCW 84.33.041; and creating a new section.

Referred to Committee on Ways and Means.

SB 4231 by Senators Owen, Conner, McDonald and Zimmerman (by Department of Game request)

AN ACT Relating to game license and permit fees; amending RCW 77.32.005, 77.32.050, 77.32.060, 77.32.070, 77.32.090, 77.32.101, 77.32.161, 77.32.191, 77.32.211, 77.32.220, 77.32.230, 77.32.250, 77.32.256, 77.32.320, 77.32.340, 77.32.350, 77.32.360, and 77.32.380; adding new sections to chapter 77.32 RCW; repealing RCW 77.32.310; declaring an emergency; and providing an effective date.

Referred to Committee on Natural Resources.

SB 4232 by Senators Owen, Stratton, Deccio and Metcalf (by Department of Game request)

AN ACT Relating to game; creating a new section; and making an appropriation.

Referred to Committee on Natural Resources.

SB 4233 by Senators Wojahn, Bluechel, Hansen, Deccio and Bauer

AN ACT Relating to excise taxation of warehouses; and amending RCW 82.16.010 and 82.04.280.

Referred to Committee on Ways and Means.

SB 4234 by Senators Conner, Garrett, McManus, Williams and Johnson

AN ACT Relating to the expiration of tax exemptions for ride-sharing vehicles; repealing section 5, chapter 166, Laws of 1980 (uncodified); and declaring an emergency.

Referred to Committee on Transportation.

SB 4235 by Senators Goltz, Lee and McDermott

AN ACT Relating to the taxation of food fish and shellfish; amending RCW 82.27.020, 82.27.030, and 82.27.040; reenacting and amending RCW 82.27.010; and creating a new section.

Referred to Committee on Ways and Means.

SB 4236 by Senators Wojahn and McDermott (by Deferred Compensation Committee request)

AN ACT Relating to state government; amending section 2, chapter 242, Laws of 1984 (uncodified); and declaring an emergency.

Referred to Committee on Ways and Means.

SB 4237 by Senators Granlund, Kreidler, Goltz and Sellar

AN ACT Relating to public library funding; amending RCW 27.12.010 and 27.12.020; adding new sections to chapter 27.12 RCW; and making an appropriation.

Referred to Committee on Ways and Means.

SB 4238 by Senators Vognild, Newhouse, McDonald, Wojahn and Cantu

AN ACT Relating to electricians and electrical installations; and amending RCW 19.28.005 and 19.28.120.

Referred to Committee on Commerce and Labor.

SB 4239 by Senators Wojahn, McDermott, Rasmussen, Bender and Fleming (by Governor Gardner request)

AN ACT Relating to state employees' insurance; amending RCW 41.05.025; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 4240 by Senators Rasmussen, Kiskaddon, Bender, Bailey, Goltz, Johnson, Gaspard, Deccio, Conner, McManus and Zimmerman (by Governor Gardner request)

AN ACT Relating to health education; adding a new chapter to Title 70 RCW; and creating a new section.

Referred to Committee on Human Services and Corrections.

SB 4241 by Senators McDermott, Lee, Rasmussen, Bender, Bauer, Garrett and Conner (by Governor Gardner request)

AN ACT Relating to state employees' insurance and health care; and amending RCW 41.05.025 and 48.46.180.

Referred to Committee on Ways and Means.

SB 4242 by Senators McDermott, Kiskaddon, Rasmussen, Johnson, Bender, Deccio, Goltz, Lee, Benitz and Bailey (by Governor Gardner request)

AN ACT Relating to health care cost control; and adding a new chapter to Title 70 RCW.

Referred to Committee on Ways and Means.

SB 4243 by Senators Gaspard, Johnson, Bender, von Reichbauer, Bauer, Benitz, Garrett, Fleming, Conner, DeJarnatt, Patterson and McManus (by Governor Gardner request)

AN ACT Relating to early childhood education and assistance; creating new sections; making appropriations; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Education.

SB 4244 by Senators Warnke, Johnson, Rasmussen, Lee, Bender, Benitz, Bauer, Bluechel, Goltz, Kiskaddon, Hansen, von Reichbauer, McManus, Bailey, Gaspard, Halsan, Fleming, Hayner, Guess, Zimmerman, Patterson, Sellar, Conner, Saling, Barr and Deccio (by Governor Gardner request)

AN ACT Relating to sales and use tax deferral; adding a new chapter to Title 82 RCW; providing an expiration date; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 4245 by Senators McDermott, Bluechel, Bender, Johnson, Deccio, Patterson, Craswell, Hayner, McDonald, McCaslin, Barr, Kiskaddon, Bailey, Benitz, Lee, Sellar, Guess and Saling (by Governor Gardner request)

AN ACT Relating to exemptions from state civil service; and amending RCW 41.06.070.

Referred to Committee on Ways and Means.

SB 4246 by Senators Craswell, Metcalf, Pullen and Johnson

AN ACT Relating to property taxation; and amending RCW 84.36.020.

Referred to Committee on Ways and Means.

SB 4247 by Senators Bender, Conner and Pullen

AN ACT Relating to the prequalification of highway contractors; amending RCW 42.17.310, 47.28.075, and 47.28.090; adding new sections to chapter 47.28 RCW; and repealing RCW 47.28.070.

Referred to Committee on Transportation.

SB 4248 by Senators Rasmussen, Craswell, Metcalf, McCaslin, Cantu, Warnke and Lee

AN ACT Relating to public records; and adding a new chapter to Title 40 RCW.

Referred to Committee on Governmental Operations.

SB 4249 by Senators Rasmussen, Craswell, Owen, Metcalf, Cantu, McCaslin and Lee

AN ACT Relating to the excise taxation of used mobile homes; and amending RCW 82.45.032, 82.08.033, and 82.12.033.

Referred to Committee on Ways and Means.

SB 4250 by Senators Rasmussen, Stratton, Johnson, Owen, Metcalf, Craswell, Cantu and McCaslin

AN ACT Relating to parental consent for abortions; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 4251 by Senators Stratton, Craswell, Rasmussen, Johnson, Owen, Metcalf, Cantu and McCaslin

AN ACT Relating to prohibiting causes of action for wrongful life and wrongful birth; prohibiting a defense, an award of damages, or a penalty based on the failure or refusal to prevent a live birth; and adding new sections to chapter 4.24 RCW.

Referred to Committee on Judiciary.

SB 4252 by Senators Rasmussen, Stratton, Johnson, Owen, Metcalf, Craswell, Cantu and McCaslin

AN ACT Relating to abortion; and adding a new section to chapter 9.02 RCW.

Referred to Committee on Judiciary.

SB 4253 by Senators McDermott, Rasmussen and McManus

AN ACT Relating to fiscal notes; amending RCW 43.88A.010, 43.88A.020, 43.88A.030, and 43.88A.040; and adding a new section to chapter 43.88A RCW.

Referred to Committee on Ways and Means.

SB 4254 by Senators McDermott and Rasmussen (by Office of Financial Management request)

AN ACT Relating to billing for employers' payments to the public employees' retirement system; and amending RCW 41.40.370.

Referred to Committee on Ways and Means.

SB 4255 by Senators McDermott and Kreidler

AN ACT Relating to hazardous substances; amending RCW 67.70.040, 67.70.240, 82.16.020, 82.36.010, 82.36.020, 82.36.100, 82.36.410, 82.37.190, 82.42.020, 82.42.030, 82.42.090, 70.105A.010, and 70.105A.060; adding new sections to chapter 82.04 RCW; adding a new section to chapter 82.32 RCW; adding a new section to chapter 82.36 RCW; adding a new section to chapter 82.42 RCW; adding a new chapter to Title 70 RCW; adding a new chapter to Title 90 RCW; creating new sections; repealing RCW 70.105A.090; prescribing penalties; making appropriations; and declaring an emergency.

Referred to Committee on Parks and Ecology.

SB 4256 by Senators Fleming, McDermott and Wojahn

AN ACT Relating to legal holidays; and amending RCW 1.16.050.

Referred to Committee on Governmental Operations.

SB 4257 by Senators McManus and Fleming

AN ACT Relating to nonpowder firearms; amending RCW 9.41.010, 9.41.230; adding a new chapter to Title 9 RCW; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SB 4258 by Senators Fleming, Goltz, Hansen and Bauer

AN ACT Relating to business and occupation taxation; and amending RCW 82.04.270.

Referred to Committee on Ways and Means.

SB 4259 by Senators Fleming, Bender, Talmadge, Wojahn, Goltz, Warnke, Williams, McManus, Vognild and Gaspard

AN ACT Relating to discrimination; and amending RCW 49.60.215.

Referred to Committee on Judiciary.

SB 4260 by Senators Fleming and Talmadge

AN ACT Relating to minority and women's business enterprise fraud; amending RCW 39.19.080 and 39.19.090; adding new sections to chapter 39.19 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 4261 by Senators Fleming and Wojahn

AN ACT Relating to food banks; adding a new chapter to Title 70 RCW; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Human Services and Corrections.

SB 4262 by Senators Owen, Benitz, Stratton and McManus

AN ACT Relating to expiration dates for contracting authority of joint operating agencies; amending RCW 43.52.490; adding a new section to chapter 43.52 RCW; and repealing RCW 43.52.621.

Referred to Committee on Energy and Utilities.

SB 4263 by Senators Warnke, Sellar, Vognild, Hansen, Zimmerman, Moore, Bottiger, McDermott, Lee, Patterson, Guess, Halsan and Johnson

AN ACT Relating to the enforcement of the wholesale distributor/supplier equity agreement act; adding a new section to chapter 19.126 RCW; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SB 4264 by Senators Fleming, McDermott, Saling, Zimmerman, Owen, Stratton and Lee

AN ACT Relating to the classification and valuation of multiple-unit buildings devoted primarily to low-income housing at current use value; adding a new chapter to Title 84 RCW; and providing a contingent effective date.

Referred to Committee on Ways and Means.

SB 4265 by Senators Newhouse, McDermott, Owen, Halsan, Warnke, Bottiger, Barr, Deccio, Lee, Bailey, Cantu and Johnson (by Joint Select Committee on Workers' Compensation request)

AN ACT Relating to self-insurance; and amending RCW 51.14.010, 51.14.020, 51.14.070, 51.14.150, 51.14.160, 51.32.055, and 51.44.150.

Referred to Committee on Commerce and Labor.

SB 4266 by Senators Williams and Benitz (by Energy Facility Site Evaluation Council request)

AN ACT Relating to the energy facility site evaluation council; amending RCW 80.50.040; and reenacting and amending RCW 80.50.030.

Referred to Committee on Energy and Utilities.

SB 4267 by Senators Hansen and Sellar

AN ACT Relating to abandoned rail rights of way; amending RCW 47.76.020 and 47.76.030; adding new sections to chapter 47.76 RCW; and making an appropriation.

Referred to Committee on Transportation.

SB 4268 by Senators Williams, Bottiger and Bailey (by Washington State Energy Office request)

AN ACT Relating to energy-related building standards; amending RCW 19.27.030, 19.27.070, and 19.27.075; adding new sections to chapter 19.27 RCW; repealing RCW 19.27.200, 19.27.210, 19.27.220, 19.27.230, 19.27.240, 19.27.250, 19.27.260, 19.27.270, 19.27.280, 19.27.290, 19.27.300, 19.27.310, and 19.27.905; providing effective dates; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SB 4269 by Senators Warnke and Johnson

AN ACT Relating to the Washington state patrol; and amending RCW 43.43.250.

Referred to Committee on Ways and Means.

SB 4270 by Senators Vognild, Lee, Wojahn, Zimmerman and Johnson

AN ACT Relating to the business and occupation tax on wholesalers; and amending RCW 82.04.270.

Referred to Committee on Ways and Means.

SB 4271 by Senator Talmadge

AN ACT Relating to community mental health programs to provide residential and inpatient services; and amending RCW 71.24.025, 71.24.035, and 71.24.045.

Referred to Committee on Human Services and Corrections.

SB 4272 by Senators Guess and Benitz

AN ACT Relating to motor freight carriers; amending RCW 81.80.040, 81.80.060, 81.80-.070, 81.80.130, 81.80.150, 81.80.190, 81.80.211, 81.80.260, 81.80.355, 81.80.371, 81.80.400, 81.80.410, 81.04.010, 81.04.110, 81.04.130, 81.04.150, 81.04.250, and 81.04.450; adding new sections to chapter 81.80 RCW; repealing RCW 81.80.020, 81.80.140, and 81.80.175; and prescribing penalties.

Referred to Committee on Transportation.

SB 4273 by Senators Metcalf, Gaspard, Guess, DeJarnatt, Bailey, Barr, Benitz, Saling and Patterson

AN ACT Relating to teachers' retirement; and adding a new section to chapter 41.32 RCW.

Referred to Committee on Ways and Means.

SB 4274 by Senators Metcalf, Deccio and Rasmussen

AN ACT Relating to insurance; and amending RCW 48.17.150.

Referred to Committee on Financial Institutions.

SB 4275 by Senator Metcalf

AN ACT Relating to the limitation of actions; and adding a new section to chapter 4.16 RCW.

Referred to Committee on Commerce and Labor.

SB 4276 by Senators Metcalf and Johnson

AN ACT Relating to beer and wine advertising; and amending RCW 66.08.060.

Referred to Committee on Commerce and Labor.

SB 4277 by Senators Metcalf, Rasmussen, Craswell and Pullen

AN ACT Relating to juries; and adding a new section to chapter 4.44 RCW.

Referred to Committee on Judiciary.

SB 4278 by Senators Metcalf and Guess

AN ACT Relating to motor vehicles; and amending RCW 46.20.435.

Referred to Committee on Transportation.

SB 4279 by Senators Metcalf and Vognild

AN ACT Relating to labor; and adding a new section to chapter 49.64 RCW.

Referred to Committee on Ways and Means.

SB 4280 by Senators Hayner, McDermott, Wojahn, McCaslin, Metcalf, Guess, Rasmussen, Craswell and Johnson

AN ACT Relating to the state lottery; amending RCW 67.70.040; adding a new section to chapter 67.40 RCW; and creating a new section.

Referred to Committee on Commerce and Labor.

SB 4281 by Senators Hayner, Benitz, Newhouse, Patterson, Barr, Bailey, Hansen and Bauer

AN ACT Relating to the transportation of food processing plant by-products; and amending RCW 46.61.655.

Referred to Committee on Transportation.

SB 4282 by Senators Williams and Warnke

AN ACT Relating to low-level radioactive waste disposal; adding a new chapter to Title 70 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SB 4283 by Senator Lee

AN ACT Relating to excise taxes; amending RCW 82.08.0293 and 82.12.0293; and adding a new section to chapter 82.32 RCW.

Referred to Committee on Ways and Means.

SB 4284 by Senator Lee

AN ACT Relating to the board of pharmacy; and creating a new section.

Referred to Committee on Human Services and Corrections.

SB 4285 by Senators Lee and Pullen

AN ACT Relating to controlled substances and legend drugs; and amending RCW 18.64.045, 69.41.030, and 69.50.302.

Referred to Committee on Human Services and Corrections.

SB 4286 by Senator Lee

AN ACT Relating to state beaches; and adding a new section to chapter 43.51 RCW.

Referred to Committee on Parks and Ecology.

SB 4287 by Senator Lee

AN ACT Relating to disposal of sanitary wastes at marinas; amending RCW 43.99.070; adding a new chapter to Title 70 RCW; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Parks and Ecology.

SB 4288 by Senator Lee

AN ACT Relating to unemployment compensation; amending RCW 50.29.020; and adding a new section to chapter 50.12 RCW.

Referred to Committee on Commerce and Labor.

SB 4289 by Senator Lee

AN ACT Relating to school funding; adding a new section to chapter 28A.41 RCW; and declaring an emergency.

Referred to Committee on Education.

SB 4290 by Senators Lee, Bluechel, Johnson and Zimmerman

AN ACT Relating to membership on the state personnel board; and amending RCW 41.06.110.

Referred to Committee on Governmental Operations.

SB 4291 by Senators Lee and Zimmerman

AN ACT Relating to small business development; and amending RCW 28B.30.530 and 43.31.925.

Referred to Committee on Commerce and Labor.

SB 4292 by Senators Hansen, Lee, Benitz and Zimmerman

AN ACT Relating to nursery dealer licenses; and amending RCW 15.13.280.

Referred to Committee on Agriculture.

SB 4293 by Senators Lee and Zimmerman

AN ACT Relating to licenses issued by the game commission; and adding a new section to chapter 77.32 RCW.

Referred to Committee on Natural Resources.

SB 4294 by Senators Lee and Benitz

AN ACT Relating to penalties imposed under Title 51 RCW; and amending RCW 51.48.100.

Referred to Committee on Commerce and Labor.

SB 4295 by Senators Lee, Johnson, Benitz, Patterson, Saling, Barr, Sellar, Bailey and Kiskaddon

AN ACT Relating to the business and occupation tax; and amending 82.04.260, 82.04.240, 82.04.250, 82.04.270, and 82.04.440.

Referred to Committee on Ways and Means.

SB 4296 by Senators Lee, Johnson, Benitz, Patterson, Saling, Barr and Bailey

AN ACT Relating to the business and occupation tax; amending RCW 82.04.220; creating new sections; repealing RCW 82.04.230, 82.04.240, 82.04.250, 82.04.255, 82.04.260, 82.04.270, 82.04.280, 82.04.290, 82.04.2901, 82.04.2902, 82.04.2903, and 82.04.2904; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 4297 by Senators Lee, Bailey, Deccio, Kiskaddon and Johnson

AN ACT Relating to the waste water commission; adding a new chapter to Title 43 RCW; making an appropriation; providing an expiration date; and declaring an emergency.

Referred to Committee on Parks and Ecology.

SB 4298 by Senators Lee and McCaslin

AN ACT Relating to disability benefits for law enforcement officers and fire fighters; and amending RCW 41.16.190 and 41.26.120.

Referred to Committee on Ways and Means.

SB 4299 by Senators Bender, Warnke, Moore, Newhouse, Deccio, Lee, Cantu, Vognild and Johnson (by Joint Select Committee on Workers' Compensation request)

AN ACT Relating to prompt actions by the department of labor and industries; amending RCW 51.36.080; and adding a new section to chapter 51.28 RCW.

Referred to Committee on Commerce and Labor.

SB 4300 by Senators Metcalf, Zimmerman, Stratton and Johnson

AN ACT Relating to beer and wine advertising; and amending RCW 66.08.060.

Referred to Committee on Commerce and Labor.

SB 4301 by Senator McDermott (by Secretary of State request)

AN ACT Relating to the restoration of civil rights; amending RCW 29.07.080, 9.95.260, and 9.96.050; and adding a new section to chapter 9.96 RCW.

Referred to Committee on Judiciary.

SB 4302 by Senators Wojahn, McDermott and Williams

AN ACT Relating to lie detectors; amending RCW 49.44.120 and 49.44.130; and prescribing penalties.

Referred to Committee on Judiciary.

SB 4303 by Senator Goltz

AN ACT Relating to the death penalty; and amending RCW 7.68.020 and 7.68.070.

Referred to Committee on Judiciary.

SB 4304 by Senator Bottiger

AN ACT Relating to minority and women-owned business enterprises; amending RCW 39.19.010, 39.19.020, 39.19.030, 39.19.070, and 39.19.080; and adding a new section to chapter 39.19 RCW.

Referred to Committee on Governmental Operations.

SB 4305 by Senators Halsan and Talmadge

AN ACT Relating to bail bonds; amending RCW 10.19.090; and adding new sections to chapter 10.19 RCW.

Referred to Committee on Judiciary.

SB 4306 by Senators Thompson and Zimmerman

AN ACT Relating to emergency medical services; amending RCW 84.52.069 and 84.55.035; and adding a new section to chapter 36.32 RCW.

Referred to Committee on Governmental Operations.

SB 4307 by Senators Deccio, Zimmerman, Lee, McCaslin and Sellar

AN ACT Relating to the reduction of business and occupation taxes; amending RCW 82.04.255, 82.04.290, and 82.02.030; reenacting and amending RCW 82.04.2901; and repealing RCW 82.04.2904.

Referred to Committee on Ways and Means.

SB 4308 by Senators Kreidler and Zimmerman

AN ACT Transferring certain responsibilities from the department of social and health services to the department of ecology; and creating new sections.

Referred to Committee on Parks and Ecology.

SB 4309 by Senators McManus, Vognild, Thompson, Patterson, Zimmerman, Moore, Garrett, Gaspard, Hansen and Halsan

AN ACT Relating to the business and occupation tax; and amending RCW 82.04.280.

Referred to Committee on Ways and Means.

SB 4310 by Senators McManus, von Reichbauer, Vognild, Thompson, Zimmerman, Moore, Conner, Hansen, Bauer, Rasmussen, Garrett and Gaspard

AN ACT Relating to the business and occupation tax; and amending RCW 82.04.300.

Referred to Committee on Ways and Means.

SB 4311 by Senators McManus, von Reichbauer, Vognild, Thompson, Moore, Zimmerman, Conner, Hansen and Halsan

AN ACT Relating to deferral of business and occupation taxes for new businesses; and adding new sections to chapter 82.04 RCW.

Referred to Committee on Ways and Means.

SB 4312 by Senators Conner, Goltz, Moore, Bluechel, Garrett, Patterson, Stratton, Guess and Zimmerman (by Washington Traffic Safety Commission request)

AN ACT Relating to motor vehicle safety restraints; amending RCW 46.61.687; creating new sections; and prescribing penalties.

Referred to Committee on Transportation.

SB 4313 by Senators Sellar and Moore

AN ACT Relating to motor vehicles; adding a new chapter to Title 46 RCW; prescribing penalties; and providing expiration dates.

Referred to Committee on Financial Institutions.

SB 4314 by Senators Halsan and Owen

AN ACT Relating to preservation of fish runs; amending RCW 75.08.020; adding a new section to chapter 77.04 RCW; and making an appropriation.

Referred to Committee on Natural Resources.

SB 4315 by Senators Halsan and Owen

AN ACT Relating to the classification and declassification of forest land; and adding a new section to chapter 84.33 RCW.

Referred to Committee on Ways and Means.

SB 4316 by Senators Cantu, Owen, Johnson and Stratton

AN ACT Relating to public display of material harmful to minors; adding a new section to chapter 9.68 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 4317 by Senators Williams, Bluechel, Kreidler, von Reichbauer, Goltz and Zimmerman (by 1989 Washington Centennial Commission request)

AN ACT Relating to the celebration of the 1989 centennial of Washington statehood; making appropriations; providing an effective date; and declaring an emergency.

Referred to Committee on Governmental Operations.

SB 4318 by Senators McManus, Gaspard and Hansen

AN ACT Relating to community colleges; and amending RCW 28B.50.090.

Referred to Committee on Ways and Means.

SB 4319 by Senator McManus

AN ACT Relating to industrial insurance; amending RCW 43.22.030, 48.32.020, 41.06-.070, 51.12.020, 51.12.070, 51.14.010, 51.14.050, 51.14.100, 51.14.110, 51.16.035, 51.16.060, 51.16.105, 51.16.140, 51.24.030, 51.28.010, 51.28.020, 51.28.025, 51.28.030, 51.32.050, 51.32.055, 51.32.060, 51.32.080, 51.32.090, 51.32.110, 51.32.130, 51.32.190, 51.32.200, 51.36.020, 51.36.050, 51.36.060, 51.36.070, 51.36.080, 51.44.010, 51.44.070, 51.48.010, 51.48.015, 51.48.017, 51.48.020, 51.48.040, 51.48.050, 51.48.090, 51.48.110, 51.04.020, 51.04.030, 51.04.040, 51.04.070, 51.04.085, 51.08.013, 51.08.015, 51.12.050, 51.12.110, 51.12.120, 51.12.140, 51.16.120, 51.16.150, 51.24.050, 51.24.060, 51.24.070, 51.24.080, 51.24.090, 51.28.070, 51.32.010, 51.32.015, 51.32.030, 51.32.040, 51.32.073, 51.32.220, 51.32.230, 51.32.240, 51.36.010, 51.36.040, 51.44.040, 51.52.030, 51.52.050, 51.52.060, 51.52.070, 51.52.095, 51.52.110, 51.52.130, 51.52.150, and 51.16.042; adding new sections to chapter 48.14 RCW; adding a new section to chapter 48.19 RCW; adding new sections to chapter 51.08 RCW; adding a new section to chapter 51.14 RCW; adding new sections to chapter 51.16 RCW; adding new sections to chapter 51.32 RCW; adding new sections to chapter 51.44 RCW; adding a new chapter to Title 51 RCW; repealing RCW 51.08.175, 51.14.070, 51.16.100, 51.16.110, 51.16.130, 51.32.095, 51.32.210, 51.44.020, 51.44.030, 51.44.050, 51.44.060, 51.44.080, 51.44.090, 51.44.100, 51.44.110, 51.44.140, 51.44.150, 51.44.160, 51.04.100, 51.16.090, 51.16.155, 51.16.160, 51.16.170, 51.16.180, 51.16.190, 51.48.120, 51.48.130, 51.48.140, 51.48.150, and 51.04.090; providing effective dates; prescribing penalties; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 4320 by Senators McManus, Newhouse, Owen, Conner and Moore

AN ACT Relating to capital projects; and adding a new section to chapter 43.88 RCW.

Referred to Committee on Ways and Means.

SB 4321 by Senator McManus

AN ACT Relating to prevention of drop outs in high school; creating new sections; and making an appropriation.

Referred to Committee on Education.

SB 4322 by Senator McManus

AN ACT Relating to corrections; creating a new section; and making an appropriation.

Referred to Committee on Human Services and Corrections.

SB 4323 by Senators McManus and Kreidler

AN ACT Relating to health care insurance; amending RCW 18.100.050 and 70.39.140; and adding a new chapter to Title 48 RCW.

Referred to Committee on Human Services and Corrections.

SB 4324 by Senators McManus, Zimmerman, Gaspard, Kiskaddon and Warnke

AN ACT Relating to participation and communication in the centennial observance by organizations and citizens; adding new sections to chapter 27.60 RCW; and providing an expiration date.

Referred to Committee on Governmental Operations.

SB 4325 by Senators Conner and Rasmussen

AN ACT Relating to state government; amending RCW 66.04.010, 67.70.010, and 67.70.050; adding a new section to chapter 9.46 RCW; creating new sections; and repealing RCW 66.08.012, 66.08.014, 67.70.020, 67.70.030, and 67.70.270.

Referred to Committee on Commerce and Labor.

SB 4326 by Senators Owen and Conner

AN ACT Relating to state government; amending RCW 43.22.010; adding a new section to chapter 43.22 RCW; creating new sections; and repealing RCW 50.08.010 and 50.08.020.

Referred to Committee on Commerce and Labor.

SB 4327 by Senator Patterson

AN ACT Relating to employees' insurance and health care; and amending RCW 41.05.050.

Referred to Committee on Education.

SB 4328 by Senators Deccio, Conner, Kiskaddon, Stratton, Craswell and McManus

AN ACT Relating to nursing home administrators; amending RCW 18.52.030, 18.52.070, and 18.52.120; and providing an effective date.

Referred to Committee on Human Services and Corrections.

SB 4329 by Senators Lee, Benitz and Metcalf

AN ACT Relating to local taxing districts; creating new sections; and declaring an emergency.

Referred to Committee on Judiciary.

SB 4330 by Senators Warnke, Talmadge and Bender

AN ACT Relating to labor relations; and adding a new section to chapter 49.36 RCW.

Referred to Committee on Commerce and Labor.

SB 4331 by Senators DeJarnatt, Johnson and Rasmussen

AN ACT Relating to safety belts; and amending RCW 46.37.510.

Referred to Committee on Transportation.

SB 4332 by Senators Hayner, McCaslin, Guess, Bluechel, Zimmerman, Bailey, Patterson, Benitz and Johnson

AN ACT Relating to emergency residential heating assistance; amending RCW 35.21.300, 54.16.285, 54.16.286, 80.28.010, and 80.28.011; adding a new section to chapter 74.04 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SB 4333 by Senator Gaspard

AN ACT Relating to special education.

Referred to Committee on Education.

SB 4334 by Senator Benitz

AN ACT Relating to vocational education.

Referred to Committee on Education.

SB 4335 by Senator Benitz

AN ACT Relating to vocational education.

Referred to Committee on Education.

SB 4336 by Senator Hansen

AN ACT Relating to trout farming.

Referred to Committee on Agriculture.

SB 4337 by Senator Vognild

AN ACT Relating to Public Utility Contracts; and amending RCW 54.04.070.

Referred to Committee on Energy and Utilities.

SB 4338 by Senator Talmadge

AN ACT Relating to sentencing of criminal offenders.

Referred to Committee on Judiciary.

SB 4339 by Senator Talmadge

AN ACT Relating to antitrust and unfair and deceptive business and trade practices.

Referred to Committee on Judiciary.

SB 4340 by Senator Talmadge

AN ACT Relating to standards for juvenile detention facilities.

Referred to Committee on Judiciary.

SB 4341 by Senator Talmadge

AN ACT Relating to community mental health programs to provide residential and inpatient services; and amending RCW 71.24.025, 71.24.035, and 71.24.045.

Referred to Committee on Human Services and Corrections.

SB 4342 by Senator Peterson

AN ACT Relating to the establishment of a demonstration project at Northern State for the neurologically impaired.

Referred to Committee on Human Services and Corrections.

SB 4343 by Senator Granlund

AN ACT Relating to certificate of need for nursing homes.

Referred to Committee on Human Services and Corrections.

SB 4344 by Senator Granlund

AN ACT Relating to health coverage for injured workers and survivors.

Referred to Committee on Human Services and Corrections.

SB 4345 by Senator Granlund

AN ACT Relating to health planning.

Referred to Committee on Human Services and Corrections.

SB 4346 by Senator Granlund

AN ACT Relating to medical assistance.

Referred to Committee on Human Services and Corrections.

SB 4347 by Senator Kreidler

AN ACT Relating to juvenile detention intake standards.

Referred to Committee on Human Services and Corrections.

SB 4348 by Senator Kreidler

AN ACT Relating to day care.

Referred to Committee on Human Services and Corrections.

SB 4349 by Senator Gaspard

AN ACT Relating to education.

Referred to Committee on Education.

SB 4350 by Senator Gaspard

AN ACT Relating to education.

Referred to Committee on Education.

SB 4351 by Senator Gaspard

AN ACT Relating to basic education.

Referred to Committee on Education.

SB 4352 by Senator Gaspard

AN ACT Relating to basic education.

Referred to Committee on Education.

SB 4353 by Senator Gaspard

AN ACT Relating to higher education.

Referred to Committee on Education.

SB 4354 by Senator Gaspard

AN ACT Relating to higher education.

Referred to Committee on Education.

SB 4355 by Senator McCaslin

AN ACT Relating to disposal of human remains.

Referred to Committee on Human Services and Corrections.

SB 4356 by Senator Gaspard

AN ACT Relating to educational excellence.

Referred to Committee on Education.

SB 4357 by Senator Gaspard

AN ACT Relating to vocational education.

Referred to Committee on Education.

SB 4358 by Senator Warnke

AN ACT Relating to revising the administrative structure of the department of labor and industries.

Referred to Committee on Commerce and Labor.

SB 4359 by Senator Bauer

AN ACT Relating to escrow.

Referred to Committee on Commerce and Labor.

SB 4360 by Senator Guess

AN ACT Relating to condominiums.

Referred to Committee on Judiciary.

SB 4361 by Senator Williams

AN ACT Relating to the centennial commission.

Referred to Committee on Parks and Ecology.

SB 4362 by Senator Bottiger

AN ACT Relating to Pacific state maritime and marine affairs.

Referred to Committee on Transportation.

SB 4363 by Senator Bottiger

AN ACT Relating to pilotage.

Referred to Committee on Transportation.

SB 4364 by Senator McDermott

AN ACT Relating to state employees' insurance benefits.

Referred to Committee on Ways and Means.

SB 4365 by Senator McDermott

AN ACT Relating to funding of retirement systems.

Referred to Committee on Ways and Means.

SB 4366 by Senator McDermott

AN ACT Relating to higher education and community college faculty compensation.

Referred to Committee on Ways and Means.

SB 4367 by Senator McDermott

AN ACT Relating to law enforcement officers' and fire fighters' retirement system.

Referred to Committee on Ways and Means.

SB 4368 by Senator McDermott

AN ACT Relating to business taxation.

Referred to Committee on Ways and Means.

SB 4369 by Senators Craswell and Metcalf

AN ACT Relating to compulsory attendance under chapter 28A.27 RCW.

Referred to Committee on Education.

SB 4370 by Senators Thompson and Zimmerman

AN ACT Relating to state employees.

Referred to Committee on Governmental Operations.

SB 4371 by Senators Thompson and Zimmerman

AN ACT Relating to state government.

Referred to Committee on Governmental Operations.

SB 4372 by Senators Thompson and Zimmerman

AN ACT Relating to centennial commission.

Referred to Committee on Governmental Operations.

SB 4373 by Senators Thompson and Zimmerman

AN ACT Relating to local utilities.

Referred to Committee on Governmental Operations.

SB 4374 by Senators Thompson and Zimmerman

AN ACT Relating to county roads.

Referred to Committee on Governmental Operations.

SB 4375 by Senators Thompson and Zimmerman

AN ACT Relating to emergency services.

Referred to Committee on Governmental Operations.

SB 4376 by Senators Thompson and Zimmerman

AN ACT Relating to state government.

Referred to Committee on Governmental Operations.

SB 4377 by Senators Thompson and Zimmerman

AN ACT Relating to state government.

Referred to Committee on Governmental Operations.

SB 4378 by Senators Thompson and Zimmerman

AN ACT Relating to public records.

Referred to Committee on Governmental Operations.

SB 4379 by Senators Thompson and Zimmerman

AN ACT Relating to state employees deferred compensation.

Referred to Committee on Governmental Operations.

SB 4380 by Senators Thompson and Zimmerman

AN ACT Relating to housing.

Referred to Committee on Governmental Operations.

SB 4381 by Senators Thompson and Zimmerman

AN ACT Relating to public works.

Referred to Committee on Governmental Operations.

SB 4382 by Senators Thompson and Zimmerman

AN ACT Relating to civil service.

Referred to Committee on Governmental Operations.

SB 4383 by Senators Thompson and Zimmerman

AN ACT Relating to state building code.

Referred to Committee on Governmental Operations.

SB 4384 by Senators Wojahn, Moore, Deccio, Rasmussen, Newhouse, Bender, Sellar, Vognild, Bottiger and von Reichbauer

AN ACT Relating to insurance coverage for reconstructive surgery following a mastectomy.

Referred to Committee on Financial Institutions.

SB 4385 by Senators McManus and Moore

AN ACT Relating to bicycle safety.

Referred to Committee on Transportation.

SB 4386 by Senators Thompson and Zimmerman

AN ACT Relating to special purpose districts.

Referred to Committee on Governmental Operations.

SB 4387 by Senators Thompson and Zimmerman

AN ACT Relating to special purpose districts.

Referred to Committee on Governmental Operations.

SB 4388 by Senators Thompson and Zimmerman

AN ACT Relating to intergovernmental affairs.

Referred to Committee on Governmental Operations.

SB 4389 by Senators Thompson and Zimmerman

AN ACT Relating to Washington state arts commission.

Referred to Committee on Governmental Operations.

SB 4390 by Senators Thompson and Zimmerman

AN ACT Relating to tourism.

Referred to Committee on Governmental Operations.

SB 4391 by Senators Thompson and Zimmerman

AN ACT Relating to personal service contracts.

Referred to Committee on Governmental Operations.

SB 4392 by Senators Thompson and Zimmerman
AN ACT Relating to government reorganization.

Referred to Committee on Governmental Operations.

SB 4393 by Senators Thompson and Zimmerman
AN ACT Relating to state fiscal administration.

Referred to Committee on Governmental Operations.

SB 4394 by Senators Thompson and Zimmerman
AN ACT Relating to autopsies.

Referred to Committee on Governmental Operations.

SB 4395 by Senators Thompson and Zimmerman
AN ACT Relating to annexation.

Referred to Committee on Governmental Operations.

SB 4396 by Senators Thompson and Zimmerman
AN ACT Relating to city officials.

Referred to Committee on Governmental Operations.

SB 4397 by Senators Thompson and Zimmerman
AN ACT Relating to counties.

Referred to Committee on Governmental Operations.

SB 4398 by Senators Thompson and Zimmerman
AN ACT Relating to cities and towns.

Referred to Committee on Governmental Operations.

SB 4399 by Senators Thompson and Zimmerman
AN ACT Relating to local government.

Referred to Committee on Governmental Operations.

SB 4400 by Senators Thompson and Zimmerman
AN ACT Relating to local government.

Referred to Committee on Governmental Operations.

SB 4401 by Senators Thompson and Zimmerman
AN ACT Relating to local government.

Referred to Committee on Governmental Operations.

SB 4402 by Senators Thompson and Zimmerman
AN ACT Relating to Mt. St. Helens recovery operations.

Referred to Committee on Governmental Operations.

SB 4403 by Senators Thompson and Zimmerman
AN ACT Relating to elections.

Referred to Committee on Governmental Operations.

SB 4404 by Senators Thompson and Zimmerman
AN ACT Relating to veterans.

Referred to Committee on Governmental Operations.

SB 4405 by Senators Thompson and Zimmerman
AN ACT Relating to state purchasing.

Referred to Committee on Governmental Operations.

SB 4406 by Senators Thompson and Zimmerman

AN ACT Relating to open meetings.

Referred to Committee on Governmental Operations.

SB 4407 by Senators Thompson and Zimmerman

AN ACT Relating to public disclosure.

Referred to Committee on Governmental Operations.

SB 4408 by Senators Thompson and Zimmerman

AN ACT Relating to tourism.

Referred to Committee on Governmental Operations.

SB 4409 by Senators Thompson and Zimmerman

AN ACT Relating to state fiscal administration.

Referred to Committee on Governmental Operations.

SB 4410 by Senators Thompson and Zimmerman

AN ACT Relating to state contracts.

Referred to Committee on Governmental Operations.

SB 4411 by Senators Thompson and Zimmerman

AN ACT Relating to county officials.

Referred to Committee on Governmental Operations.

SB 4412 by Senator Fleming

AN ACT Relating to international studies in community colleges.

Referred to Committee on Education.

SB 4413 by Senator Hansen

AN ACT Relating to agricultural finance.

Referred to Committee on Agriculture.

SB 4414 by Senator Hansen

AN ACT Relating to aquatic farming.

Referred to Committee on Agriculture.

SB 4415 by Senator Hansen

AN ACT Relating to agricultural marketing.

Referred to Committee on Agriculture.

SB 4416 by Senator Hansen

AN ACT Relating to agriculture.

Referred to Committee on Agriculture.

SB 4417 by Senator Hansen

AN ACT Relating to irrigation wiring.

Referred to Committee on Agriculture.

SB 4418 by Senator Hansen

AN ACT Relating to irrigation.

Referred to Committee on Agriculture.

SB 4419 by Senator Hansen

AN ACT Relating to water management.

Referred to Committee on Agriculture.

SB 4420 by Senator Hansen

AN ACT Relating to agricultural liens.

Referred to Committee on Agriculture.

- SB 4421 by Senator Hansen
AN ACT Relating to cooperative commissions.
Referred to Committee on Agriculture.
- SB 4422 by Senator Hansen
AN ACT Relating to groundwater management areas.
Referred to Committee on Agriculture.
- SB 4423 by Senator Hansen
AN ACT Relating to water supply project funding.
Referred to Committee on Agriculture.
- SB 4424 by Senator Hansen
AN ACT Relating to water rights.
Referred to Committee on Agriculture.
- SB 4425 by Senator Hansen
AN ACT Relating to livestock.
Referred to Committee on Agriculture.
- SB 4426 by Senator Hansen
AN ACT Relating to groundwater.
Referred to Committee on Agriculture.
- SB 4427 by Senator Hansen
AN ACT Relating to water well construction.
Referred to Committee on Agriculture.
- SB 4428 by Senator Hansen
AN ACT Relating to liens on agricultural cooperatives.
Referred to Committee on Agriculture.
- SB 4429 by Senator Fleming
AN ACT Relating to revenue for low-income housing.
Referred to Committee on Ways and Means.
- SB 4430 by Senator Sellar
AN ACT Relating to savings banks.
Referred to Committee on Financial Institutions.
- SB 4431 by Senator Sellar
AN ACT Relating to savings and loan associations.
Referred to Committee on Financial Institutions.
- SB 4432 by Senator Sellar
AN ACT Relating to banks and bank holding companies.
Referred to Committee on Financial Institutions.
- SB 4433 by Senator Sellar
AN ACT Relating to financial institutions.
Referred to Committee on Financial Institutions.
- SB 4434 by Senator Sellar
AN ACT Relating to insurance.
Referred to Committee on Financial Institutions.
- SB 4435 by Senator Deccio

AN ACT Relating to insurance cancellation or nonrenewal notices.

Referred to Committee on Financial Institutions.

SB 4436 by Senator Kreidler

AN ACT Relating to the parks-schools assistance program.

Referred to Committee on Parks and Ecology.

SB 4437 by Senator Gaspard

AN ACT Relating to teacher preparation and certification.

Referred to Committee on Education.

SB 4438 by Senator Gaspard

AN ACT Relating to educational service districts.

Referred to Committee on Education.

SB 4439 by Senator Gaspard

AN ACT Relating to school transportation.

Referred to Committee on Education.

SB 4440 by Senator Talmadge

AN ACT Relating to ground water; and adding a new section to chapter 90.44 RCW.

Referred to Committee on Parks and Ecology.

SB 4441 by Senators Guess, Rasmussen, Stratton, Garrett and Goltz

AN ACT Relating to the energy facility site evaluation council; amending RCW 43.21F.055, 70.105.110, 80.50.020, 80.50.040, 80.50.060, 80.50.071, 80.50.075, 80.50.080, 80.50.090, 80.50.100, 80.50.120, 80.50.130, 80.50.140, 80.50.160, 80.50.175, 80.50.180, 80.50.190, and 90.48.262; reenacting and amending RCW 43.200.040 and 80.50.150; creating new sections; decodifying RCW 80.50.800; and repealing RCW 80.50.030.

Referred to Committee on Energy and Utilities.

SJM 116 by Senators Benitz, Metcalf and Johnson

Requesting Congress to provide equal tax consideration to parents who stay home with children.

Referred to Committee on Ways and Means.

SJM 117 by Senators McDermott, Williams, Moore, Lee, Kreidler and Talmadge (by 1989 Washington Centennial Commission request)

Requesting the Federal government transfer ownership of the South Lake Union Naval Reserve Base.

Referred to Committee on Governmental Operations.

SJM 118 by Senators Bluechel, Bottiger, Zimmerman, Sellar, McCaslin, Kiskaddon, Bailey, Saling, Barr, Benitz, Vognild, Thompson, Goltz, Garrett, McManus and Johnson

Petitioning Congress to enact statutory federal spending limits to reduce the federal deficit.

Referred to Committee on Ways and Means.

SJM 119 by Senators Zimmerman, DeJarnatt, Patterson, Hansen, Deccio, Hayner, Benitz, Newhouse, Thompson, Bauer and Sellar

Asking Congress to appropriate funds for locking facility at Bonneville Dam.

Referred to Committee on Governmental Operations.

SJM 120 by Senators Williams and McDermott

Urging Congress to negotiate a verifiable test ban treaty and to stop nuclear weapons testing.

Referred to Committee on Energy and Utilities.

- SJM 121 by Senators Bauer, Hansen, Benitz, Moore, Gaspard, Barr, DeJarnatt, Goltz, Rasmussen, Bender, Wojahn and Bailey
Urging Congress to amend federal law to assist farm banks.
Referred to Committee on Agriculture.
- SJM 122 by Senators Bottiger, McDonald, Bauer, Hayner, Zimmerman, McManus and Vognild
Asking Congress to grant state jurisdiction to regulate fireworks on federal enclaves.
Referred to Committee on Commerce and Labor.
- SJM 123 by Senators Williams, McDermott, McManus, Kreidler, Goltz, Rinehart, DeJarnatt and Bauer
Petitioning Congress to adopt the Foley amendment to the Department of Defense authorization bill.
Referred to Committee on Governmental Operations.
- SJM 124 by Senators Williams, McDermott, Moore, Warnke, Kreidler, McManus, Goltz, Rinehart and Bauer
Urging Congress to halt the arrests of Central American refugees.
Referred to Committee on Governmental Operations.
- SJM 125 by Senators Granlund, Kreidler and Talmadge
Requesting Congress to enact legislation to provide for the continued production of DTP vaccine.
Referred to Committee on Human Services and Corrections.
- SJM 126 by Senators Bender, Rasmussen, Moore, McDermott, DeJarnatt, Warnke and Garrett
Petitioning Congress to prevent reductions in benefits to disabled veterans.
Referred to Committee on Governmental Operations.
- SJM 127 by Senators Bottiger, Bluechel and Moore
Petitioning Congress to undertake a study on vessel air emissions.
Referred to Committee on Transportation.
- SJM 128 by Senators Bottiger and Moore
Requesting the United States custom service to retain one headquarters for all west coast ports.
Referred to Committee on Transportation.
- SJM 129 by Senator Williams
Memorializing Congress regarding the low-level nuclear waste compact.
Referred to Committee on Energy and Utilities.
- SJM 130 by Senator Goltz
Relating to international trade forest products.
Referred to Committee on Natural Resources.
- SJR 121 by Senators Lee, Hayner, Craswell, McDonald and Bluechel
Restricting increases in retirement system benefits.
Referred to Committee on Ways and Means.
- SJR 122 by Senators Gaspard, Bender and Conner
Removing forty percent validation requirements for excess levy elections.
Referred to Committee on Education.

SJR 123 by Senator McDermott

Amending the state Constitution.

Referred to Committee on Governmental Operations.

SJR 124 by Senators Hansen, Barr, Bailey, Goltz, Bottiger and Sellar

Permitting agricultural assessments for agricultural development or trade promotions as a public use.

Referred to Committee on Agriculture.

SJR 125 by Senator Metcalf

Proposing a U.S. constitutional amendment to limit amendments to bills.

Referred to Committee on Governmental Operations.

SJR 126 by Senators McDonald, Rasmussen and Zimmerman

Establishing a budget stabilization account.

Referred to Committee on Ways and Means.

SJR 127 by Senator Thompson

Publishing notice of proposed Constitutional amendments in the same manner as initiatives.

Referred to Committee on Governmental Operations.

SJR 128 by Senators Fleming, McDermott, Saling, Zimmerman, Owen, Stratton and Lee

Amending the Constitution to permit current use valuation of low-income housing.

Referred to Committee on Ways and Means.

SJR 129 by Senators Hayner and Guess

Limiting state employment.

Referred to Committee on Ways and Means.

SJR 130 by Senators Craswell, Metcalf and Pullen

Amending state Constitution to recognize parents' rights as inviolate.

Referred to Committee on Judiciary.

SCR 112 by Senators Bauer, Benitz, Gaspard, Lee and Goltz (by Temporary Committee on Educational Policies, Structure and Management request)

Authorizing a joint study for a competitive entry residential high school.

Referred to Committee on Education.

SCR 113 by Senators Talmadge, Johnson, Rasmussen, Craswell, McManus, Gaspard, Bottiger and Owen

Requesting assistance to shipbuilding and ship repair industries.

Referred to Committee on Transportation.

SCR 114 by Senators Warnke, Newhouse, Vognild, Conner, Barr, Lee, Decchio, Cantu and Johnson (by Joint Select Committee on Workers' Compensation request)

Establishing the joint select committee on industrial insurance.

Referred to Committee on Commerce and Labor.

SCR 115 by Senators Warnke, Bender, Fleming, Vognild, McManus, Garrett, Rasmussen, Moore, Newhouse and Sellar (by Lieutenant Governor request)

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

Referred to Committee on Commerce and Labor.

SCR 116 by Senators Bender, Guess, Vognild, McCaslin, Owen, Hansen, Benitz, Bauer, Hayner and McManus

Requesting delay of implementation of model conservation standards.

Referred to Committee on Governmental Operations.

MOTION

At 12:08 p.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Monday, February 11, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

TWENTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 11, 1985

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, Cantu, Fleming, Kiskaddon, McDonald, Moore, Rasmussen and Saling. On motion of Senator Bender, Senators Fleming, Moore and Rasmussen were excused. On motion of Senator von Reichbauer, Senators Barr, Cantu, Kiskaddon, McDonald and Saling were excused.

The Sergeant at Arms Color Guard consisting of Eagle Scouts Steven Moos of Columbia Pacific Council and Michael J. Leavitt of Fort Simcoe Council, presented the Colors. Major Richard Beaver, Corps Commanding Officer of the Salvation Army of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 7, 1985

SB 3089 Prime Sponsor, Senator Talmadge: Removing department of licensing authority for administrative revocation of driver's licenses of alcohol offenders. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3089 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Hayner, McCaslin, Moore, Newhouse, Owen, Thompson, Williams.

Passed to Committee on Rules for second reading.

February 7, 1985

SB 3182 Prime Sponsor, Senator Bauer: Allowing reentering public employees to restore withdrawn contributions to retirement system. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 3182 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Fleming, Goltz, Lee, Rasmussen, Talmadge, Thompson, Warnke, Zimmerman.

Passed to Committee on Rules for second reading.

February 6, 1985

SB 3243 Prime Sponsor, Senator Lee: Requiring persons sheltering a runaway to provide appropriate notice. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3243 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Hayner, McCaslin, Metcalf, Moore, Newhouse, Thompson.

Passed to Committee on Rules for second reading.

February 5, 1985

SB 3341 Prime Sponsor, Senator Hansen: Permitting freight compartments on truck tractors. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 3341 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Conner, Guess, Johnson, Patterson, Vognild.

MINORITY recommendation: That the bill not be substituted. Signed by Senators Bender, DeJarnatt.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

February 8, 1985

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 2,

SUBSTITUTE HOUSE BILL NO. 4,

HOUSE BILL NO. 27,

SUBSTITUTE HOUSE BILL NO. 28,

ENGROSSED HOUSE BILL NO. 54,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 386, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 2 by Committee on State Government (originally sponsored by Representative Belcher)

Government employee exchange program.

Referred to Committee on Governmental Operations.

SHB 4 by Committee on Local Government (originally sponsored by Representatives Rayburn and Baugher)

Changing requirements for the removal of county seats.

Referred to Committee on Governmental Operations.

HB 27 by Representatives Haugen, Brough, Lundquist, P. King and Rayburn

Authorizing a reduction in councilmanic offices in certain code cities.

Referred to Committee on Governmental Operations.

SHB 28 by Committee on Local Government (originally sponsored by Representatives Haugen, Brough, P. King, Crane and Rayburn)

Authorizing biennial municipal budgets.

Referred to Committee on Governmental Operations.

EHB 54 by Representatives Armstrong, D. Nelson, Van Luven, Jacobsen, Nealey, Long, Sutherland, Lundquist, Gallagher and Wang

Defining the tort liability of operators of radioactive waste repositories.

Referred to Committee on Energy and Utilities.

ESHB 386 by Committee on Ways and Means (originally sponsored by Representatives Grimm, Tilly, Braddock and Holland (by Governor Gardner request)

Adopting the supplemental budget.

Referred to Committee on Ways and Means.

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

MOTION

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

SENATE RESOLUTION 1985-12

by Senators Zimmerman, Conner, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen,

Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams and Wojahn; Lieutenant Governor John A. Cherberg; Sid Snyder, Secretary of the Senate; Bill Gleason, Assistant Secretary of the Senate; Ole Scarpelli, Sergeant at Arms

WHEREAS, Sunday, February 3, 1985, marked the beginning of Boy Scout Anniversary week; and

WHEREAS, The theme of Boy Scout week is "Scouting's Diamond Jubilee"; and

WHEREAS, Friday, February 8, was the 75th anniversary of Boy Scouts of America; and

WHEREAS, Since 1910 over 68 million people have participated in Boy Scouting programs; and

WHEREAS, Scouting promotes respect for God and country; and

WHEREAS, The Boy Scout law inspires people to always be trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean and reverent; and

WHEREAS, Boy Scout programs have played a significant role in the lives of many of our national and state political leaders; and

WHEREAS, Former President Gerald R. Ford and U. S. Senator Daniel J. Evans both attained the rank of Eagle Scout; and

WHEREAS, Two members of this body, Senators Paul Conner and Hal Zimmerman, are Eagle Scouts; and

WHEREAS, Ninety percent of the state's Congressional delegation have been or are connected with Boy Scout programs; and

WHEREAS, Forty-five percent of the members of this body have participated in Boy Scouting;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate officially recognize the valuable service the Boy Scouts of America perform for the youth of our state and our country; and

BE IT FURTHER RESOLVED, That the Washington State Senate applaud all of our state Boy Scout Councils for a job well done; and

BE IT FURTHER RESOLVED, That the members of this body do all they can in their home districts to promote the programs and ideals of the Boy Scouts of America; and

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Western Regional Office of the Boy Scouts in Sunnyvale, California; and

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the twelve Boy Scout Councils serving Washington State.

MOTION

On motion of Senator Zimmerman, all Senators and the Lieutenant Governor will be additional sponsors of Senate Resolution 1985-12.

INTRODUCTION OF SPECIAL GUESTS

The President introduced Eagle Scout Kevin Birchard from Troop 373, Chehalis, Washington, who was seated with him on the rostrum, as well as Eagle Scouts and their leaders representing twelve scout councils in the state of Washington.

With permission of the Senate, business was suspended to permit Scout Kevin Birchard to address the Senate.

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

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Hansen, the appointment of C. Alan Pettibone as Director of the Department of Agriculture was confirmed.

APPOINTMENT OF C. ALAN PETTIBONE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; excused, 8.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Rinehart, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 41.

Excused: Senators Barr, Cantu, Fleming, Kiskaddon, McDonald, Moore, Rasmussen, Saling - 8.

SECOND READING

SENATE BILL NO. 3215, by Senators Peterson, Patterson and Hansen

Enhancing the authority of ferry advisory committees.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended, Senate Bill No. 3215 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. 3215.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3215 and the bill passed the Senate by the following vote: Yeas, 41; excused, 8.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Rinehart, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 41.

Excused: Senators Barr, Cantu, Fleming, Kiskaddon, McDonald, Moore, Rasmussen, Saling - 8.

SENATE BILL NO. 3215, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 102, by Senators Owen, Rasmussen, Stratton, Metcalf, Conner, Johnson, Patterson and Barr

Requesting restrictions on importation of Canadian forest products.

The memorial was read the second time.

MOTION

On motion of Senator Owen, the rules were suspended, Senate Joint Memorial No. 102 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

Debate ensued.

MOTION

Senator Bluechel moved that further consideration of Senate Joint Memorial No. 102 be deferred.

Debate ensued.

The President declared the question before the Senate to be adoption of the motion by Senator Bluechel to defer consideration of Senate Joint Memorial No. 102.

The motion by Senator Bluechel failed and the Senate continued consideration of Senate Joint Memorial No. 102.

The President declared the question before the Senate to be the roll call on final passage of Senate Joint Memorial No. 102.

ROLL CALL

The Secretary called the roll on final passage of Senate Joint Memorial No. 102 and the memorial passed the Senate by the following vote: Yeas, 31; nays, 9; absent, 1; excused, 8.

Voting yea: Senators Bailey, Bauer, Bender, Bottiger, Conner, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kreidler, McCaslin, McDermott, McManus, Metcalf, Owen, Patterson, Peterson, Rinehart, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 31.

Voting nay: Senators Benitz, Bluechel, Craswell, Deccio, Guess, Hayner, Lee, Pullen, Sellar - 9.

Absent: Senator Newhouse - 1.

Excused: Senators Barr, Cantu, Fleming, Kiskaddon, McDonald, Moore, Rasmussen, Saling - 8.

SENATE JOINT MEMORIAL NO. 102, having received the constitutional majority, was declared passed.

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

MOTION

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

SENATE RESOLUTION 1985-13

by Senators Hayner, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn and Zimmerman; Lieutenant Governor John A. Cherberg; Sid Snyder, Secretary of the Senate; Bill Gleason, Assistant Secretary of the Senate; Ole Scarpelli, Sergeant at Arms

WHEREAS, The ancient game of chess offers competitors the ultimate combination of art, science, and sport; and

WHEREAS, The Washington Chess Federation has just concluded its annual state championship tournament; and

WHEREAS, Senator Kent Pullen demonstrated his skill and acumen during the two week tournament by achieving a come-from-behind victory in the tournament's final game to capture the state championship; and

WHEREAS, The strategy and cunning that Senator Pullen displays on the chess board are reflected in his dedication and dexterity as a legislator;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington acknowledge and honor Senator Pullen's achievements in the game of chess; and

BE IT FURTHER RESOLVED, That the Senate further recognize the dedicated efforts of the Washington Chess Federation to promote one of the world's greatest intellectual pursuits; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate present copies of this resolution to Senator Kent Pullen and the Washington Chess Federation.

MOTIONS

On motion of Senator Hayner, all members and the Lieutenant Governor will be additional sponsors of Senate Resolution 1985-13.

On motion of Senator Vognild, all members with the exception of Senator Pullen, the honored recipient of the resolution, will be additional sponsors of the resolution.

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

REPORT OF STANDING COMMITTEE

February 5, 1985

SB 3265 Prime Sponsor, Senator Kreidler: Reducing bond money available for waste systems capable of producing renewable energy or energy savings. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 3265 be substituted therefor, and the substitute bill do pass. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Hansen, Kiskaddon, Williams.

Passed to Committee on Rules for second reading.

MOTION

At 11:01 a.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Tuesday, February 12, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

THIRTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 12, 1985

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 Rasmussen. On motion of Senator Bender, Senator Rasmussen was excused.

The Sergeant at Arms Color Guard consisting of Pages Kathleen Pahre and Scott McRae, presented the Colors. Major Richard Beaver, Corps Commanding Officer of the Salvation Army of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 8, 1985

SB 3002 Prime Sponsor, Senator Patterson: Modifying provisions relating to salaries of superintendents of combined school districts. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended and refer to Committee on Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Benitz, Fleming, Goltz, McDermott, Patterson, Saling, Stratton, Warnke.

Referred to Committee on Ways and Means.

February 11, 1985

SB 3397 Prime Sponsor, Senator Stratton: Revising provisions relating to reimbursements for illegally killed wildlife. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Stratton, Vice Chairman; Conner, Halsan, Metcalf, Patterson.

Passed to Committee on Rules for second reading.

February 11, 1985

SB 3427 Prime Sponsor, Senator Moore: Regulating domestic insurance holding corporations. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; McDermott, Newhouse, Sellar, Vognild, Wojahn.

Passed to Committee on Rules for second reading.

February 8, 1985

SB 3547 Prime Sponsor, Senator Granlund: Revising provisions relating to school immunization programs. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Deccio, Johnson, Kiskaddon, Peterson, Stratton.

Passed to Committee on Rules for second reading.

February 11, 1985

SB 3612 Prime Sponsor, Senator Gaspard: Placing a two-year freeze on the excess levy lid reduction and studying excess levies. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Benitz, Craswell, Goltz, Patterson, Stratton, Warnke.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

February 11, 1985

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 46,

HOUSE BILL NO. 73,

HOUSE BILL NO. 77,

HOUSE BILL NO. 80,

HOUSE BILL NO. 109,

SUBSTITUTE HOUSE BILL NO. 155,

HOUSE BILL NO. 175, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

February 11, 1985

Mr. President:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 3, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 46 by Committee on Judiciary (originally sponsored by Representatives Armstrong and Kremen)

Clarifying the intent of the consumer protection act.

Referred to Committee on Judiciary.

HB 73 by Representatives Kremen, Thomas and Lundquist (by Department of Transportation request)

Permitting designees of certain agency directors to serve on the commission on equipment.

Referred to Committee on Transportation.

HB 77 by Representatives Walk, S. Wilson, Schmidt, Valle, Fisch and Haugen (by Department of Transportation request)

Removing the performance requirements for high-speed passenger ferries from the 1977 bond authorization.

Referred to Committee on Transportation.

HB 80 by Representatives Walk, Schmidt, Valle, Betrozoff and J. Williams (by Department of Transportation request)

Updating state highway routes.

Referred to Committee on Transportation.

HB 109 by Representatives Brekke, Lewis, B. Williams and Winsley (by Department of Social and Health Services request)

Revising population limitations in juvenile residential facilities.

Referred to Committee on Human Services and Corrections.

SHB 155 by Committee on Judiciary (originally sponsored by Representative P. King)

Changing requirements relating to notaries.

Referred to Committee on Judiciary.

HB 175 by Representatives Belcher, Hankins, Unsoeld, Allen, Baugher, Todd, Dellwo, Niemi, Smitherman, Peery, Locke, Leonard, K. Wilson, Prince, Lewis, Sayan, P. King, B. Williams, Schoon and Addison (by Department of Personnel request)

Extending the career executive program.

Referred to Committee on Governmental Operations.

HCR 3 by Representatives Sommers, Tilly, Wang, B. Williams, Grimm, Braddock, Patrick, Silver, Winsley, P. King, Schoon and Long

Continuing the joint interim committee on public retirement.

Referred to Committee on Ways and Means.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of the Washington State Dairy Princess, Marika Nauta, and the alternate Princess, Lynette Lagerlund. The President appointed Senators Goltz, Benitz, Hansen and Barr to escort the honored guests to the Senate rostrum.

With permission of the Senate, business was suspended to permit Princess Marika to address the Senate.

The honored guests were escorted from the Senate Chamber and the committee was discharged.

PERSONAL PRIVILEGE

Senator Bailey: "Mr. President and honored fellow Senators, Washington State dairy farmers are renowned throughout the world for their production per cow. Today, the Washington State Dairy Women are inviting all of us for ice cream in the rotunda at noon. I ask you to join with me in this delightful and refreshing treat. I know Senator Metcalf has partaken of it many times in the downstairs cafeteria and I'm sure he would recommend it, too. Thank you."

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

SECOND READING

SENATE JOINT MEMORIAL NO. 108, by Senators Williams, Benitz, Bottger, McDermott, McManus, Halsan, Bailey, Wojahn, Kreidler, Granlund, Rasmussen, DeJarnatt, Owen, Thompson, Stratton, Warnke, McCaslin, Saling, Bauer, Goltz, Peterson and Garrett

Requesting the federal government to withdraw the proposal to modify payments of the Bonneville Power Administration.

The memorial was read the second time.

MOTION

On motion of Senator Bender, Senator Halsan was excused.

MOTION

On motion of Senator Williams, the rules were suspended, Senate Joint Memorial No. 108 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Guess, all members will be additional sponsors of Senate Joint Memorial No. 108.

The President declared the question before the Senate to be the roll call on final passage of Senate Joint Memorial No. 108.

ROLL CALL

The Secretary called the roll on final passage of Senate Joint Memorial No. 108 and the memorial passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Halsan, Rasmussen - 2.

SENATE JOINT MEMORIAL NO. 108, having received the constitutional majority was declared passed.

MOTION

On motion of Senator Vognild, Senate Joint Resolution No. 107 which was on the second reading calendar, was referred to the Committee on Rules.

MOTION

At 10:36 a.m., on motion of Senator Vognild, the Senate recessed until 11:30 a.m.

SECOND MORNING SESSION

The Senate was called to order at 11:36 a.m. by President Cherberg.

There being no objection, the Senate resumed consideration of Senate Bill No. 3214 and the pending amendment by Senators Lee, Thompson and Zimmerman on page 1, line 15, deferred February 6, 1985.

MOTION

On motion of Senator Lee and there being no objection, the amendment was withdrawn.

MOTION

Senator Pullen moved the following amendments by Senators Pullen, Rasmussen, Moore, Patterson, Metcalf and McCaslin be considered and adopted simultaneously:

On page 1, section 1, line 9, after "development," insert "Nothing contained in this section shall authorize a city to give any money, or property, or lend its money or credit to, or in the aid of, any individual, association, company, or corporation."

On page 1, section 2, line 15, after "development," insert "Nothing contained in this section shall authorize a county to give any money, or property, or lend its money or credit to, or in the aid of, any individual, association, company, or corporation."

POINT OF INQUIRY

Senator Deccio: "Senator Pullen, I don't see how this could affect it, but I'm going to ask the question anyway. Would this, in any way, interfere with the development of industrial revenue bonds on the part of any city or county?"

Senator Pullen: "I would say 'no'--particularly based on some recent Supreme Court decisions. For example, the State Supreme Court upheld the constitutionality of the State Housing Finance Commission and in that decision the Supreme Court indicated there is considerable flexibility with industrial revenue bonds. For one thing, it's debatable whether industrial revenue bonds really are moneys that are public moneys. The Supreme Court in the decision dealing with the State Housing Finance Commission ruled that it was constitutional, even though the moneys were going to those who were not poor and were not infirm. So I would say that it should have no effect on the industrial revenue bonds."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senators Pullen, Rasmussen, Moore, Patterson, Metcalf and McCaslin.

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

POINT OF ORDER

Senator Pullen: "Mr. President, a point of order. It appears to me that this bill is in violation of Rule 25 of the Senate Rules, in that it embraces more than one subject in the title. The dual subject is Cities as one subject and Counties as another subject. I would ask the President to rule the bill out of order pursuant to Rule 25."

REPLY BY THE PRESIDENT

President Cherberg: "Senator Pullen, in reply to your remarks, the President believes that this is a constitutional question and the President only deals with important decisions and leaves the constitutional questions to the Supreme Court."

Senator Pullen: "I think I would wholeheartedly concur if a person had asked you for a constitutional ruling. However, I was asking for a ruling pursuant to Rule 25. And I guess my question would be why do we have Rule 25 in the Senate Rules if it's not something on which we're to be governed?"

REPLY BY THE PRESIDENT

President Cherberg: "The President believes that Rule 25 is just sort of a reminder not to have more than one subject in a bill."

MOTION

On motion of Senator Warnke, the rules were suspended, Engrossed Senate Bill No. 3214 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 Senate Bill No. 3214.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3214 and the bill passed the Senate by the following vote:

Yeas, 42; nays, 6; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Voting nay: Senators Craswell, Guess, McCaslin, McDonald, Metcalf, Pullen - 6.

Excused: Senator Rasmussen - 1.

ENGROSSED SENATE BILL NO. 3214, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3176, by Senators Granlund, Kiskaddon, Kreidler and Stratton (by Social and Health Services Budget Office request)

Revising population limitations in juvenile residential facilities.

The bill was read the second time.

MOTIONS

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

On page 2, line 12, after "release" and before the period insert "and notify each member of the legislature at the end of each calendar year if any such early releases have occurred during that year as a result of excessive in-residence population"

On motion of Senator Granlund, the rules were suspended, Engrossed Senate Bill No. 3176 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. 3176.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3176 and the bill passed the Senate by the following vote:

Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rinehart, Saling,

Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Rasmussen - 1.

ENGROSSED SENATE BILL NO. 3176, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Rinehart: "Mr. President and colleagues and friends, a point of personal privilege. I have good news. Our son is back in school and he's on his way to a complete recovery--and I want you to know how very much your support, your flowers, your messages and your letters helped us all get through this terrible ordeal. I'm very grateful to all of you. Thank you."

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

REPORTS OF STANDING COMMITTEES

February 11, 1985

SB 3034 Prime Sponsor, Senator Goltz: Establishing the Washington State-Pacific Rim foundation. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 3034 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Thompson, Chairman; Bailey, DeJarnatt, Garrett, Granlund, Rinehart, Saling, Zimmerman.

Referred to Committee on Ways and Means.

February 11, 1985

SB 3129 Prime Sponsor, Senator Rasmussen: Adding a member to the veterans affairs advisory committee. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bailey, DeJarnatt, Garrett, Granlund, McCaslin, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

February 11, 1985

SB 3220 Prime Sponsor, Senator Owen: Authorizing access to autopsy reports. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Bill No. 3220 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; Bailey, DeJarnatt, Garrett, Granlund, McCaslin, Pullen, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

February 8, 1985

SB 3230 Prime Sponsor, Senator Talmadge: Strengthening and clarifying laws against driving while intoxicated. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Hayner, McCaslin, Metcalf, Moore, Newhouse, Owen, Thompson.

Passed to Committee on Rules for second reading.

February 8, 1985

SB 3238 Prime Sponsor, Senator Talmadge: Revising procedures for reports of child abuse. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3238 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Talmadge, Chairman; DeJarnatt, McCaslin, Metcalf, Moore, Newhouse, Owen, Pullen, Thompson.

Referred to Committee on Ways and Means.

February 8, 1985

SB 3240 Prime Sponsor, Senator Lee: Authorizing court to restrain accused offender from entering family home in cases of child abuse. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3240 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; DeJarnatt, McCaslin, Metcalf, Newhouse, Owen, Thompson.

Passed to Committee on Rules for second reading.

February 8, 1985

SB 3276 Prime Sponsor, Senator McDermott: Establishing a missing children clearinghouse. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3276 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Talmadge, Chairman; DeJarnatt, McCaslin, Metcalf, Moore, Newhouse, Owen, Thompson.

Referred to Committee on Ways and Means.

February 11, 1985

SB 3342 Prime Sponsor, Senator McDermott: Revising horse racing regulations. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 3342 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Deccio, Fleming, Goltz, Moore, Rinehart, Talmadge, Thompson, Warnke, Wojahn.

MINORITY recommendation: Do not pass. Signed by Senators Craswell, McDonald.

Passed to Committee on Rules for second reading.

February 8, 1985

SB 3453 Prime Sponsor, Senator Talmadge: Identifying the scope of common law liens. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; DeJarnatt, Hayner, McCaslin, Newhouse, Owen, Thompson.

MINORITY recommendation: Do not pass as amended. Signed by Senator Pullen.

Passed to Committee on Rules for second reading.

February 11, 1985

SB 3468 Prime Sponsor, Senator Williams: Authorizing the monitoring of federal research regarding the suitability of Hanford as a radioactive waste disposal facility. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 3468 be substituted therefor, and the substitute bill do pass. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Kreidler, McCaslin, Owen, Stratton.

Passed to Committee on Rules for second reading.

February 11, 1985

SB 3487 Prime Sponsor, Senator Goltz: Returning energy conservation savings to state agencies. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 3487 be substituted therefor, and the substitute bill do pass and be referred to the Committee on Ways and Means. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Benitz, Halsan, Kreidler.

Referred to Committee on Ways and Means.

February 11, 1985

SJM 109 Prime Sponsor, Senator Goltz: Petitioning the U.S. Department of Energy to shut down operations at the Purex plant under certain circumstances. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Halsan, Kreidler, Owen, Stratton.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENT

February 11, 1985

GA 4 THERESA ANNA ARAGON, to the position of Director of the Department of Licensing, appointed by the Governor on January 16, 1985, for the term ending at the Governor's pleasure, succeeding John Gonzalez. Reported by Committee on Governmental Operations

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Thompson, Chairman; Bailey, DeJarnatt, Garrett, Granlund, McCaslin, Pullen, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules.

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

MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

February 6, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Sharon A. Nelson appointed to a term effective February 11, 1985, and ending on December 31, 1990, replacing Mary D. Hall, as a member of the Utilities and Transportation Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

February 7, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Curtis Eschels appointed to a term effective February 7, 1985, which is co-extensive with the term of the Governor, replacing Nicholas Lewis, as chairman of the Energy Facility Site Evaluation Council.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

February 12, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Belinda K. Pearson, appointed February 12, 1985, for a term ending September 30, 1989, as a regent of Washington State University, succeeding Jeanne Rounds-Olsen.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

February 12, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Joe W. Jackson, appointed February 12, 1985, for a term ending September 30, 1988, as a Trustee of Eastern Washington University, succeeding James D. Ray.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Education.

February 12, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Marian May Gerstle, appointed February 12, 1985, for a term ending April 3, 1988, to the Board for Community College Education (District 1), succeeding I. Charles LeCocq.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Education.

February 12, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dr. Max M. Snyder, appointed February 12, 1985, for a term ending April 3, 1986, to the Board for Community College Education (District 5), succeeding Robert T. Greene.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Education.

February 12, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Rhonda Hilyer, appointed February 12, 1985, for a term ending September 30, 1988, as a Trustee of Community College District No. 6 (Seattle), succeeding Helen G. Sutton.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Education.

February 12, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Henry R. Seidel, reappointed February 12, 1985, for a term ending September 30, 1989, as a Trustee of Community College District No. 8 (Bellevue).

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Education.

February 12, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Robert P. Binns, appointed February 12, 1985, for a term ending September 30, 1988, as a Trustee of Community College District No. 13 (Lower Columbia), succeeding Stanley R. Norquist.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

February 12, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dale Foster, appointed February 12, 1985, for a term ending September 30, 1987, as a Trustee of Community College District No. 17 (Spokane), succeeding Max J. Kunej.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

February 12, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Harry Yamamoto, appointed February 12, 1985, for a term ending September 30, 1989, as a Trustee of Community College District No. 18 (Big Bend), succeeding Norma Jean Watson.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

February 12, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Aleen M. Galloway, appointed February 12, 1985, for a term ending September 30, 1989, as a Trustee of Community College District No. 19 (Columbia Basin), succeeding Geneva U. Davidson.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

February 12, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Charles Michener, appointed February 12, 1985, for a term ending September 30, 1988, as a Trustee of Community College District No. 19 (Columbia Basin), succeeding Donald W. McClure.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Garrett, Johnson and Stratton to a committee to meet with a like committee from the House, pursuant to House Concurrent Resolution No. 4, to plan for the joint memorial services scheduled for February 22, 1985.

MOTION

On motion of Senator Vognild, the appointees were confirmed.

MOTION

At 12:12 p.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Wednesday, February 13, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

THIRTY-FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 13, 1985

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 Peterson and Wojahn. On motion of Senator Bender, Senators Peterson and Wojahn were excused.

The Sergeant at Arms Color Guard consisting of Pages Stacy Brown and Walter Pullen, presented the Colors. Major Richard Beaver, Corps Commanding Officer of the Salvation Army of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 11, 1985

SB 3282 Prime Sponsor, Senator Williams: Requiring the director of general administration to give preference to historic properties for use by state agencies. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass as amended. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Hansen, Williams.

Passed to Committee on Rules for second reading.

February 11, 1985

SB 3353 Prime Sponsor, Senator Owen: Revising the powers of the department of ecology under the federal clean water act. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass as amended. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Hansen, Williams.

Passed to Committee on Rules for second reading.

February 11, 1985

SB 3420 Prime Sponsor, Senator Granlund: Exempting transfers of open space land to nonprofit organizations from property tax recapture. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Bauer, Bottiger, Deccio, Fleming, Goltz, McDonald, Moore, Rinehart, Talmadge, Thompson, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 11, 1985

SB 3471 Prime Sponsor, Senator Warnke: Authorizing nonprofit organizations to increase price of raffle tickets. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, Newhouse, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 12, 1985

SB 3576 Prime Sponsor, Senator Hansen: Revising provisions relating to the Lake Osyoos water project. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Bailey, Barr, Benitz.

Passed to Committee on Rules for second reading.

February 11, 1985

SB 3812 Prime Sponsor, Senator Kreidler: Modifying penalty provisions on the violation of water pollution control statutes. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Hansen, Williams.

Passed to Committee on Rules for second reading.

February 7, 1985

SB 3827 Prime Sponsor, Senator Kreidler: Authorizing bonds for water pollution control facilities. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 3827 be substituted therefor, and the substitute bill do pass. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Hansen, Williams.

Passed to Committee on Rules for second reading.

February 11, 1985

SB 4134 Prime Sponsor, Senator Warnke: Regulating promotional contests and lotteries. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, Newhouse, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 12, 1985

SJM 107 Prime Sponsor, Senator Talmadge: Requesting congressional funding for cleanup of hazardous waste sites. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass as amended. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Cantu, Hansen.

Passed to Committee on Rules for second reading.

There being no objection, the President Pro Tempore advanced the Senate to the sixth order of business.

SECOND READING

SENATE BILL NO. 3127, by Senators Moore, Newhouse and Stratton

Authorizing the assistant state treasurer to serve on the state investment board.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Senate Bill No. 3127 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator McDonald: "Senator Thompson, sorry I didn't talk about this before. But since we were very much involved in the investment board setup, is it the intent of this legislation that the Treasurer, whenever it is at all possible for him to be at that meeting, that he would be there, and it would only be if he was out of town that the Assistant Treasurer would be...?"

Senator Thompson: "I am pleased to have the opportunity to respond to that question, specifically. It would be the intent to preserve the original appointment, responsibilities of the appointment, so that the State Treasurer would, in every instance, attend, appear and handle those responsibilities and only on those rare occasions when he just cannot possibly be present that the Assistant Treasurer would assume that responsibility."

POINT OF INQUIRY

Senator McCaslin: "Senator Moore, what is your opinion of this piece of legislation?"

Senator Moore: "Well, it's just a nice housekeeping piece of legislation that we had to have because oftentimes the State Treasurer is out of town and we do have trouble getting a quorum. We have only nine voting members, and when the Treasurer is gone that means that we're skating one person short on the ice. We really need the ability to have the Assistant Treasurer participate, and you'll notice we haven't made any other exceptions. That's the only one."

POINT OF INQUIRY

Senator Lee: "Senator Thompson, I notice that in two other instances where a person appointed by other individuals--in other words, an appointee by the Governor--for example, and an appointee by the Superintendent of Public Instruction--that those persons are then subject to confirmation by the Senate. And that that is not the case in this particular section for a designee to be serving. Was this point brought up in your committee at all? Was the question even asked?"

Senator Thompson: "That was not considered by the committee, Senator Lee."
Further debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Moore, this is probably one of the most important boards we have and I'm glad you're on it. I guess my curiosity forces me to ask, why is it that the State Treasurer--since this should be his primary responsibility, can't make these meetings?"

Senator Moore: "Well, it's by coincidence. It seems to me that most of the time, and since we only have four meetings a year, it's very possible, that he is in New York, where he goes somewhat frequently to sign bonds and that sort of thing. It has just worked out that way. It just makes it easier for us to do business and I don't think we're depreciating the quality of the board any, because we have so many checks and balances there now, between the advisory committee, the voting members and a few people that are very intent on seeing that the right thing is done, that I feel it's a good idea."

Senator Deccio: "I can understand your reasoning. My next question is, if the Treasurer is out of town and the Assistant Treasurer takes over, then does that not mean that he takes over the responsibilities of the State Treasurer and then would he not be able to make the meetings? If the Treasurer is gone, then the Assistant has to take over that Department. Would that mean that he would be so busy that he wouldn't be able to make the meetings either--that he would pass that along to somebody else?"

Senator Moore: "No, he cannot pass it on to anybody else. It's one or the other and nobody else."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3127.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3127 and the bill passed the Senate by the following vote: Yeas, 42; nays, 5; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Zimmerman - 42.

Voting nay: Senators Hayner, Lee, Pullen, Sellar, von Reichbauer - 5.

Excused: Senators Peterson, Wojahn - 2.

SENATE BILL NO. 3127, having received the constitutional majority, 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. 3525, by Senators Warnke, Fleming, Lee, Halsan, Cantu, McDonald, Williams, Moore, Newhouse and Vognild

Regulating the sale of kosher foods.

MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 3525 was substituted for Senate Bill No. 3525 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 3525 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 Warnke, I want to open up a little factory and I want to create kosher style whatever in my factory. To whom would I apply in order to have approval for kosher, and would I have to spell it a certain way? I'm concerned--because would I have to go to New York, Massachusetts or could I apply here--and from what branch would I apply?"

Senator Warnke: "I am not a member of the Jewish faith, but I imagine that you would contact the Rabbi or a member of the Jewish faith and they would then, in turn, instruct you in those spices or those methods of preparations of foods which make them kosher."

Senator Rasmussen: "You're not sure, though?"

Senator Warnke: "No, I am not sure of which exact person you would contact, but I assume it would be the Rabbi."

Senator Rasmussen: "Senator Warnke, one more question. I had an opportunity one time to visit a place and one of their specialities was bread products. Would this, also, extend to a certain type of roll that is made in all bakeries--whatever the public demands. Would you have to get a license for that type of roll?"

Senator Warnke: "This bill does not speak to licensing."

Senator Rasmussen: "Well, it makes it illegal, doesn't it? How would you make it legal--if you couldn't license?"

Senator Warnke: "It is not a licensing bill. It is a labeling bill."

POINT OF INQUIRY

Senator Pullen: "Senator Warnke, I wondered what the penalty was for violating the labeling provision?"

Senator Warnke: "I believe the first offense--it's a gross misdemeanor and the reason for the gross misdemeanor--the bill was worked with, I think, the county district attorneys--prosecuting attorneys office in Seattle--and because of knowingly and wilfully selling, it is a gross misdemeanor rather than a misdemeanor."

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. 3525.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3525 and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Boltiger, Cantu, Conner, Craswell, Deccio, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Pullen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 44.

Voting nay: Senators DeJarnatt, Patterson, Rasmussen - 3.

Excused: Senators Peterson, Wojahn - 2.

SUBSTITUTE SENATE BILL NO. 3525, having received the constitutional 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 10:37 a.m., on motion of Senator Vognild, the Senate recessed until 10:55 a.m.

SECOND MORNING SESSION

The Senate was called to order at 10:59 a.m. by President Pro Tempore Goltz.

At 10:59 a.m., and there being no objection, the President Pro Tempore declared the Senate to be at ease.

The Senate was called to order at 11:02 a.m. by President Pro Tempore Goltz.

At 11:02 a.m., and there being no objection, the President Pro Tempore declared the Senate to be at ease.

The Senate was called to order at 11:07 a.m. by President Pro Tempore Goltz.

SECOND READING

SENATE JOINT MEMORIAL NO. 101, by Senators Owen, Patterson, Stratton, Conner and Talmadge

Urging ratification of a United States-Canada salmon treaty.

The memorial was read the second time.

MOTIONS

On motion of Senator Metcalf, the following amendment by Senators Metcalf, Vognild and Rasmussen was adopted:

On page 2, line 10, after "treaty" insert: "which clearly defines steelhead trout as a separate species from the pacific salmon species."

On motion of Senator Owen, the rules were suspended, Engrossed Senate Joint Memorial No. 101 was advanced to third reading, the second reading considered the third, and the memorial 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 Senate Joint Memorial No. 101.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Joint Memorial No. 101 and the memorial passed the Senate by the following vote: Yeas, 42; nays, 4; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Rinehart, Salling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 42.

Voting nay: Senators Conner, Goltz, Pullen, Rasmussen - 4.

Absent: Senator Kreidler - 1.

Excused: Senators Peterson, Wojahn - 2.

ENGROSSED SENATE JOINT MEMORIAL NO. 101, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

MOTION FOR RECONSIDERATION

Having served prior notice, Senator Hayner moved to reconsider the vote by which Senate Bill No. 3551 passed the Senate on February 8, 1985.

Debate ensued.

POINT OF INQUIRY

Senator Guess: "Senator Bottiger, I was present when Mr. Farrell talked to us, and there were several other things that he wanted that we must do. One was that we should put a \$200 million rainy day fund in there, so they could make sure they got their money. The other thing was--he said that we'd better pass an income tax.

You remember when Glenn Pascall asked him why an income tax is so romantic when Oregon's got one and they're in as bad shape as we are."

Senator Bottiger: "I think what he said was broaden your tax base. He suggested as one way to broaden that--an income tax. He also recommended not tying it to the federal tax rate as Oregon did, because then congressional reductions in the federal income tax affect the local state tax."

Senator Guess: "Have we improved our bond rating since he came?"

Senator Bottiger: "We have gone off the watch list and of the five points that were set out for us--three have been accomplished. We got rid of the 25th month. We budgeted within our means. We used conservative revenue forecasts--this was for the last two years. And we will be ending this budget without having had any special sessions or any tax increases for two years."

Senator Guess: "What is the interest rate and what do they want to charge us now--instead of 8.5?"

Senator Bottiger: "We could have gotten--had we stayed in the group of states we were in--8.75% instead of 9.31%."

Further debate ensued.

Senator McDonald 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 Hayner to reconsider the vote by which Senate Bill No. 3551 passed the Senate.

ROLL CALL

The Secretary called the roll and the motion by Senator Hayner failed by the following vote: Yeas, 22; nays, 24; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer, Zimmerman - 22.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, McDermott, McManus, Moore, Owen, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognilid, Warnke, Williams - 24.

Absent: Senator Kreidler - 1.

Excused: Senators Peterson, Wojahn - 2.

MOTION

On motion of Senator Vognilid, the Senate returned to the sixth order of business.

SECOND READING

SENATE BILL NO. 3145, by Senators Rasmussen and DeJarnatt (by State Treasurer request)

Clarifying the distribution of forest reserve funds for county roads and schools.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill 3145 was substituted for Senate Bill No. 3145 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. 3145 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 Substitute Senate Bill No. 3145.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3145 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Zimmerman - 46.

Absent: Senator Kreidler - 1.

Excused: Senators Peterson, Wojahn - 2.

SUBSTITUTE SENATE BILL NO. 3145, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3236, by Senators Moore, Sellar, Vognild, Bender, McManus, Warnke, McCaslin, Newhouse, Deccio, Wojahn, Stratton, Guess, McDermott, von Reichbauer and Conner

Relating to banks and bank holding companies.

The bill was read the second time.

MOTION

Senator Talmadge moved that the following amendments be considered and adopted simultaneously:

On page 1, line 27, after "determination" strike "whether" and insert "that (i)"

On page 1, line 29, after "subsection" insert "; (ii) the out-of-state bank holding company has demonstrated an acceptable record of meeting the credit needs of its entire community, including low and moderate income neighborhoods, consistent with the safe and sound operation of such institution; and (iii) for acquisition does not substantially lessen competition or tend to create a monopoly"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendments by Senator Talmadge.

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

MOTION

On motion of Senator Vognild, further consideration of Senate Bill No. 3236 was deferred.

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

REPORTS OF STANDING COMMITTEES

February 12, 1985

SB 3093 Prime Sponsor, Senator Talmadge: Revising provisions relating to theft. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; DeJarnatt, Hayner, McCaslin, Metcalf, Newhouse, Owen, Thompson, Williams.

Passed to Committee on Rules for second reading.

February 12, 1985.

SB 3096 Prime Sponsor, Senator Talmadge: Regarding the elections held to fill the vacancies in federal offices. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; DeJarnatt, Hayner, McCaslin, Metcalf, Newhouse, Owen, Thompson, Williams.

Passed to Committee on Rules for second reading.

MOTION

At 12:07 p.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Thursday, February 14, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

THIRTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, February 14, 1985

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 Guess and McDermott.

The Sergeant at Arms Color Guard consisting of Pages Betsy Ackley and Eric Dunham, presented the Colors. Major Richard Beaver, Corps Commanding Officer of the Salvation Army of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 5, 1985

SB 3090 Prime Sponsor, Senator Talmadge: Providing for state reimbursement of the expenses of law enforcement officers in coroner's inquests. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3090 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, McCaslin, Metcalf, Newhouse, Pullen, Williams.

Passed to Committee on Rules for second reading.

February 12, 1985

SB 3189 Prime Sponsor, Senator Thompson: Allowing payroll deductions for political action committees of public employee organizations. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; DeJarnatt, Garrett, Granlund, Rinehart.

MINORITY recommendation: Do not pass as amended. Signed by Senator Zimmerman.

Passed to Committee on Rules for second reading.

February 11, 1985

SB 3267 Prime Sponsor, Senator Hansen: Relieving the department of the duty of returning a surrendered driver's license at the end of the suspension period. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 3267 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Vice Chairman; Bender, DeJarnatt, Garrett, Granlund, Johnson, Metcalf, Patterson, Sellar, Vognild.

Passed to Committee on Rules for second reading.

February 12, 1985

SB 3289 Prime Sponsor, Senator Kreidler: Clarifying under what conditions a county treasurer shall prepare distraint papers. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; DeJarnatt, Garrett, Granlund, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

February 12, 1985

- SB 3309 Prime Sponsor, Senator Granlund: Authorizing county legislative authorities to set certain license fees. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 3309 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; DeJarnatt, Garrett, Granlund, McCaslin, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

February 12, 1985

- SB 3456 Prime Sponsor, Senator Hansen: Extending certain tax exemptions relating to alcohol used in motor vehicle fuels. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Vice Chairman; Barr, Bender, DeJarnatt, Garrett, Granlund, Guess, Patterson, Vognild.

Passed to Committee on Rules for second reading.

February 12, 1985

- SB 3459 Prime Sponsor, Senator Thompson: Determining the order of candidates' names on primary and sample ballots. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 3459 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; DeJarnatt, Garrett, Granlund, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

February 12, 1985

- SB 3467 Prime Sponsor, Senator Hansen: Relating to legislative authority governing rail districts. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Hansen, Vice Chairman; Barr, Bender, DeJarnatt, Garrett, Granlund, Guess, Patterson, Vognild.

Passed to Committee on Rules for second reading.

February 13, 1985

- SB 3527 Prime Sponsor, Senator Bender: Revising limitations on the ratio of students to teachers in grades K-3. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Goltz, Kiskaddon, McManus, Patterson, Saling.

Passed to Committee on Rules for second reading.

February 13, 1985

- SB 3778 Prime Sponsor, Senator Gaspard: Revising the basic education formula. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 3778 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Benitz, Fleming, Goltz, Guess, Johnson, Kiskaddon, McManus, Patterson, Saling, Stratton.

Passed to Committee on Rules for second reading.

February 12, 1985

- SB 3781 Prime Sponsor, Senator Peterson: Authorizing state patrol sergeant and lieutenant examinations to be held every two years. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 3781 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Vice Chairman; Barr, Bender, DeJarnatt, Garrett, Granlund, Guess, Patterson, Vognild.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENT

GA 63 LEE BLANKENSHIP, to the position of Public Printer, appointed by the Governor on January 28, 1985, for the term ending at the Governor's pleasure, succeeding himself. Reported by Committee on Governmental Operations February 12, 1985

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; DeJarnatt, Garrett, Granlund, McCaslin, Pullen, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules.

MESSAGE FROM THE HOUSE

February 13, 1985

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 181,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 199,

ENGROSSED HOUSE JOINT MEMORIAL NO. 2, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 181 by Representatives Brekke, Tilly, Sommers, G. Nelson, Vander Stoep, Grimm, B. Williams, P. King, Bond, Long, Sayan, R. King, Isaacson, Patrick, May, Miller, Brough and Silver (by Legislative Budget Committee request)

Extending state coordination of sexual assault programs.

Referred to Committee on Judiciary.

ESHB 199 by Committee on Commerce and Labor (originally sponsored by Representatives R. King, Patrick, Wang, Fisch, Ebersole, Sayan, Belcher, Locke and Fisher)

Modifying provisions relating to farm labor contractors.

Referred to Committee on Commerce and Labor.

EHJM 2 by Representatives Addison, Niemi, Padden, Brekke and D. Nelson

Requesting the President and Congress to effect the protection of Orthodox Christians.

Referred to Committee on Judiciary.

There being no objection, the President Pro Tempore advanced the Senate to the sixth order of business.

SECOND READING

SENATE BILL NO. 3407, by Senators Warnke, Newhouse, Wojahn, McManus, Rasmussen, Cantu and Vognild (by Employment Security Department request)

Changing provisions relating to approved training for purposes of unemployment compensation.

MOTIONS

On motion of Senator Vognild, the rules were suspended, Substitute Senate Bill NO. 3407 was substituted for Senate Bill No. 3407 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Substitute Senate Bill No. 3407 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 Substitute Senate Bill No. 3407.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3407 and the bill passed the Senate by the following vote: Yeas, 47; absent, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senators Guess, McDermott - 2.

SUBSTITUTE SENATE BILL NO. 3407, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator von Reichbauer, Senator Guess was excused.

SECOND READING

SENATE BILL NO. 3028, by Senator Williams

Revising procedures for the disposition of archaeological materials from cairns or graves.

The bill was read the second time.

MOTION

On motion of Senator Williams, the rules were suspended, Senate Bill No. 3028 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 Senate Bill No. 3028.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3028 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Guess - 1.

SENATE BILL NO. 3028, having received the constitutional majority, 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. 3249, by Senators Kreidler, Moore and Rasmussen

Modifying provisions relating to group life insurance.

MOTIONS

On motion of Senator Kreidler, the rules were suspended, Substitute Senate Bill No. 3249 was substituted for Senate Bill No. 3249 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kreidler, the rules were suspended, Substitute Senate Bill No. 3249 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 Substitute Senate Bill No. 3249.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3249 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Guess - 1.

SUBSTITUTE SENATE BILL NO. 3249, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Bill No. 3236, deferred on second reading February 13, 1985.

MOTION

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

On page 1, line 27, after "determination" strike "whether" and insert "that (i)"

On page 1, line 29, after "subsection" insert "; (ii) the acquisition does not substantially lessen competition or tend to create a monopoly"

Debate ensued.

Senator Talmadge 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 amendments by Senators Talmadge and Metcalf.

ROLL CALL

The Secretary called the roll and the motion by Senator Talmadge failed and the amendments were not adopted by the following vote: Yeas, 18; nays, 30; excused, 1.

Voting yea: Senators Bender, Cantu, Conner, DeJarnatt, Fleming, Gaspard, Granlund, Halsan, Hansen, Kreidler, McDermott, Metcalf, Owen, Rasmussen, Rinehart, Talmadge, Williams, Wojahn - 18.

Voting nay: Senators Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Craswell, Deccio, Garrett, Goltz, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, McManus, Moore, Newhouse, Patterson, Peterson, Pullen, Saling, Sellar, Stratton, Thompson, Vognil, von Reichbauer, Warnke, Zimmerman - 30.

Excused: Senator Guess - 1.

MOTION

On motion of Senator Moore, the rules were suspended, Senate Bill No. 3236 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Moore, I'm a little concerned with this bill, because it looks like the shark after the little fish. We'll know someday about that, but my other question has to do with--will this increase the ability of people to have one-stop shopping? Let me explain. I can go into Sears Roebuck--buy my shoes, my pants or my socks, then I can buy my insurance from Senator Deccio there at All State--then I can buy my stocks there. Will I be able, now, to deposit my five dollars and draw it out of Sears Roebuck?"

Senator Moore: "No, not under present law."

Senator Rasmussen: "Even if they buy a little bank in South Dakota and have their credit card operations running out of there--it will be a branch bank?"

Senator Moore: "Senator, as you know, in America under deregulation, almost anything is possible and you may very well be on a good track."

Senator Rasmussen: "Thank you, Senator Moore, sounds like it might be a good bill. One-stop shopping for everything as long as the sharks are fighting the sharks and not the little fish."

Senator Moore: "You will recall yesterday, Senator Rasmussen, I said that a bank was a bank was a bank, and that's true all over. Banks are run for the benefit

of the owner of the banks and the customers are something that are not necessarily to be preyed upon, but they're fair game and there's no way we are going to be able to cure that."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3236.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3236 and the bill passed the Senate by the following vote: Yeas, 41; nays, 7; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Goltz, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Patterson, Peterson, Pullen, Rinehart, Saling, Sellar, Stratton, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Zimmerman - 41.

Voting nay: Senators Fleming, Granlund, Metcalf, Owen, Rasmussen, Talmadge, Williams - 7.

Excused: Senator Guess - 1.

SENATE BILL NO. 3236, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3322, by Senators Gaspard, Fleming, Hayner, Benitz and von Reichbauer

Increasing the members of the boards of regents of the state universities.

The bill was read the second time.

MOTION

On motion of Senator Gaspard, the rules were suspended, Senate Bill No. 3322 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 Senate Bill No. 3322.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3322 and the bill passed the Senate by the following vote: Yeas, 39; nays, 9; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Stratton, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 39.

Voting nay: Senators Barr, Bluechel, Deccio, McDonald, Metcalf, Newhouse, Pullen, Sellar, Talmadge - 9.

Excused: Senator Guess - 1.

SENATE BILL NO. 3322 having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3133, by Senators Gaspard, Benitz, Rinehart, Patterson, Saling, Johnson, Stratton and von Reichbauer

Increasing the membership on the boards of trustees for the regional universities and The Evergreen State College.

The bill was read the second time.

MOTION

On motion of Senator Rinehart, the rules were suspended, Senate Bill No. 3133 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 Rinehart, I haven't studied the makeup of most of the present boards of regents--I mean boards of trustees of the regional universities. Are they generally located within that region or are they generally appointed on a statewide basis and thereby do not have any connection to the regional basis?"

Senator Rinehart: "I hesitate to answer a question when I don't have the specific numbers in front of me. I am assured from the testimony we heard this summer that there is a need for additional representation. I'd be happy to get the specific numbers for you on current boards."

Senator Zimmerman: "I would assume, in most cases, most of the trustees would be from the general area from which they serve. Eastern would have more eastern people. Western would have more from the northwest part of the state. I was just curious how widespread the representation was--just simply on the basis of whether they function in a region and, therefore, their representation would not logically be that way. On the other hand, I assume they are appointed on the total statewide basis."

Senator Rinehart: "As always, your assumptions are logical and my assumption is that they are also correct, but I'd be happy to get the specific numbers for you."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3133.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3133 and the bill passed the Senate by the following vote: Yeas, 37; nays, 11; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McManus, Owen, Patterson, Peterson, Rasmussen, Rinehart, Salling, Stratton, Thompson, Vognd, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 37.

Voting nay: Senators Barr, Bluechel, Deccio, McDermott, McDonald, Metcalf, Moore, Newhouse, Pullen, Sellar, Talmadge - 11.

Excused: Senator Guess - 1.

SENATE BILL NO. 3133, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3273, by Senators Goltz, Zimmerman, Bauer, McCaslin and Talmadge

Modifying terms and procedures for the delivery of mutual aid services between law enforcement agencies.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 5, line 11, strike subsection (3) and renumber the remaining subsections consecutively

Senator Talmadge moved the following Committee on Judiciary amendment be adopted:

On page 6, beginning on line 12, after "person" strike all material through "(b)" on line 13

Senator Talmadge spoke against the Committee on Judiciary amendment.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the Committee on Judiciary amendment.

The motion by Senator Talmadge failed and the Committee on Judiciary amendment was not adopted.

MOTION

Senator Pullen moved the following amendment by Senators Pullen, McCaslin and Bailey be adopted:

Delete all of section 9, beginning on page 5, line 25, up to and including line 1, page 6, and renumber accordingly

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senators Pullen, McCaslin and Bailey.

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

MOTION

On motion of Senator Vognild, further consideration of Senate Bill No. 3273 was deferred.

SECOND READING

SENATE BILL NO. 3233, by Senators Owen, Hayner, Granlund and Rasmussen

Expanding the permissible uses of the institutional impact account.

The bill was read the second time.

MOTION

On motion of Senator Granlund, the rules were suspended, Senate Bill No. 3233 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 Senate Bill No. 3233.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3233 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Guess - 1.

SENATE BILL NO. 3233, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MOTION

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

SENATE RESOLUTION 1985-14

by Senators Gaspard, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Goltz, Granlund, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn and Zimmerman

WHEREAS, 65 years ago, on February 14, 1920, the League of Women Voters was formed to encourage citizens to learn how to carry out their responsibilities as voters and to take political action, with a focus on the importance of individuals working together to achieve an open and accountable government that is responsive; and

WHEREAS, The League of Women Voters is a non-partisan volunteer organization whose membership is open to all citizens at the local, regional, state and national level; and

WHEREAS, The League of Women Voters registers voters, monitors elections and publishes voter information; and

WHEREAS, The League of Women Voters studies public issues, produces public issue fact books, presents public forums and goes to court in the public interest; and

WHEREAS, The League of Women Voters testifies at legislative and administrative hearings to assure citizen input in policy-making decisions, works with other organizations and speaks out on important issues;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate issue this resolution in recognition of the League of Women Voters efforts to educate and involve citizens in the Legislative process; and

BE IT FURTHER RESOLVED, That the Washington State Senate request Governor Booth Gardner to proclaim February 10 - 16, 1985, as League of Women Voters Week.

MOTION

On motion of Senator Vognild, all Senators requesting to be additional sponsors of Senate Resolution 1985-14 should contact the Secretary of the Senate.

MOTION

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

SENATE RESOLUTION 1985-15

by Senators Gaspard, Wojahn, Bailey, Barr, Benitz, Cantu, Lee and Saling

WHEREAS, The people of the State of Washington have recognized the growing and imperative need for vocational education and training; and

WHEREAS, Economic expansion depends upon the availability of a work force possessing basic skills and competencies as well as familiarity with state-of-the-art technology in an ever-growing array of occupations; and

WHEREAS, Publicly supported school districts, vocational-technical institutes, skills centers, community colleges, community-based organizations and private training agencies provide vocational and technical education to traditional and nontraditional students; and

WHEREAS, The people of the State of Washington recognize and applaud the efforts of the thousands of individuals who plan, direct and carry out such programs; and

WHEREAS, Additional efforts are necessary to develop training programs to attract high technology and other growth industries or to sustain such industries, and to provide retraining for individuals who may be displaced from jobs as a result of technological innovation;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate shall issue this resolution in recognition of the importance of vocational and technical education and its vital role in the future of Washington State's commerce and economic development; and

BE IT FURTHER RESOLVED, That the Washington State Senate request Governor Booth Gardner to proclaim February 10 - 16, 1985, as Vocational Education Week.

MOTION

On motion of Senator Gaspard, all Senators requesting to be additional sponsors of Senate Resolution 1985-15 should contact the Secretary of the Senate.

There being no objection, the President Pro Tempore advanced the Senate to the ninth order of business.

MOTIONS

On motion of Senator Vognild, the Committee on Judiciary was relieved of further consideration of Senate Bill No. 3800.

On motion of Senator Vognild, Senate Bill No. 3800 was referred to the Committee on Governmental Operations.

On motion of Senator Vognild, the Committee on Human Services and Corrections was relieved of further consideration of Senate Bill No. 3774.

On motion of Senator Vognild, Senate Bill No. 3774 was referred to the Committee on Ways and Means.

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

REPORTS OF STANDING COMMITTEES

February 11, 1985

SB 3120 Prime Sponsor, Senator Conner: Modifying certain motor vehicle standards. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 3120 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Vice Chairman; Barr, Conner, Guess, Johnson, Patterson, Sellar, Vognild.

MINORITY recommendation: That Substitute Senate Bill No. 3120 not be substituted. Signed by Senators Bender, DeJarnatt, Garrett, Granlund.

Passed to Committee on Rules for second reading.

February 13, 1985

SB 3280 Prime Sponsor, Senator Bottiger: Allowing counties to make state-authorized improvements to state highways. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 3280 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Vice Chairman; Barr, Bender, Conner, DeJarnatt, Garrett, Granlund, Guess, Metcalf, Patterson, Sellar, Vognild.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENT

February 13, 1985

GA 65 RICHARD WATSON, to the position of Director of the Washington State Energy Office, appointed by the Governor on January 28, 1985, for the term ending at the Governor's pleasure, succeeding himself. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Benitz, Halsan, Kiskaddon, Kreidler, McCaslin, Owen, Saling, Stratton.

Passed to Committee on Rules.

MOTION

At 11:41 a.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Friday, February 15, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

THIRTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 15, 1985

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 Barr, McManus, Patterson, Peterson and Talmadge. On motion of Senator Bender, Senators Peterson and Talmadge were excused. On motion of Senator von Reichbauer, Senators Barr and Patterson were excused.

The Sergeant at Arms Color Guard consisting of Pages Wendy Anderson and Jeff Dickey, presented the Colors. Major Richard Beaver, Corps Commanding Officer of the Salvation Army of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 29, 1985

SB 3008 Prime Sponsor, Senator Thompson: Modifying valuation provisions for certain articles for use tax purposes. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators Bauer, Bluechel, Bottiger, Cantu, Craswell, Deccio, Goltz, Hayner, Lee, McDonald, Rinehart, Talmadge, Thompson, Zimmerman.

Passed to Committee on Rules for second reading.

February 13, 1985

SB 3148 Prime Sponsor, Senator Granlund: Repealing provisions relating to special adult supervision programs. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Deccio, Johnson, Stratton.

Passed to Committee on Rules for second reading.

February 13, 1985

SB 3167 Prime Sponsor, Senator Talmadge: Extending timeshare regulation. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Hayner, Metcalf, Moore, Newhouse, Owen, Thompson.

Passed to Committee on Rules for second reading.

February 14, 1985

SB 3197 Prime Sponsor, Senator Talmadge: Modifying provisions relating to criminally insane persons. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended and refer to Committee on Ways and Means. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Hayner, McCaslin, Moore, Newhouse, Owen, Thompson.

Referred to Committee on Ways and Means.

February 13, 1985

SB 3211 Prime Sponsor, Senator Thompson: Authorizing modifications of community property settlements involving military retirement benefits. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Moore, Owen, Thompson, Williams.

Passed to Committee on Rules for second reading.

February 14, 1985

SB 3379 Prime Sponsor, Senator Fleming: Establishing a matching grant program for conservation districts. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass and refer to Committee on Ways and Means. Signed by Senators Hansen, Chairman; Bailey, Barr, Benitz, Gaspard, Newhouse.

Referred to Committee on Ways and Means.

February 13, 1985

SB 3592 Prime Sponsor, Senator Gaspard: Modifying provisions relating to commodity commissions. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Bailey, Barr, Bauer, Benitz, Gaspard.

Passed to Committee on Rules for second reading.

February 13, 1985

SB 3594 Prime Sponsor, Senator Hansen: Changing provisions relating to irrigation district voting. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 3594 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Bailey, Barr, Bauer, Benitz, Gaspard.

Passed to Committee on Rules for second reading.

February 13, 1985

SB 3596 Prime Sponsor, Senator Granlund: Changing provisions relating to the state criminal justice information system. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass and refer to Ways and Means Committee. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Deccio, Johnson.

Referred to Committee on Ways and Means.

February 13, 1985

SB 3621 Prime Sponsor, Senator Bauer: Providing a career ladder, evaluation program, and training for teachers. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 3621 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Bender, Craswell, Fleming, Goltz, Guess, Johnson, Kiskaddon, McDermott, McManus, Patterson, Saling, Stratton, Warnke.

Passed to Committee on Rules for second reading.

February 14, 1985

SB 3910 Prime Sponsor, Senator Talmadge: Establishing penalties for unfair manufacturing processes. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Hayner, McCaslin, Moore, Newhouse, Owen, Thompson.

Passed to Committee on Rules for second reading.

There being no objection, the President Pro Tempore advanced the Senate to the sixth order of business.

SECOND READING

SENATE BILL NO. 3325, by Senators Owen, Newhouse, McManus, Sellar, Stratton, Vognild, Warnke, Moore and Benitz

Limiting the definition of financial interest for persons engaged in alcoholic beverage businesses.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 3325 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 Senate Bill No. 3325.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3325 and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent, 1; excused, 4.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senator Pullen - 1.

Absent: Senator McManus - 1.

Excused: Senators Barr, Patterson, Peterson, Talmadge - 4.

SENATE BILL NO. 3325, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3331, by Senators Moore, Bender, Sellar, Owen, Vognild, Deccio and Newhouse

Revising industrial loan company provisions.

MOTIONS

On motion of Senator Moore, the rules were suspended, Substitute Senate Bill No. 3331 was substituted for Senate Bill No. 3331 and the substitute bill was placed on second reading and read the second time.

On motion of Senator von Reichbauer, Senate Guess was excused.

On motion of Senator Moore, the rules were suspended, Substitute Senate Bill No. 3331 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 Substitute Senate Bill No. 3331.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3331 and the bill passed the Senate by the following vote: Yeas, 43; absent, 1; excused, 5.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Absent: Senator McManus - 1.

Excused: Senators Barr, Guess, Patterson, Peterson, Talmadge - 5.

SUBSTITUTE SENATE BILL NO. 3331, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3206, by Senators Moore, Williams, Newhouse, Vognild, McManus, Deccio, McDonald and Craswell

Modifying the regulation of water heater temperatures.

The bill was read the second time.

MOTION

Senator Williams moved that the rules be suspended, and that Senate Bill No. 3206 be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

MOTION

On motion of Senator Bluechel, further consideration of Senate Bill No. 3206 was deferred.

SECOND READING

SENATE BILL NO. 3030, by Senators McDermott, Gaspard, Zimmerman, Conner and von Reichbauer (by Legislative Budget Committee request)

Enhancing accountability for publicly owned vehicles.

The bill was read the second time.

MOTION

On motion of Senator McDermott, the rules were suspended, Senate Bill No. 3030 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 Senate Bill No. 3030.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3030 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Boltiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Excused: Senators Barr, Guess, Patterson, Peterson, Talmadge - 5.

SENATE BILL NO. 3030, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3228, by Senators Kreidler and McDermott

Changing language in the natural death act.

The bill was read the second time.

MOTIONS

On motion of Senator Granlund, Substitute Senate Bill No. 3228 was substituted for Senate Bill No. 3228 and the substitute bill was placed on second reading and read the second time.

Senator Rasmussen moved that the following amendment by Senators Rasmussen, Stratton, Craswell, Pullen, Metcalf, Johnson and Deccio be adopted:

On page 3, line 16, beginning with "or", delete everything up to and including "state" on page 3, line 19, and insert "and (b) a condition in which there is cessation of the function of the cortical brain."

POINT OF INQUIRY

Senator McDermott: "Senator Rasmussen, I'm looking for 'cessation of function of the cortical brain' in my question. My concern here is, and maybe the chairman of the committee can help us, or other people on the floor. Senator Talmadge is not

here. My question is the source of this amendment. It's not to question whether you would write these words or not, but did somebody help you?"

Senator Rasmussen: "Where I got the amendment, of course, was out of the articles in the paper where they made this determination. I would think that that should make it very clear that the person is terminal—in fact is over the brink."

Senator McDermott: "Thank you for your answer."

Further debate ensued.

MOTION

On motion of Senator Bottiger, further consideration of Substitute Senate Bill NO. 3228 was deferred.

SECOND READING

SENATE BILL NO. 3415, by Senators Bender, McDermott, Warnke, Sellar, Newhouse, Moore and Bottiger

Authorizing adjustable interest rates.

The bill was read the second time.

MOTIONS

On motion of Senator Bender, the following amendment by Senator Moore was adopted:

On page 2, beginning on line 3, after "if" strike all language through "cycle" on line 5 and insert "on any one day during the billing cycle the rate at which interest is charged is not usurious (~~on any day during the billing cycle~~)"

On motion of Senator Bender, Senators Hansen and Williams were excused.

On motion of Senator Bender, the rules were suspended, Engrossed Senate Bill No. 3415 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. 3415.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3415 and the bill passed the Senate by the following vote: Yeas, 42; excused, 7.

Voting yeas: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Zimmerman - 42.

Excused: Senators Barr, Guess, Hansen, Patterson, Peterson, Talmadge, Williams - 7.

ENGROSSED SENATE BILL NO. 3415, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3326, by Senators Owen, Newhouse, Vognild, Sellar, Warnke, McManus, Moore and Benitz

Allowing multiple occasion use of special occasion liquor license.

The bill was read the second time.

MOTION

On motion of Senator Owen, the rules were suspended, Senate Bill No. 3326 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 Senate Bill No. 3326.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3326 and the bill passed the Senate by the following vote: Yeas, 39; nays, 3; excused, 7.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Zimmerman - 39.

Voting nay: Senators Hayner, Metcalf, Pullen - 3.

Excused: Senators Barr, Guess, Hansen, Patterson, Peterson, Talmadge, Williams - 7.

SENATE BILL NO. 3326, having received the 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 eighth order of business.

MOTION

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

SENATE RESOLUTION 1985-7

by Senators Bottiger, Hayner, Wojahn, Goltz, Sellar, Fleming, Hansen, Halsan, McDonald, McDermott, Conner, Bender, Bluechel, Stratton, von Reichbauer, Vognild, Newhouse, Garrett, Moore, Peterson, Benitz, Williams, Bauer, Gaspard, Rinehart, McManus, DeJarnatt, Granlund, Lee, Zimmerman, Patterson, Talmadge, Kreidler, Bailey, Warnke, Owen, Saling, Guess, Rasmussen, Kiskaddon, Thompson, Pullen, Barr, and Johnson

WHEREAS, Since January 1984, in the United States there have been over thirty reported incidents of criminal violence including bombings, arson, and attempted arson against women's health care facilities; and

WHEREAS, All of those facilities have been damaged or destroyed as a result of arson or bombings; and

WHEREAS, Since December 1983, four of those occurrences have been in Washington State; and

WHEREAS, Criminal violence not only results in destruction of property, but also seriously jeopardizes the lives of patients and medical staff; and

WHEREAS, Criminal violence is unacceptable as a means to effect a change in public policy in our society;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, That the Senate condemns the increasing incidence of criminal violence against women's health care facilities; and

BE IT FURTHER RESOLVED, That the Senate supports both vigorous investigation of these reprehensible acts and prosecution by every appropriate level of government.

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

REPORTS OF STANDING COMMITTEES

February 14, 1985

SB 3011 Prime Sponsor, Senator Lee: Requiring uniform fees for copies of public records. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, McCaslin, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

February 12, 1985

SB 3287 Prime Sponsor, Senator McDermott: Broadening the state's duty to pay prorated election costs. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; DeJarnatt, Garrett, Granlund, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

February 14, 1985

SB 3398 Prime Sponsor, Senator Thompson: Authorizing the consideration by local government of local excise tax revenues arising from local purchases in awarding purchase contracts. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 3398 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, McCaslin, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

February 14, 1985

SB 3458 Prime Sponsor, Senator Conner: Mandating lower insurance rates for persons over 55 who have taken an accident prevention course. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 3458 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, McDermott, Vognild, Wojahn.

Passed to Committee on Rules for second reading.

February 14, 1985

SB 3475 Prime Sponsor, Senator Rinehart: Modifying competitive bidding requirements for state purchasing. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bailey, DeJarnatt, Garrett, Granlund, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

February 14, 1985

SB 3555 Prime Sponsor, Senator Moore: Requiring actions to examine the federal reserve system. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Deccio, Sellar, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

February 14, 1985

SB 3828 Prime Sponsor, Senator Talmadge: Reestablishing the Puget Sound water quality authority. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 3828 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Hansen, Williams.

Referred to Committee on Ways and Means.

February 14, 1985

SJR 105 Prime Sponsor, Senator Goltz: Providing the means for the payment of indebtedness on public improvements. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

MOTIONS

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, the Committee on Governmental Operations was relieved of further consideration of Senate Bill No. 3492.

On motion of Senator Vognild, Senate Bill No. 3492 was referred to the Committee on Parks and Ecology.

On motion of Senator Vognild, the Committee on Governmental Operations was relieved of further consideration of Senate Concurrent Resolution No. 116.

On motion of Senator Vognild, Senate Concurrent Resolution No. 116 was referred to the Committee on Energy and Utilities.

On motion of Senator Vognild, the Committee on Human Services and Corrections was relieved of further consideration of Senate Bill No. 3390.

On motion of Senator Vognild, Senate Bill No. 3390 was referred to the Committee on Ways and Means.

On motion of Senator Vognild, the Committee on Human Services and Corrections was relieved of further consideration of Senate Bill No. 3805.

On motion of Senator Vognild, Senate Bill No. 3805 was referred to the Committee on Governmental Operations.

On motion of Senator Vognild, the Committee on Governmental Operations was relieved of further consideration of Senate Bill No. 4329.

On motion of Senator Vognild, Senate Bill No. 4329 was referred to the Committee on Judiciary.

On motion of Senator Vognild, the Committee on Ways and Means was relieved of further consideration of Senate Bill No. 3911.

On motion of Senator Vognild, Senate Bill No. 3911 was referred to the Committee on Governmental Operations.

POINT OF INFORMATION

Senator Metcalf: "A point of information. Wasn't one of the bills that was moved yesterday from one committee to another--wasn't that the workers right to know bill? Was that moved from one committee to another?"

Senator Vognild: "Senator Metcalf, the bill you are referring to is Senate Bill No. 3150. It is on a list of consideration. People on your side asked me not to move it today and it has not been moved and will not be moved today."

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

REPORTS OF STANDING COMMITTEES

February 15, 1985

SB 3056 Prime Sponsor, Senator Gaspard: Limiting salary increases for certain administrators and presidents of institutions of higher education. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 3056 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, Johnson, Kiskaddon, McDermott, McManus, Stratton, Warnke.

Passed to Committee on Rules for second reading.

February 15, 1985

SB 3376 Prime Sponsor, Senator Rinehart: Creating a higher education coordinating commission. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 3376 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Benitz, Craswell, Fleming, Goltz, Johnson, Kiskaddon, McDermott, McManus, Saling, Stratton, Warnke.

Passed to Committee on Rules for second reading.

MOTION

At 10:57 a.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Monday, February 18, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

THIRTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 18, 1985

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.

The Sergeant at Arms Color Guard consisting of Pages Kjersti Aagard and John Boston, presented the Colors. Reverend Larry Neufeld, senior pastor of the Timberline Baptist Church of Lacey, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 14, 1985

SB 3094 Prime Sponsor, Senator Talmadge: Modifying provisions relating to deeds of trust. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3094 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Hayner, McCaslin, Moore, Newhouse, Owen, Thompson.

Passed to Committee on Rules for second reading.

February 14, 1985

SB 3166 Prime Sponsor, Senator Bailey: Providing for increased support for advertising Washington dairy products. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 3166 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Chairman; Bailey, Barr, Benitz, Gaspard, Newhouse.

Passed to Committee on Rules for second reading.

February 15, 1985

SB 3265 Prime Sponsor, Senator Kreidler: Reducing bond money available for waste systems capable of producing renewable energy or energy savings. Reported by Committee on Rules

MAJORITY recommendation: That Senate Bill No. 3265 be referred to the Committee on Ways and Means. Signed by John A. Cherberg, Chairman; Senators Bauer, Bottiger, Conner, Goltz, Hayner, McDonald, Rasmussen, Sellar, Vognild, Wojahn.

Referred to Committee on Ways and Means.

February 13, 1985

SB 3624 Prime Sponsor, Senator Kreidler: Eliminating restrictions on political activity of persons eligible for employment security department personnel. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, McDonald, Moore, Newhouse.

Passed to Committee on Rules for second reading.

February 14, 1985

SB 3827 Prime Sponsor, Senator Kreidler: Authorizing bonds for water pollution control facilities. Reported by Committee on Rules

MAJORITY recommendation: That Senate Bill No. 3827 be referred to the Committee on Ways and Means. Signed by John A. Cherberg, Chairman; Senators Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Goltz, Guess, Hayner, McDonald, Metcalf, Rasmussen, Rinehart, Sellar, Voguild, von Reichbauer, Wojahn, Zimmerman.

Referred to Committee on Ways and Means.

MESSAGE FROM THE HOUSE

February 15, 1985

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 26,

SUBSTITUTE HOUSE BILL NO. 44,

SUBSTITUTE HOUSE BILL NO. 52,

SUBSTITUTE HOUSE BILL NO. 53,

HOUSE BILL NO. 78,

HOUSE BILL NO. 92,

ENGROSSED HOUSE BILL NO. 99,

SUBSTITUTE HOUSE BILL NO. 124,

HOUSE BILL NO. 151,

HOUSE BILL NO. 169,

ENGROSSED HOUSE BILL NO. 409,

HOUSE JOINT RESOLUTION NO. 12, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

APPOINTMENT OF SPECIAL COMMITTEE

The President Pro Tempore announced the presence in the Senate Chamber of the Washington State Wheat Queen, Kelly Ryan, of Whitman County, and appointed Senators Patterson, Barr, Hansen and Fleming to escort the honored guest to the Senate Rostrum.

With permission of the Senate, business was suspended to permit Queen Kelly to address the Senate.

The honored guest was escorted from the Senate Chamber and the committee was discharged.

There being no objection, the President Pro Tempore advanced the Senate to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 26 by Committee on Local Government (originally sponsored by Representatives Haugen, Brough and P. King)

Granting extensive self-government authority to counties, cities, and towns.

Referred to Committee on Governmental Operations.

SHB 44 by Committee on Local Government (originally sponsored by Representatives Crane, Brough, Rayburn, May, Walk, Patrick, Hine, Bristow, Lundquist, Kremen, R. King, Schoon and Fisch)

Permitting family members to look at autopsy and post mortem reports.

Referred to Committee on Governmental Operations.

SHB 52 by Committee on State Government (originally sponsored by Representatives Niemi, Belcher, Hankins, Vekich, Baugher and Walk)

Revising provisions relating to the human rights commission.

Referred to Committee on Judiciary.

SHB 53 by Committee on State Government (originally sponsored by Representatives Belcher, Unsoeld, Addison, Hastings, Kremen, R. King, Sayan,

P. King, Miller, Hankins and Peery) (by Department of Community Development request)

Reauthorizing the Center for Voluntary Action.

Referred to Committee on Governmental Operations.

HB 78 by Representatives Schmidt, Zellinsky and J. Williams (by Department of Transportation request)

Authorizing fees for parking in state ferry facilities.

Referred to Committee on Transportation.

HB 92 by Representatives K. Wilson, Lundquist, Sutherland and Brekke

Authorizing designees of state officials to sit on the interagency committee for outdoor recreation.

Referred to Committee on Parks and Ecology.

EHB 99 by Representatives Zellinsky, Smitherman, Thomas, Haugen, Schmidt, Walk, Vander Stoep, Fuhrman, Hastings, G. Nelson, P. King, R. King and Nealey

Exempting fish farming from excise taxation.

Referred to Committee on Ways and Means.

SHB 124 by Committee on State Government (originally sponsored by Representatives O'Brien, Belcher, Unsoeld and Isaacson) (by Department of Community Development request)

Authorizing the defense, payment, or settlement of claims against volunteers of the state.

Referred to Committee on Governmental Operations.

HB 151 by Representatives Nealey, Niemi, Fuhrman, Belcher, Chandler, May, Isaacson and Silver (by Secretary of State request)

Authorizing expanded use of the state seal.

Referred to Committee on Governmental Operations.

HB 169 by Representatives Hine, Sayan, Patrick, Basich, Vekich, Barnes, Hargrove, Holland, Crane and Todd

Revising the use of and rent payments for certain public lands.

Referred to Committee on Ways and Means.

EHB 409 by Representatives Sayan, Betrozoff, Wang, J. Williams, Hine, Barrett, Fisher, Addison, O'Brien, Hastings, Fisch, B. Williams, Cole, Ebersole, Niemi, Hankins, Locke, G. Nelson, P. King, Walker and Long

Regulating the practice of architecture.

Referred to Committee on Commerce and Labor.

HJR 12 by Representatives Peery, R. King, Wang, Walker, C. Smith, Patrick, Chandler, Ebersole, Valle, McMullen, O'Brien, Belcher, Lux, Ballard, B. Williams, Hargrove, K. Wilson, Long, Haugen, Unsoeld, Hine, Sutherland, Bristow and Day (by Joint Select Committee on Workers' Compensation request)

Permitting investment of industrial insurance trust funds.

Hold.

MOTION

Senator Vognild, moved that the rules be suspended, and House Joint Resolution No. 12 be advanced to second reading and placed on the second reading calendar.

PARLIAMENTARY INQUIRY

Senator Pullen: "I don't have any specific objection, but this is a constitutional amendment and I realize it's a motion to suspend the rules. But perhaps the maker of the motion would make a brief statement as to why something as important as a constitutional amendment is being handled in this way."

Senator Bottiger: "Mr. President, Senator Pullen, this identical constitutional amendment was on your calendar. When we found out the House was going to pass their version, we put our version back into the Rules Committee so it has already been on the calendar. We don't intend to run it today until everybody has had a chance to discuss it in caucus."

The President Pro Tempore declared the question before the Senate to be the motion by Senator Vognild to suspend the rules and to advance House Joint Resolution No. 12 to second reading.

The motion by Senator Vognild carried and House Joint Resolution No. 12 was advanced to second reading and placed on the second reading calendar.

There being no objection, the President Pro Tempore advanced the Senate to the sixth order of business.

There being no objection, the Senate resumed consideration of Senate Bill No. 3206, deferred on second reading February 15, 1986.

MOTION

Senator Guess moved that the following amendments be considered simultaneously and adopted:

On page 1, line 10, after "than" strike "one hundred twenty degrees Fahrenheit (or forty-nine degrees Celsius)" and insert "~~((one hundred twenty degrees Fahrenheit (or forty-nine degrees Celsius)))~~ one hundred forty degrees Fahrenheit (or sixty degrees Celsius)"

On page 1, line 19, after "than" strike "one hundred twenty degrees Fahrenheit (or forty-nine degrees Celsius)" and insert "~~((one hundred twenty degrees Fahrenheit (or forty-nine degrees Celsius)))~~ one hundred forty degrees Fahrenheit (or sixty degrees Celsius)"

On page 2, line 5, after "than" strike "one hundred twenty degrees Fahrenheit" and insert "~~((one hundred twenty degrees Fahrenheit))~~ one hundred forty degrees Fahrenheit"

On page 2, line 11, after "than" strike "one hundred twenty degrees Fahrenheit" and insert "~~((one hundred twenty degrees Fahrenheit))~~ one hundred forty degrees Fahrenheit"

Debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Williams, it doesn't seem to me to be that much difference between 120 and 140 degrees. If you're going to get up to 160 or 180 or 200, I could understand. But if there are some arguments, both from the energy saving point of view and from a matter of cleanliness, that 120 degrees is too low. To repeat my initial question, how much difference is there between 120 and 140?"

Senator Williams: "Senator Deccio, I don't have the statistics right at hand, but as Senator Rinehart indicated we went through extensive hearings in both the Senate and the House, at which expert testimony was given to us which showed the critical difference between 120 and starting to go up to higher temperatures.

"We could bring that material before us, I suppose, and go through the whole process before this body again, but the legislature was convinced last time that that information was the kind of information that was dependable--that the 120 degree limit was what was prudent in terms of preventing extensive burns, particularly to children and those who are handicapped or unable to handle themselves under those circumstances. So at this time, all I can say is that the preponderance of evidence that was given to us--both in the House and Senate committees and the legislature itself, was convinced that that was an appropriate temperature setting at that time. What I am saying again, to make an arbitrary change here on the floor without hearing that kind of testimony again before the committee, I think, is unwise for us to do."

Further debate ensued.

POINT OF INQUIRY

Senator Barr: "Senator Williams, I know that you have a better memory than mine. Didn't this apply to new heaters only--new installations?"

Senator Williams: "It was not retroactive, let's put it that way."

MOTION

On motion of Senator Bottiger, further consideration of Senate Bill No. 3206 was deferred.

MOTION

At 10:36 a.m., on motion of Senator Vognild, the Senate recessed until 11:35 a.m.

SECOND MORNING SESSION

The Senate was called to order at 11:35 a.m.

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

REPORT OF STANDING COMMITTEE

February 14, 1985

SB 3303 Prime Sponsor, Senator DeJarnatt: Requiring declarations of candidacy from write-in candidates. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

There being no objection, the President Pro Tempore advanced the Senate to the sixth order of business.

MOTION

On motion of Senator Bender, Senator DeJarnatt was excused.

SECOND READING

SENATE BILL NO. 3081, by Senators Warnke and Newhouse

Authorizing reciprocal agreements with other states to collect claims payable to the department of labor and industries.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, Senate Bill No. 3081 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 Senate Bill No. 3081.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3081 and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Bauer, Saling - 2.

Excused: Senator DeJarnatt - 1.

SENATE BILL NO. 3081, having received the constitutional majority, 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. 3781, by Senators Peterson and Patterson (by Washington State Patrol request)

Authorizing state patrol sergeant and lieutenant examinations to be held every two years.

MOTIONS

On motion of Senator Peterson, Substitute Senate Bill No. 3781 was substituted for Senate Bill No. 3781 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Peterson, the rules were suspended, Substitute Senate Bill No. 3781 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 Substitute Senate Bill No. 3781.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3781 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator DeJarnatt - 1.

SUBSTITUTE SENATE BILL NO. 3781, having received the 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 ninth order of business.

MOTIONS

On motion of Senator Vognild, Senate Bill No. 3163, which was on the second reading calendar, was referred to the Committee on Rules.

On motion of Senator Vognild, the Committee on Judiciary was relieved of further consideration of Senate Bill No. 4329.

On motion of Senator Vognild, Senate Bill No. 4329 was referred to the Committee on Governmental Operations.

On motion of Senator Vognild, the Committee on Governmental Operations was relieved of further consideration of Senate Bill No. 3107.

On motion of Senator Vognild, Senate Bill No. 3107 was referred to the Committee on Judiciary.

On motion of Senator Vognild, the Committee on Education was relieved of further consideration of Senate Bill No. 3405.

On motion of Senator Vognild, Senate Bill No. 3405 was referred to the Committee on Financial Institutions.

On motion of Senator Vognild, the Committee on Human Services and Corrections was relieved of further consideration of Senate Bill No. 4261.

On motion of Senator Vognild, Senate Bill No. 4261 was referred to the Committee on Ways and Means.

MOTION

Senator Vognild moved that the Committee on Ways and Means be relieved of further consideration of Senate Bill No. 4309, Senate Bill No. 4310 and Senate Bill No. 4311 and that Senate Bill No. 4309, Senate Bill No. 4310 and Senate Bill No. 4311 be referred to the Committee on Governmental Operations.

Debate ensued.

Senator McDonald demands 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 Vognild to relieve the Committee on Ways and

Means of further consideration of Senate Bill No. 4309, Senate Bill No. 4310 and Senate Bill No. 4311 and to refer the bills to the Committee on Governmental Operations.

ROLL CALL

The Secretary called the roll and the motion by Senator Vognild carried by the following vote: Yeas, 27; nays, 21; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 27.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer, Zimmerman - 21.

Excused: Senator DeJarnatt - 1.

Senate Bill No. 4309, Senate Bill No. 4310 and Senate Bill No. 4311 were referred to the Committee on Governmental Operations.

MOTIONS

On motion of Senator Vognild, the Committee on Parks and Ecology was relieved of further consideration of Senate Bill No. 4026.

On motion of Senator Vognild, Senate Bill No. 4026 was referred to the Committee on Energy and Utilities.

There being no objection, the President Pro Tempore reverted the Senate to the first order of business.

REPORT OF STANDING COMMITTEE

February 15, 1985

SB 3580 Prime Sponsor, Senator Talmadge: Changing provisions relating to business corporations. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3580 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Hayner, Metcalf, Moore, Newhouse, Owen, Thompson.

Passed to Committee on Rules for second reading.

MOTION

At 12:01 p.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Tuesday, February 19, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

THIRTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 19, 1985

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Cindy Nixon and Greg Warren, presented the Colors. Reverend Larry Neufeld, senior pastor of the Timberline Baptist Church of Lacey, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 15, 1985

SB 3091 Prime Sponsor, Senator Talmadge: Providing for the forfeiture of real estate contracts. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Hayner, Metcalf, Moore, Newhouse, Owen, Thompson.

Passed to Committee on Rules for second reading.

February 15, 1985

SB 3099 Prime Sponsor, Senator Talmadge: Providing mental health treatment for juveniles. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3099 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Metcalf, Moore, Newhouse, Owen, Thompson.

Passed to Committee on Rules for second reading.

February 15, 1985

SB 3162 Prime Sponsor, Senator McDermott: Defining employer and employee relationships for entertainers for unemployment insurance. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 3162 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, McDonald, Moore, Newhouse, Wojahn.

Passed to Committee on Rules for second reading.

February 14, 1985

SB 3340 Prime Sponsor, Senator Hansen: Providing a priority for certain agricultural liens. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 3340 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Chairman; Bailey, Barr, Bauer, Benitz, Gaspard.

Passed to Committee on Rules for second reading.

February 15, 1985

SB 3367 Prime Sponsor, Senator Talmadge: Revising public disclosure laws. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3367 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Metcalf, Moore, Owen.

Passed to Committee on Rules for second reading.

February 15, 1985

SB 3373 Prime Sponsor, Senator Moore: Authorizing recovery of additional costs for plaintiffs against certain judgment debtors. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Metcalf, Moore, Newhouse, Owen, Thompson.

Passed to Committee on Rules for second reading.

February 15, 1985

SB 3392 Prime Sponsor, Senator Warnke: Repealing the termination of the department of commerce and economic development. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 3392 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Cantu, Halsan, Lee, Moore, Newhouse, Wojahn.

Passed to Committee on Rules for second reading.

February 18, 1985

SB 3540 Prime Sponsor, Senator Moore: Revising health maintenance organization provisions. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 3540 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Deccio, Newhouse, Sellar, Vognild, von Reichbauer, Wojahn.

Passed to Committee on Rules for second reading.

February 18, 1985

SB 3541 Prime Sponsor, Senator Moore: Revising health care services provisions. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 3541 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Deccio, Newhouse, Sellar, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENT

February 18, 1985

GA 5 JOHN C. ANDERSON, to the position as Director of the Department of Commerce and Economic Development, appointed by the Governor on January 16, 1985, for the term ending at the Governor's pleasure, succeeding Richard T. Schrock. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, McDonald, Moore, Newhouse, Williams.

Passed to Committee on Rules.

MESSAGES FROM THE HOUSE

February 18, 1985

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 86,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 91,

SUBSTITUTE HOUSE BILL NO. 94.

SUBSTITUTE HOUSE BILL NO. 108,
 SUBSTITUTE HOUSE BILL NO. 137,
 ENGROSSED HOUSE BILL NO. 142,
 HOUSE BILL NO. 152,
 HOUSE BILL NO. 271,
 HOUSE BILL NO. 293, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

February 18, 1985

Mr. President:

The House has adopted:

SENATE CONCURRENT RESOLUTION NO. 109, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 109.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 86 by Committee on State Government (originally sponsored by Representatives Walk, Schmidt, S. Wilson, Gallagher, J. Williams and Fisch)

Directing civil service exemption for certain positions within the department of transportation.

Referred to Committee on Governmental Operations.

ESHB 91 by Committee on Natural Resources (originally sponsored by Representatives Sutherland, Lundquist, Sayan, Fisch, Nealey, Prince, Haugen, Schoon, Brough, C. Smith, Tanner and Isaacson)

Providing a public benefit system for approving for classification and valuing open space land with no current use.

Referred to Committee on Natural Resources.

SHB 94 by Committee on Local Government (originally sponsored by Representatives Winsley, Ebersole, Gallagher, Smitherman, Wang, Walker and Fisher)

Changing the method of appointing a public health director.

Referred to Committee on Human Services and Corrections.

SHB 108 by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Miller, Fisher, Fisch, Barrett, Barnes, Walker, Winsley, Hastings, Leonard and Silver) (by Secretary of State request)

Requiring declarations of candidacy from write-in candidates.

Referred to Committee on Governmental Operations.

SHB 137 by Committee on Transportation (originally sponsored by Representatives C. Smith, Zellinsky, Lundquist, Prince, Bond and Chandler)

Permitting freight compartments on truck tractors.

Referred to Committee on Transportation.

EHB 142 by Representatives Rayburn, Dellwo, Ballard and Baugher

Revising provisions relating to marriage licenses.

Referred to Committee on Governmental Operations.

HB 152 by Representatives Grimm, Sommers, Vander Stoep and Basich

Increasing the amount of the initial biennial advance permitted each community college treasurer.

Referred to Committee on Education.

HB 271 by Representatives Patrick, Walk, Berozoff, Wineberry, Hankins, Valle, Van Luven, Gallagher, J. Williams, Prince, Baugher, Thomas, Kremen, Schmidt, McMullen, Bond, Zellinsky, Sutherland, S. Wilson, Winsley, May, Van Dyke, Silver, Fisher and Day

Allowing assistance vans to stop on limited access facilities.

Referred to Committee on Transportation.

HB 293 by Representatives Unsold, Sommers, Basich, Allen, Belcher, Madsen, Rayburn, Miller, K. Wilson, Niemi, McMullen, Grimm, G. Nelson, Hine, Locke, Braddock, Long, Vander Stoep and Winsley

Increasing members of the boards of trustees of the regional universities and The Evergreen State College.

Referred to Committee on Education.

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

SECOND READING

SENATE BILL NO. 3116, by Senators Patterson, Owen, Hansen and Metcalf

Modifying provisions relating to damage being done by wildlife.

MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 3116 was substituted for Senate Bill No. 3116 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the following amendment by Senators Owen and Patterson was adopted:

On line 23, after "season" and before the period insert ", except for land closures which are coordinated with the department to protect property and livestock"

On motion of Senator Owen, the rules were suspended, Engrossed Substitute Senate Bill No. 3116 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. 3116.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3116 and the bill passed the Senate by the following vote: Yeas, 47; nays, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarmatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senators Bluechel, Kreidler - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3116, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MOTION

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

SENATE RESOLUTION 1985-20

by Senators Fleming, McDermott, Wojahn, Gaspard, Sellar, Williams, Bauer, Owen, Zimmerman, Pullen, McDonald, Johnson, Metcalf, Lee, Rasmussen, Bluechel, Patterson, Garrett and Cantu

WHEREAS, Jacob Lawrence, one of America's great artists, has dedicated himself to the educational instruction of young people; and

WHEREAS, Jacob Lawrence has used his great gift of painting as a voice for blacks, the mentally ill, and workers by honestly capturing their passion and hope for a greater America; and

WHEREAS, Jacob Lawrence has received national and international praise bringing distinction to the arts community of this state; and

WHEREAS, Jacob Lawrence, while receiving world-wide acclaim that is seldom rendered to many individuals, has selflessly given himself to others less fortunate;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate, assembled in session this 19th day of February, 1985, in the 49th Legislature, Olympia. That we join with all Washingtonians in honoring Jacob Lawrence; and

BE IT FURTHER RESOLVED, That in honoring Jacob Lawrence, we acknowledge his rich contributions to the art and culture of America; and

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted by the Secretary of the Senate to Jacob Lawrence.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of the nationally and internationally acclaimed artist, Jacob Lawrence, and appointed Senators Fleming, McDermott, Craswell and Johnson to escort the honored guest and his party to the Senate Rostrum.

The President introduced Artist Lawrence, who was accompanied by Representative John O'Brien and Representative Jessie Wineberry; Gwendolyn Knight, his wife and also an artist; Francine Seders, gallery owner displaying the work of Mr. Lawrence; Bridgitte Mansfield of the Francine Seders Gallery and Dean Thorud of the University of Washington School of Forestry.

With permission of the Senate, business was suspended to permit Mr. Lawrence to address the Senate.

The honored guests were escorted from the Senate Chamber and the committee was discharged.

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

SECOND READING

SENATE BILL NO. 3088, by Senators Talmadge, and Halsan

Revising provisions relating to emergency assistance.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 3088 was substituted for Senate Bill No. 3088 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 3088 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. 3088.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3088 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE SENATE BILL NO. 3088, having received the 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 eighth order of business.

MOTION

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

SENATE RESOLUTION 1985-19

by Senators Bottiger, Gaspard, Guess, Bender, Rasmussen, Bauer, Vognild, Conner, Patterson, Garrett, Cantu and Lee

WHEREAS, The national security depends on the state of readiness of our armed forces; and

WHEREAS, Readiness in the Total Force Concept presupposes Guard and Reserve units trained and retrained in the operation of state-of-the-art equipment; and

WHEREAS, Individuals comprising Washington Guard and Reserve units are dependent upon the cooperative support of their employers; and

WHEREAS, Washington employers have responded generously to this civic responsibility; and

WHEREAS, The cooperative spirit of Washington employers has resulted in benefits for all of the citizens of the state of Washington and the nation;

NOW, THEREFORE, BE IT RESOLVED, That the citizens of the state of Washington through their elected Representatives express their appreciation to those enlightened employers whose support of the Guard and Reserve has contributed to the security of our nation and has made possible an important, cost effective component of our national Total Force Concept.

INTRODUCTION OF SPECIAL GUESTS

The President introduced Adjutant General George Coates of the National Guard of the state of Washington who was seated with him on the rostrum.

General Coates introduced Executive Director Dick Ellis of the National Office of the National Guard, who is assigned to the National Committee for Employer Support of the Guard and Reserve.

With permission of the Senate, business was suspended to permit Director Ellis to address the Senate.

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

REPORTS OF STANDING COMMITTEES

February 18, 1985

SB 3046 Prime Sponsor, Senator Williams: Increasing the utilities and transportation commission to five members. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Benitz, Halsan, Kiskaddon, Kreidler, McCaslin, Owen, Saling, Stratton.

Passed to Committee on Rules for second reading.

February 13, 1985

SB 3069 Prime Sponsor, Senator Moore: Providing that licensed health care professionals may organize nonprofit nonstock corporations. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 3069 be substituted therefor, and the substitute bill do pass. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Deccio, Johnson, Stratton.

Passed to Committee on Rules for second reading.

February 13, 1985

SB 3175 Prime Sponsor, Senator Granlund: Regulating removal and possession of commercial quantities of shellfish. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 3175 be substituted therefor, and the substitute bill do pass and be referred to the Senate Committee on Natural Resources. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Deccio, Johnson, Stratton.

Passed to Committee on Natural Resources.

February 18, 1985

SB 3221 Prime Sponsor, Senator Owen: Providing reduced utility rates for certain low income persons. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 3221 be substituted therefor, and the substitute bill do pass. Signed by Senators Williams, Chairman, McManus, Vice Chairman; Halsan, Kiskaddon, McCaslin, Owen, Saling, Stratton.

Passed to Committee on Rules for second reading.

February 18, 1985

SB 3386 Prime Sponsor, Senator Thompson: Revising laws on executive sessions of governing bodies. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 3386 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, Garrett, McCaslin, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

February 18, 1985

SB 3387 Prime Sponsor, Senator Bauer: Permitting installment payments for certain sewer connections costs. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 3387 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, Garrett, Granlund, McCaslin, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

February 15, 1985

SB 3539 Prime Sponsor, Senator Goltz: Establishing a deaf-blind service center. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 3539 be substituted therefor, and the substitute bill do pass. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Conner, Deccio, Johnson, Kiskaddon, Stratton.

Passed to Committee on Rules for second reading.

February 18, 1985

SB 3553 Prime Sponsor, Senator Peterson: Regulating removal and disposal of abandoned, unauthorized, and junk vehicles. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 3553 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, DeJarnatt, Garrett, Guess, Johnson, Metcalf, Patterson, Vognil.

Passed to Committee on Rules for second reading.

February 18, 1985

SB 4278 Prime Sponsor, Senator Metcalf: Establishing procedures for redemption of a vehicle impounded from an unlicensed driver. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman, Barr, Bender, DeJarnatt, Garrett, Guess, Johnson, Metcalf, Patterson, Vognild.

Passed to Committee on Rules for second reading.

MOTION

At 11:05 a.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Wednesday, February 20, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

THIRTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 20, 1985

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 Bailey, Barr, Goltz, McManus, Peterson and Pullen. On motion of Senator Bender, Senators Goltz, McManus and Peterson were excused. On motion of Senator von Reichbauer, Senator Bailey was excused.

The Sergeant at Arms Color Guard consisting of Pages Phillip Shaner and Stephanie Vlach, presented the Colors. Reverend Larry Neufeld, senior pastor of the Timberline Baptist Church of Lacey, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 12, 1985

SB 3007 Prime Sponsor, Senator Bauer: Specifying motor vehicle licensing exemptions to be declared by the department for vehicles registered in other jurisdictions. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 3007 be substituted therefor, and the substitute bill do pass, as recommended by the Committee on Transportation. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Cantu, Craswell, Deccio, Fleming, Lee, Moore, Rasmussen, Rinehart, Talmadge, Thompson, Warnke, Zimmerman.

Passed to Committee on Rules for second reading.

February 18, 1985

SB 3333 Prime Sponsor, Senator Warnke: Regulating motorcycle dealers' franchises. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 3333 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, Lee, Moore, Williams.

Passed to Committee on Rules for second reading.

February 19, 1985

SB 3412 Prime Sponsor, Senator Warnke: Facilitating the siting and expansion of business. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Senate Bill No. 3412 with the recommendations of the Small Business Subcommittee be referred to the Committee on Commerce and Labor. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, Zimmerman.

Referred to Committee on Commerce and Labor.

February 18, 1985

SB 3445 Prime Sponsor, Senator Fleming: Revising the county's power regarding park and recreation service areas. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Cantu, Hansen, Williams.

Passed to Committee on Rules for second reading.

February 18, 1985

SB 3472 Prime Sponsor, Senator Kreidler: Directing the department of ecology to develop a management program for the Nisqually river system. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 3472 be substituted therefor, and the substitute bill do pass. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Hansen, Williams.

Passed to Committee on Rules for second reading.

February 18, 1985

SB 3485 Prime Sponsor, Senator Williams: Providing bonds for financing zoo and aquarium development. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 3485 be substituted therefor, and the substitute bill do pass, and be referred to Committee on Ways and Means. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Cantu, Hansen, Williams.

Referred to Committee on Ways and Means.

February 19, 1985

SB 3500 Prime Sponsor, Senator Peterson: Regulating tourist and agricultural directional signs along state highways. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 3500 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Vice Chairman; Barr, Bender, DeJarnatt, Granlund, Guess, Johnson, Metcalf, Patterson, Sellar, Vognild.

Passed to Committee on Rules for second reading.

February 18, 1985

SB 3814 Prime Sponsor, Senator Warnke: Establishing the center for international trade in forest products. Reported by Committee on Commerce and Labor Committee

MAJORITY recommendation: That Substitute Senate Bill No. 3814 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, McDonald, Moore, Newhouse, Williams.

Passed to Committee on Rules for second reading.

February 19, 1985

SB 4121 Prime Sponsor, Senator Hansen: Enabling legislation authorizing expenditures by agricultural commodity commissions for agricultural development or trade promotion and promotional hosting. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Bailey, Barr, Bauer, Benitz, Bottiger, Gaspard.

Passed to Committee on Rules for second reading.

February 18, 1985

SB 4214 Prime Sponsor, Senator Hansen: Authorizing a permanent international marketing program for agricultural commodities and trade impact center. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 4214 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, McDonald, Newhouse.

Passed to Committee on Rules for second reading.

February 19, 1985

SB 4220 Prime Sponsor, Senator Kreidler: Establishing the Puget Sound institute. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 4220 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Cantu, Hansen.

Referred to Committee on Ways and Means.

February 19, 1985

SJM 113 Prime Sponsor, Senator McManus: Requesting Congress to retain the Small Business Administration. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

February 14, 1985

SJR 124 Prime Sponsor, Senator Hansen: Permitting agricultural assessments for agricultural development or trade promotions as a public use. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Joint Resolution No. 124 be substituted therefor, and the substitute joint resolution do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Bailey, Barr, Bauer, Benitz, Bottiger, Gaspard.

Passed to Committee on Rules for second reading.

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

SECOND READING

SENATE BILL NO. 3337, by Senators Owen, Peterson and Lee

Giving certain specific duties of the public lands commissioner to the department of natural resources.

The bill was read the second time.

MOTION

On motion of Senator Owen, the rules were suspended, Senate Bill No. 3337 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. 3337.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3337 and the bill passed the Senate by the following vote: Yeas, 43; absent, 2; excused, 4.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vogt, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Absent: Senators Barr, Pullen - 2.

Excused: Senators Bailey, Goltz, McManus, Peterson - 4.

SENATE BILL NO. 3337, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3254, by Senators Talmadge, Hayner, McCaslin, Granlund and Halsan

Revising certain provisions of domestic violence prevention laws.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 3254 was substituted for Senate Bill No. 3254 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 3254 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. 3254.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3254 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Bailey, Goltz, Peterson - 3.

SUBSTITUTE SENATE BILL NO. 3254, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3363, by Senators Cantu and Talmadge

Clarifying the incest statute.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 3363 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. 3363.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3363 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Bailey, Goltz, Peterson - 3.

SENATE BILL NO. 3363, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3393, by Senators Talmadge, Newhouse and Rasmussen

Revising statutes of limitations.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 3393 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. 3393.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3393 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Bailey, Goltz, Peterson - 3.

SENATE BILL NO. 3393 having received the constitutional majority, 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. 3243, by Senators Lee, Moore, Zimmerman, McManus, Metcalf, Stratton, Benitz, Peterson, McCaslin, Saling, Johnson, Barr, Deccio, Hayner, Patterson and McDonald

Requiring persons sheltering a runaway to provide appropriate notice.

MOTIONS

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 3243 was substituted for Senate Bill No. 3243 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 3243 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. 3243.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3243 and the bill passed the Senate by the following vote: Yeas, 43; nays, 3; excused, 3.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, Fleming, Garrett, Gaspard, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senators Conner, DeJarnatt, Pullen - 3.

Excused: Senators Bailey, Goltz, Peterson - 3.

SUBSTITUTE SENATE BILL NO. 3243, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3240, by Senators Lee, Moore, Metcalf, Bottiger, Benitz, McManus, McCaslin, Gaspard, Bailey, Stratton, Johnson, Garrett, Deccio, Peterson, Hayner, Barr, Craswell, Patterson and McDonald

Authorizing court to restrain accused offender from entering family home in cases of child abuse.

MOTIONS

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 3240 was substituted for Senate Bill No. 3240 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 3240 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. 3240.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3240 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Bailey, Goltz, Peterson - 3.

SUBSTITUTE SENATE BILL NO. 3240, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3198, by Senators Talmadge, Granlund, Halsan, Rinehart and DeJarnatt

Revising provisions of the victims of sexual assault act.

MOTIONS

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 3198 was substituted for Senate Bill No. 3198 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 3198 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 Talmadge, Section 3 of the substitute bill contains a repealer clause. Is that repealing the sunset date?"

Senator Talmadge: "Yes."

Senator Pullen: "Also, the digest says that a fiscal note has been requested. Has one been received since the digest was prepared, and if so, is there a dollar value associated with that?"

Senator Talmadge: "I have not seen the fiscal note on the bill, Senator, although it would just continue in existence the program that is already in place. The only thing that deals with fiscal issues in this particular bill is the authority given to the department to distribute moneys to those programs, and that's money that is not necessarily state money, but rather federal money--and private money in some circumstances."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3198.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3198 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Bailey, Goltz, Peterson - 3.

SUBSTITUTE SENATE BILL NO. 3198, having received the 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. 3273, deferred on second reading February 14, 1985.

MOTION

On motion of Senator Pullen, the following amendment by Senators Pullen and Talmadge was adopted:

Beginning on page 2, line 28, delete all of subsection (5), up to and including line 4 on page 3, and insert the following:

"(5) 'Specially commissioned Washington peace officer,' for the purposes of this act, means any officer, whether part-time or full-time, compensated or not, commissioned by a general authority Washington law enforcement agency to enforce some or all of the criminal laws of the state of Washington, who does not qualify under this chapter as a general authority Washington peace officer for that commissioning agency, specifically including reserve peace officers, and specially commissioned full-time, fully compensated peace officers duly commissioned by the states of Oregon or Idaho or any such peace officer commissioned by a unit of local government of Oregon or Idaho. A reserve peace officer is an individual who is an officer of a Washington law enforcement agency who does not serve such agency on a full-time basis but who, when called by the agency into active service, is fully commissioned on the same basis as full-time peace officers to enforce the criminal laws of the state."

MOTION

On motion of Senator Pullen, the following amendment by Senators Pullen and Talmadge was adopted:

On page 5, after line 19, insert the following new section, and renumber the remaining sections accordingly:

NEW SECTION, Sec. 9. A specially commissioned Washington peace officer who has successfully completed a course of basic training prescribed or approved for such officers by the Washington state criminal justice training commission may exercise any authority which the special commission vests in the officer, throughout the territorial bounds of the state, outside of the officer's primary territorial jurisdiction under the following circumstances:

- (1) The officer is in fresh pursuit, as defined in section 12 of this act; or
- (2) The officer is acting pursuant to mutual law enforcement assistance agreement between the primary commissioning agency and the agency with primary territorial jurisdiction."

MOTION

Senator Talmadge moved that the rules be suspended, and that Engrossed Senate Bill No. 3273 be advanced to third reading, the second reading considered the third, and the bill be placed on final passage.

POINT OF INQUIRY

Senator Vognild: "Senator Talmadge, as I am reading this bill, I do have some concerns. I'm reading on page 3, sub 7, which talks to Indian tribal peace officers--and apparently refers back to page 2, sub 5--'specially commissioned Washington peace officers.' My question is, under this bill, will that particular officer be allowed to enforce the laws of the tribe or only the laws of the state of Washington?"

Senator Talmadge: "They would be entitled, under this bill, Senator, to enforce both--provided that they met the qualifications that appear in a subsequent section of the bill which requires them to be trained by the Washington State Criminal Justice Training Commission. They would--in other words--must have gone through the training process that we provide for all sworn officers in the state of Washington, and if they have not done so, then they would not be entitled to enforce anything other than tribal regulations, as I understand it."

Senator Vognild: "To follow up on it, you're telling me that they will be entitled to enforce anyway in the state of Washington, the laws of the tribal government?"

Senator Talmadge: "If a mutual aid agreement has been entered into. In other words, if the law enforcement authority of a particular county or particular city that might have contact with tribal authorities had entered into that kind of agreement and those officers had gone through training by the Criminal Justice Training Commission of the state of Washington."

MOTION

On motion of Senator Vognild, further consideration of Engrossed Senate Bill No. 3273 was deferred.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 3228 and the pending amendment by Senators Rasmussen, Stratton, Craswell, Pullen, Metcalf, Johnson and Deccio on page 3, line 16, deferred February 15, 1985.

The President declared the question before the Senate to be adoption of the amendment by Senators Rasmussen, Stratton, Craswell, Pullen, Metcalf, Johnson and Deccio on page 3, line 16.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Rasmussen, Stratton, Craswell, Pullen, Metcalf, Johnson and Deccio on page 3, line 16.

ROLL CALL

The Secretary called the roll and the motion by Senator Rasmussen failed and the amendment was not adopted by the following vote: Yeas, 13; nays, 33; excused, 3.

Voting yea: Senators Benitz, Cantu, Craswell, Deccio, Garrett, Guess, Johnson, McCaslin, McDonald, Metcalf, Pullen, Rasmussen, Stratton - 13.

Voting nay: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Gaspard, Granlund, Halsan, Hansen, Hayner, Kiskaddon, Kroidler, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 33.

Excused: Senators Bailey, Goltz, Peterson - 3.

MOTION

On motion of Senator Vognild, further consideration of Substitute Senate Bill No. 3228 was deferred.

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

MESSAGE FROM THE GOVERNOR

February 19, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am requesting the withdrawal of the following appointments which are pending before you:

Philip W. Dufford, nominated as a member of the Pollution Control Hearings Board.

Richard E. Helke, nominated as a member of the State Investment Board.

Chief Robert D. Panther, nominated as a member of the State Investment Board.

Jack H. Rogers, nominated as a member of the State Investment Board.

Frank E. Fennerty, Jr., nominated as a member of the Industrial Insurance Appeals Board.

Joseph E. Hunt, nominated as a member of the Hospital Commission.

Judith A. Klayman, nominated as a member of the Hospital Commission.

Mary Ellen McCaffree, nominated as a member of the Hospital Commission.

Jon D. Smiley, nominated as a member of the Hospital Commission.

Lynda Zimmerman, nominated as a member of the Hospital Commission.

Ann Sandstrom, nominated as a member of the Judicial Qualifications Commission.

Richard D. Odabashian, nominated as a member of the Transportation Commission.

Janet L. Rice, nominated as a member of the Sentencing Guidelines Commission.

Norm Maleng, nominated as a member of the Sentencing Guidelines Commission.

Judge Rosselle Pekelis, nominated as a member of the Sentencing Guidelines Commission.

Donna Schram, nominated as a member of the Sentencing Guidelines Commission.

Robert K. Powers, nominated as a member of the Higher Education Facilities Authority.

The Very Reverend William J. Sullivan, S.J., nominated as a member of the Higher Education Facilities Authority.

Delores E. Teutsch, nominated as a member of the Higher Education Facilities Authority.

Phyllis M. Kenney, nominated as a member of the Prison Terms and Paroles Board.

Sincerely,
BOOTH GARDNER, Governor

MOTION

Senator Bottiger moved that the Senate grant the request of the Governor for the withdrawal of the gubernatorial appointments listed in his letter.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Bottiger to grant the request of the Governor to withdraw the gubernatorial appointments listed in his letter.

The motion by Senator Bottiger carried and the gubernatorial appointments listed in the Governor's letter were withdrawn.

MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

February 19, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Philip W. Dufford reappointed February 19, 1985, for a term ending June 30, 1990, as a member of the Pollution Control Hearings Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Parks and Ecology.

February 19, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Ramon L. Barnes, appointed February 19, 1985, for a term ending September 30, 1989, as a trustee of Community College District No. 11 (Fort Steilacoom), succeeding Michael E. McGowan.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

February 19, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Frank E. Fennerty, reappointed February 19, 1985, for a term ending June 17, 1989, as a member of the Industrial Insurance Appeals Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

February 19, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Joseph E. Hunt, reappointed February 19, 1985, for a term ending July 16, 1986, as a member of the Hospital Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Human Services and Corrections.

February 19, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Judith A. Klayman, reappointed February 19, 1985, for a term ending July 16, 1986, as a member of the Hospital Commission.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Human Services and Corrections.

February 19, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Mary Ellen McCaffree, reappointed February 19, 1985, for a term ending July 16, 1987, as a member of the Hospital Commission.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Human Services and Corrections.

February 19, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jon D. Smiley, reappointed February 19, 1985, for a term ending July 16, 1988, as a member of the Hospital Commission.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Human Services and Corrections.

February 19, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Steve Hill, appointed February 19, 1985, for a term ending July 16, 1988, as a member of the Hospital Commission, succeeding Lynda Zimmerman.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Human Services and Corrections.

February 19, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Ann Sandstrom reappointed February 19, 1985, for a term ending June 16, 1988, as a member of the Judicial Qualifications Commission.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Judiciary.

February 19, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Richard D. Odabashian, reappointed February 19, 1985, for a term ending June 30, 1990, as a member of the Transportation Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Transportation.

February 19, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Janet L. Rice, reappointed February 19, 1985, for a term ending August 2, 1987, as a member of the Sentencing Guidelines Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Judiciary.

February 19, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Norm Maleng, reappointed February 19, 1985, for a term ending August 2, 1987, as a member of the Sentencing Guidelines Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Judiciary.

February 19, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Judge Rosselle Pekelis, reappointed February 19, 1985, for a term ending August 2, 1987, as a member of the Sentencing Guidelines Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Judiciary.

February 19, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Donna D. Schram, reappointed February 19, 1985, for a term ending August 2, 1987, as a member of the Sentencing Guidelines Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Judiciary.

February 19, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Robert K. Powers, reappointed February 19, 1985, for a term ending March 26, 1985, as a member of the Higher Education Facilities Authority.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

February 19, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

The Very Reverend William J. Sullivan, S. J., reappointed February 19, 1985, for a term ending March 26, 1988, as a member of the Higher Education Facilities Authority.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

February 19, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Delores E. Teutsch, reappointed February 19, 1985, for a term ending March 26, 1987, as a member of the Higher Education Facilities Authority.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

February 19, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Harry E. Morgan, Jr., appointed February 19, 1985, for a term ending March 26, 1986, as a member of the Higher Education Facilities Authority, succeeding Walter E. Webster.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

February 19, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Robert D. Panther, reappointed February 19, 1985, for a term ending December 31, 1985, as a member of the State Investment Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Ways and Means.

February 19, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jack H. Rogers, reappointed February 19, 1985, for a term ending December 31, 1986, as a member of the State Investment Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Ways and Means.

February 19, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

George D. Masten, appointed February 19, 1985, for a term ending December 31, 1987, as a member of the State Investment Board, succeeding Richard E. Helke.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Ways and Means.

February 19, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Constance L. Procter, appointed February 19, 1985, for a term ending December 31, 1989, as a member of the Public Disclosure Commission, succeeding Marjorie J. Kafer.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Judiciary.

February 19, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Phyllis M. Kenney, reappointed February 19, 1985, for a term ending April 15, 1987, as a member of the Prison Terms and Paroles Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Human Services and Corrections.

February 19, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Charles Huey, appointed February 19, 1985, for a term ending June 17, 1989, as Chairman of the Human Right Commission, succeeding Rita Duran.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Judiciary.

February 19, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Evelyn Y. Sun, appointed to a term effective February 19, 1985, which is co-extensive with the term of the Governor, replacing Ed Devine as Executive Director of the EXPO '86 Worlds Fair Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

February 19, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Robert L. Hollister, Jr., reappointed to a term effective February 19, 1985, which is co-extensive with the term of the Governor, as Director of the State Department of Retirement Systems.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Ways and Means.

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

REPORTS OF STANDING COMMITTEES

February 13, 1985

SB 3146 Prime Sponsor, Senator Granlund: Updating the names and capacities of corrections institutions. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 3146 be substituted therefor, and the substitute bill do pass. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Deccio, Johnson, Stratton.

Passed to Committee on Rules for second reading.

February 19, 1985

SB 3185 Prime Sponsor, Senator Owen: Empowering wildlife agents and fisheries patrol officers to enforce state traffic and criminal laws. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 3185 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; Stratton, Vice Chairman; Conner, Johnson, Lee, Metcalf, Rasmussen.

Passed to Committee on Rules for second reading.

February 14, 1985

SB 3207 Prime Sponsor, Senator Granlund: Providing for prison work programs. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 3207 be substituted therefor, and the substitute bill do pass. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Deccio, Johnson, Kiskaddon, Stratton.

Passed to Committee on Rules for second reading.

February 13, 1985

SB 3271 Prime Sponsor, Senator Granlund: Extending confidentiality privilege to cover meetings of public hospital commissioners when discussing specified status of health care providers. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 3271 be substituted therefor, and the substitute bill do pass. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Deccio, Johnson, Stratton.

Passed to Committee on Rules for second reading.

February 19, 1985

SB 3276 Prime Sponsor, Senator McDermott: Establishing a missing children clearinghouse. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 3276 be substituted therefor, and the substitute bill do pass, as recommended by the Committee on Judiciary. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Fleming, Goltz, Lee, Moore, Rinehart, Talmadge, Warnke, Zimmerman.

Passed to Committee on Rules for second reading.

February 19, 1985

SB 3320 Prime Sponsor, Senator McDermott: Establishing the Washington basic health plan. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 3320 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Fleming, Goltz, Moore, Rasmussen, Rinehart, Talmadge, Thompson, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

February 18, 1985

SB 3370 Prime Sponsor, Senator Williams: Authorizing limited regulation by the state of radio communications service companies. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 3370 be substituted therefor, and the substitute bill do pass. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Benitz, Halsan, Kiskaddon, Kreidler, McCaslin, Owen, Saling, Stratton.

Passed to Committee on Rules for second reading.

February 19, 1985

SB 3442 Prime Sponsor, Senator Vognild: Establishing a fire service training revolving fund. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 3442 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, McCaslin, Saling, Zimmerman.

Referred to Committee on Ways and Means.

February 19, 1985

SB 3568 Prime Sponsor, Senator Kreidler: Restricting expenditures for administrative costs on conservation corps projects. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 3568 be substituted therefor, and the substitute bill do pass. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Cantu, Hansen.

Passed to Committee on Rules for second reading.

February 19, 1985

SB 3793 Prime Sponsor, Senator Moore: Transferring the long-term care ombudsman from DSHS to the insurance commissioner. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, McDermott, Vognild, Wojahn.

Passed to Committee on Rules for second reading.

February 19, 1985

SB 4242 Prime Sponsor, Senator McDermott: Implementing procedures to control and monitor health care costs. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 4242 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Deccio, Fleming, Goltz, Lee, Moore, Rinehart, Talmadge, Thompson, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 19, 1985

SCR 106 Prime Sponsor, Senator Talmadge: Urging the highest priority for the pursuit of causes of action under the Nuclear Waste Policy Act of 1982. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Kiskaddon, Kreidler, Owen, Saling, Stratton.

MAJORITY recommendation: Do not pass. Signed by Senators Benitz and McCaslin.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENT

February 18, 1985

GA 59 RANDY FISHER, to the position of Director of the Department of Veterans Affairs, appointed by the Governor on January 28, 1985, for the term ending at the Governor's pleasure, succeeding himself. Reported by Committee on Governmental Operations

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, Garrett, Granlund, McCaslin, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules.

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

MOTION

On motion of Senator Williams the following resolution was adopted:

SENATE RESOLUTION 1985-21

by Senators Williams, McDermott, Moore, Talmadge, Fleming, Rinehart, Wojahn and Bender

WHEREAS, Historic preservationist, Victor Steinbrueck, often called the modern-day founder of Pike Place Market, died Thursday, February 14, 1985, at the age of seventy-three; and

WHEREAS, Victor Steinbrueck's creativity in drawing the original design for the Space Needle, energy and perseverance in fighting to prevent Pike Place Market from being turned over to developers, and his vision in causing both the Pike Place Market and Pioneer Square to be placed on the National Register of Historic Places have been instrumental in making Seattle one of the most lovely and livable cities in this country; and

WHEREAS, Victor Steinbrueck was responsible for making a dramatic difference in the design of the Westlake Mall, after battling City Hall for years until a compromise was reached; and

WHEREAS, Even from his hospital bed, Victor fought the good fight against developers' plans for the Olympic Block project in Pioneer Square; and

WHEREAS, Victor Steinbrueck shared his genius with his students during the more than thirty years he served as a professor of architecture at the University of Washington; and

WHEREAS, Victor Steinbrueck designed many residential buildings in a strong, plain, somewhat minimalist style and his work includes the design of Seattle Housing Authority's Yesler Terrace housing project which is still hailed as classic; and

WHEREAS, Victor Steinbrueck published numerous articles and several sketchbooks including "Seattle Cityscape," "Seattle Cityscape No. 2," and "Market Sketchbook," and served as president of Friends of the Market, was an elected fellow of the American Institute of Architects, a former chairman of the University of Washington School of Architecture and Planning, was a consultant to Historic Seattle, and was a member of the Society of Architectural Historians, Seattle Landmarks Preservation Board, and the Pike Place Market Historical Commission;

NOW, THEREFORE, BE IT RESOLVED, By the members of the Senate for the state of Washington, That the members of the Senate express their condolences to Victor Steinbrueck's wife Marjorie and his six children and express their utmost appreciation for Victor Steinbrueck's lifetime of service to the people of the city of Seattle and this state; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to the family of Victor Steinbrueck.

MOTION

On motion of Senator von Reichbauer, the following resolution was adopted:

SENATE RESOLUTION 1985-23

by Senators von Reichbauer, Wojahn, Rasmussen, Granlund, Johnson, Bottiger and Gaspard

WHEREAS, The Junior League of Tacoma is a group of dedicated volunteers, formed sixty-four years ago, with a commitment to community service via community projects; and

WHEREAS, The Junior League's impressive list of projects dedicated to the betterment of the lives of the citizens of Pierce County includes: Senior Against Crime, Clover Park Substance Abuse Prevention, Downtown Gallery, Good Samaritan Hospital Rehabilitation Program, Visitor and Convention Bureau, Child Sexual Abuse Prevention and Treatment, and the Downtown Tacoma Street Decoration Project; and

WHEREAS, Throughout the life of this exemplary organization, the Junior League has returned over four-hundred thousand dollars to the community through its numerous projects; and

WHEREAS, The Junior League annually provides over twenty-seven thousand hours of volunteer effort, serves on over twenty community boards, and recently completed "Tacoma Tempo '85, A Toast to Tacoma", and is truly a First Class Citizen of Pierce County;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate does hereby commend and congratulate the Junior League of Tacoma for its tireless efforts in promoting the quality of life for the residents of Pierce County; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate forward copies of this resolution to the Junior League Board of Directors and its Executive Committee as a token of our recognition for a job well done.

MOTIONS

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, the Committee on Judiciary was relieved of further consideration of Senate Bill No. 3499.

On motion of Senator Vognild, Senate Bill No. 3499 was referred to the Committee on Ways and Means.

On motion of Senator Vognild, the Committee on Governmental Operations was relieved of further consideration of Substitute House Bill No. 86.

On motion of Senator Vognild, Substitute House Bill No. 86 was referred to the Committee on Transportation.

On motion of Senator Vognild, the Committee on Education was relieved of further consideration of House Bill No. 152.

On motion of Senator Vognild, House Bill No. 152 was referred to the Committee on Ways and Means.

MOTION

At 12:04 p.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Wednesday, February 21, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

THIRTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, February 21, 1985

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 Goltz, Owen, Peterson and von Reichbauer. On motion of Senator Bender, Senator Goltz was excused. On motion of Senator Zimmerman, Senator von Reichbauer was excused.

The Sergeant at Arms Color Guard consisting of Pages Lisa Michael and Mike Hitchman, presented the Colors. Reverend Larry Neufeld, senior pastor of the Timberline Baptist Church of Lacey, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 20, 1985

SB 3027 Prime Sponsor, Senator Williams: Requiring refueling services for disabled drivers except by stations which are solely cashier-attended. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 3027 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, Moore, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 20, 1985

SB 3067 Prime Sponsor, Senator Hansen: Modifying provisions relating to aquatic farming. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass, as recommended by the Committee on Agriculture. Signed by Senators Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Cantu, Craswell, Deccio, Hayner, Lee, McDonald, Moore, Rasmussen, Thompson, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 20, 1985

SB 3332 Prime Sponsor, Senator Bauer: Modifying the self-insurance authority of joint governmental entities. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 3332 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Benitz, Fleming, Guess, Johnson, Kiskaddon, McDermott, McManus, Patterson, Saling, Stratton, Warnke.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

February 20, 1985

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 14,

SUBSTITUTE HOUSE BILL NO. 16,

HOUSE BILL NO. 139,

HOUSE BILL NO. 149,

HOUSE BILL NO. 158.

SUBSTITUTE HOUSE BILL NO. 243,
 SUBSTITUTE HOUSE BILL NO. 303,
 HOUSE BILL NO. 312,
 HOUSE BILL NO. 464, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 14 by Committee on Natural Resources (originally sponsored by Representatives Sutherland and Sayan)

Modifying provisions relating to salmon angling licenses.

Referred to Committee on Natural Resources.

SHB 16 by Committee on Commerce and Labor (originally sponsored by Representatives Sayan, R. King, Patrick, Wang, Winsley, Sutherland, Fisch, Gallagher, Isaacson, Belcher, Hankins, Allen and Baugher)

Modifying provisions relating to payment of the prevailing wage.

Referred to Committee on Commerce and Labor.

HB 139 by Representatives Locke, Sommers, Brough and Haugen

Authorizing cities to be responsible for enforcement of uniform fire code in air navigation facilities.

Referred to Committee on Governmental Operations.

HB 149 by Representatives Nutley, B. Williams and Haugen

Clarifying under what conditions a county treasurer shall prepare distraint papers.

Referred to Committee on Governmental Operations.

HB 158 by Representatives Winsley, Dellwo, P. King, Schoon and Isaacson (by Department of Licensing request)

Requiring payment of a fee for reinstatement of a driver's license suspended for a financial responsibility violation.

Referred to Committee on Transportation.

SHB 243 by Committee on Natural Resources (originally sponsored by Representatives Hargrove, Lundquist and Haugen)

Authorizing a voluntary food fish or shellfish license suspension program in conservation crisis.

Referred to Committee on Natural Resources.

SHB 303 by Committee on Energy and Utilities (originally sponsored by Representatives Gallagher and O'Brien) (by Utilities and Transportation Commission request)

Redefining water company for purposes of public utilities regulations.

Referred to Committee on Energy and Utilities.

HB 312 by Representatives O'Brien, P. King, Long, Smitherman, Holland, Wang, L. Smith and Day

Revising the minimum school hours and day requirements for private schools.

Referred to Committee on Education.

HB 464 by Representatives Patrick, Sutherland, Sanders, Leonard, Isaacson, Sayan, Dobbs, Haugen, Lundquist, J. Williams, Van Dyke and Cole

Restricting the sale of wildlife skins and furs at auction.

Referred to Committee on Natural Resources.

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

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Thompson, the appointment of Theresa Anna Aragon as Director of the Department of Licensing was confirmed.

APPOINTMENT OF THERESA ANNA ARAGON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Owen, Peterson - 2.

Excused: Senators Goltz, von Reichbauer - 2.

MOTION

On motion of Senator Thompson, the appointment of Lee Blankenship as Public Printer was confirmed.

APPOINTMENT OF LEE BLANKENSHIP

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent, 3; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Owen, Peterson, Sellar - 3.

Excused: Senators Goltz, von Reichbauer - 2.

SECOND READING

SENATE BILL NO. 3143, by Senators Talmadge, Newhouse and Conner (by Department of Licensing request)

Extending the period for reregistration of trade names with the state.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 3143 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. 3143.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3143 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Peterson - 1.

Excused: Senators Goltz, von Reichbauer - 2.

SENATE BILL NO. 3143, having received the constitutional majority, 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. 3547, by Senators Granlund, Kiskaddon, Kreidler, Johnson, Deccio, Peterson, Conner and Stratton

Revising provisions relating to school immunization programs.

The bill was read the second time.

MOTION

On motion of Senator Granlund, the rules were suspended, Senate Bill No. 3547 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. 3547.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3547 and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senators Guess, Pullen - 2.

Excused: Senators Goltz, von Reichbauer - 2.

SENATE BILL NO. 3547, having received the 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 eighth order of business.

MOTION

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

SENATE RESOLUTION 1985-22

by Senators Conner, Owen and Lee

WHEREAS, Matt Dryke, from Sequim, Washington, won the gold medal at the 1984 Olympics in the international skeet shooting competition; and

WHEREAS, Matt, who won his first Junior National Championship, at the age of eight, has shown great perseverance in continually improving his skill; and

WHEREAS, Since his first championship, Matt Dryke has proven his skill in competitions all over the world, winning second place in the Pan American games in 1979, achieving first place in the United States Championships five times in six years, and becoming the world's best exhibition shooter and a gold medalist in the Pan American games in 1983; and

WHEREAS, Continuing to surpass his earlier achievements, in 1984 Matt won the championship in World class international skeet shooting and became the first person ever to have a perfect score; and

WHEREAS, Matt Dryke owes his success to his father Chuck Dryke who was his instructor; and

WHEREAS, Matt, who is presently serving as an instructor in the United States Army's Marksmanship Unit, is training for the 1988 Olympics and hoping to become a two-time record holder;

NOW, THEREFORE, BE IT RESOLVED, By the members of the Senate of the state of Washington, That Matt Dryke be honored for his remarkable achievements in the sport of international skeet shooting and be encouraged in his future endeavors; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit copies of this resolution to Matt Dryke and to his father Chuck Dryke.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of Matt Dryke, gold medalist at the 1984 Olympics in the international skeet shooting competition and appointed Senators Conner, Patterson, Johnson and Owen to escort the honored guest to the Senate Rostrum.

Senator Paul Conner introduced Mr. Drkye, a resident of Sequim, Washington, and the President introduced guests in the gallery who accompanied Mr. Dryke to Olympia.

With permission of the Senate, business was suspended to permit Matt Dryke to address the Senate.

The honored guest was escorted from the Senate Chamber and the committee was discharged.

MOTION

At 10:39 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 11:17 a.m. by President Cherberg.

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

SECOND READING

SENATE BILL NO. 3376, by Senators Rinehart, Gaspard, McDermott, Patterson, Peterson, Goltz, Fleming, Bottiger, Bauer, Stratton, Saling, Zimmerman and Guess

Creating a higher education coordinating commission.

MOTION

On motion of Senator Rinehart, Substitute Senate Bill No. 3376 was substituted for Senate Bill No. 3376 and the substitute bill was advanced to second reading and read the second time.

MOTION

Senator Stratton moved the following amendment be adopted:

On page 7, line 6, following "than" strike "three" and insert "four"

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 Stratton.

ROLL CALL

The Secretary called the roll and the motion by Senator Stratton carried and the amendment was adopted by the following vote: Yeas, 25; nays, 21; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Benitz, Cantu, Conner, Deccio, Garrett, Guess, Hansen, Hayner, Johnson, Lee, McCaslin, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Zimmerman - 25.

Voting nay: Senators Bauer, Bender, Bluechel, Bottiger, Craswell, DeJarnatt, Fleming, Gaspard, Granlund, Halsan, Kiskaddon, Kreidler, Moore, Peterson, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 21.

Absent: Senator McDermott - 1.

Excused: Senators Goltz, von Reichbauer - 2.

MOTIONS

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

On page 5, line 32, after "for", strike "ethnic", and insert "racial"

On page 5, line 34, after "on", strike "ethnic", and insert "racial"

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

After "with" strike the remainder of the sentence and insert: "four members chosen from eastern Washington and four members chosen from western Washington."

MOTIONS

On motion of Senator Craswell, the following amendment was adopted:
After "the" insert "racial"

On motion of Senator Rinehart, the rules were suspended, Engrossed Substitute Senate Bill No. 3376 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3376.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3376 and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Warnild, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senators McDermott, Pullen - 2.

Excused: Senators Goltz, von Reichbauer - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3376, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 3228, deferred on second reading February 20, 1985.

MOTION

Senator Craswell moved that the following amendment by Senators Craswell and Zimmerman be adopted:

On page 3, line 3, after "pain." add: "It shall also not include the provision of basic nutrition by whatever route necessary."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Kreidler, looking through the bill, does the bill provide any place in my living will where I can instruct whoever is in attendance—that's going to do the job—that they punch me with the needle, rather than, as Senator Craswell has spoken of, let you die by starvation for three weeks?"

Senator Kreidler: "I'm not sure I understand your question."

Senator Rasmussen: "My question is, when I make out my living will—which I intend on living awhile—but can I instruct them when they take life support away from me that they also give me the needle, so I will go quickly?"

Senator Kreidler: "No, that is not something that could be specified in a living will. I'm sure there would be court action that would certainly prevent that type of thing from ever taking place."

Further debate ensued.

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

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

MOTION

Senator Guess moved that the following amendments be considered simultaneously and adopted:

On page 6, on line 29, before "No" insert "(1)"

On page 6, on line 33, after "therefrom." insert

"(2)"

On page 7, after line 6, insert:

"(3) A physician, health facility employee, or other licensed health care professional who does not adhere to a directive to physicians executed in accordance with this chapter is guilty of a misdemeanor."

Debate ensued.

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

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

MOTION

On motion of Senator Kreidler, the rules were suspended, Engrossed Substitute Senate Bill No. 3228 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. 3228.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3228 and the bill passed the Senate by the following vote: Yeas, 40; nays, 6; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 40.

Voting nay: Senators Craswell, Deccio, Johnson, McDonald, Pullen, Rasmussen - 6.

Absent: Senator Sellar - 1.

Excused: Senators Goltz, von Reichbauer - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3228, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

REPORTS OF STANDING COMMITTEES

February 20, 1985

SB 3020 Prime Sponsor, Senator Barr: Authorizing expenditures for commodities education programs. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Barr, Bauer, Benitz, Bottiger, Gaspard.

Passed to Committee on Rules for second reading.

February 20, 1985

SB 3378 Prime Sponsor, Senator Fleming: Establishing a state agricultural finance commission. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Bill No. 3378 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Chairman; Barr, Bauer, Benitz, Bottiger, Gaspard.

Passed to Committee on Rules for second reading.

February 20, 1985

SB 3439 Prime Sponsor, Senator Gaspard: Requiring a specified staff student ratio for vocational education programs. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 3439 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Benitz, Fleming, Guess, Johnson, Kiskaddon, McDermott, McManus, Patterson, Saling, Stratton.

Passed to Committee on Rules for second reading.

February 20, 1985

SB 3518 Prime Sponsor, Senator Bauer: Enhancing early childhood education. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 3518 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Guess, Johnson, Kiskaddon, McDermott, McManus, Patterson, Saling, Stratton, Warnke.

Passed to Committee on Rules for second reading.

February 20, 1985

SB 3798 Prime Sponsor, Senator McDermott: Providing for the financing of local public works. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 3798 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Deccio, Fleming, Lee, McDonald, Moore, Rasmussen, Rinehart, Talmadge, Thompson, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 20, 1984

SB 4243 Prime Sponsor, Senator Gaspard: Providing an early childhood assistance program. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 4243 be substituted therefor, and the substitute bill do pass and be referred to the Committee on Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Guess, Johnson, Kiskaddon, McDermott, McManus, Patterson, Saling, Stratton, Warnke.

Referred to Committee on Ways and Means.

MOTION

At 12:15 p.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Friday, February 22, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

FORTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 22, 1985

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 Goltz, McDermott, Moore, Pullen and Stratton. On motion of Senator Bender, Senators Goltz and McDermott were excused.

The Sergeant at Arms Color Guard consisting of Pages Amanda Warren and Joseph Stuart, presented the Colors. Reverend Larry Neufeld, senior pastor of the Timberline Baptist Church of Lacey, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 20, 1985

SB 3141 Prime Sponsor, Senator Patterson: Modifying tuition and fees at community colleges. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended and refer to Committee on Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, McDermott, McManus, Patterson, Saling, Stratton, Warnke.

MINORITY recommendation: Do not pass as amended. Signed by Senators Craswell, Guess.

Referred to Committee on Ways and Means.

February 20, 1985

SB 3142 Prime Sponsor, Senator Peterson: Modifying tuition and fees for institutions of higher education. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 3142 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, McDermott, McManus, Patterson, Saling, Stratton, Warnke.

Referred to Committee on Ways and Means.

February 20, 1985

SB 3238 Prime Sponsor, Senator Talmadge: Revising procedures for reports of child abuse. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 3238 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bottiger, Cantu, Deccio, Hayner, Lee, McDonald, Moore, Rasmussen, Thompson, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 19, 1985

SB 3374 Prime Sponsor, Senator Talmadge: Revising provisions relating to the award of attorneys' fees. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, McCaslin, Moore, Owen, Thompson.

Passed to Committee on Rules for second reading.

February 20, 1985

SB 3401 Prime Sponsor, Senator Peterson: Revising commercial motor vehicle licensing reciprocity. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Vice Chairman; Barr, Bender, DeJarnatt, Garrett, Granlund, Patterson, Vognilid.

Passed to Committee on Rules for second reading.

February 20, 1985

SB 3460 Prime Sponsor, Senator Williams: Requiring reporting of felony sexual offenses. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Hayner, McCaslin, Newhouse, Owen, Williams.

Passed to Committee on Rules for second reading.

February 20, 1985

SB 3796 Prime Sponsor, Senator Moore: Requiring in-state representatives of nursing homes. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Craswell, Deccio, Johnson, Stratton.

Passed to Committee on Rules for second reading.

February 21, 1985

SB 4122 Prime Sponsor, Senator Hansen: Modifying requirements for the contents of flour and bread. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Bailey, Barr, Bauer, Benitz, Newhouse.

Passed to Committee on Rules for second reading.

February 20, 1985

SB 4129 Prime Sponsor, Senator McCaslin (by Corrections Standards Board request): Revising certain work-release provisions. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Craswell, Deccio, Johnson, Stratton.

Passed to Committee on Rules for second reading.

February 20, 1985

SB 4151 Prime Sponsor, Senator Rinehart: Defining full time undergraduate students for purposes of tuition and fee rates. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended and refer to Ways and Means Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, McDermott, McManus, Patterson, Stratton, Warnke.

Referred to Committee on Ways and Means.

February 20, 1985

SB 4153 Prime Sponsor, Senator Rinehart: Adjusting higher education tuition and fees. Reported by Committee on Education

MAJORITY recommendation: Do pass and refer to Committee on Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, McDermott, McManus, Patterson, Saling, Stratton, Warnke.

Referred to Committee on Ways and Means.

February 21, 1985

SB 4155 Prime Sponsor, Senator Halsan: Changing definition of court costs a convicted defendant may be required to pay. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Hayner, McCaslin, Metcalf, Newhouse, Owen.

Passed to Committee on Rules for second reading.

February 20, 1985

SB 4185 Prime Sponsor, Senator Rinehart: Clarifying the definition of higher education tuition and fees. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, McDermott, McManus, Patterson, Saling, Stratton, Warnke.

Passed to Committee on Rules for second reading.

February 21, 1985

SB 4210 Prime Sponsor, Senator Warnke: Creating the office of capital projects to promote commerce in international markets. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass and refer to Committee on Ways and Means. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; McDonald, Moore, Newhouse, Wojahn.

Referred to Committee on Ways and Means.

GUBERNATORIAL APPOINTMENT

February 21, 1985

GA 2 RICHARD J. THOMPSON, to the position of Director of the Department of Community Development, appointed by the Governor on January 16, 1985, for the term ending at the Governor's pleasure, succeeding Patrick W. Dunn. Reported by Committee on Governmental Operations

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, McCaslin, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules.

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

SECOND READING

SENATE BILL NO. 3129, by Senators Rasmussen, Conner, DeJarnatt, Metcalf and Granlund

Adding a member to the veterans affairs advisory committee.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Senate Bill No. 3129 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. 3129.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3129 and the bill passed the Senate by the following vote: Yeas, 44; absent, 3; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf,

Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Moore, Pullen, Stratton - 3.

Excused: Senators Goltz, McDermott - 2.

SENATE BILL NO. 3129, having received the constitutional 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 10:14 a.m., on motion of Senator Vognild, the Senate recessed until 10:45 a.m.

SECOND MORNING SESSION

The Senate was called to order at 10:52 a.m. by President Cherberg.

SECOND READING

SENATE BILL NO. 3230, by Senators Talmadge, Metcalf, Moore, Rasmussen and Peterson

Strengthening and clarifying laws against driving while intoxicated.

The bill was read the second time.

MOTION

Senator Talmadge moved that the following Committee on Judiciary amendment be adopted:

On page 1, beginning with line 9, strike all of sections 1, 2, and 3 of the bill, through page 3, line 26, renumber the remaining sections consecutively, and correct internal references accordingly.

Debate ensued.

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

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

MOTION

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 6, after line 18, insert the following:

"Sec. 2. Section 2, chapter 219, Laws of 1984 and RCW 46.20.599 are each amended to read as follows:

(1) Whenever any person is arrested for a violation of RCW 46.61.502 or 46.61.504, the arresting officer shall, at the time of arrest, confiscate the person's Washington state license or permit to drive, if any, and issue a temporary license to replace any confiscated license or permit.

(2) Within twenty-four hours of the arrest, the arresting officer shall transmit any confiscated license or permit to the department with a report indicating the date and location of the arrest.

(3) Any temporary license issued under this section shall be dated with the same expiration date as the confiscated license or permit. A temporary license shall be valid only until the sooner of:

(a) Its expiration date; or

(b) The suspension, revocation, or denial by judicial or administrative action for any reason of the license, permit, or privilege to drive of the person holding the temporary license.

(4) The department shall return, replace, or authorize renewal of any confiscated license or permit that has not been suspended or revoked for any reason upon notification:

(a) By the law enforcement agency that made the arrest that a charge has not been filed for the offense for which the license or permit was confiscated;

(b) By the prosecuting authority of the jurisdiction in which the offense occurred that the charge has been dropped or changed to other than one for which confiscation is required under this section; or

(c) By the court in which the case has been or was to be heard that prosecution on the charge has been deferred, that the charge has been dismissed, or that the person charged has been found not guilty of the charge; or

(d) By a court that the person has been convicted of the offense for which the license or permit was confiscated, but the suspension or revocation of the license or permit has been stayed pending appeal of the conviction.

(5) Upon notification by the court of acceptance of deferred prosecution, the department shall issue or reissue, as appropriate, to an otherwise eligible petitioner a license containing a confidential symbol or notation specifically for law enforcement officers to identify the petitioner as participating in a deferred prosecution program. Upon successful completion of the deferred prosecution program, the department, if requested by the petitioner, shall reissue a license without the confidential symbol or notation. A law enforcement officer shall notify the prosecutor of any violation of RCW 46.61.502 or 46.61.504 or any other offense involving alcohol or drugs. The failure of the petitioner to secure such license within thirty days of notification by the court constitutes grounds for suspension of the driving privilege.

(6) If a temporary license issued under this section expires before the department receives notification under subsection (4) of this section, the department shall authorize the driver to seek renewal of the license. If the driver is qualified for renewal, the department shall issue a new temporary license with the same expiration date as the driver would have received had his or her license or permit not been confiscated.

((6)) (7) Upon receipt of a returned or replaced confiscated license from the department, the driver shall return any temporary license in his or her possession or shall sign an affidavit that the temporary license has been lost, stolen, or destroyed.

((7)) (8) No temporary license issued under this section is valid to any greater degree than the confiscated license or permit that it replaces.

((8)) (9) The department shall provide courts and law enforcement agencies with the appropriate temporary license and notice forms for use under this section.

~~((9) This section shall expire on December 31, 1985.)~~

Renumber the sections following consecutively, and correct internal references accordingly.

MOTION

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 11, line 35, after "46.29.490," insert "As a condition of granting a deferred prosecution petition, the court may order the petitioner to make restitution."

MOTION

Senator Talmadge moved that the following Committee on Judiciary amendment be adopted:

On page 13, beginning with line 17, strike all of section 22, renumber the remaining sections consecutively, and correct internal references accordingly.

POINT OF INQUIRY

Senator Hansen: "Senator Talmadge, say an alcoholic goes down to the liquor store and buys a Texas fifth and tries to drink it all--is the state going to be liable then for selling him more liquor than he could hold?"

Senator Talmadge: "Senator Hansen, the answer would be, under present law, the state would, in fact, be liable in my judgment, if they served or sold to a person who was obviously intoxicated or who was a minor and that person went out and caused damage on the highways or elsewhere. The standard has to be that the person has to be obviously intoxicated or they have to be a minor before the liability arises. The liability arises because there is a liquor board rule in the state's statutes that there is no one who is obviously intoxicated or a minor can be served."

Senator Hansen: "Now, say a private party--an individual has the liquor available and is not running herd on everyone that is there--now some individual happens to drink too much and happens to go out and gets into trouble--to go back and nail that individual that was running the party, I think we're carrying it a little bit too far."

Senator Talmadge: "Senator, that's the second amendment--the one that follows this one. The Supreme Court of the state of Washington in the Wilson case says that the social provider--non commercial provider--of alcohol who provides alcohol to someone at a party, even if they are intoxicated or a minor, is not liable, at least at this time, under the laws of the state of Washington. The second of these two amendments addresses that issue, but there is no, at present at least--if the Wilson case is correct--no civil liability for the social provider of alcoholic beverages that I am aware of."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Hayner, there is probably merit in what you say, but my question is--the average bartender or the average host--would they know what the common law was or would if it was put in law saying this is it and then was circulated to all the bartenders, so they become familiar with it--that this is the law. Would this not be a better approach than just depending on a common law which all depends on whatever court is hearing it?"

Senator Hayner: "I don't think there's any doubt, Senator Rasmussen, that every commercial seller in the state knows exactly what the common law is."

Further debate ensued.

MOTION

On motion of Senator von Reichbauer, Senator Saling was excused.

Further debate on the committee amendment ensued.

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

The President declared the question before the Senate to be the roll call on adoption of the Committee on Judiciary amendment on page 13, line 17.

ROLL CALL

The Secretary called the roll and the motion by Senator Talmadge carried and the committee amendment was adopted by the following vote: Yeas, 33; nays, 13; absent, 1; excused, 2.

Voting yea: Senators Barr, Bauer, Benitz, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Gaspard, Guess, Hansen, Hayner, Kreidler, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rinehart, Sellar, Stratton, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 33.

Voting nay: Senators Bailey, Bender, Cantu, Craswell, Garrett, Granlund, Halsan, Johnson, Kiskaddon, Metcalf, Rasmussen, Talmadge, Wojahn - 13.

Absent: Senator Lee - 1.

Excused: Senators Goltz, Saling - 2.

MOTION

Senator Talmadge moved that the following Committee on Judiciary amendment be adopted:

On page 13, beginning with line 31, strike all of section 23, through page 14, line 14, renumber the remaining sections consecutively, and correct internal references accordingly.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator McDonald: "Just for clarification, is it not true that if we vote for this amendment, we are striking the dram shop considerations for the social dram shop consideration?"

REPLY BY THE PRESIDENT

President Cherberg: "The amendment strikes the lines on page 13, beginning on line 31, through page 14, line 14."

The President declared the question before the Senate to be adoption of the Committee on Judiciary amendment on page 13, beginning with line 31.

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

MOTION

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 14, beginning with line 20, strike all of section 25, renumber the remaining sections consecutively, and correct internal references accordingly.

MOTION

Senator Talmadge moved that the following Committee on Judiciary amendment be adopted:

On page 14, beginning with line 15, strike all of section 24 and insert the following:

"NEW SECTION. Sec. 24. A new section is added to chapter 66.08 RCW to read as follows:

The Washington state liquor control board shall adopt rules as necessary to regulate the activities of liquor manufacturers, importers, wholesalers, retailers, or agents thereof on the campuses of all colleges and universities within the state to ensure that such activities do not encourage under-age drinking, alcohol abuse, or drunk driving. Campus representatives of liquor manufacturers, importers, wholesalers, retailers, or agents thereof shall register annually with the Washington state liquor control board and shall be required to conduct educational programs to ensure the responsible and legal use of alcohol and awareness of current laws governing driving while intoxicated."

Debate ensued.

The President declared the question before the Senate to be adoption of the Committee on Judiciary amendment on page 14, beginning with line 15.

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

MOTION

On motion of Senator Newhouse, the following amendment by Senators Newhouse and Talmadge was adopted:

On page 7, line 35, after "alleges" strike "a drug problem" and insert: "drug addiction"

MOTIONS

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

In line 1 of the title, after "RCW" strike "46.61.502, 46.61.504, 46.61.506,"

In line 2 of the title, after "46.61.515," insert "46.20.599,"

In line 4 of the title, after "10.05.120;" strike "adding a new chapter to Title 7 RCW;"

On motion of Senator Talmadge, the following title amendment was not adopted:

In line 6 of the title, before "RCW;" strike "66.28" and insert "66.08"

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 3230 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. 3230.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3230 and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Bauer, Conner - 2.

Excused: Senators Goltz, Saling - 2.

ENGROSSED SENATE BILL NO. 3230, having received the constitutional majority, 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. 3089, by Senators Talmadge, Newhouse, Halsan and Hayner

Removing department of licensing authority for administrative revocation of driver's licenses of alcohol offenders.

MOTION

On motion of Senator Talmadge, Substitute Senate Bill No. 3089 was substituted for Senate Bill No. 3089 and the substitute bill was advanced to second reading and read the second time.

MOTION

Senator Peterson moved the following amendment be adopted:

On page 8, line 10, after "in the" delete all the material through "fund" on line 13 and insert "highway safety fund ((for the exclusive use of the department in implementing RCW 46.20.600 through 46.20.696)) to be appropriated for the use of the department of licensing in implementing its alcohol-related driver licensing programs"

Debate ensued.

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

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

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute Senate Bill No. 3089 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Bluechel, Senator Benitz was excused.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3089.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3089 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Benitz, Goltz, Saling - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3089, having received the constitutional majority, 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. 3267, by Senators Hansen, Guess and von Reichbauer (by Department of Licensing request)

Relieving the department of the duty of returning a surrendered drivers license at the end of the suspension period.

MOTION

Senator Peterson moved that Substitute Senate Bill No. 3267 not be substituted for Senate Bill No. 3267.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Peterson that Substitute Senate Bill No. 3267 not be substituted for Senate Bill No. 3267.

The motion by Senator Peterson carried and substitute Senate Bill No. 3267 was not substituted for Senate Bill No. 3267.

Senate Bill No. 3267 was read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended, Senate Bill No. 3267 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. 3267.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3267 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Stratton, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Benitz, Goltz, Saling - 3.

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.

SECOND READING

SENATE BILL NO. 3342, by Senators McDermott, Deccio, Warnke, Sellar, Stratton, McCaslin and Wojahn

Revising horse racing regulations.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 3342 was substituted for Senate Bill No. 3342 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 3342 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, the fiscal note I had indicated there would be a considerable loss to the general fund. What you're telling me now, is that there won't be any loss. I'm wondering--is the fiscal note correct or what's happening here?"

Senator McDermott: "When the original fiscal note was written, there was a change in the distribution of the fifteen percent take out. It used to be five percent for the state, five percent for the horsemen and five percent for the pursers association and it was changed to four percent for the state and five and a half for the two other entities. I insisted that we add additional money, so that the state take is brought back up to where it was."

Senator Rasmussen: "And, also, was the breakage increase from five to ten?"

Senator McDermott: "Yes."

Senator Rasmussen: "And that makes another two million dollars for the track?"

Senator McDermott: "Actually that's about three hundred thousand additional. The present breakage brings in about five hundred thousand. The breakage will now go up to about eight hundred thousand. Half of that money is for the health and welfare benefits for the people who work at the track. It provides dental and health care and other benefits which are not otherwise available."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3342.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3342 and the bill passed the Senate by the following vote: Yeas, 40; nays, 6; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rinehart, Sellar, Stratton, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn - 40.

Voting nay: Senators Bluechel, Kreidler, McDonald, Metcalf, Rasmussen, Zimmerman - 6.

Excused: Senators Benitz, Goltz, Saling - 3.

SUBSTITUTE SENATE BILL NO. 3342, having received the 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 third order of business.

MESSAGE FROM THE GOVERNOR

February 22, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am requesting the withdrawal of the following appointment which is pending before you:

Thomas J. Manning, nominated as a member of the Prison Terms and Paroles Board.

Sincerely,
BOOTH GARDNER, Governor

MOTION

Senator Bottiger moved that the Senate grant the request of the Governor for the withdrawal of the gubernatorial appointment of Thomas J. Manning.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Bottiger to grant the request of the Governor to withdraw the gubernatorial appointment of Thomas J. Manning.

The motion by Senator Bottiger carried and the gubernatorial appointment was withdrawn.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

February 22, 1982

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Kathryn S. Bail, appointed February 22, 1985, for a term commencing February 25, 1985, and ending July 1, 1988, as a member of the Prison Terms and Paroles Board, succeeding Thomas J. Manning.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Human Services and Corrections.

February 22, 1982

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Paul C. Mena, appointed February 22, 1985, for a term commencing February 25, 1985, and ending April 15, 1989, as a member of the Prison Terms and Paroles Board, succeeding J. H. (Jack) Todd.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Human Services and Corrections.

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

REPORTS OF STANDING COMMITTEES

February 20, 1985

SB 3087 Prime Sponsor, Senator Talmadge: Revising provisions relating to disposition of juvenile offenders. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3087 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Hayner, McCaslin, Metcalf, Owen, Williams.

Passed to Committee on Rules for second reading.

February 21, 1985

SB 3314 Prime Sponsor, Senator Halsan: Modifying provisions relating to methods of fishing for game fish. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Barr, Halsan, Johnson, Lee, Metcalf, Patterson, Peterson, Rasmussen.

Passed to Committee on Rules for second reading.

February 21, 1985

SB 3319 Prime Sponsor, Senator Talmadge: Authorizing award of court costs in challenges to open public meeting act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, McCaslin, Moore, Owen, Williams.

Passed to Committed on Rules for second reading.

February 21, 1985

SB 3416 Prime Sponsor, Senator Moore: Providing penalties for persons writing drafts or checks and having insufficient funds. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 3416 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Deccio, Newhouse, Sellar, Vognild, Wojahn.

Passed to Committee on Rules for second reading.

February 21, 1985

SB 3536 Prime Sponsor, Senator Vognild: Revising the powers of public utility districts. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 3536 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Lee, McDonald, Moore, Newhouse.

Passed to Committee on Rules for second reading.

February 21, 1985

SB 4113 Prime Sponsor, Senator McDermott: Authorizing state financial institutions to charge interest rates on credit cards competitive with those charged in other states. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Bottiger, Deccio, McDermott, Newhouse, Sellar, Vognild, von Reichbauer.

MINORITY recommendation: Do not pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Wojahn.

Passed to Committee on Rules for second reading.

February 20, 1985

SB 4128 Prime Sponsor, Senator McCaslin (by Corrections Standards Board request): Revising the authority of the corrections standards board. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 4128 be substituted therefor, and the substitute bill do pass. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Craswell, Deccio, Johnson, Stratton.

Passed to Committee on Rules for second reading.

February 21, 1985

SB 4136 Prime Sponsor, Senator Hansen: Authorizing bonds for water supply projects. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 4136 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Hansen, Chairman; Bailey, Barr, Bauer, Benitz, Bottiger, Gaspard, Newhouse.

Referred to Committee on Ways and Means.

February 21, 1985

SB 4232 Prime Sponsor, Senator Owen: Making a general fund appropriation to the department of game. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended and refer to Committee on Ways and Means. Signed by Senators Owen, Chairman; Stratton, Vice Chairman; Halsan, Johnson, Metcalf, Patterson.

Referred to Committee on Ways and Means.

MOTIONS

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, the Committee on Commerce and Labor was relieved of further consideration of Senate Bill No. 3351.

On motion of Senator Vognild, Senate Bill No. 3351 was referred to the Committee on Governmental Operations.

MOTION

At 12:20 p.m., on motion of Senator Vognild, the Senate recessed until 1:20 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:20 p.m. by President Cherberg.

At 1:25 p.m., the Senate retired to the House Chambers to meet in Joint Session for the purpose of a Memorial Service for deceased members.

JOINT SESSION

MEMORIAL PROGRAM

Presiding: President of the Senate John A. Cherberg
Chairperson: Speaker Pro Tempore John L. O'Brien

INVOCATION

by

The Reverend John L. Briehl
Spanaway Lutheran Church

BELLARMINE CHORAL GROUP
Andrea Klouse -- Director

O Vos Omnes (O my People)	P Casals
He, Watching Over Israel	Mendelsohn
The 23rd Psalm by Mallotte	Senator Wm. Kiskaddon
	Accompanist, Mr. Barney McClure	

Memorial Tribute	Speaker Pro Tempore John L. O'Brien
		Representative Earl Tilly

CANDLE SERVICE

IN MEMORIAM

In tribute to the memories of our distinguished former members of the Senate and House of Representatives who have passed from among us during the preceding biennium, the Forth-Ninth Legislative Session of the State of Washington

conveys its respects on behalf of the people of our State. May the memory of their dedicated service remain in our hearts.

In Memory of:

John Bigley
 W. J. "Joe" Beierlein
 Ivan J. Compton
 Dan Dawson
 William S. Day
 Caswell J. Farr
 Charles C. Finucane
 Morrill F. Folsom
 James E. Gilleland
 Chet Hatfield
 Elmer Huhta
 Jerry C. Kopet
 John G. McCutcheon
 David E. McMillan
 John Merrill
 Frances Pearson
 Fred Redmon
 Hugh J. Rosellini
 Jack Sarvella
 Lincoln E. Shropshire
 Morris E. Starrett
 Pearl A. Wanamaker

Tribute by:

Representative Mike Todd
 Representative Ernest Crane
 Representative Clyde Ballard
 Representative Shirley Winsley
 Representative Bill Day
 Representative Dennis Braddock
 Senator Lois Stratton
 Representative J. Vander Stoep
 Representative Paul Sanders
 Representative Jim Lewis
 Representative Bob Basich
 Representative R.M. Dick Bond
 Senator Stan Johnson
 Senator Scott Barr
 Senator Avery Garrett
 Senator Paul Conner
 Representative Shirley Doty
 Representative P.J. Gallagher
 Representative Glenn Dobbs
 Senator Irv Newhouse
 Representative Richard E. Fisch
 Representative Jennifer Belcher

Flower Tribute by members of the Senate and House of Representatives

How Great Thou Art by Stewart K. Hine Nancy Olson

The Battle Hymn of the Republic by Julia Ward Howe

Accompanist, Jennie Logsdon

Amazing Grace by John Newton Ralph Munro, Secretary of State

The Lord's Prayer by Malotte Father Joe Maguire, S.J.

Benediction Father Joe Maguire, S.J.

Rector, Ballarmine Jesuit House

Taps Bugler Spec. 4 Dale Rideout

Piccolo S/Sgt. Paul Dorwin

Drummer S/Sgt. Willie C. Lawrence III

Members of the 9th Infantry Band

Color Guard S/Sgt. JoAnn Lougee

Spec. 4 Phillip McIntire

Spec. 4 Chul H. Yang

Spec. 4 Norman Bryant

Pfc Jerry L. Courtad

Members of the 47th Combat Support Hospital

Fort Lewis, Wa.

The President of the Senate announced the conclusion of the Memorial Service.

MOTION

On motion of Representative Hine, the Joint Session was dissolved.

The Senate was called to order at 2:39 p.m. by President Cherberg.

MOTION

At 2:39 p.m., on motion of Senator Halsan, the Senate adjourned until 10:00 a.m., Monday, February 25, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

FORTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 25, 1985

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 Barr, Craswell, McDermott and Peterson. On motion of Senator Bender, Senators McDermott and Peterson were excused.

The Sergeant at Arms Color Guard consisting of Pages Carla Collison and Brian Arland, presented the Colors. Reverend Dwight Whipple, senior pastor of the Westminster Presbyterian Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 21, 1985

SB 3152 Prime Sponsor, Senator Moore: Consolidating agencies regulating financial institutions and securities and creating a department of financial institutions. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 3152 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Bottiger, Deccio, McDermott, Vognild.

Passed to Committee on Rules for second reading.

February 22, 1985

SB 3410 Prime Sponsor, Senator McManus: Expanding types of licenses under the master license system. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Senate Bill No. 3410 with the recommendations of the Small Business Subcommittee and accompanying proposals be referred to Committee on Commerce and Labor. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, Zimmerman.

Referred to Committee on Commerce and Labor.

February 22, 1985

SB 3413 Prime Sponsor, Senator Warnke: Requiring a study of the business license system. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Senate Bill No. 3413 with the recommendations of the Small Business Subcommittee be referred to the Committee on Commerce and Labor. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, Zimmerman.

Referred to Committee on Commerce and Labor.

February 22, 1985

SB 3430 Prime Sponsor, Senator McCaslin: Revising provisions relating to local improvement assessments. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 3430 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, McCaslin, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

February 21, 1985

SB 3431 Prime Sponsor, Senator Goltz: Restricting local measured service telephone rates. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 3431 be substituted therefor, and the substitute bill do pass. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Benitz, Halsan, Kiskaddon, Kreidler, Owen, Saling.

Passed to Committee on Rules for second reading.

February 22, 1985

SB 3630 Prime Sponsor, Senator Warnke: Changing provisions relating to the Washington high-technology coordinating board. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 3630 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, Moore, Newhouse, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 21, 1985

SB 4212 Prime Sponsor, Senator Warnke: Establishing an international trade and investment information program. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; McDonald, Moore, Newhouse, Wojahn.

Passed to Committee on Rules for second reading.

February 21, 1985

SB 4213 Prime Sponsor, Senator Warnke: Establishing a trade assistance center. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 4213 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Lee, McDonald, Moore, Newhouse.

Passed to Committee on Rules for second reading.

February 21, 1985

SB 4314 Prime Sponsor, Senator Halsan: Requiring proposals for legislation to reinstate certain natural fish runs. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 4314 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; Stratton, Vice Chairman; Halsan, Johnson, Lee, Metcalf, Patterson, Peterson, Rasmussen.

Passed to Committee on Rules for second reading.

February 22, 1985

SJM 104 Prime Sponsor, Senator Fleming: Petitioning Congress to enact legislation to provide financial assistance to Japanese-Americans who were relocated during World War II. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Joint Memorial No. 104 be substituted therefor, and the substitute joint memorial do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

There being no objection, the President Pro Tempore advanced the Senate to the sixth order of business.

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Williams, the appointment of Richard Watson as Director of the Washington State Energy Office was confirmed.

APPOINTMENT OF RICHARD WATSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Barr, Craswell - 2.

Excused: Senators McDermott, Peterson - 2.

SECOND READING

SENATE JOINT RESOLUTION NO. 103, by Senators Granlund, Zimmerman, McCaslin, Garrett, DeJarnatt and Bailey

Establishing procedures for the adoption of county home rule charters.

MOTIONS

On motion of Senator Vognild, the rules were suspended, Substitute Senate Joint Resolution No. 103 was substituted for Senate Joint Resolution No. 103 and the substitute resolution was placed on second reading and read the second time.

Senator Pullen moved that the following amendment be adopted:

On page 2, line 16, after "simplify" insert "and make attractive to the voters as well as rewarding to the taxpayers"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator Pullen.

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

MOTION

Senator Pullen moved that the following amendment by Senators Pullen, Hayner, Benitz and McCaslin be adopted:

On page 2, line 15, after "be:" strike the balance of the language and insert: "Shall a temporary commission be established to draft five alternate home-rule charters for consideration and possible adoption by county voters?"

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Pullen, in reading this language, where it states 'to simplify,' do you think that's an attempt to bamboozle the people--that any commission would simplify anything?"

Senator Pullen: "Senator Rasmussen, I don't think any commission could or would simplify anything. Whether it's an attempt to bamboozle the people or not, I can't say, but I do believe that the word 'simplify' is a very leading word and would make the proposed ballot title very unfair."

Senator Rasmussen: "My second question would be--doesn't the present law give the authority to the attorney general to draft the titles for ballot measures?"

Senator Pullen: "Yes, it does."

Senator Rasmussen: "Are we indirectly attempting to change the present law?"

Senator Pullen: "Well, Senator Rasmussen, I don't think we can change a law with a resolution clause in a proposed constitutional amendment. That's one of the puzzling things about the wording in the constitutional amendment. The legislature is resolving what the ballot title should be, but that is not establishing the ballot title by law. We would need a separate bill to do that and there is no separate bill before us."

Further debate ensued.

MOTION

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

On line 2 of the amendment, after "be" insert ", in addition to existing procedures," and on line 3, strike "established to"

MOTION

On motion of Senator Bottiger, further consideration of Substitute Senate Joint Resolution No. 103 was deferred.

SECOND READING

SENATE BILL NO. 3182, by Senators Bauer, Wojahn, Gaspard, Halsan and Kreidler

Allowing reentering public employees to restore withdrawn contributions to retirement system.

MOTIONS

On motion of Senator Gaspard, Substitute Senate Bill No. 3182 was substituted for Senate Bill No. 3182 and the substitute bill was placed on second reading and read the second time.

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

On page 4, line 25, after "age" and before "however," strike "sixty-five," and insert "sixty-five."

Senator Bailey moved that the following amendment be adopted:

On page 6, following line 14, insert the following:

"(b) There is hereby appropriated for the biennium ending June 30, 1987, fifty million dollars from the general fund to the department of retirement systems for the liability created by this act. Of this amount, thirty-five million dollars shall be deposited in the public employees retirement fund and fifteen million dollars shall be deposited in the teachers' retirement fund."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Bauer, I note here in the budget brief that we reverted forty-seven million in 1981-1983 and we anticipate reverting forty-two million in 1983-1985 to the pension accrual account. My question is--it goes on to say that the budget proposal of two hundred and two million for the public employees retirement system--PERS, three hundred and fifty-eight million for the teachers' retirement system and three hundred-eighty seven million for the law enforcement and fire fighters retirement system. These amounts will provide a two hundred and forty million increase over 1983-1985.

"My question would be--if we vote this fifty million, what's the difference? We're going to have another--about eight hundred million that we are going to vote anyway that would just be a part of it--just put it in there a little bit in advance--earn interest--"

Senator Bauer: "Well, Senator, I will accept that as a question. If we're going to attribute to this particular issue fifty million dollars--but it's really not fifty million for this issue--maybe a couple million for this issue and the other belongs to our accountability to the entire pension system, so be it, but let's understand that's what the situation is. Let's understand that this state owes to the pension system--if all of those people live to their ripe old age--a lot of money and we have to add that each year. We never fund a pension system by our individual contribution and the state's contribution on an annual basis. That's why we have to put these lump sums in periodically, because the people live a long time--and until we do something about that whole issue, it is going to remain that way. We're not addressing that here, we're addressing equity here. So let's just put in that portion which we put in for everybody else at that appropriate time and that's 2.8 million and I believe that's way, way on the high side."

Further debate ensued.

Senator Deccio 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 Bailey.

ROLL CALL

The Secretary called the roll and the amendment by Senator Bailey was not adopted by the following vote: Yeas, 21; nays, 26; excused, 2.

Voting yeas: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Loe, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer - 21.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McManus, Moore, Owen, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 26.
Excused: Senators McDermott, Peterson - 2.

MOTION

Senator Bottiger moved the following amendments by Senators Bottiger, McDermott, Bauer and Zimmerman be considered simultaneously and adopted:

On page 6, line 11, after "Sec. 6" insert "(a)"

On page 6, following line 14, insert the following:

"(b) There is hereby appropriated for the biennium ending June 30, 1987, two million eight hundred thousand dollars from the general fund to the department of retirement systems for the increased contributions required of the state by this act. Of this amount, one million two hundred thousand dollars shall be deposited in the public employees' retirement fund and one million six hundred thousand dollars shall be deposited in the teachers' retirement fund."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendments by Senators Bottiger, McDermott, Bauer and Zimmerman.

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

MOTIONS

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

On page 1, following line 4, add a new section as follows:

NEW SECTION. Sec. 1. The legislature finds that in the past public employees and teachers who had terminated employment, withdrawn their retirement contributions, and subsequently returned to public employment or teaching either did not receive proper notification of the procedure to reinstate their withdrawn contributions or they did not fully understand the limitation on such reinstatement. In 1973, the legislature recognized this fact and provided an extraordinary reinstatement period for such employees. Further in 1983, the legislature established clear notification procedures for the proper notification of the reinstatement policy for all such returning employees. Therefore, it is the intent of this 1985 act to provide one last opportunity for reinstatement of withdrawn contributions to those who may have not been properly informed or misunderstood the reinstatement procedure."

Re-number the remaining sections consecutively.

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

On page 1, line 3 of the title, after "making" delete "an appropriation" and insert "appropriations"

On motion of Senator Gaspard, the rules were suspended, Engrossed Substitute Senate Bill No. 3182 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 Deccio: "Senator Bauer, I indicated, in discussing this bill with one of the representatives of the WEA, that this would be the last time that we would ever run this kind of legislation after these people are picked up. Would you agree that that would be the case?"

Senator Bauer: "I hope so, Senator."

Senator Deccio: "You hope so? I was assured that this would be the last time the request would be made."

Senator Bauer: "I will speak for myself, Senator. It's the last time as far as I'm concerned."

Senator Deccio: "I just wanted to make that a matter of record."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3182.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3182 and the bill passed the Senate by the following vote: Yeas, 36; nays, 10; absent, 1; excused, 2.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kreidler, Lee, McManus, Metcalf, Moore, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 36.

Voting nay: Senators Bailey, Bluechel, Cantu, Craswell, Guess, Hayner, Kiskaddon, McCaslin, McDonald, Sellar - 10.

Absent: Senator Newhouse - 1.

Excused: Senators McDermott, Peterson - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3182, having received the 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 Vognild, Senate Bill No. 3273 held its place on the second reading calendar.

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

MOTION

Senator Warnke moved that the following resolution be adopted:

SENATE RESOLUTION 1985-17

by Senators Warnke, Bauer and Wojahn

WHEREAS, The state of Washington and the state of Montana have close geographic ties as two grand states of the Pacific Northwest; and

WHEREAS, There are innumerable citizens who have cross-migrated from one of the two states to the other to make their home; and

WHEREAS, Montanans and Washingtonians cherish and hold dear the magnificent beauty of mountains, prairies, lakes, and streams; and

WHEREAS, The First Lady of Washington, Jean Gardner, is a former Montanan; and

WHEREAS, The body of the Washington State Senate contains two members, the Honorable Senator from the 31st District, Senator Frank Warnke, and Senator Al Bauer, from the 49th District, who both grew up in the beautiful Treasure State of Montana, and Senator Alex Deccio and Senator Ray Moore have family and business ties to Montana; and

WHEREAS, This is the third year that Senator Warnke and Senator Bauer have feted fellow former Montanans, who include state agency personnel, legislative staff, lobbyists, and others who are involved in the government/political process, in a Montana celebration;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate adopts this resolution acknowledging the good people of Washington and the good people of Montana and hereby declares Monday, February 25, 1985, as Montanan's Day in Washington State; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted to the following officials of the state of Montana: Governor Ted Schwinden, Lieutenant Governor George Turman, Secretary of State Jim Waltermire, President of the Senate Bill Norman, Senate Majority Leader Fred Van Volkenberg, Speaker of the House of Representatives John Vincent, and House Republican Leader Bob Marks.

POINT OF INQUIRY

Senator Kiskaddon: "Senator Warnke, if we vote for this resolution, would those of you from Montana go back to Montana?"

Senator Warnke: "Well, we've had offers many times--many of us on the floor of the Senate and the House--to go other places--not to go quite back to Montana, but I've been asked to go several places."

The President Pro Tempore declared the question before the Senate to be adoption of Senator Resolution 1985-17.

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

MOTION

On motion of Senator Wojahn, her name will be included as a sponsor of Senate Resolution 1985-17.

POINT OF INQUIRY

Senator Rasmussen: "Senator Vognild, because of our late convening for committee meetings, what is our afternoon schedule? Are we going to work on the floor or are we just going to go to committee meetings in the afternoon?"

Senator Vognild: "Thank you for asking, Senator. On Tuesday and again on Thursday, there will be no floor action beyond reading in reports. That will be the only floor action on Tuesday and Thursday. Wednesday will be a full day of action."

MOTION

At 11:34 a.m., on motion of Senator Vognild, the Senate adjourned until 11:45 a.m., Tuesday, February 26, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

FORTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 26, 1985

The Senate was called to order at 11:45 a.m. by President Pro Tempore Goltz. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Wendy Clarence and Nathan Foreman, presented the Colors. Reverend Dwight Whipple, senior pastor of the Westminster Presbyterian Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 22, 1985

SB 3161 Prime Sponsor, Senator McDermott: Prescribing protective measures for purchasers of health studio services. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 3161 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, Newhouse, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 25, 1985

SB 3201 Prime Sponsor, Senator Halsan: Classifying PCBs as dangerous waste. Reported by Committee on Rules

MAJORITY recommendation: That Substitute Senate Bill No. 3201 be substituted therefor, and the substitute bill do pass, as recommended by Committee on Parks and Ecology, and be referred to Committee on Ways and Means. Signed by John A. Cherberg, Chairman; Senators Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Goltz, Hayner, McDonald, Metcalf, Rasmussen, Sellar, Vognild, Wojahn, Zimmerman.

Referred to Committee on Ways and Means.

February 22, 1985

SB 3235 Prime Sponsor, Senator Gaspard: Providing programs for educational excellence. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 3235 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman, Rinehart, Vice Chairman; Bender, Fleming, Guess, Kiskaddon, McDermott, McManus, Patterson, Saling, Stratton, Warnke.

Passed to Committee on Rules for second reading.

February 25, 1985

SB 3279 Prime Sponsor, Senator Gaspard: Establishing requirements for home schooling. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 3279 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Benitz, Goltz, Guess, Johnson, Kiskaddon, McManus, Patterson, Saling, Stratton, Warnke.

Passed to Committee on Rules for second reading.

February 22, 1985

SB 3310 Prime Sponsor, Senator Talmadge: Facilitating election administration. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3310 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Hayner, Moore, Owen, Thompson.

Passed to Committee on Rules for second reading.

February 22, 1985

SB 3426 Prime Sponsor, Senator Warnke: Revising provisions relating to industrial insurance appeals. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Lee, McDonald, Moore, Newhouse, Wojahn.

Passed to Committee on Rules for second reading.

February 22, 1985

SB 3436 Prime Sponsor, Senator Talmadge: Revising provisions relating to ballot titles. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, McCaslin, Moore, Owen, Thompson.

Passed to Committee on Rules for second reading.

February 22, 1985

SB 3452 Prime Sponsor, Senator Talmadge: Establishing procedures for testimony of children in sexual offense cases. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3452 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Hayner, McCaslin, Metcalf, Newhouse, Owen, Pullen, Thompson.

Passed to Committee on Rules for second reading.

February 22, 1985

SB 3482 Prime Sponsor, Senator Wojahn: Revising the enforcement of child support obligations. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3482 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Hayner, McCaslin, Moore, Newhouse, Owen, Thompson.

Passed to Committee on Rules for second reading.

February 25, 1985

SB 3539 Prime Sponsor, Senator Goltz: Establishing a deaf-blind service center. Reported by Committee on Rules

MAJORITY recommendation: That Substitute Senate Bill No. 3539 be substituted therefor, and the substitute bill do pass, as recommended by the Committee on Human Services and Corrections, and be referred to the Committee on Ways and Means. Signed by John A. Cherberg, Chairman; Senators Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Goltz, Hayner, McDonald, Metcalf, Rasmussen, Sellar, Vognild, Wojahn, Zimmerman.

Referred to Committee on Ways and Means.

February 25, 1985

SB 3570 Prime Sponsor, Senator Gaspard: Continuing the National Guard educational assistance program. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Johnson, McManus, Patterson, Saling, Stratton, Warnke.

Passed to Committee on Rules for second reading.

February 22, 1985

SB 3846 Prime Sponsor, Senator Gaspard: Changing certain requirements regarding public schools' in-service training needs assessments. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Benitz, Craswell, Fleming, Kiskaddon, McDermott, McManus, Patterson, Saling, Stratton, Warnke.

Passed to Committee on Rules for second reading.

February 22, 1985

SB 4105 Prime Sponsor, Senator Newhouse: Relating to mental health commitment. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 4105 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Hayner, McCaslin, Newhouse, Owen, Pullen, Thompson.

Passed to Committee on Rules for second reading.

February 22, 1985

SB 4127 Prime Sponsor, Senator Wojahn: Revising provisions relating to alcoholic beverage licenses. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Vognilid, Vice Chairman; Cantu, Halsan, Lee, Newhouse, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 25, 1985

SB 4140 Prime Sponsor, Senator Gaspard: Revising high school graduation requirements. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Vice Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Guess, Johnson, Kiskaddon, McManus, Patterson, Saling, Stratton, Warnke.

Passed to Committee on Rules for second reading.

February 22, 1985

SB 4142 Prime Sponsor, Senator Gaspard: Revising laws regulating the organization of school districts. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Fleming, McDermott, McManus, Patterson, Saling, Stratton, Warnke.

Passed to Committee on Rules for second reading.

February 25, 1985

SB 4169 Prime Sponsor, Senator McDermott: Extending the Thomas Burke Memorial Washington State Museum of the University of Washington. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Johnson, McManus, Patterson, Saling, Stratton, Warnke.

Passed to Committee on Rules for second reading.

February 22, 1985

SB 4181 Prime Sponsor, Senator Gaspard: Providing funds for an in-service program on academic efficiency and classroom management. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 4181 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Benitz, Craswell, Fleming, Kiskaddon, McDermott, McManus, Patterson, Saling, Stratton, Warnke.

Passed to Committee on Rules for second reading.

February 22, 1985

SB 4211 Prime Sponsor, Senator Warnke: Establishing the legislative committee on economic development. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 4211 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Cantu, Lee, McDonald, Moore, Newhouse, Wojahn.

Passed to Committee on Rules for second reading.

February 22, 1985

SCR 114 Prime Sponsor, Senator Warnke: Establishing the joint select committee on industrial insurance. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Lee, McDonald, Moore, Newhouse, Wojahn.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

February 25, 1985

Mr. President:

The Speaker has signed:

SENATE CONCURRENT RESOLUTION NO. 109, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

At 11:55 a.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Wednesday, February 27, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

FORTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 27, 1985

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 Craswell and McManus.

The Sergeant at Arms Color Guard consisting of Pages Cari Crabtree and Todd Newman, presented the Colors. Reverend Dwight Whipple, senior pastor of the Westminster Presbyterian Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 26, 1985

SB 3323 Prime Sponsor, Senator Wojahn: Revising provisions relating to child support orders. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Moore, Newhouse, Thompson, Williams.

Passed to Committee on Rules for second reading.

February 25, 1985

SB 3494 Prime Sponsor, Senator Gaspard: Authorizing the conduct of turkey shoots. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, McDonald, Moore, Newhouse, Wojahn.

Passed to Committee on Rules for second reading.

February 25, 1985

SB 3538 Prime Sponsor, Senator Warnke: Providing for the nontransferability between school districts of classified employees' seniority. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Benitz, Craswell, Fleming, Goltz, Guess, Johnson, Kiskaddon, McManus, Patterson, Saling, Stratton, Warnke.

Passed to Committee on Rules for second reading.

February 25, 1985

SB 3625 Prime Sponsor, Senator Kreidler: Changing provisions relating to fire protection district annexation. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, McCaslin, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

February 26, 1985

SB 3696 Prime Sponsor, Senator Warnke: Relating to economic development. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 3696 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Lee, McDonald, Moore, Newhouse.

Passed to Committee on Rules for second reading.

February 25, 1985

SB 3776 Prime Sponsor, Senator Thompson: Authorizing the continued existence of the state arts commission and restructuring the commission. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 3776 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

February 21, 1985

SB 3795 Prime Sponsor, Senator Granlund: Reducing splash and spray from heavy commercial vehicles. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 3795 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Bender, DeJarnatt, Granlund, Johnson, Metcalf, Patterson, Vognild.

Passed to Committee on Rules for second reading.

February 25, 1985

SB 3842 Prime Sponsor, Senator DeJarnatt: Removing A/B lines in Legislative Districts 19 and 39. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 3842 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, Saling.

MINORITY recommendation: That the bill not be substituted. Signed by Senator Zimmerman.

Passed to Committee on Rules for second reading.

February 26, 1985

SB 3852 Prime Sponsor, Senator Wojahn: Modifying the joint legislative committee on child support. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Deccio, Johnson, Kiskaddon, Peterson, Stratton.

Passed to Committee on Rules for second reading.

February 25, 1985

SB 3854 Prime Sponsor, Senator Rinehart: Permitting ongoing absentee voters. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, McCaslin, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

February 26, 1985

SB 4266 Prime Sponsor, Senator Williams: Modifying provisions on the energy facility site evaluation council. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Benitz, Halsan, Kiskaddon, Kreidler.

Passed to Committee on Rules for second reading.

February 25, 1985

SJM 119 Prime Sponsor, Senator Zimmerman: Asking Congress to appropriate funds for locking facility at Bonneville Dam. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, McCaslin, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

February 26, 1985

SJM 125 Prime Sponsor, Senator Granlund: Requesting Congress to enact legislation to provide for the continued production of DTP vaccine. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Deccio, Johnson, Peterson, Stratton.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

February 26, 1985

GA 8 RICHARD A. VIRANT, to the position of Director of the Department of General Administration, appointed by the Governor on January 16, 1985, for the term ending at the Governor's pleasure, succeeding Keith A. Angier. Reported by Committee on Governmental Operations

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Thompson, Chairman; DeJarnatt, Garrett, Granlund, McCaslin, Saling, Zimmerman.

Passed to Committee on Rules.

February 26, 1985

GA 66 HUGH FOWLER, to the position of Director of the Department of Emergency Management, appointed by the Governor on January 28, 1985, for the term ending at the Governor's pleasure, succeeding himself. Reported by Committee on Governmental Operations

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Thompson, Chairman; Bailey, DeJarnatt, Garrett, Granlund, McCaslin, Saling, Zimmerman.

Passed to Committee on Rules.

There being no objection, the President Pro Tempore advanced the Senate to the sixth order of business.

SECOND READING

SENATE BILL NO. 3438, by Senators Williams, Benitz, McCaslin, Bailey, Saling and Stratton (by Washington State Energy Office request)

Extending the governors powers to declare energy emergencies.

MOTIONS

On motion of Senator Williams, Substitute Senate Bill No. 3438 was substituted for Senate Bill No. 3438 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Williams, the rules were suspended, Substitute Senate Bill No. 3438 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 Substitute Senate Bill No. 3438.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3438 and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; absent, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senators Pullen, Rasmussen - 2.

Absent: Senators Benitz, Craswell, McManus - 3.

SUBSTITUTE SENATE BILL NO. 3438, having received the 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 Pro Tempore, with the assistance of Senator Marcus Gaspard, introduced former Senator Reuben Knoblauch who was seated with him on the Senate Rostrum.

With permission of the Senate, business was suspended to permit Senator Knoblauch to address the Senate.

SECOND READING

SENATE BILL NO. 3093, by Senators Talmadge, Newhouse, Halsan, McCaslin, Hayner and Metcalf

Revising provisions relating to theft.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 3093 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 Senate Bill No. 3093.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3093 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 49.

SENATE BILL NO. 3093, having received the 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. 3273 and the pending motion by Senator Talmadge to advance the bill to third reading, deferred February 20, 1985.

MOTIONS

On motion of Senator Talmadge, and there being no objection, the motion to advance the bill to third reading was withdrawn.

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

On page 3, line 9, strike all of subsection (7) and renumber the remaining subsections accordingly.

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 3273 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3273.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3273 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; absent, 1.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Boltiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senator Pullen - 1.

Absent: Senator Bauer - 1.

ENGROSSED SENATE BILL NO. 3273, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Bill No. 3206 and the pending amendments by Senator Guess on page 1, lines 10 and 19, and on page 2, lines 5 and 11, deferred February 18, 1985.

MOTION

On motion of Senator Guess, and there being no objection, the amendments were withdrawn.

MOTION

Senator Moore moved that the following amendments be considered simultaneously and adopted:

On page 1, beginning on line 10, after "than" strike "one hundred twenty degrees Fahrenheit (or forty-nine degrees Celsius)" and insert "~~((one hundred twenty degrees Fahrenheit (or forty-nine degrees Celsius)))~~ one hundred thirty degrees Fahrenheit (or 54.4 degrees Celsius)"

On page 1, beginning on line 19, after "than" strike "one hundred twenty degrees Fahrenheit (or forty-nine degrees Celsius)" and insert "~~((one hundred twenty degrees Fahrenheit (or forty-nine degrees Celsius)))~~ one hundred thirty degrees Fahrenheit (or 54.4 degrees Celsius)"

POINT OF ORDER

Senator Williams: "Mr. President, a point of order. I'd like to raise the question of scope and object on the amendment. The bill, itself, has a title which refers to multi-unit residences and limits the bill to that. The content of the bill was designed to relieve multi-unit residences with central heating systems or central water systems from compliance with the act. The previous amendment--and even this amendment--both deal with a change in the temperature of the original act which then flows to individual hot water tanks which are in, not only multi-unit residences, but in single family residences, as well.

"I have a certain sympathy, I guess, with the discussion that might occur over changing of the temperature, but I think it ought to occur in the context of the committee hearing and I think the present amendment--to change the over-all temperature in the statute goes beyond the scope and object of the bill."

MOTION

On motion of Senator Vognilid, further consideration of Senate Bill No. 3206 was deferred.

SECOND READING

HOUSE JOINT RESOLUTION NO. 12, by Representatives Peery, R. King, Wang, Walker, C. Smith, Patrick, Chandler, Ebersole, Valle, McMullen, O'Brien, Belcher, Lux, Ballard, B. Williams, Hargrove, K. Wilson, Long, Haugen, Unsoeld, Hine, Sutherland, Bristow and Day (by Joint Select Committee on Workers' Compensation request)

Permitting investment of industrial insurance trust funds.

The resolution was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, House Joint Resolution No. 12 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

POINT OF INQUIRY

Senator Deccio: "Senator Warnke, what investments are the industrial insurance trust funds limited to now?"

Senator Warnke: "I believe they're limited, now, to non-debt investments."

Further debate ensued.

POINT OF INQUIRY

Senator Newhouse: "Senator Vognild, this is a very important bill and the wording of the constitutional amendment refers to an industrial insurance trust fund—the department has several funds. Is it your understanding that this would allow the investment of all of the several funds of the industrial insurance, including medical aid supplement and all that?"

Senator Vognild: "Yes, Senator Newhouse, I have checked with our staff attorneys and we have checked, also, with the department. They feel that language is broad. It will accomplish what we intend to accomplish and that is the total funds reserved—that are held by the department—can be invested."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of House Joint Resolution No. 12.

ROLL CALL

The Secretary called the roll on final passage of House Joint Resolution No. 12 and the resolution passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Voting nay: Senator Pullen - 1.

HOUSE JOINT RESOLUTION NO. 12, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 3576, by Senators Hansen, Barr, Goltz and Newhouse

Revising provisions relating to the Lake Osoyoos water project.

The bill was read the second time.

MOTION

On motion of Senator Hansen, the rules were suspended, Senate Bill No. 3576 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator McDermott: "Senator Barr, as I read this bill, section 2—it says it is the intent of the legislature in enacting RCW 43.21A.450 that total capital costs for said project be shared equally by Washington State and British Columbia. The stricken language is annual operation and maintenance costs which leaves me with the implication that the state is responsible for the operation of this dam. Did I understand your speech correctly that the state will not be responsible, but the irrigation district will be responsible for the operation of this dam?"

Senator Barr: "Thank you for letting me clarify that, Senator McDermott. You read the language correctly and the language does say the state will be responsible for it, but what I was saying was that if there are costs—and I anticipate that there will be very little cost—they will be responsible for the costs. In essence, there

will be very little or no costs for operation, because the irrigation district, in talking with them just a couple of days ago, told me they have always looked after it and they will keep an eye on it and probably the department won't be putting much money into it, if any."

Senator McDermott: "Can you tell me the cost of the dam itself?"

Senator Barr: "I think we put in three million dollars, if my memory doesn't fail me, and I think the Canadians are putting in--I believe--it's a little more than that for their half. I believe three million four hundred thousand, or something like that."

Senator McDermott: Is that three million dollars in the capital budget or is it out of the existing--?"

Senator Barr: "It was out of Referendum 39, I believe. I can't remember--37, 38, or 39 referendum monies that we authorized for that purpose. I believe it was Referendum 39--well don't trust my memory of which referendum--38, I guess it was."

Further debate ensued.

MOTION

On motion of Senator Bottiger, further consideration of Senate Bill No. 3576 was deferred.

SECOND READING

SENATE BILL NO. 3189, by Senators Thompson, Granlund, Kreidler, McManus, DeJarnatt, Garrett and Vognild

Allowing payroll deductions for political action committees of public employee organizations.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the following Committee on Governmental Operations amendment was adopted:

On page 2, line 17, after "committees" strike all matter down through "government" on line 19 and insert "duly registered with the public disclosure commission and/or the federal election commission"

MOTION

Senator Zimmerman moved that the following amendment by Senators Zimmerman and Bailey be adopted:

On page 2, line 19, after "government" and before the period insert "PROVIDED, That contributions from any employee organization shall not be accepted or deposited in a campaign depository unless the employee organization or association files an affidavit with the campaign treasurer and the Public Disclosure Commission stating that all contributions from the individual members of the organization or association were voluntarily made in support of the said candidate or issue"

POINT OF INQUIRY

Senator Thompson: "Senator Zimmerman, I was unprepared for this amendment and I'm a little confused as to its purpose. Would it be necessary, under the language of this amendment, to alter the affidavit from election to election and from issue to issue?"

Senator Zimmerman: "It would be my assumption that each election, each candidate, each issue, would need a separate requirement--yes."

Further debate ensued.

Senator Deccio 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 Zimmerman and Bailey.

ROLL CALL

The Secretary called the roll and the motion by Senator Zimmerman failed and the amendment was not adopted by the following vote: Yeas, 21; nays, 28.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Saling, Sellar, von Reichbauer, Zimmerman - 21.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 28.

MOTION

Senator Zimmerman moved that the following amendment by Senators Zimmerman and Bailey be adopted:

On page 2, line 35, insert the following:

"NEW SECTION, Sec. 2. This act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof."

Debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Thompson, exactly, mechanically how would this money be deducted from the employee's payroll check?"

Senator Thompson: "In the same way that it is presently, Senator Deccio."

Senator Deccio: "Excuse me, Senator Thompson, I don't know how that's done either. I guess I want to know--"

Senator Thompson: "If the payroll deduction has permission or instruction to do so--has to be submitted in writing and signed by the employee and its accomplished by the data processing means that check the process."

Senator Deccio: "Well, then the deduction is made from the department that issues those checks. If that's the case, then there's no fiscal note attached to this bill? I'm sure there is some cost to the state."

Senator Thompson: "We've had an estimate, Senator Deccio, from OFM that it would cost in the range of sixteen thousand dollars and we also had a verbal message from them that it would probably cost more to produce a refined fiscal note than it would to carry out the purpose of the act."

Senator Deccio: "You aren't answering my question. There is no fiscal note attached to the bill?"

Senator Thompson: "It will cost, they estimate, around sixteen thousand dollars. To produce a refined fiscal note would cost more, they say, than the cost of the bill."

Senator Deccio: "I never heard that before, but I think here's a case where the taxpayers are going to pay the cost, whether it's a dollar or whether it's sixteen thousand dollars or a hundred and fifty thousand dollars. I can't imagine it's going to cost that little to deal with payroll deductions from twenty-five thousand employees. I think that that is a fictional fiscal note. We aren't really being told because nobody has told this body how much it's going to cost. Nevertheless, the taxpayers of the state of Washington are going to foot this bill to allow this deduction by the state employees unions to put this money into their coffers to be used for campaign funds. I think that should be noted."

Further debate ensued.

Senators Bottiger, Talmadge and Peterson demanded the previous question and the demand was sustained.

Senator Zimmerman 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 Zimmerman and Bailey.

ROLL CALL

The Secretary called the roll and the motion by Senator Zimmerman failed and the amendment was not adopted by the following vote: Yeas, 21; nays, 28.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Saling, Sellar, von Reichbauer, Zimmerman - 21.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 28.

MOTION

Senator Metcalf moved that the following amendment by Senators Metcalf, McDonald and Sellar be adopted:

On page 2, line 17, after "deductions" insert ", if authorized annually in writing by the employee."

Debate ensued.

POINT OF INQUIRY

Senator Pullen: "Senator Thompson, you spoke to the issue of making annual authorizations, but you didn't speak to whether the authorization should be in writing. It would seem logical that such an authorization should be in writing and signed by the employee. I assume that many other deductions, at the present time, are made in writing and are signed by the employee, but I really don't see that spelled out in the bill even with regard to deductions other than political action committee deductions. It would seem to me that it would be appropriate to put somewhere in the bill--perhaps in the language that prefaces all these subsections--the fact that deductions should be in writing. That only makes common sense that the deductions should be in writing and it should be signed by the employee. You didn't speak to that issue and I just wondered if you had any objection to getting some language in the bill that would specify that the deductions should be in writing and signed by the employee?"

Senator Thompson: "Thank you, Senator Pullen. Responding to your question, the payroll divisions of any state agency are prohibited from making any payroll deduction without the written or signed authorization of the employee requesting it. That's a part of general law and affects deductions for the credit union, parking fees, savings bonds, or board, lodging or uniforms, professional contributions, medical care, life insurance and all such other payroll deductions. They must be authorized in writing, as this would be, also. You could not just simply call up the payroll department and say 'start taking some money out of my payroll.' It just wouldn't work that way. It would be illegal and contrary to law."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senators Metcalf, McDonald and Sellar.

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

MOTION

Senator Deccio moved that the following amendment by Senators Deccio, Zimmerman and Sellar be adopted:

On page 2, line 17, after "commission" insert "provided the employee designate the political party or candidate of his choice"

Debate ensued.

Senator Deccio 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 Deccio, Zimmerman and Sellar.

ROLL CALL

The Secretary called the roll and the motion by Senator Deccio failed and the amendment was not adopted by the following vote: Yeas, 21; nays, 28.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Saling, Sellar, von Reichbauer, Zimmerman - 21.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 28.

MOTION

On motion of Senator Thompson, the rules were suspended, Engrossed Senate Bill No. 3189 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 Thompson, I just wanted to clarify for the record the comment you made earlier in the debate concerning the National Rifle Association and the Audubon Society. As I understand the bill, as it is now before us, and with the adoption of the committee amendment, a voluntary political action committee could be established and they could raise funds by the check-off method with those political action committees supporting special areas of interest, such as opposition to gun control, support of gun control, or opposition to abortion or support of abortion and candidates or issues that would deal with abortion or gun control. Is that correct?"

Senator Thompson: "That's the clear intent of this bill and I'm pleased that it is. It's a wide open provision for that kind of political activity."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3189.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3189 and the bill passed the Senate by the following vote: Yeas, 28; nays, 21.

Voting yea: Senators Bauer, Bender, Boltiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 28.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Saling, Sellar, von Reichbauer, Zimmerman - 21.

ENGROSSED SENATE BILL NO. 3189, having received the 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 first order of business.

REPORTS OF STANDING COMMITTEES

February 26, 1985

SB 3175 Prime Sponsor, Senator Granlund: Regulating removal and possession of commercial quantities of shellfish. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 3175, as recommended by Committee on Human Services and Corrections, be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; Stratton, Vice Chairman; Halsan, Lee, Metcalf, Rasmussen.

Passed to Committee on Rules for second reading.

February 25, 1985

SB 3405 Prime Sponsor, Senator Moore: Establishing the mental sports competition and research commission. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Deccio, McDermott, Vognild, Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1984

SB 3784 Prime Sponsor, Senator Gaspard: Changing certain provisions relating to school plant facilities. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, McDermott, Patterson, Stratton.

Passed to Committee on Rules for second reading.

February 26, 1985

SB 3794 Prime Sponsor, Senator Granlund: Permitting schools or institutions of higher education to purchase certain public lands. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Bender, Benitz, Craswell, Fleming, Goltz, Kiskaddon, McDermott, Patterson, Saling, Stratton.

Passed to Committee on Rules for second reading.

February 25, 1985

SB 4234 Prime Sponsor, Senator Conner: Extending certain tax exemptions for ride-sharing vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Bender, Conner, DeJarnatt, Garrett, Granlund, Guess, Johnson, Patterson, Sellar, Vognild.

Passed to Committee on Rules for second reading.

February 26, 1985

SB 4308 Prime Sponsor, Senator Kreidler: Transferring certain responsibilities from the department of social and health services to the department of ecology. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 4308 be substituted therefor, and the substitute bill do pass. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Cantu, Kiskaddon, Williams.

Passed to Committee on Rules for second reading.

MOTION

At 11:58 a.m., on motion of Senator Vognild, the Senate adjourned until 11:45 a.m., Thursday, February 28, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

FORTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, February 28, 1985

The Senate was called to order at 11:45 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Shannon Rasmussen and Anna Ovalle, presented the Colors. Reverend Dwight Whipple, senior pastor of the Westminster Presbyterian Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 25, 1985

SB 3137 Prime Sponsor, Senator Guess: Requiring airport bus service in certain public transportation benefit areas. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 3137 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Conner, Garrett, Guess, Johnson, Patterson, Sellar, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

February 26, 1985

SB 3248 Prime Sponsor, Senator Bailey: Requiring children to receive education on the prevention of sexual abuse. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 3248 be substituted therefor, and the substitute do pass and be referred to Committee on Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Benitz, Fleming, Goltz, Johnson, Kiskaddon, McDermott, Patterson, Saling, Stratton.

Referred to Committee on Ways and Means.

February 26, 1985

SB 3255 Prime Sponsor, Senator Moore: Regulating contracts with sales representatives. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 3255 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Lee, McDonald, Moore, Newhouse, Wojahn.

Passed to Committee on Rules for second reading.

February 25, 1985

SB 3275 Prime Sponsor, Senator Bauer: Allowing advertised prices to include sales tax. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 3275 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, Lee, Moore, Newhouse, Wojahn.

Passed to Committee on Rules for second reading.

February 25, 1985

SB 3596 Prime Sponsor, Senator Granlund: Changing provisions relating to the state criminal justice information system. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Cantu, Craswell, Goltz, Hayner, Lee, McDonald, Moore, Rinehart, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

February 27, 1985

SB 3717 Prime Sponsor, Senator McDermott: Relating to retirement systems. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 3717 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Bottiger, Cantu, Craswell, Deccio, Fleming, Goltz, Hayner, Lee, Moore, Rasmussen, Rinehart, Talmadge, Thompson, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 26, 1985

SB 3783 Prime Sponsor, Senator Gaspard: Eliminating certain obsolete provisions from Title 28A RCW. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, Kiskaddon, McDermott, Patterson, Stratton.

Passed to Committee on Rules for second reading.

February 27, 1985

SB 3851 Prime Sponsor, Senator Wojahn: Allowing security and law enforcement officers, and fire fighters over eighteen upon licensed premises. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Cantu, Halsan, Lee, McDonald, Moore, Newhouse, Williams, Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1985

SB 3897 Prime Sponsor, Senator Bender: Establishing new reporting requirements for property and casualty insurers. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 3897 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, McDermott, Vognild, Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1985

SB 3916 Prime Sponsor, Senator Bottiger: Requiring health care services contractors to issue check directly to health care providers upon direction of the subscriber. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 3916 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Deccio, Newhouse, Sellar, Vognild.

Passed to Committee on Rules for second reading.

February 26, 1985

SB 4263 Prime Sponsor, Senator Warnke: Providing for the enforcement of the wholesale distributor/supplier equity agreement act. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 4263 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Lee, Moore, Newhouse, Wojahn.

Passed to Committee on Rules for second reading.

February 26, 1985

SB 4281 Prime Sponsor, Senator Hayner: Prohibiting vehicles from leaking hazardous liquids. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 4281 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Barr, Bender, DeJarnatt, Garrett, Granlund, Guess, Johnson, Patterson, Sellar, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

February 26, 1985

SB 4424 Prime Sponsor, Senator Hansen: Relating to water rights. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 4424 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Bailey, Barr, Bauer, Benitz, Bottiger, Gaspard, Newhouse.

Passed to Committee on Rules for second reading.

February 27, 1985

SCR 115 Prime Sponsor, Senator Warnke: Establishing the joint select committee on international trade, tourism, and investment. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, McDonald, Moore, Newhouse, Williams, Wojahn.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

February 27, 1985

Mr. President:

The House has passed:

HOUSE BILL NO. 310, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

February 27, 1985

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 15,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 32,

HOUSE BILL NO. 43,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 62,

SUBSTITUTE HOUSE BILL NO. 68,

SUBSTITUTE HOUSE BILL NO. 114,

HOUSE BILL NO. 156,

HOUSE BILL NO. 213,

SUBSTITUTE HOUSE BILL NO. 274,

SUBSTITUTE HOUSE BILL NO. 279,

SUBSTITUTE HOUSE BILL NO. 490, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 15 by Committee on Local Government (originally sponsored by Representatives Fisch, Winsley, Wang, Gallagher, Hankins, Belcher, Allen, Isaacson and Sayan)

Modifying provisions relating to security for the payment of the prevailing wages under public works contracts.

Referred to Committee on Governmental Operations.

ESHB 32 by Committee on Commerce and Labor (originally sponsored by Representatives R. King, Fisch, Miller, Wang, Winsley, Allen, Fisher, O'Brien, P. King, Sayan, Basich, McMullen, Lux, Brekke and Rayburn)

Providing collective bargaining for institutions of higher education.

Referred to Committee on Commerce and Labor.

HB 43 by Representatives Lux, Winsley, Zellinsky and Prince

Requiring insurers to file their annual statement convention blank.

Referred to Committee on Financial Institutions.

SHB 68 by Committee on Social and Health Services (originally sponsored by Representatives Dellwo, Padden, Day, Taylor, Scott, Brekke, Braddock, Silver, Barrett, Belcher, West and Isaacson)

Providing additional requirements for the storage and cremation of human remains.

Referred to Committee on Human Services and Corrections.

SHB 114 by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Fisch, Schoon, Gallagher, Long, J. Williams, Winsley, P. King, Tanner, Isaacson, Van Dyke, Dobbs, May, Fisher and Silver)

Prohibiting alteration and use of official election materials in political campaigns.

Referred to Committee on Judiciary.

HB 156 by Representatives Winsley, Dellwo, Schoon, May, Holland and Wang (by Department of Licensing request)

Revising provisions relating to driver's financial responsibility.

Referred to Committee on Financial Institutions.

HB 213 by Representatives Haugen, Smitherman, O'Brien and Isaacson

Modifying port commissioners' insurance.

Referred to Committee on Governmental Operations.

SHB 274 by Committee on Natural Resources (originally sponsored by Representatives Sanders, Leonard, J. Williams, Cole, Fuhrman, Dobbs, Lundquist, Sutherland and Isaacson)

Revising the requirements of a conservation license.

Referred to Committee on Natural Resources.

SHB 279 by Committee on Local Government (originally sponsored by Representatives Haugen, S. Wilson, Ballard, Fisch, Isaacson, Leonard and Day)

Extending confidentiality privilege to cover meetings of public hospital commissions when discussing specified status of health care providers.

Referred to Committee on Human Services and Corrections.

HB 310 by Representatives Fisch, Dellwo, Day, Gallagher, Wang, Patrick and Lewis

Permitting wagering under certain circumstances.

Referred to Committee on Commerce and Labor.

SHB 490 by Committee on Transportation (originally sponsored by Representatives Walk, Schmidt, Van Luven, Wineberry, Gallagher and J. Williams) (by Governor Gardner request)

Adopting the supplemental transportation budget.

Referred to Committee on Transportation.

MOTION

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

MOTION

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

SENATE RESOLUTION 1985-16

by Senators Kreidler and Halsan

WHEREAS, The Olympia High School Bears won the 1984 State Class AA Football Championship; and

WHEREAS, This is the first official state football championship won by the Bears in the twelve year history of the WIAA playoffs; and

WHEREAS, The seniors of this Olympia High School football team, as a group, have compiled an amazing record of 37 wins and two losses (both by one point) during their four years at Olympia High School; and

WHEREAS, These Olympia High School Bears have learned the importance of working together toward a common goal through unselfish individual and team efforts; and

WHEREAS, These young students have combined excellence in athletics with impressive individual scholarship; and

WHEREAS, Bob Dunn, the head football coach at Olympia High School, has shown unusual coaching ability by compiling a cumulative eighteen-year record of 119 wins, 57 losses and 1 tie (.676), including 48 wins and 7 losses (.872) during the past five seasons; and

WHEREAS, Coach Dunn has achieved this level of excellence, having acquired much of his knowledge of the sport of football as a player at the University of Washington, under the tutelage of Coach "Cowboy Johnny Cherberg";

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate, That the Olympia High School Bears, their coaches, and community supporters be commended on their successful accomplishments; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate shall transmit copies of this resolution to Head Coach Bob Dunn and the members of the Olympia High School football team.

INTRODUCTION OF SPECIAL GUESTS

The President introduced Olympia High School School Head Football Coach Bob Dunn who was seated with him on the rostrum.

With permission of the Senate, business was suspended to permit Coach Dunn to address the Senate and to introduce the members of his staff.

The President introduced and congratulated the members of the 1984 Olympia High School State Class AA Football team who were seated in the gallery.

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

REPORT OF STANDING COMMITTEE

February 27, 1985

SJM 128 Prime Sponsor, Senator Bottiger: Requesting the United States custom service to retain one headquarters for all west coast ports. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Barr, Bender, Conner, DeJarnatt, Garrett, Granlund, Guess, Patterson, Vognilid, von Reichbauer.

Hold.

MOTION

On motion of Senator Bottiger, the rules were suspended. Senate Joint Memorial No. 128 was advanced to second reading and placed on the second reading calendar.

MOTIONS

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, the Committee on Governmental Operations was relieved of further consideration of Senate Bill No. 4309, Senate Bill No. 4310, Senate Bill No. 4311 and Senate Bill No. 4147.

On motion of Senator Vognild, Senate Bill No. 4309, Senate Bill No. 4310, Senate Bill No. 4311 and Senate Bill No. 4147 were referred to the Committee on Ways and Means.

POINT OF INQUIRY

Senator Lee: "Senator Vognild, didn't we just last week or the week before move those out of Ways and Means to Governmental Operations--some of those? I just wonder why, now, they wanted them back when we thought they should have stayed where they were?"

Senator Vognild: "Senator Lee, these bills were referred to a committee for a public hearing on the content of the bill, which is our normal operation here. They have appropriations and, therefore, with the approval of the subcommittee on business, having the public hearings, they were then referred to Ways and Means in what is, I believe, our normal operation."

Senator Lee: "Well, usually we have a committee report that refers them to a committee. I just wondered why we were using this extraordinary procedure?"

Senator Vognild: "We were trying to save some time."

Senator Lee: "Mr. President, I'm not voicing an objection, but I am pointing out that this kind of procedure is taking place and that we will be watching this kind of thing, because we do have rules and that's what they're for."

Senator Vognild: "I might point out to Senator Lee that I have not moved a single bill on this floor that was not approved by your leadership."

MOTION

At 12:12 p.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Friday, March 1, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

FORTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, March 1, 1985

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Linsey Collins and Paul Nylund, presented the Colors. Reverend Dwight Neufeld, senior pastor of the Westminster Presbyterian Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 26, 1985

SB 3252 Prime Sponsor, Senator Owen: Revising procedures for family conciliation courts. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3252 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Metcalf, Moore, Owen, Thompson.

Passed to Committee on Rules for second reading.

February 27, 1985

SB 3298 Prime Sponsor, Senator Hansen: Modifying notice requirements for changes in water flows or levels in public waters. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Bailey, Barr, Bauer, Benitz, Gaspard, Newhouse.

Passed to Committee on Rules for second reading.

February 28, 1985

SB 3449 Prime Sponsor, Senator Talmadge: Enacting a state preemption of fire-arms regulation. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Hayner, McCaslin, Moore, Newhouse, Pullen, Thompson.

Passed to Committee on Rules for second reading.

February 28, 1985

SB 3486 Prime Sponsor, Senator DeJarnatt: Limiting the area in which a county may impose a tax on gambling. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Lee, Newhouse, Wojahn.

Passed to Committee on Rules for second reading.

February 28, 1985

SB 3813 Prime Sponsor, Senator Vognild: Revising provisions relating to the small business development center. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended and refer to Committee on Ways and Means. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Lee, McDonald, Wojahn.

Referred to Committee on Ways and Means.

February 28, 1985

SB 4291 Prime Sponsor, Senator Lee: Authorizing a plan to promote small businesses in certain areas of the state. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Lee, McDonald, Wojahn.

Passed to Committee on Rules for second reading.

February 27, 1985

SJM 121 Prime Sponsor, Senator Bauer: Urging Congress to amend federal law to assist farm banks. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Joint Memorial No. 121 be substituted therefor, and the substitute joint memorial do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Bailey, Barr, Bauer, Benitz, Gaspard, Newhouse.

Passed to Committee on Rules for second reading.

INTRODUCTION OF SPECIAL GUESTS

The President, with the assistance of Senator Brad Owen, introduced Mrs. Laurel Willis, the mother of Senator Owen and Francis Willard Hillard, his eighty-seven year old grandfather.

With permission of the Senate, business was suspended to permit Francis Hillard to address the Senate.

The President of the Senate presented a Distinguished Citizen Certificate to Mr. Hillard.

INTRODUCTION AND FIRST READING OF HOUSE BILL

ESHB 62 by Committee on Environmental Affairs (originally sponsored by Representatives Valle, Allen, Rust, Patrick, Sommers, Isaacson, Haugen, Silver, Lux, Nealey, D. Nelson, Lewis, Leonard, Holland, Appelwick, Ebersole, Brekke, Sanders, Jacobsen, Bond, Unsoeld, Braddock, R. King, Wineberry, Todd, Chandler, Dellwo, Locke, Grimm, Brough, Van Luven, Betrozoff, Long, Dobbs and Tanner)

Prohibiting smoking in certain public places.

Referred to Committee on Commerce and Labor.

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

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Thompson, the appointment of Randy Fisher as Director of the Department of Veterans Affairs was confirmed.

CONFIRMATION OF RANDY FISHER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Guess - 1.

MOTION

On motion of Senator Warnke, the appointment of John C. Anderson as Director of the Department of Commerce and Economic Development was confirmed.

CONFIRMATION OF JOHN C. ANDERSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; absent, 1.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalif, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Guess - 1.

SECOND READING

SENATE BILL NO. 3400, by Senators Owen, Patterson and Stratton

Changing provisions relating to state mineral, oil and gas leases.

The bill was read the second time.

MOTIONS

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

On page 3, line 6, after "plan" strike "approved by" and insert "to which"

On page 3, line 7, after "commissioner" insert "has consented to participate in under RCW 78.52.450"

On motion of Senator Owen, the rules were suspended, Engrossed Senate Bill No. 3400 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. 3400.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3400 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalif, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 49.

ENGROSSED SENATE BILL NO. 3400, having received the 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. 3206 and the pending amendments by Senator Moore on page 1, beginning on line 10, and on page 1, beginning on line 19, deferred February 27, 1985.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Williams, the President finds that Senate Bill No. 3206 is a single purpose measure exempting multiple-unit residences supplied by central water heater systems from existing water heater temperature regulations.

"The amendments proposed by Senator Moore alter the existing water heater temperature regulation for single unit residences by raising the minimum setting for water heaters.

"The President, therefore, finds that the proposed amendments do change the scope and object of the bill and that the point of order is well taken."

The amendments were ruled out of order.

MOTION

On motion of Senator Williams, the rules were suspended, Senate Bill No. 3206 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. 3206.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3206 and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; absent, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senators Conner, Deccio - 2.

Absent: Senator McCaslin - 1.

SENATE BILL NO. 3206, having received the constitutional 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 10:31 a.m., on motion of Senator Vognilid, the Senate recessed until 10:50 a.m.

SECOND MORNING SESSION

The Senate was called to order at 11:02 a.m. by President Cherberg.

SECOND READING

SENATE BILL NO. 3007, by Senators Bauer, Zimmerman and Thompson

Specifying motor vehicle licensing exemptions to be declared by the department for vehicles registered in other jurisdictions.

MOTIONS

On motion of Senator Peterson, Substitute Senate Bill No. 3007 was substituted for Senate Bill No. 3007 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Peterson, the rules were suspended, Substitute Senate Bill No. 3007 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Saling: "Senator Bauer, would you explain to me how this bill affects the border between Idaho and Washington?"

Senator Bauer: "I think it would be applicable to Idaho and Washington residents as it would to the Oregon residents. It says 'out of state,' so nonresidents of Washington--we're addressing all nonresidents of Washington--any state in the union would be applicable."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3007.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3007 and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; absent, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Wojahn, Zimmerman - 44.

Voting nay: Senators Garrett, Pullen, Rasmussen - 3.

Absent: Senators Warnke, Williams - 2.

SUBSTITUTE SENATE BILL NO. 3007, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President of the Senate introduced the following members of the Oregon State Legislature, special guests of Senator Alan Thompson, who were seated with him on the rostrum: Representative Bruce Hugo, Chairman of the High School Education Committee; Representative Tom Hanlon, Chairman of the Human Resources Committee; Representative Mike Burton, a member of the Judiciary Committee and Representative John Schoon, a member of the Revenue Committee and brother of Washington Representative Dick Schoon.

With permission of the Senate, business was suspended to permit Representative John Schoon to address the Senate.

SECOND READING

SENATE BILL NO. 3008, by Senators Thompson, Zimmerman and Bauer
Modifying valuation provisions for certain articles for use tax purposes.
The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Senate Bill No. 3008 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 Senate Bill No. 3008.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3008 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; absent, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Zimmerman - 47.

Voting nay: Senator Garrett - 1.

Absent: Senator Williams - 1.

SENATE BILL NO. 3008, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Bottiger: "Senator Thompson has temporarily left the floor, but I've got his attention. I just wanted to mention, Senator Thompson, in your negotiations that you have probably the ultimate threat to make sure that Oregon is reasonable. I've mentioned to you before that we could change the name of the Washington Public Power Supply System to the Oregon Public Power Supply System and there's nothing they could do about it."

SECOND READING

SENATE BILL NO. 3798, by Senators McDermott, Zimmerman, Thompson, Lee, Bender and Talmadge

Providing for the financing of local public works.

MOTION

On motion of Senator McDermott, Substitute Senate Bill No. 3798 was substituted for Senate Bill No. 3798 and the substitute bill was advanced to second reading and read the second time.

MOTION

Senator Pullen moved the following amendment be adopted:
On page 3, line 33, after "Make" strike "low-interest or interest-free"

Debate ensued.

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POINT OF INQUIRY

Senator Barr: "Senator McDermott, speaking to the amendment here, what was the purpose behind the interest free—I was about to suggest an oral amendment to just cross off the interest free part and make it low interest only, so could you explain—?"

Senator McDermott: "In looking at this bill and the work that the Public Works Board did—that's been working the last couple of years—there are a number of areas of this state, for instance, places like Raymond where there is no local ability or there's less local ability because of all the unemployment to even pay back the basic principal. As Senator Deccio said, there are places in this state who need industry—who need to repair the public works—and have very limited ability—they have no ability to pay interest on their loans. We'll be lucky to get the loan back, so it was for that reason we left them the flexibility of having both low interest and no interest loans."

Senator Barr: "Senator McDermott, I assume that it was looked into about lending the state's credit with interest free loans issued. That's of no concern to you?"

Senator McDermott: "It was the opinion of our attorneys that it was not a problem for us to do this."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, on that score, this state has regularly lent and given, by grants, to the units of local government, monies. We share taxes with them. Senator Pullen's argument that the constitution prohibits the lending of the state's credit applies to persons—the individual company or corporation—but clearly does not apply to units of local government."

Further debate ensued.

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

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

MOTION

Senator Talmadge moved the following amendment be adopted:

On page 8, after line 14, insert the following:

"NEW SECTION, Sec. 14. FEASIBILITY STUDY. The department shall study the feasibility of innovative financing and development alternatives, such as joint development or privatization, by which local governments may provide needed public services to users. The study shall be conducted on an expeditious basis, making maximum use of available expertise. The department shall report to the board and the legislature on the study's conclusions and recommendations as soon as practicable. The sum of \$75,000, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1987, from the public works trust fund to the department of community development for the purpose of this study."

Renumber the sections consecutively.

Debate ensued.

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.

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute Senate Bill No. 3798 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Bottiger: "Senator McDermott, Section 7, as I read this—the money would be placed in a public assistance account, but it would be subject to legislative appropriation—public works trust account?"

Senator McDermott: "Yes, and would be subject to appropriation."

Further debate ensued.

POINT OF INQUIRY

Senator Gaspard: "Senator McDermott, in the proposal we have before us, we are changing the tax on sewers from a B & O tax to a utility tax. Is it the intent to

calculate the utility tax on sewage collection in the same manner as it was calculated when it was a B & O tax?"

Senator McDermott: "Yes, the Department of Revenue will do that by regulation."

Further debate ensued.

POINT OF INQUIRY

Senator Barr: "Senator McDermott, There is one point that needs clearing up in my mind before I can vote for this bill and if Senator McDermott would be so kind to--because he specifically said fifty percent costs--maybe he didn't use the word cost-sharing, but I've been looking through this bill and I can't see where this is spelled out in there and I think it's important because of the broadness that Senator Rasmussen mentioned and if this was spelled out as a cost-sharing effort, maybe I could vote for it. You referred to that, but I can't see it in there."

Senator McDermott: "Senator Barr, what I was saying was if there were given out on a fifty fifty match--that is state loan plus money from the local level--and upon a fifty fifty match basis, it would amount to one billion dollars over the next ten years. It is not spelled out in the bill that it has to be done on that basis, because there are some areas of the state--as we talked about earlier--where they are barely able to pay back a loan of a hundred percent of a project, so we wanted to give the flexibility to the Public Works Board to make the best deal they can. All the people on the board have an interest in how that money is spent and will do everything they can to squeeze the most that they can get out of the monies. There's not that much--given the amount that we're talking about."

"In answer to part of what Slim said, of the two billion dollars that was originally decided was unfunded, the Round Table in this state has looked at and they pared it down to one billion dollars necessary in the next five years, some of it in exceedingly economically distressed areas and for that reason we didn't want to put in a requirement. We argued back and forth in the committee last year, actually, and again this year on that issue and we wanted to leave that flexibility."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3798.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3798 and the bill passed the Senate by the following vote: Yeas, 33; nays, 16.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Guess, Hansen, Kiskaddon, Kreidler, Lee, McDermott, McDonald, Moore, Patterson, Peterson, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 33.

Voting nay: Senators Benitz, Cantu, Craswell, Garrett, Granlund, Halsan, Hayner, Johnson, McCaslin, McManus, Metcalf, Newhouse, Owen, Pullen, Rasmussen, Stratton - 16.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3798, having received the 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 third order of business.

MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENT

March 1, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Orin C. Smith appointed to a term effective March 1, 1985, which is co-extensive with the term of the Governor, as Director of the Office of Financial Management.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Ways and Means.

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

REPORTS OF STANDING COMMITTEES

February 28, 1985

SB 3014 Prime Sponsor, Senator Williams: Modifying provisions relating to validity of voter registrations. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3014 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; DeJarnatt, Hayner, Metcalf, Moore, Newhouse, Owen, Pullen, Williams.

Passed to Committee on Rules for second reading.

February 28, 1985

SB 3024 Prime Sponsor, Senator Barr: Changing provisions relating to animals and fences. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 3024 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Barr, Bauer, Bailey, Benitz, Gaspard, Newhouse.

Passed to Committee on Rules for second reading.

February 28, 1985

SB 3083 Prime Sponsor, Senator Warnke: Requiring a description of buildings in inventories of state-owned land. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 3083 be substituted therefor, and the substitute bill do pass and be referred to Ways and Means Committee. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, McCaslin, Rinehart, Saling, and Zimmerman.

Referred to Committee on Ways and Means.

February 26, 1985

SB 3110 Prime Sponsor, Senator Wojahn: Modifying the business and occupation taxation of the income from amusement devices. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 3110 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Cantu, Fleming, Lee, Rasmussen, Talmadge, Thompson, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 28, 1985

SB 3112 Prime Sponsor, Senator Williams: Revising provisions relating to cogeneration facilities. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 3112 be substituted therefor, and the substitute bill do pass. Signed by Senators Williams, Chairman; Bailey, Benitz, Halsan, Kreidler, McCaslin, Owen, Stratton.

Passed to Committee on Rules for second reading.

February 28, 1985

SB 3290 Prime Sponsor, Senator Fleming: Revising provisions relating to the use of deadly force. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3290 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Moore, Thompson, Williams.

MINORITY recommendation: That the bill not be substituted. Signed by Senators Hayner, McCaslin, Metcalf, Owen, Pullen.

Passed to Committee on Rules for second reading.

February 28, 1985

SB 3339 Prime Sponsor, Senator Thompson: Authorizing library districts to participate in boundary review proceedings. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, McCaslin, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

February 26, 1985

SB 3356 Prime Sponsor, Senator Peterson: Revising county road administrative procedures. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 3356 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Barr, Bender, Conner, Granlund, Guess, Patterson, von Reichbauer.

Passed to Committee on Rules for second reading.

February 28, 1985

SB 3369 Prime Sponsor, Senator Talmadge: Authorizing municipalities to make reparations to certain employees who suffered salary losses during World War II. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 3369 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, Rinehart.

Passed to Committee on Rules for second reading.

February 26, 1985

SB 3435 Prime Sponsor, Senator Talmadge: Modifying provisions on the business and occupation taxation of alcoholism treatment services. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Cantu, Fleming, McDonald, Rasmussen, Talmadge, Thompson, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 28, 1985

SB 3450 Prime Sponsor, Senator Talmadge: Revising provisions relating to firearms. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3450 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Hayner, Moore, Newhouse, Thompson.

Passed to Committee on Rules for second reading.

February 28, 1984

SB 3479 Prime Sponsor, Senator Thompson: Revising provisions relating to local government travel expense vouchers. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

February 27, 1985

SB 3503 Prime Sponsor, Senator Granlund: Providing for the review of inmate grievances. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 3503 be substituted therefor, and the substitute bill do pass and be referred to the Committee on Ways and Means. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Deccio, Kiskaddon, Peterson.

Referred to Committee on Ways and Means.

February 28, 1985

SB 3535 Prime Sponsor, Senator Wojahn: Changing provisions relating to city taxation of motor vehicle and special fuel. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Fleming, Goltz, Lee, Moore, Talmadge, Thompson, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 28, 1985

SB 3593 Prime Sponsor, Senator Thompson: Ratifying previous local government reimbursements for costs related to the Mt. St. Helens eruption. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

February 28, 1985

SB 3602 Prime Sponsor, Senator Moore: Revising provisions relating to savings and loan associations. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 3602 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Deccio, Newhouse, Sellar, Vognild, Wojahn.

Passed to Committee on Rules for second reading.

February 28, 1985

SB 3629 Prime Sponsor, Senator Goltz: Providing for an oral history program. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass and refer to Committee on Ways and Means. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, Rinehart, Zimmerman.

Referred to Committee on Ways and Means.

February 28, 1985

SB 3800 Prime Sponsor, Senator Granlund: Establishing uniformity in the publication of certain legal notices. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

February 28, 1985

SB 3929 Prime Sponsor, Senator Peterson: Relating to revenue and taxation of common carriers of motor freight. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 3929 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, DeJarnatt, Granlund, Guess, Patterson, Sellar, von Reichbauer.

Passed to Committee on Rules for second reading.

February 28, 1985

SB 4138 Prime Sponsor, Senator Moore: Revising procedures governing acquisition of domestic insurers. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 4138 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Deccio, Newhouse, Sellar, Vognild, Wojahn.

Passed to Committee on Rules for second reading.

February 28, 1985

SB 4146 Prime Sponsor, Senator Thompson: Revising provisions relating to the effects of the eruption of Mount St. Helens. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass and be referred to Ways and Means. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, Rinehart, Saling, Zimmerman.

Referred to Committee on Ways and Means.

February 28, 1985

SB 4229 Prime Sponsor, Senator Granlund: Providing that juveniles not be confined in adult jail or holding facilities. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 4229 be substituted therefor, and the substitute bill do pass. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Deccio, Kiskaddon, Stratton.

Passed to Committee on Rules for second reading.

February 25, 1985

SB 4386 Prime Sponsor, Senator Thompson: Relating to special purpose districts. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 4386 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

MOTION

At 12:15 p.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Monday March 4, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

FIFTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, March 4, 1985

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 McDermott and Peterson. On motion of Senator Bender, Senators McDermott and Peterson were excused.

The Sergeant at Arms Color Guard consisting of Pages Sadie Moore and Jason Koski, presented the Colors. Reverend Wallace Misterek, pastor of the Trinity Lutheran Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 1, 1985

SB 3132 Prime Sponsor, Senator Patterson: Permitting increased funding for higher education financial aid. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Bender, Benitz, Fleming, Goltz, Guess, Johnson, Kiskaddon, McManus, Saling, Stratton.

Passed to Committee on Rules for second reading.

March 1, 1985

SB 3617 Prime Sponsor, Senator Bauer: Creating a pilot program for student financial assistance at institutions of higher education. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 3617 be substituted therefor, and the substitute bill do pass and be referred to the Committee on Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Benitz, Craswell, Fleming, Goltz, Guess, Johnson, Kiskaddon, McManus, Saling, Stratton.

Referred to Committee on Ways and Means.

February 28, 1985

SB 3828 Prime Sponsor, Senator Talmadge: Reestablishing the Puget Sound water quality authority. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 3828 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Cantu, Craswell, Goltz, Lee, McDonald, Moore, Rasmussen, Rinehart, Talmadge, Thompson, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 28, 1985

SB 4118 Prime Sponsor, Senator Gaspard: Planning and implementing a school administrators' academy. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 4118 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, McDermott, Patterson, Saling, Stratton.

Passed to Committee on Rules for second reading.

March 1, 1985

SB 4294 Prime Sponsor, Senator Lee: Authorizing the establishment of a maximum three-month penalty-free period for employers paying industrial insurance premiums. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 4294 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, Lee, McDonald, Moore, Newhouse, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 1, 1985

SJM 110 Prime Sponsor, Senator Bauer: Petitioning Congress to support a federal college savings plan. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Benitz, Craswell, Fleming, Goltz, Guess, Johnson, Kiskaddon, McManus, Saling, Stratton.

Passed to Committee on Rules for second reading.

February 28, 1985

SHB 490 Prime Sponsor, Committee on Transportation: Adopting the supplemental transportation budget. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, DeJarnatt, Garrett, Granlund, Patterson.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

March 1, 1985

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 31,

SUBSTITUTE HOUSE BILL NO. 48,

SUBSTITUTE HOUSE BILL NO. 69,

HOUSE BILL NO. 132,

HOUSE BILL NO. 153,

HOUSE BILL NO. 168,

SUBSTITUTE HOUSE BILL NO. 177,

ENGROSSED HOUSE BILL NO. 228,

SUBSTITUTE HOUSE BILL NO. 246,

HOUSE BILL NO. 318,

SUBSTITUTE HOUSE BILL NO. 391,

HOUSE BILL NO. 399,

HOUSE BILL NO. 402,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 459,

HOUSE BILL NO. 1198, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

March 1, 1985

Mr. President:

The House has passed:

HOUSE BILL NO. 191, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 31 by Representatives Haugen, Lundquist, B. Williams, McMullen and K. Wilson

Removing restrictions on the taking of salmon by use of monofilament gill net webbing.

Referred to Committee on Natural Resources.

SHB 48 by Committee on Commerce and Labor (originally sponsored by Representatives R. King, Patrick, Fisch, Hargrove, Lux, Leonard, Todd, Vekich, Day, Sayan, Winsley, Ebersole, Wang, Fisher and Basich)

Adding life support technicians to employees covered by uniformed personnel collective bargaining procedures.

Referred to Committee on Commerce and Labor.

SHB 69 by Committee on Environmental Affairs (originally sponsored by Representatives Rust, Allen, Valle, Brekke, R. King, Lux, Unsoeld, D. Nelson and Isaacson)

Requiring solid waste facilities to establish trust funds.

Referred to Committee on Parks and Ecology.

HB 132 by Representatives Tanner, L. Smith, Sutherland, Nutley, Peery, J. King and Hastings

Repealing the laws authorizing a county tax on nonresidents of the state employed in the county.

Referred to Committee on Ways and Means.

HB 153 by Representatives Armstrong, Crane, Brekke, Long, Schmidt, P. King, Winsley, S. Wilson, Bond, Van Luven, Isaacson, Ballard, Hastings, May, Holland, Hankins, Doty, Brough, Wang, J. Williams and Tanner (by Department of Social and Health Services request)

Revising the enforcement of child support obligations.

Referred to Committee on Judiciary.

HB 168 by Representatives R. King, Jacobsen, Fisch and Appelwick

Exempting UW printing craft employees from state higher education personnel law.

Referred to Committee on Commerce and Labor.

SHB 177 by Committee on Local Government (originally sponsored by Representatives Ebersole, Taylor, Vekich, Basich, Hankins, Sutherland, Patrick, Sanders, Fisch, Winsley, S. Wilson, Kremen, Schoon, Bond, G. Nelson and Isaacson)

Increasing funds available to veterans organizations for hall rental.

Referred to Committee on Governmental Operations.

HB 191 by Representatives McMullen, Lundquist, Sutherland, S. Wilson, Sayan and May

Providing for rewards for information about violations of the food fish and shellfish laws.

Referred to Committee on Natural Resources.

EHB 228 by Representatives Peery, Sutherland, Madsen, Nutley, J. King, Baugher, Schoon, Day, Sanders, West, Lewis, Fuhrman, Miller,

G. Nelson, J. Williams, Lundquist, L. Smith, Van Dyke, May, Bond, Valle, Fisch, Ballard, Taylor and Isaacson

Exempting from registration small craft used on those waters not subject to federal jurisdiction.

Referred to Committee on Transportation.

SHB 246 by Committee on Social and Health Services (originally sponsored by Representatives Day, Vander Stoep, Brekke, Jacobsen, Lux, Unsoeld, D. Nelson, Armstrong, Dellwo, Niemi, Appelwick, Padden, Taylor, Lewis, Cole, Lundquist, May, Silver and Isaacson)

Prohibiting nursing homes from discriminating against medical assistance recipients.

Referred to Committee on Human Services and Corrections.

HB 318 by Representatives Walk, J. Williams, Gallagher, Van Luven, May, Betrozoff, Patrick, Nealey, Prince, Sanders, Hankins, S. Wilson, Holland and Winsley

Extending the current Advance Construction-Interstate Highway bond authorization to 1989.

Referred to Committee on Transportation.

SHB 391 by Committee on State Government (originally sponsored by Representatives Brooks, Belcher, O'Brien and Hankins (by Department of General Administration request)

Modifying competitive bidding requirements for state purchasing.

Referred to Committee on Governmental Operations.

HB 399 by Representatives K. Wilson, Schmidt, Walk, Patrick and P. King (by Department of Licensing request)

Authorizing staggered licensing for motor vehicle related businesses.

Referred to Committee on Transportation.

HB 402 by Representatives R. King, Patrick, Sayan, S. Wilson, J. Williams, Gallagher, Fisch, Doty, Barrett, Cole and P. King

Authorizing nonprofit organizations to increase price of raffle tickets.

Referred to Committee on Commerce and Labor.

ESHB 459 by Committee on Agriculture (originally sponsored by Representatives O'Brien, Wang, Jacobsen, Patrick, Lux and Locke)

Regulating the sale of kosher foods.

Referred to Committee on Commerce and Labor.

HB 1198 by Representatives Schmidt, Zellinsky, S. Wilson, Haugen, Thomas, Lundquist, Smitherman, L. Smith, McMullen, J. Williams, Hastings, Sayan, Schoon and Brough

Requiring an appropriation for expenditures from state ferry revenues.

Referred to Committee on Transportation.

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

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

Senator Thompson, moved the appointment of Richard J. Thompson as Director of the Department of Community Development be confirmed.

MOTION

Senator McDonald moved that Gubernatorial Appointment No. 2, Richard J. Thompson as Director of the Department of Community Development be referred to the Committee on Governmental Operations.

Debate ensued.

MOTION

On motion of Senator Vognild, further consideration of Gubernatorial Appointment No. 2, Richard J. Thompson as Director of the Department of Community Development was deferred.

PERSONAL PRIVILEGE

Senator Bottiger: "Mr. President, on the preceding motion and discussion, we made a great deal of effort not to surprise anybody. We've tried to have at least twenty-four hours notice on any bill or on any consideration and if there is something that's come up, we don't want to make a mistake and I would appreciate it if this kind of a motion or at least there was some warning or some indication of what quote 'some new information is available.' We will take this up in caucus and if you have something that you think we should know about, I sure hope you will share it with us."

Debate ensued.

SECOND READING

SENATE BILL NO. 3096, by Senators Talmadge and Halsan (by Secretary of State request)

Regarding the elections held to fill the vacancies in federal offices.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 1, line 7, strike "8" and insert "7"

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 5, beginning on line 6, strike all material down to and including line 29
Renumber the sections consecutively.

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

On page 1, line 3 of the title, strike "29.68.130, and 29.80.010;" and insert "and 29.68.130;"

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 3096 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. 3096.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3096 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalif, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McDermott, Peterson - 2.

ENGROSSED SENATE BILL NO. 3096, having received the constitutional majority, 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. 3332, by Senators Bauer, Zimmerman, Thompson, Barr, Peterson and Stratton

Modifying the self-insurance authority of joint governmental entities.

MOTIONS

On motion of Senator Gaspard, Substitute Senate Bill No. 3332 was substituted for Senate Bill No. 3332 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Gaspard, the rules were suspended. Substitute Senate Bill No. 3332 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. 3332.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3332 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators McDermott, Peterson - 2.

SUBSTITUTE SENATE BILL NO. 3332, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:30 a.m., on motion of Senator Vognild, the Senate recessed until 10:50 a.m.

SECOND MORNING SESSION

The Senate was called to order at 11:15 a.m. by President Cherberg.

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

MESSAGE FROM THE HOUSE

March 4, 1985

Mr. President:

The Speaker has signed:

HOUSE JOINT RESOLUTION NO. 12, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE JOINT RESOLUTION NO. 12.

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

SECOND READING

SENATE JOINT MEMORIAL NO. 128, by Senators Bottiger and Moore

Requesting the United States custom service to retain one headquarters for all west coast ports.

The memorial was read the second time.

MOTION

On motion of Senator Bottiger, the rules were suspended. Senate Joint Memorial No. 128 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Joint Memorial No. 128.

ROLL CALL

The Secretary called the roll on final passage of Senate Joint Memorial No. 128 and the memorial passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senator Pullen - 1.

Excused: Senator Peterson - 1.

SENATE JOINT MEMORIAL NO. 128, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 3612, by Senators Gaspard, Kiskaddon, Johnson, Bauer, Bender, Wojahn and Conner

Placing a two-year freeze on the excess levy lid reductions and studying excess levies.

The bill was read the second time.

MOTIONS

On motion of Senator Gaspard, the following Committee on Education amendment was adopted:

On page 5, line 7, following "instruction;" insert "(4) one member representing the state board of education appointed by the governor;"

Renumber the remaining subsections accordingly.

On motion of Senator Gaspard, the following Committee on Education amendment was adopted:

On page 5, line 13, after "governor;" strike all material through "member" on line 16 and insert "and (9) six members"

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

On page 4, line 13, after "year" strike "1990" and insert "(~~1990~~) 1992"

MOTION

Senator Rinehart moved that the following amendment by Senators Rinehart, McDonald, Barr, Vognild, Kiskaddon and Moore be adopted:

On page 1, after line 3, strike all the material down to and including "section." on page 4, line 36 and insert the following:

"Sec. 1. Section 4, chapter 325, Laws of 1977 ex. sess. as last amended by section 1, chapter 168, Laws of 1981 and by section 10, chapter 264, Laws of 1981 and RCW 84.52.0531 are each reenacted to read as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be as follows:

(1) For excess levies in 1979 for collection in 1981, for excess levies in 1980 for collection in 1981 and thereafter, the sum of:

(a) That amount equal to ten percent of each school district's prior year basic education allocation converted to one hundred percent of formula; plus

(b) That amount equal to each school district's prior year basic education allocation converted to one hundred percent of formula minus each school district's basic education allocation for such school year; plus

(c) That amount equal to ten percent of each school district's prior year state allocation, exclusive of federal funds, for the following programs:

(i) Pupil transportation;

(ii) Handicapped education costs;

(iii) Gifted; and

(iv) Compensatory education, including but not limited to remediation assistance, bilingual education, and urban, rural, racial disadvantaged programs; plus

(d) In the case of nonhigh school districts only, an amount equal to the total estimated amount due by the nonhigh school district to high school districts pursuant to chapter 28A.44

RCW, as now or hereafter amended, for the school year during which collection of the levy is to commence, less the increase in the nonhigh school district's basic education allocation as computed pursuant to subsection ((5)) (4) of this section due to the inclusion of pupils participating in a program provided for in chapter 28A.44 RCW in such computation.

(2) Excess levies authorized under this section or under RCW 84.52.052 shall not be used directly or indirectly to increase the average salary or fringe benefits for certificated or classified personnel in any school district: PROVIDED, That any school district may expend excess levy funds to provide increases in salary and fringe benefits for classified or certificated personnel whose salary and fringe benefits are provided wholly from local school district excess levies in a percentage not to exceed the respective average percentage increases in the salary and fringe benefit levels for classified and certificated employees of the district funded with state appropriated funds: PROVIDED FURTHER, That those contracts which have been negotiated prior to July 1, 1977 by those school districts for such school year shall not be abrogated by this section. "Fringe benefits" for purposes of this subsection shall include:

(a) Employer retirement contributions, if applicable;

(b) Health and insurance payments including life, accident, disability, unemployment compensation, and workmen's compensation; and

(c) Employer social security contributions.

(3) Any school district whose average base compensation for certificated or classified personnel respectively is below state-wide average base compensation level for certificated or classified personnel during the preceding school year, may collect and expend property taxes authorized by this section, or under RCW 84.52.052, for the purpose of increasing such district's average compensation for certificated or classified personnel as allowed in the latest applicable state operating budget. "Compensation", for purposes of this subsection, shall mean salary plus fringe benefits for classified and certificated personnel of a school district as allowed in the latest applicable state operating budget.

(4) For the purpose of this section, the basic education allocation shall be determined pursuant to RCW 28A.41.130, 28A.41.140, and 28A.41.145, as now or hereafter amended: PROVIDED, That when determining the basic education allocation under subsection (1) of this section, effective September 1, 1979, nonresident full time equivalent pupils who are participating in a program provided for in chapter 28A.44 RCW or in any other program pursuant to an interdistrict agreement shall be included in the enrollment of the resident district and excluded from the enrollment of the serving district.

Certificated personnel shall include those persons employed by a school district in a teaching, instructional, administrative or supervisory capacity and who hold positions as certificated personnel as defined under RCW 28A.01.130, as now or hereafter amended, and every school district superintendent, and any person hired in any manner to fill a position designated as, or which is in fact, that of deputy superintendent or assistant superintendent. Classified personnel shall include those persons employed by a school district other than certificated personnel as defined in this section in a capacity for which certification is not required.

(5) Any district (~~which is qualified to exceed the maximum dollar amount permitted under subsection (1) of this section during calendar year 1982~~) is authorized to exceed the levy limitations imposed by subsection (1) for taxes to be collected during calendar years ~~((1983)) 1986~~ through ~~((1990)) 1994~~ as follows:

(a) The dollar amount of levy qualification for taxes to be collected in 1983 shall be the same as the maximum qualification for 1982.

(b) For every district which qualifies to exceed the limitations in subsection (1) of this section during calendar year 1982, a "base year levy percentage" shall be established. This levy percentage shall be equal to the percent a district's levy qualification during calendar year 1982 is of the prior 1980-81 school fiscal year's basic education allocation and state allocation for categorical programs.

(c) The base year levy percentage shall be reduced in even increments beginning in calendar year 1984 but excluding calendar years 1986 through 1989. The incremental reduction for levies collected in 1984 and 1985 shall equal one-seventh of the percentage points the base year levy percentage exceeds the amount authorized in subsection (1) of this section. For excess levies to be collected in calendar years 1986 through 1989, the levy qualification percentage shall be equal to the greater of: (i) The district's levy percentage for calendar year 1985, (ii) the 1985 average levy qualification percentage for all districts in the state, or (iii) the 1985 average levy qualification percentage for all districts in the educational service district of the district.

(d) ~~((For excess levies to be collected in calendar year 1990, the maximum dollar amount which may be levied by or for any school district shall not exceed the amount authorized in subsection (1) of this section:))~~ For excess levies to be collected in calendar years 1990 through 1994, the levy qualification percentage shall be that calculated pursuant to (c) of this subsection reduced in each year by an increment equal to one-fifth of the percentage points that the levy qualification percentage in (c) of this subsection exceeds the levy qualification percentage in subsection (1) of this section. For excess levies to be collected in calendar year 1994, the maximum dollar amount which may be levied by or for any school district shall not exceed the

amount authorized in subsection (1) of this section. The provisions of this subsection shall not apply to excess levies to be collected after calendar year ((1990)) 1994.

(6) For the purpose of subsection (1) of this section, the superintendent of public instruction may grant local school districts authority to exceed the levy limitations imposed by said subsections: PROVIDED, That said limitations can only be exceeded by an amount that will insure local school districts the ability to raise a total excess levy dollar amount per annual average full time equivalent student which when combined with the basic education allocation is equal to but does not exceed one hundred and six percent for levies to be collected in 1980 and thereafter of the previous school year's comparable dollars per annual average full time equivalent student: PROVIDED FURTHER, That for levies to be collected in 1980 and thereafter any school district receiving authority to exceed the levy limitation and whose enrollment is declining at a rate of at least four percent, or three hundred full time equivalent students, whichever is less, from the immediately preceding school year, may, in addition to the increase above, further increase its levy by an amount equal to fifty percent of the enrollment decline multiplied by the previous school year's comparable dollars per annual full time equivalent student. The provisions of this subsection (6) shall only apply to excess levies for collection prior to calendar year 1983.

(7) The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section."

Debate ensued.

POINT OF INQUIRY

Senator Newhouse: "Senator Rinehart, on page 6 of your amendment, the ESD's average and the statewide average--would you tell us what the statewide average, for instance, is now and what some of the ESD averages are?"

Senator Rinehart: "The statewide average is at eighteen percent. There is a range among educational service districts from fourteen, I believe, to twenty-five."

Senator Newhouse: "And would the statewide average include those districts which have no levy?"

Senator Rinehart: "Senator Newhouse, you're describing districts who have no local levies?"

Senator Newhouse: "Yes."

Senator Rinehart: "Logic and a quick conference suggests that if a local district currently has no local levies, then obviously they would not be calculated in the number which describes the local levy percentage."

Senator Newhouse: "It seems to me they should. Thank you."

Further debate ensued.

POINT OF INQUIRY

Senator Hayner: "Senator Gaspard, since the statewide average is now eighteen percent, how many districts do we have that are beneath that eighteen percent? Do you have that figure?"

Senator Gaspard: "There are a total of eighty-one non-grandfather levy capacity districts and out of that eighty-one, twelve are first-class districts and sixty-nine are second-class districts--and that's out of a total of two hundred and ninety-nine school districts in the state of Washington."

Further debate ensued.

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

POINT OF ORDER

Senator Pullen: "Mr. President, it appears to me that the amendment expands the scope and object of the bill. I would direct your attention to section 1 of the bill which is a very, very simple adjustment to the law. It merely provides for a two-year extension of the levy lid phase and formula. However, the proposed amendment greatly expands the scope and object. It provides three alternate methods for calculating the districts' levy percentage. These are major revisions to the formula which involves potential radical changes and very significant changes to the result that can occur for the allowable percentage and I note on page 6 of the proposed amendment we have substantial changes to subsections (c) and (d). It really changes the bill from a rather simple two-year slide to a rather extensive change in philosophy.

"The President has always ruled--when he is determining whether scope and object is exceeded--upon the content of the amendment and if one looks at the

content, it is clear, instead of having a simple two-year slide, we are making a rather significant change in philosophy. Therefore, I would submit that the amendment does expand the scope and object of the bill."

Debate ensued.

MOTION

On motion of Senator Vognild, further consideration of Senate Bill No. 3612 was deferred.

President Pro Tempore Goltz assumed the chair.

SECOND READING

SENATE BILL NO. 3778, by Senators Gaspard and Bauer (by Superintendent of Public Instruction request)

Revising the basic education formula.

MOTIONS

On motion of Senator Gaspard, Substitute Senate Bill No. 3778 was substituted for Senate Bill No. 3778 and the substitute bill was advanced to second reading and read the second time.

Senator Gaspard moved that the following amendment be adopted:

On page 4, beginning on line 1, strike all the material through "act" on line 2, and insert "This act shall take effect if funds are appropriated in the state operating appropriations act for the 1985-87 biennium for the purposes of this act. If funds are not so appropriated for the purposes of this act, this act shall be null and void in its entirety"

POINT OF INQUIRY

Senator Craswell: "Senator Gaspard, do you recall what the total fiscal impact of this bill is for this biennium and for six years?"

Senator Gaspard: "Yes. Currently, the basic funding for education has gone on a fifty certificated staff to a thousand students ratio. What we propose in the bill is to go to fifty-one to a thousand in the second year of the biennium and that cost is approximately nineteen to twenty million dollars."

Senator Craswell: "Does that include the vocational ed?"

Senator Gaspard: "No, the legislation we have before us does not include vocational education staff. That is handled in another bill that came out of committee."

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator Gaspard.

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

MOTION

On motion of Senator Gaspard, the rules were suspended. Engrossed Substitute Senate Bill No. 3778 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Bluechel: "Senator Gaspard, is this bill the result of a direct recommendation from either the 3609 Committee or the Round Table Committee with specific recommendations?"

Senator Gaspard: "I think the bill that we have before us, as far as the vehicle we used, is one recommended by the Superintendent of Public Instruction. I believe the school administrators had one that went beyond it. They wanted to go to fifty-five to a thousand certificated staff and that was to be phased in over the next five years. Maybe, if I can refer to Senator Bauer or Senator Benitz about the 3609 recommendations. They talked about classroom size, but primarily the classroom size and the blocking of K through 3, if I remember correctly, but let me refer to Senator Bauer or Senator Benitz on the 3609 recommendation."

REMARKS BY SENATOR BAUER

Senator Bauer: "Yes, the 3609 Committee recommended class size reduction as a high priority, but did not recommend to go above fifty per thousand for that purpose. The concept they support, but not the vehicle, by going to fifty-one per thousand. They maintain that we should stick at fifty per thousand and in order to generate more money for the basic education program--to have some kind of a power equalizer levy out there--to pick up fifty million dollars and put it into the basic program and that was the vehicle--they were going to generate the money. But, yes, the 3609 Committee has high priority to reduce class size."

Further debate ensued.

Senators Bauer, Talmadge and Peterson demanded the previous question and the demand was sustained on a rising vote.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3778.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3778 and the bill passed the Senate by the following vote: Yeas, 34; nays, 14; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, McDermott, McManus, Moore, Owen, Patterson, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 34.

Voting nay: Senators Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Lee, McCaslin, McDonald, Metcalf, Newhouse, Pullen, Sellar - 14.

Excused: Senator Peterson - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3778, having received the 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. 3612 and the pending amendment by Senators Rinehart, McDonald, Barr, Vognild, Kiskaddon and Moore on page 1, after line 3, deferred earlier today.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Pullen, the President finds that Senate Bill No. 3612 is a measure extending the Levy Lid Act phase down and establishes the levy percentages local school districts are authorized to use in upcoming years.

"The amendment proposed by Senators Rinehart, McDonald, Barr, Vognild, Kiskaddon and Moore, also extends the Levy-lid Act phase down and establishes levy percentages local school districts may use.

"The President, therefore, finds that the proposed amendment does not change the scope and object of the bill and that the point of order is not well taken."

The amendment was ruled in order.

Further debate ensued.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Rinehart, McDonald, Barr, Vognild, Kiskaddon and Moore.

ROLL CALL

The Secretary called the roll and the motion by Senator Rinehart failed and the amendment was not adopted by the following vote: Yeas, 20; nays, 28; excused, 1.

Voting yea: Senators Barr, Bender, Bluechel, Fleming, Garrett, Johnson, Kiskaddon, Lee, McDermott, McDonald, Moore, Rinehart, Saling, Sellar, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 20.

Voting nay: Senators Bailey, Bauer, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kreidler, McCaslin, McManus, Metcalf, Newhouse, Owen, Patterson, Pullen, Rasmussen, Stratton, Thompson, Zimmerman - 28.

Excused: Senator Peterson - 1.

MOTION

Senator Kiskaddon moved that the following amendment be adopted:
On page 4, line 5, after "year" strike "1986" and insert "1985"

Debate ensued.

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

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

MOTION

On motion of Senator Gaspard, the rules were suspended, Engrossed Senate Bill No. 3612 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. 3612.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3612 and the bill passed the Senate by the following vote: Yeas, 34; nays, 14; excused, 1.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, McDermott, McDonald, McManus, Moore, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, von Reichbauer, Warnke, Williams, Wojahn - 34.

Voting nay: Senators Bailey, Barr, Cantu, Craswell, Deccio, Kreidler, Lee, McCaslin, Metcalf, Newhouse, Owen, Thompson, Vognild, Zimmerman - 14.

Excused: Senator Peterson - 1.

ENGROSSED SENATE BILL NO. 3612, having received the 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 Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Bottiger, Gubernatorial Appointment No. 2, Richard J. Thompson as Director of the Department of Community Development, deferred earlier today, was referred to the Committee on Governmental Operations.

On motion of Senator Vognild, Senate Bill No. 3067 which was on the consent second reading calendar was placed at the bottom of the regular second reading calendar.

On motion of Senator Vognild, the Committee on Energy and Utilities was relieved of further consideration of Senate Bill No. 4337.

On motion of Senator Vognild, Senate Bill No. 4337 was referred to the Committee on Governmental Operations.

On motion of Senator Vognild, the Committee on Governmental Operations was relieved of further consideration of Senate Bill No. 3414.

On motion of Senator Vognild, Senate Bill No. 3414 was referred to the Committee on Commerce and Labor.

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

REPORTS OF STANDING COMMITTEES

March 1, 1985

SB 3544 Prime Sponsor, Senator Guess: Requiring publication of actions of university board of regents and trustees in specified newspapers. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 3544 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Guess, Johnson, Kiskaddon, McManus, Stratton.

Passed to Committee on Rules for second reading.

March 1, 1985

SB 3558 Prime Sponsor, Senator Thompson: Authorizing state support of Washington students pursuing maritime studies out of state. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 3558 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bender, Benitz, Craswell, Fleming, Goltz, Guess, Johnson, Kiskaddon, McManus, Saling, Stratton.

Passed to Committee on Rules for second reading.

March 1, 1985

SB 3587 Prime Sponsor, Senator Goltz: Authorizing the selection of students to attend a compact-authorized program in osteopathic medicine. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 3587 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bender, Benitz, Craswell, Fleming, Goltz, Guess, Johnson, Kiskaddon, McManus, Saling, Stratton.

Passed to Committee on Rules for second reading.

March 1, 1985

SB 4110 Prime Sponsor, Senator Talmadge: Authorizing the superintendent of public instruction to contract with the office of administrative hearings. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Johnson, Kiskaddon, McDermott, McManus, Patterson, Saling, Stratton.

Passed to Committee on Rules for second reading.

MOTION

At 12:42 p.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Tuesday, March 5, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

FIFTY FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 5, 1985

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 Williams. On motion of Senator Bender, Senator Williams was excused.

The Sergeant at Arms Color Guard consisting of Pages Dawn Ramstad and Todd Betts presented the Colors. Reverend Wallace Misterek, pastor of the Trinity Lutheran Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 28, 1985

SB 3263 Prime Sponsor, Senator Granlund: Providing for adjustment of nursing home rates for energy retrofitting. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass and refer to Committee on Ways and Means. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Deccio, Kiskaddon, Stratton.

Referred to Committee on Ways and Means.

March 1, 1985

SB 3306 Prime Sponsor, Senator Newhouse: Requiring liability insurance as a condition for licensing a motor vehicle. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3306 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Fleming, McCaslin, Metcalf, Moore, Newhouse, Owen.

Passed to Committee on Rules for second reading.

March 4, 1985

SB 3355 Prime Sponsor, Senator McDermott: Continuing group insurance coverage for unemployed persons. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Deccio, McDermott, Newhouse, Vognild, von Reichbauer, Wojahn.

Passed to Committee on Rules for second reading.

February 28, 1985

SB 3447 Prime Sponsor, Senator Granlund: Requiring a cancer registry program. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 3447 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Conner, Deccio, Peterson, Stratton.

Referred to Committee on Ways and Means.

March 1, 1985

SB 3498 Prime Sponsor, Senator Warnke: Regulating recreational water contact facilities. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 3498 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, Lee, Newhouse, Wojahn.

Passed to Committee on Rules for second reading.

March 1, 1985

SB 3510 Prime Sponsor, Senator Bauer: Revising the program of remediation. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 3510 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Kiskaddon, McDermott, Patterson, Saling, Stratton.

Passed to Committee on Rules for second reading.

March 4, 1985

SB 3556 Prime Sponsor, Senator Vognild: Authorizing the use of private aquaculturists to enhance the propagation of food fish. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Bill No. 3556 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; Stratton, Vice Chairman; Barr, Halsan, Johnson, Lee, Metcalf, Peterson.

Passed to Committee on Rules for second reading.

February 27, 1985

SB 3573 Prime Sponsor, Senator Granlund: Revising certain coverages of medical care programs. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman, Conner, Kiskaddon, Peterson.

Passed to Committee on Rules for second reading.

March 1, 1985

SB 3764 Prime Sponsor, Senator Talmadge: Providing funds for criminal justice assistance. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3764 be substituted therefor, and the substitute bill do pass and be referred to the Committee on Ways and Means. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Fleming, McCaslin, Metcalf, Moore, Newhouse.

Referred to Committee on Ways and Means.

March 1, 1985

SB 3837 Prime Sponsor, Senator Wojahn: Providing for early warnings of reductions in business operations. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 3827 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, McDonald, Moore, Wojahn.

MINORITY recommendation: Do not pass. Signed by Senator Newhouse.

Passed to Committee on Rules for second reading.

March 1, 1985

SB 3856 Prime Sponsor, Senator Vognild: Establishing a state fire protection board. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 3856 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, Lee, Moore, Wojahn.

Passed to Committee on Rules for second reading.

February 28, 1985

SB 3907 Prime Sponsor, Senator Fleming: Creating a forest products market development task force. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Lee, McDonald, Wojahn.

Passed to Committee on Rules for second reading.

March 4, 1985

SB 4039 Prime Sponsor, Senator Owen: Relating to game funding. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 4039 be substituted therefor, and the substitute bill do pass and be referred to the Committee on Ways and Means. Signed by Senators Owen, Chairman; Stratton, Vice Chairman; Conner, Halsan, Johnson, Lee, Metcalf, Peterson.

Referred to Committee on Ways and Means.

March 1, 1985

SB 4115 Prime Sponsor, Senator Warnke: Authorizing industrial development bonds for sports facilities. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, Lee, Moore, Newhouse.

Passed to Committee on Rules for second reading.

March 1, 1985

SB 4143 Prime Sponsor, Senator Gaspard: Changing provisions relating to student transportation allocations. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Kiskaddon, McDermott, Patterson, Saling, Stratton.

Passed to Committee on Rules for second reading.

March 1, 1985

SB 4177 Prime Sponsor, Senator Gaspard: Providing for testing students and analysis of the results. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 4177 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Bender, Fleming, Goltz, Johnson, Patterson, Saling, Stratton.

Passed to Committee on Rules for second reading.

February 28, 1985

SB 4190 Prime Sponsor, Senator Talmadge: Modifying the administrative procedures of the board of industrial insurance appeals board. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 4190 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Lee, Newhouse, Wojahn.

Passed to Committee on Rules for second reading.

March 1, 1985

SB 4195 Prime Sponsor, Senator Bauer: Requiring all sales of fireworks to comply with state regulations and strengthening enforcement provisions. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 4195 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, Lee, Newhouse, Wojahn.

Passed to Committee on Rules for second reading.

March 1, 1985

SB 4196 Prime Sponsor, Senator Warnke: Providing for special programs to assist the unemployed and underemployed. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 4196 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, Lee, Moore, Wojahn.

Passed to Committee on Rules for second reading.

March 1, 1985

SB 4209 Prime Sponsor, Senator Warnke: Regulating persons removing or encapsulating asbestos. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 4209 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, Lee, McDonald, Moore, Wojahn.

Passed to Committee on Rules for second reading.

February 28, 1985

SB 4286 Prime Sponsor, Senator Lee: Authorizing the parks and recreation commission to issue permits for use of metal detectors on state beaches. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass as amended. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Cantu, Kiskaddon.

Passed to Committee on Rules for second reading.

March 1, 1985

SB 4288 Prime Sponsor, Senator Lee: Modifying provisions relating to experience rating of employers for purposes of on the job training programs. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, Moore, Wojahn.

Passed to Committee on Rules for second reading.

March 4, 1985

SB 4293 Prime Sponsor, Senator Lee: Permitting the game commission to recover the value of certain free licenses and privileges. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended and refer to the Committee on Ways and Means Signed by Senators Stratton, Vice Chairman; Barr, Halsan, Johnson, Lee, Metcalf, Patterson, Peterson.

Referred to Committee on Ways and Means.

MESSAGES FROM THE HOUSE

March 4, 1985

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 58,

ENGROSSED HOUSE BILL NO. 601, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

March 4, 1985

Mr. President:

The House has passed:

HOUSE BILL NO. 12,

SUBSTITUTE HOUSE BILL NO. 36,

HOUSE BILL NO. 261,

ENGROSSED HOUSE BILL NO. 331,

HOUSE BILL NO. 507,

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

DENNIS L. HECK, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 12 by Representatives Tilly, Ballard, Bristow and Fuhrman

Expanding television reception improvement districts to include FM radio.

Referred to Committee on Energy and Utilities.

SHB 36 by Committee on Judiciary (originally sponsored by Representatives Patrick, Locke, Van Luven, McMullen, Padden, Armstrong, Tilly, Schoon, West, R. King, Lundquist, P. King, Fisch, Crane, Scott and G. Nelson)

Authorizing law enforcement officer to intercept telephone communications in a hostage or barricade situation.

Referred to Committee on Judiciary.

EHB 58 by Representatives P. King, West and Wang

Modifying procedures for making arbitration awards.

Referred to Committee on Judiciary.

HB 261 by Representatives Ebersole, Betrozoff, Peery and P. King (by Superintendent of Public Instruction request)

Changing certain provisions relating to school plant facilities.

Referred to Committee on Education.

EHB 331 by Representatives Sommers, Prince, Jacobsen and Miller

Revising certain laws governing higher education.

Referred to Committee on Education.

HB 507 by Representatives Betrozoff, Walk, J. Williams, Schmidt, Brough, Fisher, Hankins, Brekke, Prince, Tanner, Chandler, C. Smith, Baugher, Sutherland, Patrick, Van Luven, Thomas, Valle, Zellinsky, K. Wilson, Bond, Kremen, Winsley and Ballard

Improving freeway traffic flow.

Referred to Committee on Transportation.

EHB 601 by Representatives Nutley, J. King, Peery, Sutherland, Tanner, Zellinsky, Walk, Lux, Appelwick, Fuhrman, L. Smith and Isaacson

Authorizing the advertisement of prices as including sales tax.

Referred to Committee on Ways and Means.

HJR 22 by Representatives Cole, R. King, Ebersole, Scott, Betrozoff, Walker, Taylor, Armstrong, Jacobsen, Basich, Unsoeld, P. King, Leonard, Long, Appelwick, Vekich, Rust, Todd, D. Nelson, Belcher, Brough, Holland and Wang

Removing 40% validation requirement for excess levy elections for public schools.

Referred to Committee on Education.

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

SECOND READING

SENATE BILL NO. 3536, by Senators Vognild, Bailey, McManus, McCaslin and Moore

Revising the powers of public utility districts.

MOTION

On motion of Senator Vognild, Substitute Senate Bill No. 3536 was substituted for Senate Bill No. 3536 and the substitute bill was advanced to second reading and read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Substitute Senate Bill No. 3536 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. 3536.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3536 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalfe, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Zimmerman - 48.

Excused: Senator Williams - 1.

SUBSTITUTE SENATE BILL NO. 3536, having received the constitutional majority, 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. 3527, by Senators Bender, Bauer, Lee and Gaspard

Revising limitations on the ratio of students to teachers in grades K-3.

The bill was read the second time.

MOTIONS

On motion of Senator Gaspard, the following Committee on Education amendment was adopted:

On page 2, strike all material on line 27 and insert a new section to read as follows:

~~“(This section shall be effective September 1, 1982.)”~~

NEW SECTION. Sec. 2. Section 1 of this act shall be effective September 1, 1986.”

On motion of Senator Gaspard, the rules were suspended, Engrossed Senate Bill No. 3527 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 Gaspard, the digest indicates that a fiscal note for this bill has been requested, but I don’t see any information anywhere indicating what the fiscal impact is. Could you indicate what the fiscal impact of this bill actually is?”

Senator Gaspard: “Yes, Senator, I do believe a fiscal impact has been requested, but none has been submitted as yet. There should not be any fiscal impact at all. This is reinstating the law as it was prior to, I think, about 1982 the law was changed. We had such a ratio in the statutes and the reason for putting it in at that time--it went in--if I remember correctly, in the ’70s, sponsored by Senator Bauer--it was to relieve some of the concerns about the early childhood education

in the blocks of K-3 that we ought to have smaller classroom sizes in that block rather than have them in the upper grades--and then the legislation passed. I think, in about 1977 and we saw some good movement then of having smaller classrooms in those lower blocks.

"Then in 1982--I believe my dates are correct--the law was changed and that provision was eliminated and what we have seen since then is a shift of classroom size being larger in the K-3 block than what they had been in the other grades. So, this is recognizing the emphasis that has been placed in K-3 and all the recommendations from the 3609 Committee and the Business Round Table and Dr. Goodlad and almost every education expert has said those early blocks of education in the early grades are very important to have small classroom sizes. This is why we decided to go back to the measure we had prior to 1982."

Senator Pullen: "I guess I am still uncertain as to what the fiscal impact is because the bill, as I understand it, would reduce the allowable pupil/teacher ratio from twenty-five to one--to twenty to one, and how can you not have a significant fiscal impact if you go from twenty-five to one to twenty to one?"

Senator Gaspard: "No, it doesn't change the certificated staff ratio as we fund it at all. It would be a different distribution for local school districts to make of their current staff."

Senator Pullen: "Well, if they are at the limit for the grades four through twelve, there is no way they can redistribute the staff without upsetting the ratio somewhere else. I guess what I'm saying is--if you go from twenty-five to one to twenty to one in grade K-3, you're upsetting the balance somewhere else and there's got to be a fiscal impact and the fiscal note has been requested. I still have yet to hear what the fiscal impact is."

POINT OF INQUIRY

Senator Barr: "I would like to ask Senator Bauer a question as it relates to this. I think he said something about a small school exemption. Now where is that in the bill and what kind of schools does it apply to, because I want to reemphasize that we must all, in this body, think very, very seriously about adopting the golden rule--as my part of the state has done. If you don't send the money with it, don't do it. Now if this bill doesn't meet that criteria, then we should not pass it."

Senator Bauer: "Senator Barr, in response to your question. On page 2, starting with line 8--'the State Board of Education shall adopt rules and regulations and insure compliance.' On page 12--'school districts which may be deemed unable to practically meet the student/teacher ratio requirements of this section by virtue of a small number of students may have an exemption.'

"Your second question was the funding of it. We passed a bill here that allows us to go to fifty-one per thousand, which is about a nineteen million dollar impact--and that money would be available for that purpose. All of the studies indicate that we should lower those classes in those earlier grades and they all make that a high priority. We should not force that on a district if they don't have the funds and there is no way of shifting the teachers around to do that. We don't want to do that--we want to put the money in it--we have done that with the fifty-one per thousand.

"Now, my school district in 1976 hired seven brand new primary teachers to comply with this law when they originally passed it--seven brand new teachers--they didn't shift teachers around. Of course, they had more money in those days to deal with. Can you believe the consequences that might have had to have seven brand new primary teachers in lowering classroom sizes ten years ago in the first, second and third grades? Those kids are graduating from high school today, this year, next year, last year, and I'm sure that had a very positive impact. I agree with Senator Barr, we don't want to ask that district to do something that is impossible, but we're going to put the money out there if we're going to ask them to do that. We'll have a delay of one year on this bill if the money doesn't come out until the second year of the biennium on that fifty-one per thousand--we can have a delay of one year on this bill so it matches."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3527.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3527 and the bill passed the Senate by the following vote: Yeas, 29; nays, 20.

Voting yea: Senators Bailey, Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hayner, Kiskaddon, Kreidler, Lee, McDermott, McManus, Moore, Peterson, Rasmussen, Rinehart, Saling, Talmadge, Vognil, von Reichbauer, Warnke, Williams, Wojahn - 29.

Voting nay: Senators Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hansen, Johnson, McCaslin, McDonald, Metcalf, Newhouse, Owen, Patterson, Pullen, Sellar, Stratton, Thompson, Zimmerman - 20.

ENGROSSED SENATE BILL NO. 3527, having received the constitutional 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 10:47 a.m., on motion of Senator Vognil, the Senate recessed until 11:15 a.m.

SECOND MORNING SESSION

The Senate was called to order at 11:39 a.m. by President Cherberg.

SECOND READING

SENATE BILL NO. 3167, by Senators Talmadge, Hayner and DeJarnatt

Extending timeshare regulation.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 3167 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. 3167.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3167 and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Voting nay: Senator Pullen - 1.

SENATE BILL NO. 3167, having received the constitutional majority, 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. 3147, by Senators Granlund, Kreidler, Kiskaddon, Deccio and Johnson (by Department of Corrections request)

Allowing institutional industries to purchase products and services for resale.

The bill was read the second time.

MOTION

On motion of Senator Granlund, the rules were suspended, Senate Bill No. 3147 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. 3147.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3147 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 49.

SENATE BILL NO. 3147, having received the constitutional majority, 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. 3011, by Senator Lee

Requiring uniform fees for copies of public records.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Senate Bill No. 3011 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 Thompson, science is really bringing us some wonderful things. If we go into the clerk's office and we want to photocopy with our own equipment, would there be a charge for that?"

Senator Thompson: "There would be a charge if there was a charge."

Senator Rasmussen: "If they do the copying? I'm saying if you use the records and you do the copying yourself."

Senator Thompson: "I would think, Senator Rasmussen, that that would be the same as inspecting the record and wouldn't involve any charge at all."

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3011.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3011 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 49.

SENATE BILL NO. 3011 having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3220, by Senator Owen

Authorizing access to autopsy reports.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 3220 was substituted for Senate Bill No. 3220 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Thompson, the rules were suspended, Substitute Senate Bill No. 3220 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. 3220.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3220 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE SENATE BILL NO. 3220, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3287, by Senators McDermott, Guess, Rinehart, Granlund, Cantu, Bailey and Barr (by Secretary of State request)

Broadening the state's duty to pay prorated election costs.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Senate Bill No. 3287 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. 3287.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3287 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 49.

SENATE BILL NO. 3287, having received the constitutional 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 Vognilid, the Senate advanced to the eighth order of business.

MOTION

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

SENATE RESOLUTION 1985-26

by Senators Conner, DeJarnatt, Thompson, Bauer, Vognilid and Zimmerman

WHEREAS, The existing port system of the United States is a national asset, representing major investments by local entities, states, and the federal government; and

WHEREAS, The present system of funding of federal navigation projects recognizes that all the people of the United States are beneficiaries of the port system and that all the people should participate in funding the system; and

WHEREAS, The economic vitality of the Pacific Northwest depends on the port system; and

WHEREAS, No incentive for diversion of vessels or cargoes to foreign ports should exist, and current patterns of commerce should not be disturbed; and

WHEREAS, The many individual ports of the existing system should continue to operate to fulfill their domestic and foreign commerce objectives and thereby facilitate economic development in the areas served by the ports; and

WHEREAS, The ability to rapidly move cargo from a variety of ports in times of emergency is necessary for national security; and

WHEREAS, The imposition of user fees for the recovery of costs on federal navigation projects would cause the diversion of vessels and cargoes to foreign ports, would distort current patterns of commerce, would cause ports to cease operations and disrupt economic development in the area, and would restrict the number of available ports in time of emergency;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate, That Congress maintain the present system of full federal funding of existing navigation channels and ancillary dredging projects and oppose the imposition of user fees on the Columbia River.

MOTIONS

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, Senate Bill No. 3099, which was on the consent second reading calendar, was placed at the bottom of the regular second reading calendar.

On motion of Senator Vognild, the Committee on Ways and Means was relieved of further consideration of Engrossed House Bill No. 601.

On motion of Senator Vognild, Engrossed House Bill No. 601 was referred to the Committee on Commerce and Labor.

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

REPORTS OF STANDING COMMITTEES

March 4, 1985

SB 3005 Prime Sponsor, Senator Barr: Raising the amount available for rent payment for veterans' meeting places. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 3005 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, Rinehart, Saling, Zimmerman.

Passed to Committee on Way and Means.

March 4, 1985

SB 3029 Prime Sponsor, Senator Williams: Modifying provisions relating to the cashing of government checks by financial institutions. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 3029 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, McDermott, Vognild, Wojahn.

Passed to Committee on Rules for second reading.

March 4, 1985

SB 3184 Prime Sponsor, Senator Thompson: Providing state-owned housing for certain state employees. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Bill No. 3184 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; DeJarnatt, Granlund, McCaslin, Rinehart.

Passed to Committee on Rules for second reading.

March 4, 1985

SB 3200 Prime Sponsor, Senator Talmadge: Modifying provisions relating to crime victims' assistance. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 3200 be substituted therefor, and the second substitute bill do pass. Signed by Senators

McDermott, Chairman; Gaspard, Vice Chairman; Cantu, Deccio, Goltz, Lee, Moore, Rinehart, Talmadge, Thompson, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 4, 1985

SB 3312 Prime Sponsor, Senator Thompson: Including municipal corporations as "public agencies." Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Granlund, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

March 4, 1985

SB 3313 Prime Sponsor, Senator Thompson: Specifying powers of certain special districts. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Granlund, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

March 4, 1985

SB 3520 Prime Sponsor, Senator Bottiger: Relating to insolvent insurers. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 3520 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bottiger, Deccio, Newhouse, Sellar, Vognild, von Reichbauer, Wojahn.

Passed to Committee on Rules for second reading.

March 4, 1985

SB 3569 Prime Sponsor, Senator Talmadge: Modifying provisions on the risk management office. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass and refer to Committee on Ways and Means. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; DeJarnatt, Granlund, McCaslin, Rinehart, Zimmerman.

Referred to Committee on Ways and Means.

March 4, 1985

SB 3765 Prime Sponsor, Senator Thompson: Modifying provisions on municipal utilities. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, Granlund, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

March 4, 1985

SB 3792 Prime Sponsor, Senator Moore: Modifying provisions relating to banks and banking. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 3792 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Bottiger, Deccio, McDermott, Newhouse, Sellar, Vognild, von Reichbauer, Wojahn.

Passed to Committee on Rules for second reading.

March 4, 1985

SB 4041 Prime Sponsor, Senator Owen: Relating to state oyster reserves. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 4041 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; Stratton, Vice Chairman; Barr, Conner, Halsan, Johnson, Lee, Metcalf, Patterson.

Passed to Committee on Rules for second reading.

March 4, 1985

SB 4231 Prime Sponsor, Senator Owen: Adjusting hunting and fishing license fees. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 4231 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; Stratton, Vice Chairman; Conner, Halsan, Johnson, Lee, Metcalf, Patterson.

Passed to Committee on Rules for second reading.

March 4, 1985

SB 4236 Prime Sponsor, Senator Wojahn: Implementing the deferred compensation committee's operational activity appropriation. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Cantu, Craswell, Deccio, Goltz, Lee, McDonald, Moore, Talmadge, Thompson, Wojahn.

Passed to Committee on Rules for second reading.

March 4, 1985

SB 4241 Prime Sponsor, Senator McDermott: Authorizing the state employees' insurance board to disapprove certain panel medicine group plans. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 4241 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Bottiger, Cantu, Craswell, Goltz, Lee, McDonald, Talmadge, Thompson, Wojahn.

Passed to Committee on Rules for second reading.

MOTION

At 12:06 p.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Wednesday, March 6, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

FIFTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 6, 1985

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Craswell, McDermott, McDonald, McManus, Stratton and Williams. On motion of Senator Zimmerman, Senator McDonald was excused. There being no objection, the President excused Senator McDermott.

The Sergeant at Arms Color Guard consisting of Keith Gerhard and Kevin Gerhard, presented the Colors. Reverend Wallace Misterek, pastor of the Trinity Lutheran Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 5, 1985

SB 3003 Prime Sponsor, Senator Barr: Designating bluebunch wheatgrass the official grass of the state of Washington. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Bailey, Barr, Bauer, Benitz, Gaspard.

Passed to Committee on Rules for second reading.

March 5, 1985

SB 3021 Prime Sponsor, Senator Barr: Modifying the fee paid by a married couple or family when filing a water rights statement. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Bailey, Barr, Bauer, Benitz, Gaspard.

Passed to Committee on Rules for second reading.

March 5, 1985

SB 3209 Prime Sponsor, Senator Rasmussen: Establishing a year-long Dungeness crab season. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Stratton, Vice Chairman; Halsan, Johnson, Metcalf, Patterson, Rasmussen.

Passed to Committee on Rules for second reading.

March 4, 1985

SB 3775 Prime Sponsor, Senator Deccio: Modifying provisions on the cancellation or nonrenewal notices for insurance. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 3775 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Deccio, McDermott, Sellar, Vognild, von Reichbauer, Wojahn.

Passed to Committee on Rules for second reading.

March 4, 1985

SB 3818 Prime Sponsor, Senator Rasmussen: Adding an appointee of the director of financial management to the records committee. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Granlund, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

March 4, 1985

SB 3882 Prime Sponsor, Senator Thompson: Authorizing the state militia to retain cleaning deposits and utility costs associated with armory rentals. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 3882 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, Granlund, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

March 5, 1985

SB 3906 Prime Sponsor, Senator Talmadge: Modifying provisions on pornography and moral nuisances. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Hayner, McCaslin, Metcalf, Moore, Newhouse, Owen, Pullen, Thompson, Williams.

Passed to Committee on Rules for second reading.

March 4, 1985

SB 4030 Prime Sponsor, Senator Kreidler: Relating to hazardous waste. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 4030 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Hansen, Williams.

Referred to Committee on Ways and Means.

March 5, 1985

SB 4119 Prime Sponsor, Senator Barr: Modifying provisions relating to weed control. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 4119 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Bailey, Barr, Bauer, Benitz, Gaspard.

Passed to Committee on Rules for second reading.

March 5, 1985

SB 4358 Prime Sponsor, Senator Warnke: Relating to revising the administrative structure of the department of labor and industries. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 4358 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Lee, McDonald, Newhouse, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 5, 1985

SJM 105 Prime Sponsor, Senator Moore: Petitioning Congress to enact legislation to clarify or change the current procedure for convening a constitutional convention. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Hayner, McCaslin, Metcalf, Moore, Thompson.

Passed to Committee on Rules for second reading.

March 4, 1985

SJM 123 Prime Sponsor, Senator Williams: Petitioning Congress to adopt the Foley amendment to the Department of Defense authorization bill. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; DeJarnatt, Garrett, Granlund, Rinehart.

MINORITY recommendation: Do not pass. Signed by Senators McCaslin, Zimmerman.

Passed to Committee on Rules for second reading.

March 5, 1985

SJR 109 Prime Sponsor, Senator Fleming: Ratifying the U.S. Constitutional amendment giving voting rights to the District of Columbia. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Moore, Thompson, Williams.

MINORITY recommendation: Do not pass. Signed by Senators Hayner, McCaslin, Metcalf, Newhouse, Pullen.

Passed to Committee on Rules for second reading.

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

STATEMENT FOR THE JOURNAL

March 6, 1985

Mary Wiley
Journal Clerk
Washington State Senate

Dear Mary:

I would like the following explanation for my absence from the session, March 6, 1985, placed in the Journal for that day.

As Chairman of the Economic and Revenue Forecast Council, I was unable to be on the floor during the session March 6, 1985. Because of my chairmanship, I am required to be present at the meeting of the Governor's Economic Advisors. This meeting took place at 10:00 a.m. on March 6, 1985, in the Governor's Conference Room.

Thank you.

Dan McDonald,
Senator, 48th District

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Thompson, the appointment of Richard A. Virant as Director of the Department of General Administration was confirmed.

APPOINTMENT OF RICHARD A. VIRANT

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; absent, 4; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vogt, von Reichbauer, Warnke, Wojahn, Zimmerman - 43.

Absent: Senators Craswell, McManus, Stratton, Williams - 4.

Excused: Senators McDermott, McDonald - 2.

MOTION

On motion of Senator Thompson, the appointment of Hugh Fowler as Director of the Department of Emergency Management was confirmed.

APPOINTMENT OF HUGH FOWLER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; nays, 1; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Paterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senator Rinehart - 1.

Absent: Senator Craswell - 1.

Excused: Senators McDermott, McDonald - 2.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of Queen Jaymee Marty of the Daffodil Festival Court and appointed Senators Bottiger, Gaspard, Granlund, Johnson, Rasmussen, Wojahn and von Reichbauer to escort the honored guest to the Senate rostrum.

With permission of the Senate, business was suspended to permit Queen Jaymee to address the Senate.

The honored guest was escorted from the Senate Chamber and the committee was discharged.

SECOND READING

SENATE BILL NO. 3090, by Senators Talmadge and Halsan

Providing for state reimbursement of the expenses of law enforcement officers in coroner's inquests.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 3090 was substituted for Senate Bill No. 3090 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute 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 Substitute Senate Bill No. 3090.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3090 and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Paterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Deccio, Johnson - 2.

Excused: Senators McDermott, McDonald - 2.

SUBSTITUTE SENATE BILL NO. 3090, having received the 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 GUESTS

The President introduced Mr. Lyle Jacobsen, assistant Washington State Treasurer, who in turn introduced Mr. Gedale Horowitz, managing director, municipal bond department, Salomon Brothers, Inc.; Mr. Eugene Crowley, managing director, municipal bond department, Salomon Brothers, Inc. and Mr. Dave Beller, President of Seattle Northwest Securities Corporation.

With permission of the Senate, business was suspended to permit Mr. Horowitz and Mr. Crowley to address the Senate on the subject of Washington State bond ratings.

Following the presentations, discussion continued with Mr. Horowitz, Mr. Crowley and Mr. Beller answering questions on consideration for improved Washington State bond ratings.

SECOND READING

SENATE BILL NO. 3180, by Senator Kreidler

Requiring salary surveys to be completed by September 30 prior to legislative session.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 3180 was substituted for Senate Bill No. 3180 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thompson, the rules were suspended, Substitute Senate Bill No. 3180 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. 3180.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3180 and the bill passed the Senate by the following vote: Yeas, 42; nays, 6; excused, 1.

Voting yeas: Senators Bailey, Bauer, Bender, Bluechel, Boltiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Melcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vogtild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Voting nays: Senators Barr, Benitz, Cantu, Craswell, Deccio, Patterson - 6.

Excused: Senator McDonald - 1.

SUBSTITUTE SENATE BILL NO. 3180, having received the 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 Joint Resolution No. 103 and the pending amendment by Senators Pullen, Hayner, Benitz and McCaslin on page 2, line 15, and the pending amendment to the amendment by Senator Guess, deferred February 25, 1985.

MOTIONS

On motion of Senator Guess and there being no objection, the amendment to the amendment was withdrawn.

On motion of Senator Pullen, the amendment by Senators Pullen, Hayner, Benitz and McCaslin was withdrawn.

MOTION

Senator Pullen moved that the following amendment by Senators Pullen, Hayner, Benitz and McCaslin be adopted:

On page 2, line 14, after "state" insert a period and strike the balance of the language

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Pullen, Hayner, Benitz and McCaslin.

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

MOTION

Senator Craswell moved that the following amendment be adopted:

On page 1, line 16, after "records," insert "Each charter shall expressly prohibit the imposition of general taxes unless such taxes are specifically authorized by state law."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Zimmerman, you referred to a number of counties that had changed their form of government. Do you know which counties they are?"

Senator Zimmerman: "Yes, King, Clallam, Whatcom, Snohomish and Pierce. Those are the ones--five western Washington counties."

Senator Rasmussen: "It would seem then, Senator Zimmerman, we are making a rather useless gesture in proposing this constitutional amendment which will cost a lot of money to get on the ballot--and the people rejected it already. I think it was a vote of three to one in all counties. If the counties are able to change their form of government already and you cited some of the biggest ones and, of course, the most able one is Pierce County, wouldn't it seem this is an unnecessary gesture to throw something out on the ballot that is going to cost a lot of money and the people are going to reject?"

Senator Zimmerman: "Senator Rasmussen, it may seem like an unnecessary gesture. The point is--it is simply an alternative to what has been the previous method and we hope would provide, at the least, the choices of the five possible charters to just be an alternative. It's just a choice. It would be a simple matter of whether we want to provide an easier and--perhaps what we assume a little better thought out--and avoid some of the possible rancor that has resulted in some of the past debates and failures and actions of the freeholders."

Further debate ensued.

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

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

MOTION

Senator Guess moved that the following amendment by Senators Guess and McCaslin be adopted:

On page 1, line 16, after "records," insert "Each charter shall clearly indicate that the State of Washington retains the right to pass preemptive legislation superseding all conflicting local ordinances."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator McCaslin, I noticed that you are a sponsor of this legislation and you are also a sponsor of this amendment to clarify the legislation you sponsored?"

Senator McCaslin: "That's correct."

Senator Rasmussen: "You still stand by that?"

Senator McCaslin: "I'm going to vote for this amendment, Senator."

Senator Rasmussen: "And you support it? You have reviewed it carefully?"

Senator McCaslin: "Yes, sir."

Senator Rasmussen: "Thank you, Senator McCaslin. As a sponsor, I'd like to know what you found wrong with it that you needed to correct--and now that you have corrected it with this amendment, I'm going to support it also."

Further debate ensued.

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

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

MOTION

On motion of Senator Vognild, further consideration of Substitute Senate Joint Resolution No. 103 was deferred.

MOTION TO LIMIT DEBATE

Senator Bottiger moved 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 that members be prohibited from yielding their time and, also, that this motion shall remain in effect through March 22, 1985.

Debate ensued.

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

The motion by Senator Bottiger carried and debate was limited to three minutes through March 22, 1985.

SECOND READING

SENATE BILL NO. 3309, by Senators Granlund and Zimmerman

Authorizing county legislative authorities to set certain license fees.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 3309 was substituted for Senate Bill No. 3309 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thompson, the rules were suspended, Substitute Senate Bill No. 3309 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. 3309.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3309 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Salling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator McDonald - 1.

SUBSTITUTE SENATE BILL NO. 3309, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

REPORTS OF STANDING COMMITTEES

March 4, 1985

SB 3140 Prime Sponsor, Senator Patterson: Modifying charges for higher education students taking two or fewer credit hours or more than eighteen credit hours. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as recommended by Committee on Education. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Craswell, Fleming, Goltz, Moore, Rinehart, Talmadge, Wojahn.

Passed to Committee on Rules for second reading.

March 5, 1985

SB 3266 Prime Sponsor, Senator McDermott: Increasing salaries of certain elected officials. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 3266 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Bluechel, Bottiger, Deccio, Fleming, Goltz, Hayner, McDonald, Moore, Rasmussen, Rinehart, Talmadge, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

March 4, 1985

SB 3278 Prime Sponsor, Senator Gaspard: Waiving higher education fees for students of foreign nations. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as recommended by Committee on Education. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Fleming, Goltz, McDonald, Rinehart, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 1, 1985

SB 3302 Prime Sponsor, Senator Fleming: Authorizing employment of chaplains by law enforcement agencies. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3302 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Fleming, McCaslin, Metcalf, Moore, Newhouse.

MINORITY recommendation: That the bill not be substituted. Signed by Senator DeJarnatt

Passed to Committee on Rules for second reading.

March 5, 1985

SB 3345 Prime Sponsor, Senator Fleming: Requiring affirmative action plans for certain state contractors. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 3345 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, Zimmerman.

Passed to Committee on Rules for second reading.

March 4, 1985

SB 3357 Prime Sponsor, Senator Gaspard: Removing the one year limit on the waiver of the out-of-state fee differential for military personnel and their spouses and dependents. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended as recommended by the Committee on Education. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bottiger, Cantu, Craswell, Deccio, Goltz, Moore, Rinehart, Talmadge, Thompson, Wojahn.

Passed to Committee on Rules for second reading.

March 5, 1985

SB 3534 Prime Sponsor, Senator DeJarnatt: Relating to political advertising. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; DeJarnatt, Garrett, Granlund, Rinehart.

MINORITY recommendation: Do not pass. Signed by Senators Bailey, McCaslin, Pullen, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

March 1, 1985

SB 3740 Prime Sponsor, Senator Talmadge: Relating to courts. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3740 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Fleming, McCaslin, Metcalf, Moore, Newhouse, Owen.

Passed to Committee on Rules for second reading.

March 4, 1985

SB 3768 Prime Sponsor, Senator Thompson: Providing for alteration of municipal utility systems. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Garrett, Granlund, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

March 5, 1985

SB 3777 Prime Sponsor, Senator Fleming: Directing the data processing authority to ensure full compatibility among the separate elements of the state data processing systems. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 3777 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, McCaslin, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

March 5, 1985

SB 3822 Prime Sponsor, Senator Sellar: Revising interest rates on life insurance policy settlements. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 3822 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Deccio, Newhouse, Sellar, Wojahn.

Passed to Committee on Rules for second reading.

March 5, 1985

SB 3827 Prime Sponsor, Senator Kreidler: Authorizing bonds for water pollution control facilities. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 3827 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Deccio, Goltz, Moore, Rinehart, Talmadge, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

March 5, 1985

SB 4136 Prime Sponsor, Senator Hansen: Authorizing bonds for water supply projects. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 4136 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDermott, Chairman; Bauer, Bottiger, Deccio, Fleming, Goltz, Hayner, Moore, Rasmussen, Rinehart, Talmadge, Thompson, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

March 5, 1985

SB 4165 Prime Sponsor, Senator Thompson: Providing for the disclosure of checking account information. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 4165 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bottiger, Deccio, McDermott, Newhouse, Sellar, Vognlid, Wojahn.

Passed to Committee on Rules for second reading.

March 5, 1985

SB 4200 Prime Sponsor, Senator Kreidler: Establishing a ground water management plan. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass and refer to Committee on Ways and Means. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Hansen, Kiskaddon, Williams.

Referred to Committee on Ways and Means.

March 5, 1985

SB 4259 Prime Sponsor, Senator Fleming: Prohibiting discrimination on the basis of sex in places of public resort, accommodation, assemblage, or amusement. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Hayner, Moore, Thompson, Williams.

Passed to Committee on Rules for second reading.

March 5, 1985

SB 4302 Prime Sponsor, Senator Wojahn: Revising provisions relating to lie detectors. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Hayner, McCaslin, Metcalf, Moore, Newhouse, Owen, Pullen, Thompson, Williams.

Passed to Committee on Rules for second reading.

March 5, 1985

SB 4305 Prime Sponsor, Senator Halsan: Revising provisions governing bail bonds. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 4305 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Hayner, Metcalf, Moore, Newhouse, Thompson, Williams.

Passed to Committee on Rules for second reading.

March 5, 1985

SB 4313 Prime Sponsor, Senator Sellar: Mandating that every driver and owner of a motor vehicle maintain in force a specified form of financial responsibility. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 4313 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Deccio, Newhouse, Sellar, Wojahn.

Passed to Committee on Rules for second reading.

March 5, 1985

SJM 120 Prime Sponsor, Senator Williams: Urging Congress to negotiate a verifiable test ban treaty and to stop nuclear weapons testing. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Joint Memorial No. 120 be substituted therefor, and the substitute bill do pass. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Benitz, Halsan, Kiskaddon, Kreidler, Saling, Stratton.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

March 5, 1985

GA 2 RICHARD J. THOMPSON, to the position of Director of the Department of Community Development, appointed by the Governor on January 16, 1985, for the term ending at the Governor's pleasure, succeeding Patrick W. Dunn.
Reported by Committee on Governmental Operations

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, McCaslin, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules.

March 5, 1985

GA 68 CURTIS ESCHELS, to the position of Chairman of the Energy Facility Site Evaluation Council, appointed by the Governor on February 7, 1985, for the term which is co-extensive with the term of the Governor, succeeding Nicholas Lewis.
Reported by Committee on Governmental Operations

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, McCaslin, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules.

March 5, 1985

EHB 21 Prime Sponsor, Representative Vekich: Revising provisions relating to horticultural nursery dealers. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass as amended. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Bailey, Barr, Bauer, Benitz, Gaspard.

Passed to Committee on Rules for second reading.

MOTION

At 11:46 a.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Thursday, March 7, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

FIFTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, March 7, 1985

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 Guess. On motion of Senator von Reichbauer, Senator Guess was excused.

The Sergeant at Arms Color Guard consisting of Pages Angie Shennan and Jeff Upthegrove, presented the Colors. Reverend Wallace Misterek, pastor of the Trinity Lutheran Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 5, 1985

SB 3037 Prime Sponsor, Senator McManus: Authorizing an alcohol awareness program. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 3037 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Kreidler, Vice Chairman; Conner, Deccio, Peterson, Stratton.

Passed to Committee on Ways and Means.

March 5, 1985

SB 3039 Prime Sponsor, Senator McManus: Regulating smoking in public places and office workplaces. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Second Substitute Senate Bill No. 3039 be substituted therefor, and the second substitute bill do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, McDonald, Moore, Newhouse.

Passed to Committee on Rules for second reading.

March 5, 1985

SB 3066 Prime Sponsor, Senator Moore: Modifying provisions relating to gambling. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 3066 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, Moore, Newhouse, Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1985

SB 3134 Prime Sponsor, Senator Goltz: Permitting installment payments of tuition and fees at institutions of higher education. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, Kiskaddon, McDermott, McManus, Saling, Stratton, Warnke.

Passed to Committee on Rules for second reading.

March 5, 1985

SB 3188 Prime Sponsor, Senator Granlund: Providing reimbursement of institutional care facilities employees for cost attributable to resident or patient assault. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 3188 be substituted therefor, and the substitute bill do pass and be referred to the Committee on Ways and Means. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Deccio, Johnson, Kiskaddon and Peterson.

Referred to Committee on Ways and Means.

March 6, 1985

SB 3205 Prime Sponsor, Senator Gaspard: Modifying the period for accumulation of leave for school employees. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, Kiskaddon, McDermott, Saling, Stratton, Warnke.

Passed to Committee on Rules for second reading.

March 5, 1985

SB 3295 Prime Sponsor, Senator Fleming: Authorizing regional mental health residential care systems. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 3295 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Kiskaddon, Peterson, Stratton.

Referred to Committee on Ways and Means.

March 6, 1985

SB 3350 Prime Sponsor, Senator Gaspard: Preventing the redesignation of a school district due to joint operation of certain programs. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 3350 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Johnson, Kiskaddon, McManus, Patterson, Saling, Stratton.

Passed to Committee on Rules for second reading.

March 5, 1985

SB 3412 Prime Sponsor, Senator Warnke: Facilitating the siting and expansion of business. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, McDonald, Moore, Newhouse, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 5, 1985

SB 3571 Prime Sponsor, Senator Warnke: Modifying provisions relating to wholesalers of cigarettes. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 3571 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, Moore, Newhouse, Williams.

Passed to Committee on Rules for second reading.

March 5, 1985

SB 3598 Prime Sponsor, Senator Granlund: Establishing protections for disabled persons assisted by service dogs. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 3598 be substituted therefor, and the substitute bill do pass. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Deccio, Johnson, Kiskaddon, Peterson, Stratton.

Passed to Committee on Rules for second reading.

March 5, 1985

SB 3627 Prime Sponsor, Senator Warnke: Modifying the unemployment compensation requirements for persons with marginal labor force attachment. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, Moore, Williams, Wojahn.

MINORITY recommendation: Do not pass. Signed by Senators Cantu, McDonald, Newhouse.

Passed to Committee on Rules for second reading.

March 5, 1985

SB 3756 Prime Sponsor, Senator Lee: Expanding aircraft noise abatement programs. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 3756 be substituted therefor, and the substitute bill do pass. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Cantu, Hansen, Kiskaddon, Williams.

Passed to Committee on Rules for second reading.

March 6, 1985

SB 3804 Prime Sponsor, Senator Zimmerman: Modifying liability for "AIDS" in transactions involving blood donations. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Deccio, Kiskaddon, Peterson, Stratton.

Passed to Committee on Rules for second reading.

March 6, 1985

SB 3829 Prime Sponsor, Senator Kreidler: Revising provisions relating to the licensing of physicians. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Conner, Deccio, Johnson, Peterson, Stratton.

Passed to Committee on Rules for second reading.

March 5, 1985

SB 3830 Prime Sponsor, Senator Garrett: Requiring full compensation for street vacations acquired at public expense. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, McCaslin, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

March 5, 1985

SB 3872 Prime Sponsor, Senator Stratton: Authorizing the establishment of aquifer protection areas. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 3872 be substituted therefor, and the substitute bill do pass. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Hansen, Kiskaddon, Williams.

Passed to Committee on Rules for second reading.

March 5, 1985

SB 3874 Prime Sponsor, Senator Kiskaddon: Exempting certain life-care retirement centers from the certificate of need requirement of health care facilities. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Granlund, Chairman; Conner, Craswell, Deccio, Johnson, Kiskaddon, Stratton.

Passed to Committee on Rules for second reading.

March 5, 1985

SB 3877 Prime Sponsor, Senator Stratton: Revising provisions relating to personal use licenses of the department of fisheries. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 3877 be substituted therefor, and the substitute bill do pass. Signed by Senators Stratton, Vice Chairman; Barr, Conner, Halsan, Johnson, Lee, Patterson.

MINORITY recommendation: Do not pass. Signed by Senators Metcalf, Peterson.

Passed to Committee on Rules for second reading.

March 5, 1985

SB 4100 Prime Sponsor, Senator Warnke: Relating to economic development. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 4100 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Vogtild, Vice Chairman; Halsan, McDonald, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1985

SB 4144 Prime Sponsor, Senator Gaspard: Creating the school district comparable worth assessment project. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Fleming, Kiskaddon, McDermott, McManus, Stratton, Warnke.

Passed to Committee on Rules for second reading.

March 5, 1985

SB 4216 Prime Sponsor, Senator Granlund: Prohibiting dentists from waiving the copayment requirements of a contract. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Deccio, Johnson, Kiskaddon, Peterson, Stratton.

Passed to Committee on Rules for second reading.

March 5, 1985

SB 4240 Prime Sponsor, Senator Rasmussen: Establishing a program for health care education. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass and refer to Committee on Ways and Means. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Deccio, Johnson, Kiskaddon, Peterson.

MINORITY recommendation: Do not pass. Signed by Senator Stratton.

Referred to Committee on Ways and Means.

MESSAGE FROM THE HOUSE

March 6, 1985

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 93,

SUBSTITUTE HOUSE BILL NO. 150,

SENATE JOINT MEMORIAL NO. 128, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE JOINT MEMORIAL NO. 128.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 93 by Committee on Social and Health Services (originally sponsored by Representatives Winsley, Ebersole, Gallagher, Day, Schoon, Leonard, Walker, Brooks, Dellwo, Wang, Cole, Valle, Fisch, P. King, Miller and Rayburn)

Requiring immunization prior to school attendance.

Referred to Committee on Human Services and Corrections.

SHB 150 by Committee on Local Government (originally sponsored by Representatives Haugen, Brough, Zöllinsky, May, Allen, Nutley, Isaacson and Jacobsen)

Providing uniform procedures for the creation, elections, and operations of various special purpose districts.

Referred to Committee on Governmental Operations.

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

SECOND READING

SENATE BILL NO. 3094, by Senators Talmadge, Newhouse, Halsan and Hayner

Modifying provisions relating to deeds of trust.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 3094 was substituted for Senate Bill No. 3094 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 3094 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. 3094.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3094 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Boltiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Guess - 1.

SUBSTITUTE SENATE BILL NO. 3094, having received the constitutional majority, 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. 3459, by Senators Thompson, Hayner and Bottiger

Determining the order of candidates' names on primary and sample ballots.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 3459 was substituted for Senate Bill No. 3459 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thompson, the rules were suspended, Substitute Senate Bill No. 3459 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. 3459.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3459 and the bill passed the Senate by the following vote: Yeas, 32; nays, 16; excused, 1.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kreidler, McDermott, McManus, Moore, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 32.

Voting nay: Senators Bailey, Barr, Cantu, Craswell, Deccio, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Patterson, Pullen, Saling, Sellar, von Reichbauer, Zimmerman - 16.

Excused: Senator Guess - 1.

SUBSTITUTE SENATE BILL NO. 3459, having received the constitutional majority, 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. 3467, by Senators Hansen, Peterson, Barr and Sellar

Relating to legislative authority governing rail districts.

The bill was read the second time.

MOTIONS

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

On page 2, line 3, strike "Such authority" and insert "This authority and that provided in RCW 36.60.030"

POINT OF INQUIRY

Senator Pullen: "Senator Peterson, the language that I had an interest in is on page 2, lines 11 through 13--the last three lines of the bill, where it says the legislative authority of such other county must consent by resolution to the proposed plan of the originating county which consent shall not be unreasonably withheld. I don't think I've ever seen such language in a statute before. Is there a concern there we're trying to take care of--by that particular language--or is there some particular understanding of what is meant by saying that the county shall not unreasonably withhold its consent? I see Senator Hansen is going to answer that."

Senator Hansen: "Senator Pullen, I believe what this means is we have two rail districts to form--one in Lincoln County and one in Douglas County. The spur would go through a portion of Grant County to tie into the main line. And this was there just strictly to request that Grant County not take opposition unless they had a strong mind to keep that rail from coming through that portion of Grant County."

MOTION

On motion of Senator Peterson, the rules were suspended, Engrossed Senate Bill No. 3467 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. 3467.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3467 and the bill passed the Senate by the following vote:

Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Guess - 1.

ENGROSSED SENATE BILL NO. 3467, having received the constitutional majority, 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. 3166, by Senators Bailey, Hansen, Goltz, Barr and Bauer

Providing for increased support for advertising Washington dairy products.

MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 3166 was substituted for Senate Bill No. 3166 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hansen, the rules were suspended, Substitute Senate Bill No. 3166 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. 3166.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3166 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Guess - 1.

SUBSTITUTE SENATE BILL NO. 3166, having received the constitutional majority, 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. 3387, by Senators Bauer, Zimmerman, Thompson, McCaslin and Deccio

Permitting installment payments for certain sewer connection costs.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 3387 was substituted for Senate Bill No. 3387 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thompson, the rules were suspended, Substitute Senate Bill No. 3387 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--there is an additional charge of \$3.00 per year assessed to pay the Treasurer.' This is new, isn't it?"

Senator Bauer: "I think that was added in committee. It wasn't part of the original intent, but I don't see anything wrong with it."

Senator Rasmussen: "What it says is that the County Treasurer may charge and collect a fee of \$3.00 per parcel so that the individual who's paying his assessment will be paying an additional \$3.00 for the county service."

Senator Bauer: "This is to offset the additional cost to the counties for the services they provide. I see no problem with that."

Senator Rasmussen: "Are we going to have the same thing when we pay our property taxes--they would extend to the Treasurer another \$3.00 for the services that we're supposed to be paying for our taxes?"

Senator Bauer: "I'm not sure there's a plan to that effect in the making."

Senator Rasmussen: "I don't like that part of it. I don't mind the payment in installments, but I don't see any reason to give another \$3.00."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3387.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3387 and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senators Patterson, Rasmussen - 2.

Excused: Senator Guess - 1.

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.

SECOND READING

SENATE BILL NO. 3392, by Senators Warnke, Newhouse, Vognild, Cantu, McManus, Lee and Benitz

Repealing the termination of the department of commerce and economic development.

MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 3392 was substituted for Senate Bill No. 3392 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 3392 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. 3392.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3392 and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Voting nay: Senator Craswell - 1.

SUBSTITUTE SENATE BILL NO. 3392, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Metcalf moved that the Senate advance to the ninth order of business in order to relieve the Committee on Judiciary of further consideration of Senate Joint Memorial No. 103.

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 the motion by Senator Metcalf to advance the Senate to the ninth order of business.

ROLL CALL

The Secretary called the roll and the motion by Senator Metcalf carried by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Bailey, Barr, Benitz, Cantu, Conner, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, von Reichbauer, Zimmerman - 25.

Voting nay: Senators Bauer, Bender, Bluechel, Bottiger, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Peterson, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 24.

MOTION

At 10:50 a.m., Senator Bottiger moved that the Senate adjourn until 10:00 a.m., Friday, March 8, 1985.

Senator von Reichbauer demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Bottiger to adjourn until Friday, March 8, 1985.

ROLL CALL

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

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Peterson, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 24.

Voting nay: Senators Bailey, Barr, Benitz, Cantu, Conner, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, von Reichbauer, Zimmerman - 25.

MOTION

At 10:53 a.m., Senator Bottiger moved that the Senate recess.

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

The President declared the question before the Senate to be the roll call on the motion by Senator Bottiger to recess.

ROLL CALL

The Secretary called the roll and the motion by Senator Bottiger carried by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Peterson, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 25.

Voting nay: Senators Bailey, Barr, Benitz, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, von Reichbauer, Zimmerman - 24.

At 10:58 a.m., the Senate was declared to be at recess.

SECOND MORNING SESSION

The Senate was called to order at 11:56 a.m. by President Cherberg.

MOTIONS

On motion of Senator Bottiger, the Committee on Judiciary was relieved of further consideration of Senate Joint Memorial No. 106.

On motion of Senator Bottiger, the rules were suspended and Senate Joint Memorial No. 106 was advanced to second reading and placed on the second reading calendar.

On motion of Senator Bottiger, the Committee on Rules was relieved of further consideration of Senate Joint Memorial No. 105.

On motion of Senator Bottiger, the rules were suspended and Senate Joint Memorial No. 105 was advanced to second reading and placed on the second reading calendar.

MOTION

At 11:58 a.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Friday, March 8, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

FIFTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, March 8, 1985

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 Benitz. On motion of Senator Zimmerman, Senator Benitz was excused.

The Sergeant at Arms Color Guard consisting of Pages Adam Talmadge and Steven Wiggins, presented the Colors. Reverend Wallace Misterek, pastor of the Trinity Lutheran Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 6, 1985

SB 3082 Prime Sponsor, Senator McDermott: Modifying the measure of B & O tax for artistic or cultural organizations. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Cantu, Deccio, Goltz, Hayner, McDonald, Moore, Rinehart, Talmadge, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 5, 1985

SB 3125 Prime Sponsor, Senator Conner: Authorizing construction of the Quinault Tribal Highway. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 3125 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, DeJarnatt, Garrett, Johnson, Metcalf, Patterson, Sellar, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

March 7, 1985

SB 3126 Prime Sponsor, Senator McManus: Establishing collective bargaining for Washington state patrol officers. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 3126 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, Moore, Williams, Wojahn.

MINORITY recommendation: Do not pass. Signed by Senators Cantu, Lee, McDonald, Newhouse.

Passed to Committee on Rules for second reading.

March 7, 1985

SB 3154 Prime Sponsor, Senator Moore: Creating the crime of vagrancy. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3154 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; Fleming, Hayner, McCaslin, Metcalf, Moore, Newhouse, Owen.

Passed to Committee on Rules for second reading.

March 7, 1985

SB 3165 Prime Sponsor, Senator Bottiger: Creating new superior court judicial positions. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3165 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Newhouse, Owen, Thompson.

Passed to Committee on Rules for second reading.

March 5, 1985

SB 3179 Prime Sponsor, Senator Halsan: Enlarging the class of persons entitled to cash out annual leave. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 3179 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Fleming, Goltz, Hayner, Lee, Moore, Rinehart, Talmadge, Thompson, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 5, 1985

SB 3201 Prime Sponsor, Senator Halsan: Classifying PCBs as dangerous waste. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 3201 be substituted therefor, and the substitute bill do pass as recommended by Committee on Parks and Ecology. Signed by Senators Gaspard, Vice Chairman; Bluechel, Bottiger, Fleming, Goltz, Hayner, Lee, Rasmussen, Talmadge, Thompson, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 5, 1985

SB 3207 Prime Sponsor, Senator Granlund: Providing for prison work programs. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 3207 be substituted therefor, and the substitute bill do pass as recommended by Committee on Human Services. Signed by Senators McDermott, Chairman; Bluechel, Bottiger, Cantu, Craswell, Fleming, Goltz, Lee, McDonald, Moore, Rasmussen, Rinehart, Talmadge, Thompson, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 7, 1985

SB 3219 Prime Sponsor, Senator Granlund: Requiring wage parity for nursing home employees. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 3219 be substituted therefor, and the substitute bill do pass and be referred to the Committee on Ways and Means. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Johnson, Kiskaddon, Peterson, Stratton.

Referred to Committee on Ways and Means.

March 7, 1985

SB 3224 Prime Sponsor, Senator Newhouse: Revising provisions relating to crimes. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3224 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Fleming, Hayner, McCaslin, Metcalf, Moore, Newhouse.

MINORITY recommendation: That it not be substituted. Signed by Senators Halsan, Vice Chairman; Pullen.

Passed to Committee on Rules for second reading.

March 6, 1985

SB 3251 Prime Sponsor, Senator Owen: Modifying methods for determining child custody and enforcing child support. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3251 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; McCaslin, Metcalf, Moore, Newhouse, Owen, Pullen, Thompson.

Passed to Committee on Rules for second reading.

March 5, 1985

SB 3265 Prime Sponsor, Senator Kreidler: Reducing bond money available for waste systems capable of producing renewable energy or energy savings. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 3265 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDermott, Chairman; Bauer, Bluechel, Bottiger, Cantu, Craswell, Deccio, Fleming, Goltz, Hayner, Lee, McDonald, Moore, Rasmussen, Rinehart, Talmadge, Thompson, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 6, 1985

SB 3305 Prime Sponsor, Senator Williams: Permitting regulation of certain telecommunications companies and services. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 3305 be substituted therefor, and the substitute bill do pass. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Benitz, Kreidler, McCaslin, Owen, Saling, Stratton.

Passed to Committee on Rules for second reading.

March 7, 1985

SB 3307 Prime Sponsor, Senator Talmadge: Limiting campaign contributions. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3307 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Moore, Thompson, Williams.

Passed to Committee on Rules for second reading.

March 6, 1985

SB 3316 Prime Sponsor, Senator Fleming: Providing for the licensing of athletic trainers. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 3316 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, Moore, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1985

SB 3317 Prime Sponsor, Senator Fleming: Revising the powers and duties of the athletic health care and training council. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 3317 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, McDermott, McManus, Stratton, Warnke.

MINORITY recommendation: The substitute bill do not pass. Signed by Senators Benitz, Craswell, Guess, Johnson, Patterson, Saling.

Passed to Committee on Rules for second reading.

March 5, 1985

SB 3352 Prime Sponsor, Senator Gaspard: Providing a state clearinghouse for educational information. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as recommended by the Committee on Education. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Bottiger, Goltz, Moore, Rasmussen, Rinehart, Talmadge, Thompson, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

March 7, 1985

SB 3377 Prime Sponsor, Senator Talmadge: Establishing a registry of child abuse criminal convictions. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3377 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Hayner, McCaslin, Metcalf, Moore, Newhouse, Owen, Pullen.

Passed to Committee on Rules for second reading.

March 7, 1985

SB 3388 Prime Sponsor, Senator Talmadge: Revising provisions relating to the attorney general. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3388 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Hayner, Metcalf, Newhouse, Owen.

Passed to Committee on Rules for second reading.

March 6, 1985

SB 3390 Prime Sponsor, Senator Granlund: Changing nursing home auditing standards. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 3390 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Bottiger, Cantu, Deccio, Goltz, Talmadge, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 7, 1985

SB 3413 Prime Sponsor, Senator Warnke: Requiring a study of the business license system. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 3413 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, McDonald, Moore, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1985

SB 3414 Prime Sponsor, Senator Wojahn: Enforcing the regulatory fairness act. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 3414 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, McDonald, Moore, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1985

SB 3418 Prime Sponsor, Senator Peterson: Modifying provisions on the retail sale of motor vehicle fuels. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, DeJarnatt, Granlund, Johnson, Metcalf, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

March 6, 1985

SB 3421 Prime Sponsor, Senator Kiskaddon: Creating the office for the enhancement of human intellect. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 3421 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, Johnson, Kiskaddon, McManus, Patterson, Saling, Stratton.

Passed to Committee on Rules for second reading.

March 7, 1985

SB 3434 Prime Sponsor, Senator Halsan: Requiring disclosure of financial decision-making members of political committees. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Moore, Thompson, Williams.

Passed to Committee on Rules for second reading.

March 5, 1985

SB 3442 Prime Sponsor, Senator Vognild: Establishing a fire service training revolving fund. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Bill No. 3442 be substituted therefor, and the substitute bill do pass as recommended by Committee on Governmental Operations. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Bottiger, Fleming, Goltz, Hayner, Lee, Talmadge, Thompson, Zimmerman.

Passed to Committee on Rules for second reading.

March 6, 1985

SB 3444 Prime Sponsor, Senator Fleming: Establishing the higher education opportunities program. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, McDermott, McManus, Stratton, Warnke.

Passed to Committee on Rules for second reading.

March 6, 1985

SB 3448 Prime Sponsor, Senator Gaspard: Providing for seismic safety in school buildings. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 3448 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, Johnson, Kiskaddon, McManus, Patterson, Saling, Stratton.

Passed to Committee on Rules for second reading.

March 1, 1985

SB 3497 Prime Sponsor, Senator Warnke: Removing the three occasion per week limit on premises where bingo games are held. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, Moore, Newhouse, Wojahn.

Passed to Committee on Rules for second reading.

March 7, 1985

SB 3507 Prime Sponsor, Senator Granlund: Modifying provisions relating to disclosure of confidential information to persons believed to be in possible danger. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 3507 be substituted therefor, and the substitute bill do pass. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Johnson, Kiskaddon, Peterson, Stratton.

Passed to Committee on Rules for second reading.

March 7, 1985

SB 3526 Prime Sponsor, Senator Talmadge: Including correctional officers within definition of uniformed personnel for collective bargaining purposes. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 3526 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, Moore, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 7, 1985

SB 3595 Prime Sponsor, Senator Talmadge: Providing that theft of a controlled substance is a class B felony. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3595 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Hayner, McCaslin, Metcalfe, Newhouse, Pullen.

Passed to Committee on Rules for second reading.

March 6, 1985

SB 3619 Prime Sponsor, Senator Bauer: Providing data on costs of bilingual and remedial programs. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 3619 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, Johnson, Kiskaddon, McManus, Patterson, Saling, Stratton.

Passed to Committee on Rules for second reading.

March 7, 1985

SB 3742 Prime Sponsor, Senator Talmadge: Relating to the effective date of racketeering laws. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3742 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Hayner, Newhouse, Pullen, Thompson.

Passed to Committee on Rules for second reading.

March 6, 1985

SB 3782 Prime Sponsor, Senator Gaspard: Establishing the Washington state honors award program. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Craswell, Fleming, Goltz, McManus, Saling, Stratton.

Passed to Committee on Rules for second reading.

March 7, 1985

SB 3786 Prime Sponsor, Senator DeJarnatt: Establishing misdemeanor offense for theft of shopping carts. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3786 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Hayner, McCaslin, Metcalf, Moore, Newhouse, Owen, Pullen.

Passed to Committee on Rules for second reading.

March 7, 1985

SB 3788 Prime Sponsor, Senator Owen: Prohibiting employees of financial institutions from engaging in insurance agency activities. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 3788 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Deccio, Sellar, Vognild, von Reichbauer, Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1985

SB 3799 Prime Sponsor, Senator Stratton: Increasing the state radiation control agency's responsibilities with regard to radiation control. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 3799 be substituted therefor, and the substitute bill do pass and be referred to the Committee on Ways and Means. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Kreidler, Owen, Saling, Stratton.

Referred to Committee on Ways and Means.

March 6, 1985

SB 3808 Prime Sponsor, Senator McManus: Authorizing a study of the impact of siting a high-level radioactive waste storage repository in Washington. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 3808 be substituted therefor, and the substitute bill do pass. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Kreidler, Owen, Saling, Stratton.

Passed to Committee on Rules for second reading.

March 6, 1985

SB 3843 Prime Sponsor, Senator Gaspard: Providing for enhancement of national history day activities. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, Johnson, McDermott, McManus, Patterson, Stratton, Warnke.

Passed to Committee on Rules for second reading.

March 6, 1985

SB 3913 Prime Sponsor, Senator Kreidler: Providing for licensing of full-time faculty at University of Washington school of dentistry. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Deccio, Johnson, Kiskaddon, Peterson, Stratton.

Passed to Committee on Rules for second reading.

March 5, 1985

SB 3932 Prime Sponsor, Senator Peterson: Relating to limitations upon the valuation of motor vehicles. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 3932 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, DeJarnatt, Garrett, Granlund, Johnson, Metcalf, Patterson, Sellar, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

March 7, 1985

SB 3971 Prime Sponsor, Senator Granlund: Relating to institutional industries. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 3971 be substituted therefor, and the substitute bill do pass. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Deccio, Johnson, Kiskaddon, Peterson, Stratton.

Passed to Committee on Rules for second reading.

March 7, 1985

SB 3979 Prime Sponsor, Senator Granlund: Relating to social services. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 3979 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Deccio, Johnson, Kiskaddon, Peterson.

Referred to Committee on Ways and Means.

March 7, 1985

SB 3981 Prime Sponsor, Senator Vognild: Relating to exemption from industrial insurance premiums. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 3981 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, McDonald, Moore, Newhouse, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 7, 1985

SB 3989 Prime Sponsor, Senator Moore: Relating to insurance. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 3989 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Deccio, Newhouse, Vognild, von Reichbauer, Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1985

SB 4059 Prime Sponsor, Senator Talmadge: Relating to juveniles. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 4059 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Hayner, McCaslin, Newhouse, Owen, Thompson.

Passed to Committee on Rules for second reading.

March 7, 1985

SB 4107 Prime Sponsor, Senator Talmadge: Establishing privileged communications between registered nurses and patients. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 4107 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Newhouse, Owen, Pullen.

Passed to Committee on Rules for second reading.

March 6, 1985

SB 4109 Prime Sponsor, Senator Moore: Regulating the interception of telephone communications. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 4109 be substituted therefor, and the substitute bill do pass. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Halsan, Kreidler, Owen.

Passed to Committee on Rules for second reading.

March 6, 1985

- SB 4114 Prime Sponsor, Senator Owen: Relating to securities of the state, its agencies, political subdivisions, municipal corporations, or instrumentalities; amending section 43, chapter 282, Laws of 1959 as last amended by section 9, chapter 272, Laws of 1981 and RCW 21.20.430. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 4114 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Hayner, McCaslin, Metcalf, Newhouse, Owen, Thompson.

Passed to Committee on Rules for second reading.

March 6, 1985

- SB 4152 Prime Sponsor, Senator Rinehart: Including high school students and recent graduates as residents for higher education tuition and fees. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, McDermott, McManus, Patterson, Saling, Stratton, Warnke.

Passed to Committee on Rules for second reading.

March 6, 1985

- SB 4153 Prime Sponsor, Senator Rinehart: Adjusting higher education tuition and fees. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as recommended by the Committee on Education. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Fleming, Goltz, Lee, McDonald, Rinehart, Talmadge, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1985

- SB 4207 Prime Sponsor, Senator Bottiger: Allowing private utilities to refuse electric service to new houses which are not in compliance with model energy standards. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 4207 be substituted therefor, and the substitute bill do pass. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Halsan, Kreidler, Stratton.

Passed to Committee on Rules for second reading.

March 7, 1985

- SB 4208 Prime Sponsor, Senator Warnke: Providing for development of a state mine rescue plan and providing civil immunity for rescue activities under the plan. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 4208 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, McDonald, Moore, Williams, Wojahn.

Passed to Committee on Rules for second reading.

March 5, 1985

- SB 4227 Prime Sponsor, Bender: Changing provisions relating to scoliosis screening. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Deccio, Johnson, Kiskaddon, Peterson, Stratton.

Passed to Committee on Rules for second reading.

March 6, 1985

SB 4243 Prime Sponsor, Senator Gaspard: Providing an early childhood assistance program. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 4243 be substituted therefor, and the substitute bill do pass as recommended by Committee on Education. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Fleming, Goltz, Rinehart, Talmadge, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

March 7, 1985

SB 4262 Prime Sponsor, Senator Owen: Changing date for expiration of joint operating agencies' contracting authority. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Benitz, Halsan, Kiskaddon, Kreidler, McCaslin, Owen, Saling, Stratton.

Passed to Committee on Rules for second reading.

March 5, 1985

SB 4267 Prime Sponsor, Senator Hansen: Authorizing the department of transportation to buy and sell abandoned rail rights of way. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 4267 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, DeJarnatt, Garrett, Granlund, Johnson, Metcalf, Patterson, Sellar, Vognild.

Passed to Committee on Rules for second reading.

March 6, 1985

SB 4420 Prime Sponsor, Senator Hansen: Relating to agricultural liens. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 4420 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Bailey, Barr, Bauer, Benitz, Bottiger.

Passed to Committee on Rules for second reading.

March 6, 1985

SJM 111 Prime Sponsor, Senator Bauer: Petitioning for federal action to increase minority participation in graduate education programs. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, McDermott, McManus, Patterson, Stratton, Warnke.

Passed to Committee on Rules for second reading.

March 6, 1985

SJM 112 Prime Sponsor, Senator Bauer: Petitioning Congress to provide financial assistance to help the public school system to accommodate the non-English speaking students. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, McDermott, McManus, Patterson, Stratton, Warnke.

Passed to Committee on Rules for second reading.

March 7, 1985

SJM 122 Prime Sponsor, Senator Bottiger: Asking Congress to grant state jurisdiction to regulate fireworks on federal enclaves. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Vice Chairman; Cantu, Lee, McDonald, Moore, Newhouse, Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1985

SJM 127 Prime Sponsor, Senator Bottiger: Petitioning Congress to undertake a study on vessel air emissions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, DeJarnatt, Garrett, Granlund, Guess, Metcalf, Patterson, Sellar, Vognild.

Passed to Committee on Rules for second reading.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence of guests of the Governor's Employ the Older Worker Week Proclamation and appointed Senators Sellar, Talmadge, Hansen, Owen, Zimmerman and Rasmussen as a committee of honor to escort the honored guests to the Senate Rostrum.

The President turned the gavel over to Senator Sellar to introduce the honored guests: Joanna Wakefield, age 88, the oldest Senior Community Service employment enrollee in the state; Emilian Acena, age 78, employed at the Central Chore Services, Division of Catholic Community Services as a Community Aide; and Fred Wolfe, age 83, the oldest male enrollee in the Senior Community Service program in the state.

With permission of the Senate, business was suspended to permit Mr. Wolfe to address the Senate.

Senator Sellar returned the gavel to President Cherberg.

The committee of honor escorted the honored guests from the Senate Chamber and the committee was discharged.

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

SECOND READING

SENATE BILL NO. 3624, by Senator Kreidler

Eliminating restrictions on political activity of persons eligible for employment security department personnel.

The bill was read the second time.

MOTIONS

On motion of Senator Bender, Senator DeJarnatt was excused.

On motion of Senator Warnke, the rules were suspended, Senate Bill No. 3624 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. 3624.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3624 and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bottiger, Cantu, Conner, Craswell, Deccio, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senators Bluechel, McCaslin - 2.

Absent: Senator Metcalf - 1.

Excused: Senators Benitz, DeJarnatt - 2.

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.

SECOND READING

SENATE JOINT MEMORIAL NO. 106, by Senators Rasmussen and Metcalf

Petitioning Congress to make certain changes to a proposed amendment to the United States Constitution regarding the federal budget.

The memorial was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Joint Memorial No. 106 was advanced to third reading, the second reading considered the third, and the memorial 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 Joint Memorial No. 106.

ROLL CALL

The Secretary called the roll on final passage of Senate Joint Memorial No. 106 and the memorial passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senator Owen - 1.

Excused: Senator Benitz - 1.

SENATE JOINT MEMORIAL NO. 106, having received the constitutional majority, was declared passed.

SECOND READING

SENATE JOINT MEMORIAL NO. 105, by Senators Moore and Metcalf

Petitioning Congress to enact legislation to clarify or change the current procedure for convening a constitutional convention.

The memorial was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Joint Memorial No. 105 was advanced to third reading, the second reading considered the third, and the memorial 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 Joint Memorial No. 105.

ROLL CALL

The Secretary called the roll on final passage of Senate Joint Memorial No. 105 and the memorial passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Benitz - 1.

SENATE JOINT MEMORIAL NO. 105, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 3456, by Senators Hansen, Guess, Goltz, Peterson and Barr

Extending certain tax exemptions relating to alcohol used in motor vehicle fuels.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended, Senate Bill No. 3456 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. 3456.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3456 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarmatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Benitz - 1.

SENATE BILL NO. 3456, having received the constitutional majority, 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. 3580, by Senators Talmadge, Newhouse and Hayner

Changing provisions relating to business corporations.

MOTION

On motion of Senator Talmadge, Substitute Senate Bill No. 3580 was substituted for Senate Bill No. 3580 and the substitute bill was advanced to second reading and read the second time.

POINT OF INQUIRY

Senator Pullen: "Senator Talmadge, among these 'interested transactions' referred to, would that include the provisions that allow an officer of the corporation to get a loan from the corporation, which is now prohibited by law--as I understand it?"

Senator Talmadge: "Loans from the corporation are not prohibited by law, if I recall, Senator Pullen. You might give me the specific page and line number that you're looking at. There has to be circumstances specifically defined in which some sort of financial transaction between a director and a corporation are permitted."

Senator Pullen: "Actually, it's a very large bill and I'm trying to find the location at this time."

Senator Talmadge: "The section you may be referring to would be Section 5, which is the transaction between a director and a corporation on page 4 of the bill. This specifies the circumstances under which the director is liable for such transaction. And then Section 6 follows it up with defining an 'interested shareholder transaction' involving a corporation."

Senator Pullen: "I see in the digest--it's the second paragraph from the end--it talks about the basic tests for validity of loans to directors. It says 'the basic tests for validity of loans to directors is that either (1) the particular loan is approved by a majority of the shareholders or by the board of directors after specific finding that the loan benefits the corporation, or (2) the loan is pursuant to a general plan approved by the board as being of benefit to the corporation.'"

Senator Talmadge: "Yes, that's correct. That's the understanding."

Senator Pullen: "And what section of the bill is that language in?"

Senator Talmadge: "I believe the section relating to director transactions is Section 5 and shareholder transactions is Section 6 of the bill."

Senator Pullen: "Was there any testimony--potential concern--with regard to loans to directors or officers of the corporation? Was there anyone who expressed any worry that this could lead to potential abuses?"

Senator Talmadge: "No, in fact, there wasn't. This language in Sections 5 and 6 is more stringent than is the case under present law. It requires approval, as was indicated in the digest, by the shareholders or by the board of directors subject to notification of the benefit to the board and to the shareholders with respect to the transaction. What we are attempting to do here is, in fact, make the standard for such transactions more stringent than is the present standard in corporations law."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3580.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3580 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senator Pullen - 1.

Excused: Senator Benitz - 1.

SUBSTITUTE SENATE BILL NO. 3580, having received the constitutional majority, 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. 3020, by Senators Barr and Goltz

Authorizing expenditures for commodities education programs.

The bill was read the second time.

MOTION

On motion of Senator Hansen, the rules were suspended, Senate Bill No. 3020 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 Senate Bill No. 3020.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3020 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Benitz - 1.

SENATE BILL NO. 3020, having received the constitutional majority, 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. 3091, by Senators Talmadge, Newhouse and Hayner

Providing for the forfeiture of real estate contracts.

The bill was read the second time.

MOTION

Senator Talmadge moved that the following Committee on Judiciary amendment be adopted:

On page 2, line 36, after the period insert "This chapter shall not be construed as prohibiting or limiting any remedy which is not governed or restricted by this chapter and which is otherwise available to the seller or the purchaser."

POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, in order to stop a forfeiture, what court do you go into--superior court or can you go to district court?"

Senator Talmadge: "No, I think it would be superior court, Senator, because title to property can only be heard in a superior court."

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

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

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 3091 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. 3091.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3091 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senator Pullen - 1.

Excused: Senator Benitz - 1.

ENGROSSED SENATE BILL NO. 3091, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3373, by Senators Moore and McCaslin

Authorizing recovery of additional costs for plaintiffs against certain judgment debtors.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 3373 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. 3373.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3373 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Benitz - 1.

SENATE BILL NO. 3373, having received the constitutional 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 11:29 a.m., on motion of Senator Vognild, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Cherberg.

SECOND READING

SENATE BILL NO. 3374, by Senators Talmadge, Newhouse and Moore

Revising provisions relating to the award of attorneys' fees.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On line 27, after "of" insert "twenty--"

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 3374 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. 3374.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3374 and the bill passed the Senate by the following vote: Yeas, 45; absent, 4.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Barr, Gaspard, McManus, Patterson - 4.

ENGROSSED SENATE BILL NO. 3374, having received the constitutional majority, 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. 3069, by Senators Moore, Sellar, Kreidler and Conner (by Lieutenant Governor request)

Providing that licensed health care professionals may organize nonprofit non-stock corporations.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 3069 was substituted for Senate Bill No. 3069 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Substitute Senate Bill No. 3069 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. 3069.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3069 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart,

Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE SENATE BILL NO. 3069, having received the 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 Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Bottiger, the Committee on Judiciary was relieved of further consideration of Senate Joint Memorial No. 103.

On motion of Senator Bottiger, the rules were suspended, Senate Joint Memorial No. 103 was advanced to second reading and placed on the second reading calendar.

MOTION

Senator Metcalf moved that Senate Joint Memorial No. 103 be made a special order of business at 11:00 a.m., Tuesday, March 12, 1985.

Debate ensued.

POINT OF INQUIRY

Senator Moore: "Senator Metcalf, you and I have cooperated rather well on some fiscal responsibility pieces of legislation, the Federal Reserve and assorted issues down through the last several years--and since we are on such good terms I would like for you to tell us what is so magic about Tuesday? Is that a better press day? What's it all about?"

Senator Metcalf: "Thank you, Senator Moore. I do commend you for the help and cooperation in the past. It has been outstanding and I have commended you on the floor of the Senate for that. This, by the way, was no surprise whatsoever. I don't know about Senator Bottiger--and to you, Senator Bottiger, I will say that before 1:00 o'clock, I informed Senator Vognild today, that we would resist any motion to take this up today. This has nothing to do with the press, Senator Moore. This is a question of 'let's go home for the week-end--let's let the people speak--let's listen to the people--our constituents.'

"To Senator Fleming, I say, we're not in the majority. But let's hope the people are in the majority on this issue on this floor now. Let's hold it until Tuesday. Senator Talmadge said in the paper this morning that if this comes out, he'll have as many amendments as he can think of--and maybe others will have, too. Let's give everybody time to get prepared. We know it's coming and on Tuesday, let's move on this issue. That's the answer to the question. I think that that's the proper procedure. I hope it won't be a filibuster on Tuesday. I think we can handle it quickly and rationally. But let's wait until Tuesday."

Further debate ensued.

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

The President declared the question before the Senate to be the roll call on the motion by Senator Metcalf to make Senate Joint Memorial No. 103 a special order of business for 11:00 a.m., Tuesday, March 12, 1985.

ROLL CALL

The Secretary called the roll and the motion by Senator Metcalf carried by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Bailey, Barr, Benitz, Cantu, Conner, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, von Reichbauer, Zimmerman - 25.

Voting nay: Senators Bauer, Bender, Bluechel, Bottiger, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Peterson, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 24.

Senate Joint Memorial No. 103 was made a special order of business for 11:00 a.m., Tuesday, March 12, 1985.

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

SECOND READING

SENATE BILL NO. 3460, by Senators Williams and Talmadge

Requiring reporting of felony sexual offenses.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 3460 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. 3460.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3460 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 49.

SENATE BILL NO. 3460, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3320, by Senators McDermott, Talmadge, Fleming, Kreidler, Vognild, Williams, Conner, Owen, Wojahn, Garrett and McManus

Establishing the Washington basic health plan.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 3320 was substituted for Senate Bill No. 3320 and the substitute bill was advanced to second reading and read the second time.

Senator Zimmerman moved that the following amendment be adopted:

On page 4, line 5, after (5) strike all material through "employees" and insert "The director of the office of financial management or his/her designee."

PARLIAMENTARY INQUIRY

Senator Bluechel: "I have an amendment that precedes that one. Will it be able to be taken when it is distributed?"

REPLY BY THE PRESIDENT

President Cherberg: "Yes, Senator Bluechel."

Further debate ensued.

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

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

ROLL CALL

The Secretary called the roll and the motion by Senator Zimmerman failed and the amendment was not adopted by the following vote: Yeas, 22; nays, 26; absent, 1.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Moore, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer, Zimmerman - 22.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Owen, Peterson, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 26.

Absent: Senator Guess - 1.

MOTIONS

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

On page 9, line 11, after "practice," insert "The board shall endeavor to secure participation agreements with managed health care systems in each of the congressional districts of the state."

Senator Bluechel moved that the following amendments be considered simultaneously and adopted:

On page 2, line 31, after "at" strike the language through "enrollment" on line 32 and insert "both the time of enrollment and at the end of each calendar year"

On page 7, line 26, after "income" strike the remainder of the subsection through "level" on line 34

Debate ensued.

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

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

MOTION

Senator Bluechel moved that the following amendment be adopted:

On page 9, line 17, after "plan" insert a period and strike the remainder of the section through line 26

Debate ensued.

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

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

MOTION

On motion of Senator Vognild, further consideration of Substitute Senate Bill No. 3320 was deferred.

SECOND READING

SENATE BILL NO. 3540, by Senators Moore, Deccio, Sellar, Newhouse, Bender and Wojahn (by Insurance Commissioner request)

Revising health maintenance organization provisions.

MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 3540 was substituted for Senate Bill No. 3540 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Moore, the rules were suspended, Substitute Senate Bill No. 3540 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. 3540.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3540 and the bill passed the Senate by the following vote: Yeas, 46; absent, 3.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Guess, Hayner, Sellar - 3.

SUBSTITUTE SENATE BILL NO. 3540, having received the 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. 3320, deferred on second reading earlier today.

MOTION

Senator Bailey moved that the following amendments by Senators Bailey, Barr, Metcalf, Hayner and Saling be considered simultaneously and adopted:

On page 3, on line 11, after "18" strike ", 19, and 20" and insert "and 19"

On page 14, beginning on line 6, strike everything down through "treasury." on page 15, line 9 and insert the following:

"Sec. 19. Section 4, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.040 are each amended to read as follows:

The commission shall have the power, and it shall be its duty:

(1) To promulgate such rules governing the establishment and operation of a state lottery as it deems necessary and desirable in order that such a lottery be initiated at the earliest feasible and practicable time, and in order that such lottery produce the maximum amount of net revenues for the state consonant with the dignity of the state and the general welfare of the people. Such rules shall include, but shall not be limited to, the following:

(a) The type of lottery to be conducted which may include the selling of tickets or shares, or the use of electronic or mechanical devices or video terminals which do not require a printed ticket;

(b) The price, or prices, of tickets or shares in the lottery;

(c) The numbers and sizes of the prizes on the winning tickets or shares;

(d) The manner of selecting the winning tickets or shares;

(e) The manner and time of payment of prizes to the holder of winning tickets or shares which, at the director's option, may be paid in lump sum amounts or installments over a period of years;

(f) The frequency of the drawings or selections of winning tickets or shares, without limitation;

(g) Without limit as to number, the type or types of locations at which tickets or shares may be sold;

(h) The method to be used in selling tickets or shares, which may include the use of electronic or mechanical devices and video terminals;

(i) The licensing of agents to sell or distribute tickets or shares, except that a person under the age of eighteen shall not be licensed as an agent;

(j) The manner and amount of compensation, if any, to be paid licensed sales agents necessary to provide for the adequate availability of tickets or shares to prospective buyers and for the convenience of the public;

(k) The apportionment of the total revenues accruing from the sale of lottery tickets or shares and from all other sources among: (i) The payment of prizes to the holders of winning tickets or shares, which shall not be less than forty-five percent of the gross annual revenue from such lottery, (ii) the payment of costs incurred in the operation and administration of the lottery, including the expenses of the lottery and the costs resulting from any contract or contracts entered into for promotional, advertising, or operational services or for the purchase or lease of lottery equipment and materials, but the payment of such costs shall not exceed fifteen percent of the gross annual revenue from such lottery, (iii) for the repayment of any moneys appropriated to the state lottery fund pursuant to sections 36 and 37, chapter 7, Laws of 1982 2nd ex. sess., and (iv) for transfer to the state's general fund: PROVIDED, That no less than forty percent of the gross annual revenue from the sale of lottery tickets or shares shall be transferred as follows: Until July 1, 1986, one hundred percent of this amount to the state general fund; and on and after July 1, 1986, --- percent of this amount to the Washington basic health plan trust account and --- percent of this amount to the state general fund:

(1) Such other matters necessary or desirable for the efficient and economical operation and administration of the lottery and for the convenience of the purchasers of tickets or shares and the holders of winning tickets or shares.

(2) To ensure that in each place authorized to sell lottery tickets or shares, on the back of the ticket or share, and in any advertising or promotion there shall be conspicuously displayed an estimate of the probability of purchasing a winning ticket.

(3) To amend, repeal, or supplement any such rules from time to time as it deems necessary or desirable.

(4) To advise and make recommendations to the director for the operation and administration of the lottery."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 16, on line 31, after "18" strike ", 19, and 20" and insert "and 19"

On page 20, on line 6, after "74.08.---," insert "and"

On page 20, on line 7, after "82.24.---" strike everything down through "82.04.---" on line 9

Debate ensued.

Senator Bailey 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 Bailey, Barr, Metcalf, Hayner and Saling.

ROLL CALL

The Secretary called the roll and the motion by Senator Bailey failed and the amendments were not adopted by the following vote: Yeas, 20; nays, 27; absent, 2.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Saling, Sellar, von Reichbauer, Zimmerman - 20.

Voting nay: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognilid, Warnke, Williams, Wojahn - 27.

Absent: Senators Bottiger, Guess - 2.

MOTION

Senator Bailey moved that the following amendment by Senators Bailey, Barr, Metcalf and Zimmerman be adopted:

On page 15, line 9, after "treasury," insert a new section and renumber the remaining sections consecutively

"NEW SECTION. Sec. 21. It is the intent of the legislature that prior to January 1992 there shall be no new revenue sources or increased levels of funding for the Washington basic health plan."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Bailey, Barr, Metcalf and Zimmerman.

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

MOTION

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

On page 14, line 9, strike "one" and insert "one-half"

On page 14, line 35, strike "one" insert "one-half of"

On page 15, after line 9, insert the following:

"NEW SECTION. Sec. 21. Effective July 1, 1986, every employer subject to the provisions of this title and notwithstanding any other provision of this title shall deduct from the remuneration of individuals in employment of the employer an amount equal to one-tenth of one percent of taxable wages as determined by RCW 50.24.010.

Every employer will transmit all such amounts so deducted to the department quarterly.

Upon receipt by the department, all such payments collected under the provisions of this section shall be deposited in the basic health plan trust account of the state treasury."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Zimmerman and Patterson.

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

MOTION

Senator Zimmerman moved that the following amendments be considered simultaneously and adopted:

On page 16, line 23, strike "15" and insert "16"

On page 16, line 24, insert the following:

"The chapter shall have no force or effect after June 30, 1986, unless the legislature affirms before that date, by bill or concurrent resolution, its intent to continue the force and effect of the chapter."

On page 13, after line 7, insert the following:

"NEW SECTION. Sec. 16. The legislature reserves the right to amend or repeal all or any part of this act at any time and there shall be no vested private right of any kind against such amendment or repeal. All the rights, privileges, or immunities conferred by this act or any acts done pursuant thereto shall exist subject to the power of the legislature to amend or repeal this act at any time."

Renumber the remaining sections consecutively.

On page 20, after line 4, insert the following:

"(16) Section 16 of this act and RCW 70....."

Renumber the subsections consecutively and correct any internal references accordingly.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Zimmerman, by your amendments, are you eliminating the collection of any money until we look at the revised plans?"

Senator Zimmerman: "No."

Senator Rasmussen: "We're going to have the money collected?"

Senator Zimmerman: "The money collection, according to the way I read the bill, is going to start before this. There will be money going into the trust fund before we come back in session."

Senator Rasmussen: "Let me ask you this further question. In the event that the legislature decides not to go forward with the plan, how would that money be refunded?"

Senator Zimmerman: "I guess Senator McDermott is better able to explain that than I. I would let him handle that one."

POINT OF INQUIRY

Senator Rasmussen: "Senator McDermott, would you yield? You heard the question."

Senator McDermott: "The tax that begins on October 1 is the cigarette tax and we'll collect the cigarette tax only. The physicians tax and hospital tax does not begin until July 1, 1986, after we've been back in session and reaffirmed that that is the basis on which we want to fund the program. If we come back and decide we don't want to have the program, we will have cigarette tax money only and at that time we will have discussions out here on the floor what to do with it. I'm pretty sure we won't give it back to the cigarette smokers, however."

Senator Rasmussen: "I have a further question, Senator McDermott. As I read the bill, it authorizes the employment of staff--no limit on the amount of staff--and so we will have those people--and that money, are they going to fund that out of the \$1 million from the general fund?"

Senator McDermott: "Yes, the general fund puts in the first \$1 million. That money will be repaid to the general fund out of the cigarette tax money collected. So there's no loss to the general fund by the beginning planning stages."

Senator Rasmussen: "My further question relates to--why can't the Ways and Means Committee, with the help of this supposed committee, study the plan further and make it more clear where we're going? There are a number of questions--the number of people covered and we're all floating around in a sea of sympathy, but why can't the Ways and Means Committees of both the House and Senate--with the help of this appointed committee, study the problem and then bring back a solution to it?"

Senator McDermott: "Senator Rasmussen, my intention of making this board, was to make a board of people with expertise to actually deal with these things. There will be periodic reports to the legislative committee. The Ways and Means and the Senate will keep on top of this on a regular basis. I think that the actual planning ought to be done by a staff and people who have more expertise than most of us--in planning health plans."

Senator Rasmussen: "Thank you, Senator. I will try and elucidate on some of my questions later, Mr. President."

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

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

MOTION

Senator Lee moved that the following amendment by Senators Lee and McDonald be adopted:

On page 1, line 21, after "state," strike the remainder of the bill through line 9, on page 20, insert the following language and renumber the remaining sections consecutively.

(3) There are statutory restrictions to affordable basic health care which decrease health care accessibility for a large segment of our population.

NEW SECTION. Sec. 2. All health care insurance providers regulated pursuant to Title 48 RCW are authorized to provide to individuals and groups, who are not currently members of

any group health care program, a basic health program which emphasizes preventive and primary care absent any mandated benefit requirements."

Debate ensued.

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

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

MOTION

Senator Hayner moved that the following amendment by Senators Hayner, Sellar, Lee and Pullen be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that:

(1) An undefined percentage of the population of this state does not have reasonable access to affordable basic health care services;

(2) This lack of access to affordable basic health care is detrimental to the health of individuals and to the public welfare and often results in substantial expenditures for emergency and remedial health care, often at the expense of health care providers, health care facilities, and all purchasers of health care, including the state;

(3) Identification and greater use of existing health care systems has significant potential to reduce the growth of health care costs incurred by the people of this state including low-income pregnant women who are an especially vulnerable population as are their children; and

(4) As declared in RCW 70.39.010, health care is a right of the people and one of the primary purposes for which governments are established.

The purpose of this chapter is to establish a program providing assistance for access to affordable basic health care for low-income persons through the identification and use of existing health care systems. This chapter is intended to establish an appropriate mechanism that will foster the entrepreneurial abilities of health care providers in many communities to join together in helping to address the need for access to affordable health care that exists among some residents of the state. The legislature intends that the study conducted under section 4 of this act be operated in a fiscally prudent manner and that the program emphasize referral to existing low-cost primary and preventive health care services.

NEW SECTION. Sec. 2. As used in this chapter:

(1) "Washington basic health plan" or "plan" means a study of the existing health care systems that serve low-income people on a free, copayment, or sliding fee schedule and development of a procedure for referral of qualified individuals to these systems.

(2) "Commission" means the hospital commission of the state of Washington as created by chapter 70.39 RCW.

NEW SECTION. Sec. 3. The commission shall employ such staff as are necessary to fulfill the responsibilities and duties created by this chapter, such staff to be subject to the civil service law, chapter 41.06 RCW. In addition, the commission may contract with third parties for services necessary to carry out its activities where this will promote economy, avoid duplication of effort, and make use of available expertise. Any such contractor or consultant shall be prohibited from releasing, publishing, or otherwise using any information made available to it under its contractual responsibility without specific permission of the commission. The commission may call upon other agencies of the state to provide available information as necessary to assist the commission in meeting its responsibilities under this chapter, which information shall be supplied as promptly as circumstances permit. The commission may create committees from its membership, and may appoint such ad hoc advisory committees as it deems necessary.

The commission may apply for and receive and accept grants, gifts, and other payments, including property and service, from any governmental or other public or private entity or person, and may make arrangements as to the use of these receipts, including the undertaking of special studies and other projects relating to health care costs and access to health care.

NEW SECTION. Sec. 4. The commission shall, in cooperation with local public health officials:

(1) Determine what basic health care services are available to people living in all areas of the state;

(2) Determine the amount of per capita or family income that is presently used to determine eligibility of low-income people for free or sliding fee schedule basic health care services;

(3) Study the economic, social, and demographic characteristics of the populations served by the respective systems, including documentation of previous health care coverage which may have been lost through loss of employment or eligibility;

(4) Analyze the administrative structures of health care providers and methods used by them in financing health care, including the availability of private health care insurance and copayment programs;

(5) Require reports from health care providers in gathering the data necessary to implement the plan;

(6) Minimize costs to local government, health care systems, and the commission by coordinating study requirements with existing reporting requirements of state and local agencies;

(7) Monitor state resident access to adequate and necessary health care services and determine the extent of any unmet needs for such services or lack of access that may exist; and

(8) Provide a free referral service to those requesting information on the availability of free, sliding fee schedule or copayment basic health care.

In addition to the cooperative efforts of the commission and local public health officials delineated in this section, the commission shall enlist and receive the assistance of such health care providers as public hospitals, community clinics, nonprofit hospitals, health care professionals engaged in independent practice, and managed health care systems.

NEW SECTION. Sec. 5. Each public health district shall collect, consistent with the framework developed by the commission, and report on the needs of low-income people for and the use of free, copayment, or sliding fee health care in the respective local public health district. Each district shall establish a toll-free line to assist persons seeking such health care by providing referrals to local providers of such care. This toll-free number shall also be used in the collection of data on the needs of the community for basic health care. The availability and purpose of this toll-free telephone number shall be communicated to all citizens within the boundaries of the public health district.

Sec. 6. Section 12, chapter 51, Laws of 1967 ex. sess. as last amended by section 7, chapter 25, Laws of 1984 and RCW 70.05.070 are each amended to read as follows:

The local health officer, acting under the direction of the local board of health or under direction of the administrative officer appointed under RCW 70.05.040, if any, shall:

(1) Enforce the public health statutes of the state, rules and regulations of the state board of health and the secretary of social and health services, and all local health rules, regulations and ordinances within his jurisdiction;

(2) Take such action as is necessary to maintain health and sanitation supervision over the territory within his jurisdiction;

(3) Control and prevent the spread of any dangerous, contagious or infectious diseases that may occur within his jurisdiction;

(4) Inform the public as to the causes, nature, and prevention of disease and disability and the preservation, promotion and improvement of health within his jurisdiction;

(5) Prevent, control or abate nuisances which are detrimental to the public health;

(6) Attend all conferences called by the secretary of social and health services or his authorized representative;

(7) Collect such fees as are established by the state board of health or the local board of health for the issuance or renewal of licenses or permits or such other fees as may be authorized by law or by the rules and regulations of the state board of health.

(8) Take such measures as he deems necessary in order to promote the public health, to participate in the establishment of health educational or training activities, and to authorize the attendance of employees of the local health department or individuals engaged in community health programs related to or part of the programs of the local health department.

(9) Enter into such contractual arrangements with the hospital commission as are necessary to accomplish the goals and aims of chapter 70.-- RCW (sections 1 through 5 of this 1985 act.

Sec. 7. Section 16, chapter 5, Laws of 1973 1st ex. sess. as last amended by section 18, chapter 288, Laws of 1984 and RCW 70.39.150 are each amended to read as follows:

To properly carry out its authority the commission shall:

(1) Compile and maintain all relevant financial, accounting, and patient discharge data in order to have available the statistical information necessary to properly conduct rate review and approval. Such data shall include necessary operating expenses, appropriate expenses incurred for charity care and for rendering services to patients who do not pay, all properly incurred interest charges, and reasonable depreciation expenses based on the expected useful life of the property and equipment involved. The commission shall define and prescribe by rule and regulation the types and classes of charges which cannot be changed except as provided by the procedure contained in RCW 70.39.160 and it shall also obtain from each such hospital a current rate schedule as well as any subsequent amendments or modifications of that schedule as it may require. So far as possible, the commission shall compile and maintain the same patient discharge data with respect to all patients as that required under the federal medicare program and the uniform billing procedures applicable to third-party payers.

(2) Permit any hospital subject to the provisions of this chapter to charge reasonable rates which will permit the hospital to render necessary, effective, and efficient service in the public interest.

(3) Take into account, in the determination of reasonable rates under this section, that it is its obligation to assure access to necessary, effective, economically viable, and efficient hospital health care capability throughout the state, rather than the solvency or profitability of any individual hospital subject to this chapter except where the insolvency of a hospital would seriously threaten the access of the rural public to basic health care services.

(4) Take into account, in the determination of reasonable rates under this section for each hospital, the recommendations of appropriate area-wide and state comprehensive health planning agencies to ensure compliance with Washington comprehensive health planning law, chapter 70.38 RCW.

(5) Permit any hospital, whether proprietary, district, public, or not-for-profit, to retain the excess of its revenues, if any, that exceed the actual cost of providing services, generated as a result of cost-effective practices, if the hospital charges do not exceed rates permitted by the commission.

(6) On or before October 1 of each year, after notice and public hearing, and in full consideration of the intent and purpose of this chapter as expressed in RCW 70.39.010, adopt a target dollar amount of total state-wide hospital revenue for the ensuing calendar year. To set the target amount, the commission shall develop a standard methodology that considers such factors as changes in the economy, affordability of hospital care, cost of hospital-purchased goods, numbers and age of the population, technology, and severity of illness of hospital patients. The commission shall endeavor, in establishing rates, to assure that total hospital revenues do not exceed the target amount for the applicable year.

(7) Enter into such contracts or other arrangements as may be necessary to accomplish the goals and aims of chapter 70. — RCW (sections 1 through 5 of this 1985 act).

NEW SECTION. Sec. 8. The results of the commission's studies under section 4 of this act, together with any recommendations for legislation, shall be forwarded to the legislature on or before September 15, 1986.

NEW SECTION. Sec. 9. The sum of dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1987, from the general fund to the Washington state hospital commission for the purposes of this act. Included in this amount shall be dollars which will be used to fund staff in each public health district sufficient to conduct their responsibilities as specified by this act.

NEW SECTION. Sec. 10. Sections 1 through 5 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 11. 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.

Senator McDonald 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 Hayner, Sellar, Lee and Pullen.

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, 22; nays, 25; absent, 2.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, Zimmerman - 22.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 25.

Absent: Senators Garrett, Guess - 2.

MOTIONS

On motion of Senator von Reichbauer, Senator Guess was excused.

On motion of Senator Bender, Senator Garrett was excused.

MOTION

Senator McDonald moved that the following amendment by Senators McDonald, Sellar and Johnson be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 70.39 RCW to read as follows:

(1) Not later than October 1, 1985, the commission shall determine the regional average percentage of the budgets of hospitals reflecting charity care by the hospitals in each region during their most recent complete fiscal year. For purposes of this section, the state shall be divided into four regions with the same boundaries as the four health service areas established pursuant to RCW 70.38.085. In no event may the commission make the initial of such annual determinations later than necessary for integration into the hospital and rate review process for hospital fiscal years beginning on or after January 1, 1986.

(2) Information submitted by hospitals for commission review for each hospital fiscal year beginning on or after January 1, 1986, shall indicate, consistent with the definitions promulgated by the commission pursuant to this chapter, the amount of charity care to be provided

during the forthcoming fiscal year. Each hospital may also submit semiannual reports indicating the status of charity care.

(3) The Washington basic health plan trust account for charity care is established in the treasury. All revenues received under sections 2, 3, and 4 of this act shall be deposited in the trust account.

(4) Quarterly, beginning April 1, 1986, each hospital which has provided less charity care than the commission has determined to be the applicable regional average pursuant to this chapter shall be assessed an amount determined by the commission to be the cost of such care had it been provided by the hospital during the preceding quarter. The assessments shall be deposited in the Washington basic health plan trust account for charity care.

(5) Quarterly, beginning July 1, 1986, each hospital which has provided more charity care than the commission has determined to be the regional average pursuant to this chapter shall receive, upon application, a distribution from the trust account which the commission in its sole discretion has determined to be equitable and reasonably reflective of each hospital's charity care effort relative to the regional need, but which shall not exceed seventy percent of its cost of the charity care provided in excess of the regional average. Quarterly distributions shall be made to the limit of trust resources, consistent with prudent management thereof. The commission may reduce any proposed distributions in recognition of any requirements of the federal Hill-Burton program under 42 U.S.C. Sec. 291, or any tax-supported revenues received to subsidize hospital operations, except those specifically designated by the legislature to subsidize medical education.

(6) In its annual review of hospital budgets, the commission shall review reports submitted under and assessments levied and distributions received under this section. The commission may reconcile assessments and distributions through rates established for the year following the year for which the reconciliation is provided.

NEW SECTION. Sec. 2. A new section is added to chapter 70.39 RCW to read as follows:

Effective July 1, 1986, the commission shall assess against each hospital an annual charge equal to one percent of the hospital's gross annual operating costs for the provision of hospital services for its last fiscal year ending on or before June 30 of the preceding calendar year, less revenue received from the department of social and health services under provisions of chapter 74.09 RCW, and the costs of services carried as charity care. A hospital that does not charge any fees for services rendered to patients may apply for a waiver of the annual assessment fee from the commission. One-twelfth of the assessment shall be payable each month to the department of revenue and all such payments shall be deposited in the basic health plan trust account of the state treasury.

NEW SECTION. Sec. 3. A new section is added to chapter 82.04 RCW to read as follows:

Effective July 1, 1986, there is levied and shall be collected from every person engaging in the business of practicing medicine as defined in chapter 18.57 or 18.71 RCW, other than a health maintenance organization as defined in chapter 48.46 RCW, for the act or privilege of engaging in business activities, as a part of the tax imposed by the provisions of RCW 82.04.290, an additional tax equal to the gross income of the business activity multiplied by the rate of one percent. Revenue received from the department of social and health services under the provisions of chapter 74.09 RCW and the amount of professional liability insurance premiums paid during the reporting period may be deducted from revenues subject to the additional tax. Such deductions may not reduce revenues subject to the basic tax imposed by RCW 82.04.290. The department of revenue shall deposit the revenues collected under this section in the basic health plan trust account of the state treasury.

NEW SECTION. Sec. 4. A new section is added to chapter 82.24 RCW to read as follows:

Effective October 1, 1985, there is hereby levied and there shall be collected by the department of revenue from the persons mentioned in and in the manner provided by this chapter, an excise tax upon the sale, use, consumption, handling, possession, or distribution of cigarettes in an amount equal to the rate of four mills per cigarette. The moneys collected under this section shall be deposited in the basic health plan trust account of the state treasury.

Sec. 5. Section 31, chapter 35, Laws of 1982 1st ex. sess. as last amended by section 6, chapter 3, Laws of 1983 2nd ex. sess. 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;

(2) The rate of the additional taxes under RCW 82.08.150(4) shall be fourteen percent; and

(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. 6. Section 82.24.020, chapter 15, Laws of 1961 as last amended by section 15, chapter 3, Laws of 1983 2nd 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)) eleven~~ and one-half mills per cigarette.

(2) Wholesalers and retailers subject to the payment of this tax may, if they wish, absorb one-half mill per cigarette of the tax and not pass it on to purchasers without being in violation of this section or any other act relating to the sale or taxation of cigarettes.

(3) 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) 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. 7. Section 82.24.070, chapter 15, Laws of 1961 as last amended by section 14, chapter 299, Laws of 1971 ex. sess. and RCW 82.24.070 are each amended to read as follows:

Wholesalers and retailers subject to the provisions of this chapter shall be allowed compensation for their services in affixing the stamps herein required a sum equal to two percent of the first four mills of the value of the stamps purchased or affixed by them, one percent of the next one mill of the value of the stamps purchased or affixed by them, and one-half of one percent of the next one-half mill of the value of the stamps purchased or affixed by them.

NEW SECTION. Sec. 8. The following acts or parts of acts are each repealed:

(1) Section 28A.47.440, chapter 223, Laws of 1969 ex. sess., section 1, chapter 70, Laws of 1971 ex. sess., section 1, chapter 157, Laws of 1972 ex. sess., section 2, chapter 189, Laws of 1983 and RCW 28A.47.440; and

(2) Section 2, chapter 59, Laws of 1979 ex. sess. and RCW 82.24.025.

NEW SECTION. Sec. 9. There is appropriated from the general fund to the basic health plan trust account, for the biennium ending June 30, 1987, the sum of one million dollars, to carry out the purposes of this act. Such appropriation shall be repaid to the general fund as soon as practicable, but not later than June 30, 1987, from the revenues accruing to the basic health plan trust account under sections 2, 3, and 4 of this act.

There is appropriated from the general fund to the department of revenue, for the biennium ending June 30, 1987, the sum of seven thousand dollars, or as much thereof as shall be necessary, to carry out the purposes of this act.

NEW SECTION. Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 11. This act 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, 1985."

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators McDonald, Sellar and Johnson.

ROLL CALL

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

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Patterson, Pullen, Saling, Sellar, von Reichbauer, Zimmerman - 20.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 27.

Excused: Senators Garrett, Guess - 2.

MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute Senate Bill No. 3320 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. 3320.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3320 and the bill passed the Senate by the following vote: Yeas, 30; nays, 17; excused, 2.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, McDermott, McManus, Moore, Owen, Patterson, Peterson, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 30.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Hayner, Lee, McCaslin, McDonald, Metcalf, Newhouse, Pullen, Rasmussen, Saling, Sellar, von Reichbauer - 17.

Excused: Senators Garrett, Guess - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3320, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Bender, Senator Bauer was excused.

On motion of Senator von Reichbauer, Senator Benitz was excused.

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

There being no objection, the Senate resumed consideration of Senate Bill No. 3576, deferred on third reading February 27, 1985.

THIRD READING

SENATE BILL NO. 3576, by Senators Hansen, Barr, Goltz and Newhouse

Revising provisions relating to the Lake Osoyoos water project.

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 Senate Bill No. 3576.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3576 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Barr, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Excused: Senators Bauer, Benitz, Garrett - 3.

SENATE BILL NO. 3576, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

SECOND READING

SENATE BILL NO. 4121, by Senators Hansen and Barr

Enabling legislation authorizing expenditures by agricultural commodity commissions for agricultural development or trade promotion and promotional hosting.

The bill was read the second time.

MOTION

Senator Hansen moved that the rules be suspended and Senate Bill No. 4121 be advanced to third reading, the second reading considered the third, and the bill be placed on final passage.

PARLIAMENTARY INQUIRY

Senator Pullen: "I guess I would object if that's the implementing bill for SJR 124. I would suggest we do SJR 124 first, because it would be improper to do an implementing bill without having a constitutional amendment having been authorized."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: Mr. President--Senator Pullen. I can remember two years ago we ran the constitutional amendment and you wouldn't vote for it until you got the implementing bill. Now we're running the implementing bill and then we'll run the constitutional amendment."

Senator Pullen: "Very accurately. I always, always request the constitutional amendment go first, because that's the basis on which you draw an implementing bill. If you try to do an implementing bill first, you're passing a law without constitutional authority."

The President declared the question before the Senate to be the motion by Senator Hansen to suspend the rules and advance Senate Bill No. 4121 to third reading.

The motion by Senator Hansen carried and the rules were suspended, Senate Bill No. 4121 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 Senate Bill No. 4121.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4121 and the bill passed the Senate by the following vote: Yeas, 41; nays, 5; excused, 3.

Voting yea: Senators Bailey, Barr, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senators Craswell, Guess, Metcalf, Pullen, Rasmussen - 5.

Excused: Senators Bauer, Benitz, Garrett - 3.

SENATE BILL NO. 4121, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT RESOLUTION NO. 124, by Senators Hansen, Barr, Bailey, Goltz, Bottiger and Sellar

Permitting agricultural assessments for agricultural development or trade promotions as a public use.

MOTIONS

On motion of Senator Hansen, Substitute Senate Joint Resolution No. 124 was substituted for Senate Joint Resolution No. 124 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Hansen, the rules were suspended, Substitute Senate Joint Resolution No. 124 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 Hansen, I read in the previous bill that they'll draw their own rules and regulations--the commodity commissions. Could you tell us how much money we're talking about in the commodity commissions? There are a number of them.

Senator Hansen: "I think there are six commissions and they draw up--set their own budget--as to how much they want to spend on this hosting. The people are assessed this amount of money--taken from their checks--that goes into this account. Then it would be the commission that would set the rules as to how they would spend this money for hosting for the sale of their products. As far as actual dollars, I don't know that. Probably Irv or someone like that would have a better handle on that."

Senator Rasmussen: "I've got one more question. Can a producer withdraw from the commission if they like or are they all assessed?"

Senator Hansen: "They are all assessed."

Senator Rasmussen: "There's no way they can get out of it?"

Senator Hansen: "The assessments are voted on by the producers and it takes the percentages needed to pass that commission and that's how the dollar is set. Now, they can't go over that dollar limit that was voted on by the people."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Joint Resolution No. 124.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Joint Resolution No. 124 and the resolution passed the Senate by the following vote: Yeas, 42; nays, 4; excused, 3.

Voting yea: Senators Bailey, Barr, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Voting nay: Senators Craswell, Metcalf, Pullen, Rasmussen - 4.

Excused: Senators Bauer, Benitz, Garrett - 3.

SUBSTITUTE SENATE JOINT RESOLUTION NO. 124, having received the constitutional two-thirds majority, was declared passed.

SECOND READING

SENATE BILL NO. 4122, by Senators Hansen, Barr and Bailey (by Department of Agriculture request)

Modifying requirements for the contents of flour and bread.

The bill was read the second time.

MOTION

On motion of Senator Hansen, the rules were suspended, Senate Bill No. 4122 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. 4122.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4122 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Barr, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Bauer, Benitz, Garrett - 3.

SENATE BILL NO. 4122, having received the constitutional majority, 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. 4155, by Senators Halsan and DeJarnatt

Changing definition of court costs a convicted defendant may be required to pay.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 4155 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. 4155.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4155 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Barr, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Bauer, Benitz, Garrett - 3.

SENATE BILL NO. 4155, having received the constitutional majority, 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. 3314, by Senators Halsan, Sellar, Vognild, Stratton, Owen, Peterson, Hansen, Barr, Metcalf, Patterson, Conner and McCaslin

Modifying provisions relating to methods of fishing for game fish.

The bill was read the second time.

MOTIONS

On motion of Senator Halsan, the following amendment was adopted:
On page 1, line 18, after "Recreational" insert "Fishing"

On motion of Senator Halsan, the rules were suspended, Engrossed Senate Bill No. 3314 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. 3314.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3314 and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senator Bottiger - 1.

Absent: Senator Stratton - 1.

Excused: Senators Bauer, Benitz, Garrett - 3.

ENGROSSED 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.

SECOND READING

SENATE BILL NO. 3553, by Senators Peterson, Sellar, Garrett, Granlund, DeJarnatt, Bottiger and Bender

Regulating removal and disposal of abandoned, unauthorized and junk vehicles.

MOTIONS

On motion of Senator Peterson, Substitute Senate Bill No. 3553 was substituted for Senate Bill No. 3553 and the substitute bill was advanced to second reading and read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended, Substitute Senate Bill No. 3553 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. 3553.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3553 and the bill passed the Senate by the following vote: Yeas, 39; nays, 7; excused, 3.

Voting yea: Senators Bailey, Barr, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Guess, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 39.

Voting nay: Senators Deccio, Hansen, McDonald, Moore, Pullen, Sellar, Zimmerman - 7.

Excused: Senators Bauer, Benitz, Garrett - 3.

SUBSTITUTE SENATE BILL NO. 3553, having received the 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 first order of business.

REPORTS OF STANDING COMMITTEES

March 6, 1985

SB 3035 Prime Sponsor, Senator McManus: Modifying provisions relating to drivers' and motorcyclists' licenses. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 3035 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Vice Chairman; Bender, DeJarnatt, Garrett, Granlund, Metcalf, Patterson, Sellar, Vognild.

Passed to Committee on Rules for second reading.

March 7, 1985

SB 3047 Prime Sponsor, Senator McDermott: Establishing the western library network. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 3047 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, McCaslin, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

March 8, 1985

SB 3157 Prime Sponsor, Senator Moore: Establishing registration fees for watercraft. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 3157 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Cantu, Fleming, Goltz, Lee, Moore, Thompson, Warnke, Zimmerman.

Passed to Committee on Rules for second reading.

March 8, 1985

SB 3160 Prime Sponsor, Senator Warnke: Providing for school employee suggestion awards. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 3160 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Johnson, Kiskaddon, McManus, Saling, Stratton, Warnke.

Passed to Committee on Rules for second reading.

March 8, 1985

SB 3188 Prime Sponsor, Senator Granlund: Providing reimbursement of institutional care facilities employees for cost attributable to resident or patient assault. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 3188 be substituted therefor, and the second substitute bill do pass. Signed by Senators

McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Cantu, Deccio, Fleming, Goltz, Lee, McDonald, Moore, Rinehart, Talmadge, Thompson, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 6, 1985

SB 3234 Prime Sponsor, Senator Hansen: Providing funds for noxious weed control. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Bauer, Bluechel, Bottiger, Deccio, Goltz, Hayner, Lee, McDonald, Rasmussen, Thompson, Zimmerman.

Passed to Committee on Rules for second reading.

March 7, 1985

SB 3261 Prime Sponsor, Senator Thompson: Modifying the state building code. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 3261 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, McCaslin, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

March 5, 1985

SB 3262 Prime Sponsor, Senator Granlund: Changing provisions relating to nursing home licensing. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 3262 be substituted therefor, and the substitute bill do pass. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Deccio, Johnson, Kiskaddon, Peterson, Stratton.

Passed to Committee on Rules for second reading.

March 7, 1985

SB 3283 Prime Sponsor, Senator Williams: Establishing procedures for declaring and preserving historic properties. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 3283 be substituted therefor, and the substitute bill do pass. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Hansen, Williams.

Passed to Committee on Rules for second reading.

March 8, 1985

SB 3294 Prime Sponsor, Senator Fleming: Establishing a high-risk student program. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 3294 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Bender, Fleming, Goltz, Johnson, Kiskaddon, McDermott, McManus, Saling, Stratton, Warnke.

Passed to Committee on Rules for second reading.

March 7, 1985

SB 3346 Prime Sponsor, Senator Fleming: Requiring affirmative action programs for in-state employment. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 3346 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Granlund, Rinehart.

Passed to Committee on Rules for second reading.

March 6, 1985

- SB 3347 Prime Sponsor, Senator Williams: Exempting Indian tribal governments from payment of vehicle license fees. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 3347 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Bender, Conner, DeJarnatt, Garrett, Granlund, Vognild.

Passed to Committee on Rules for second reading.

March 7, 1985

- SB 3358 Prime Sponsor, Senator Warnke: Permitting private certified public accountants to perform certain governmental audits. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators McManus, Vice Chairman; Bailey, McCaslin, Pullen, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

March 7, 1985

- SB 3364 Prime Sponsor, Senator Kreidler: Certifying the practice of acupuncture. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 3364 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Conner, Deccio, Kiskaddon, Peterson, Stratton.

Referred to Committee on Ways and Means.

March 8, 1985

- SB 3379 Prime Sponsor, Senator Fleming: Establishing a matching grant program for conservation districts. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 3379 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Cantu, Deccio, Fleming, Goltz, Hayner, Lee, McDonald, Thompson, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 7, 1985

- SB 3384 Prime Sponsor, Senator Fleming: Establishing a salmon and steelhead rehabilitation and enhancement policy board. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 3384 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; Stratton, Vice Chairman; Barr, Conner, Lee, Patterson, Peterson.

Passed to Committee on Rules for second reading.

March 7, 1985

- SB 3419 Prime Sponsor, Senator Thompson: Modifying requirements for approval of plats. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 3419 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; DeJarnatt, Garrett, Granlund, McCaslin, Zimmerman.

MINORITY recommendation: Do not pass. Signed by Senator Bailey.

Passed to Committee on Rules for second reading.

March 7, 1985

SB 3447 Prime Sponsor, Senator Granlund: Requiring a cancer registry program. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 3447 be substituted therefor, and the substitute bill do pass as recommended by the Committee on Human Services and Corrections. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Cantu, Deccio, Goltz, Hayner, Lee, McDonald, Moore, Rinehart, Talmadge, Wojahn.

Passed to Committee on Rules for second reading.

March 7, 1985

SB 3469 Prime Sponsor, Senator Thompson: Modifying provisions relating to annexation and boundary review. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 3469 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Garrett, Granlund, McCaslin, Zimmerman.

MINORITY recommendation: Do not pass. Signed by Senators Bailey, DeJarnatt, Saling.

Passed to Committee on Rules for second reading.

March 5, 1985

SB 3478 Prime Sponsor, Senator Kreidler: Excluding certain capital expenditures for hospitals from the certificate of need program. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 3478 be substituted therefor, and the substitute bill do pass. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Deccio, Johnson, Kiskaddon, Peterson, Stratton.

Passed to Committee on Rules for second reading.

March 6, 1985

SB 3503 Prime Sponsor, Senator Granlund: Providing for the review of inmate grievances. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 3503 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Cantu, Fleming, Goltz, Hayner, Moore, Rinehart, Talmadge, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

March 8, 1985

SB 3514 Prime Sponsor, Senator Bauer: Providing for cooperation among school districts and other entities for improved program opportunities and for exploration of new technologies. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 3514 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, McDermott, McManus, Warnke.

Passed to Committee on Rules for second reading.

March 8, 1985

SB 3516 Prime Sponsor, Senator Bauer: Providing for instruction in Spanish and Japanese in grades one through six. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 3516 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, McDermott, McManus, Warnke.

Passed to Committee on Rules for second reading.

March 6, 1985

SB 3517 Prime Sponsor, Senator Bauer: Providing an adult literacy program. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 3517 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, Johnson, McDermott, McManus, Saling, Stratton, Warnke.

Passed to Committee on Rules for second reading.

March 7, 1985

SB 3569 Prime Sponsor, Senator Talmadge: Modifying provisions on the risk management office. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as recommended by the Committee on Governmental Operations. Signed by Senators McDermott, Chairman; Bluechel, Bottiger, Cantu, Deccio, Fleming, Goltz, Lee, Moore, Rasmussen, Talmadge, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 8, 1985

SB 3574 Prime Sponsor, Senator Gaspard: Modifying provisions on leasehold excise taxation. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 3574 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Deccio, Goltz, Hayner, McDonald, Moore, Talmadge, Thompson, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 7, 1985

SB 3590 Prime Sponsor, Senator Thompson: Prohibiting private benefit due to public employment. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 3590 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman, Bailey, DeJarnatt, McCaslin, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

March 6, 1985

SB 3601 Prime Sponsor, Senator Guess: Revising proportional licensing of motor vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman, Hansen, Vice Chairman; Barr, Bender, DeJarnatt, Garrett, Granlund, Guess, Metcalf, Patterson, Sellar, Vognild.

Passed to Committee on Rules for second reading.

March 8, 1985

SB 3659 Prime Sponsor, Senator McDermott: Relating to state government. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 3659 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Cantu, Craswell, Fleming, Goltz, Lee, McDonald, Rinehart, Talmadge, Wojahn.

Passed to Committee on Rules for second reading.

March 7, 1985

SB 3684 Prime Sponsor, Senator McDermott: Relating to lotteries. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 3684 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott,

Chairman; Gaspard, Vice Chairman; Bottiger, Cantu, Craswell, Deccio, Fleming, Goltz, Hayner, Lee, Moore, Rasmussen, Rinehart, Talmadge, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

March 8, 1985

SB 3723 Prime Sponsor, Senator McDermott: Relating to local government. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Bill No. 3723 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Bluechel, Bottiger, Fleming, Goltz, Lee, Moore, Talmadge, Thompson, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 7, 1985

SB 3762 Prime Sponsor, Senator McDermott: Modifying administrative provisions on the convention and trade center. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Bluechel, Bottiger, Cantu, Fleming, Goltz, Hayner, Lee, McDonald, Rinehart, Thompson, Zimmerman.

MINORITY recommendation: Do not pass. Signed by Senators Bauer, Rasmussen, Wojahn.

Passed to Committee on Rules for second reading.

March 5, 1985

SB 3789 Prime Sponsor, Senator Kreidler: Changing provisions relating to certificate of need reviews. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 3789 be substituted therefor, and the substitute bill do pass. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Deccio, Kiskaddon, Peterson, Stratton.

Passed to Committee on Rules for second reading.

March 6, 1985

SB 3790 Prime Sponsor, Senator Cantu: Restricting access to drivers' license records. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 3790 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, DeJarnatt, Garrett, Granlund, Guess, Metcalf, Patterson, Sellar, Vognild.

Passed to Committee on Rules for second reading.

March 8, 1985

SB 3797 Prime Sponsor, Senator Bauer: Revising the laws for the state school for the deaf and the state school for the blind. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 3797 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Johnson, Kiskaddon, McDermott, McManus, Patterson, Saling, Stratton, Warnke.

Passed to Committee on Rules for second reading.

March 8, 1985

SB 3799 Prime Sponsor, Senator Stratton: Increasing the state radiation control agency's responsibilities with regard to radiation control. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 3799 be substituted therefor, and the substitute bill do pass as recommended by the Committee

on Energy and Utilities. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Fleming, Goltz, Moore, Rinehart, Talmadge, Thompson, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

March 7, 1985

SB 3806 Prime Sponsor, Senator Zimmerman: Establishing procedures for proposed government reorganization plans. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

March 7, 1985

SB 3826 Prime Sponsor, Senator Garrett: Modifying provisions on local government finances. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Granlund, McCaslin, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

March 7, 1984

SB 3894 Prime Sponsor, Senator Owen: Regulating use of watersheds. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 3894 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; Stratton, Vice Chairman; Barr, Conner, Lee, Metcalf.

Passed to Committee on Rules for second reading.

March 7, 1985

SB 3898 Prime Sponsor, Senator Granlund: Clarifying definition of occupational therapist. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 3898 be substituted therefor, and the substitute bill do pass. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Peterson, Stratton.

Passed to Committee on Rules for second reading.

March 5, 1985

SB 3904 Prime Sponsor, Senator Kiskaddon: Permitting self-medication in boarding homes under certain circumstances. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 3904 be substituted therefor, and the substitute bill do pass. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Craswell, Deccio, Johnson, Kiskaddon, Peterson, Stratton.

Passed to Committee on Rules for second reading.

March 7, 1985

SB 3911 Prime Sponsor, Senator Fleming: Providing for increased opportunity for affordable housing for low and moderate income persons. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 3911 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, Zimmerman.

Passed to Committee on Rules for second reading.

March 7, 1985

SB 3951 Prime Sponsor, Senator Peterson: Relating to northern state hospital. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 3951 be substituted therefor, and the substitute bill do pass. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Deccio, Johnson, Kiskaddon, Peterson, Stratton.

Passed to Committee on Rules for second reading.

March 8, 1985

SB 4030 Prime Sponsor, Senator Kreidler: Relating to hazardous waste. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 4030 be substituted therefor, and the substitute bill do pass as recommended by Parks and Ecology. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Fleming, Goltz, Moore, Talmadge, Thompson, Warnke, Zimmerman.

Passed to Committee on Rules for second reading.

March 7, 1985

SB 4038 Prime Sponsor, Senator Owen: Relating to food fish and shellfish. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 4038 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; Stratton, Vice Chairman; Barr, Conner, Halsan, Lee.

Passed to Committee on Rules for second reading.

March 6, 1985

SB 4126 Prime Sponsor, Senator Bender: Revising eligibility provisions for payment of funeral expenses. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 4126 be substituted therefor, and the substitute bill do pass. Signed by Senators Granlund, Chairman; Conner, Craswell, Deccio, Johnson, Kiskaddon, Peterson, Stratton.

Passed to Committee on Rules for second reading.

March 7, 1985

SB 4141 Prime Sponsor, Senator Fleming: Relating to legislative systems committee. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Bill No. 4141 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, McCaslin, Pullen, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

March 7, 1985

SB 4150 Prime Sponsor, Senator Goltz: Protecting basic voice grade telephone service. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 4150 be substituted therefor, and the substitute bill do pass. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Halsan, Kreidler, Owen, Stratton.

Passed to Committee on Rules for second reading.

March 6, 1985

SB 4157 Prime Sponsor, Senator Gaspard: Requiring approval of commissioned art by respective boards of regents or trustees. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Bender, Craswell, Fleming, Goltz, Johnson, McManus, Patterson, Warnke.

Passed to Committee on Rules for second reading.

March 7, 1985

SB 4168 Prime Sponsor, Senator Talmadge: Empowering a metropolitan municipal corporation to collect connection charges. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, Rinehart, Zimmerman.

MINORITY recommendation: Do not pass. Signed by Senators McCaslin, Saling.

Passed to Committee on Rules for second reading.

March 6, 1985

SB 4206 Prime Sponsor, Senator Gaspard: Changing certain school bidding procedures. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, McDermott, McManus, Patterson, Saling, Warnke.

Passed to Committee on Rules for second reading.

March 8, 1985

SB 4228 Prime Sponsor, Senator McDermott: Modifying business and occupation tax provisions on persons taxable on multiple activities. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 4228 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Cantu, Fleming, Goltz, Hayner, Lee, McDonald, Moore, Talmadge, Thompson, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 7, 1985

SB 4255 Prime Sponsor, Senator McDermott: Establishing a mechanism to finance the cleanup of releases of hazardous substances. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 4255 be substituted therefor, and the substitute bill do pass. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Cantu, Hansen, Kiskaddon, Williams.

Passed to Committee on Rules for second reading.

March 7, 1985

SB 4268 Prime Sponsor, Senator Williams: Revising energy-related building standards. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 4268 be substituted therefor, and the substitute bill do pass. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Benitz, Halsan, Kiskaddon, Kreidler, McCaslin, Saling and Stratton.

Passed to Committee on Rules for second reading.

March 8, 1985

SB 4270 Prime Sponsor, Senator Vognild: Modifying the business and occupation tax on wholesalers. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 4270 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bottiger, Fleming, Goltz, Lee, Rasmussen, Talmadge, Thompson, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 7, 1985

SB 4315 Prime Sponsor, Senator Halsan: Delaying imposition of the compensating tax on certain forest land transferred to open space classification. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 4315 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Cantu, Craswell, Deccio, Fleming, Lee, Moore, Rasmussen, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

March 6, 1985

SB 4320 Prime Sponsor, Senator McManus: Establishing procedure for submission by state agencies of capital project proposals. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 4320 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Cantu, Fleming, Goltz, Lee, Moore, Talmadge, Thompson, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

March 8, 1985

SB 4321 Prime Sponsor, Senator McManus: Establishing a pilot program for high school dropouts. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 4321 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Bender, Fleming, Goltz, McDermott, McManus, Stratton, Warnke.

Passed to Committee on Rules for second reading.

March 7, 1985

SB 4361 Prime Sponsor, Senator Williams: Relating to the centennial commission. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 4361 be substituted therefor, and the substitute bill do pass. Signed by Senators Kreidler, Chairman; Bluechel, Cantu, Hansen, Kiskaddon, Williams.

Passed to Committee on Rules for second reading.

March 7, 1985

SB 4399 Prime Sponsor, Senator Thompson: Relating to local government. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Bill No. 4399 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Granlund, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

March 8, 1985

SCR 110 Prime Sponsor, Senator McManus: Establishing the joint select committee on health care cost containment. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Conner, Deccio, Johnson, Kiskaddon, Peterson, Stratton.

Passed to Committee on Rules for second reading.

March 7, 1985

SJM 117 Prime Sponsor, Senators McDermott: Requesting the Federal government transfer ownership of the South Lake Union Naval Reserve Base. Reported by Committee on Governmental Operations

MAJORITY recommendation: That Substitute Senate Joint Memorial No. 117 be substituted therefor, and the substitute memorial do pass. Signed by Senators Thompson, Chairman; Bailey, DeJarnatt, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

March 7, 1985

SJR 118 Prime Sponsor, Senator Zimmerman: Authorizing reorganization of the executive branch. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

March 7, 1985

GA 58 JACOB THOMAS, to the position of State Historic Preservation Officer, appointed by the Governor on January 28, 1985, for the term ending at the Governor's pleasure. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Cantu, Hansen, Kiskaddon, Williams.

Passed to Committee on Rules.

March 7, 1985

GA 80 PHILIP W. DUFFORD, to the position of member of the Pollution Control Hearings Board, appointed on February 19, 1985, for the term ending June 30, 1985. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Cantu, Hansen, Kiskaddon, Williams.

Passed to Committee on Rules.

MOTION

At 5:11 p.m., on motion of Senator Vogtild, the Senate adjourned until 9:00 a.m., Monday, March 11, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

FIFTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, March 11, 1985

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 Fleming, Kreidler, Lee, Pullen, Thompson and Williams. On motion of Senator Bender, Senators Fleming and Thompson were excused. On motion of Senator Zimmerman, Senators Lee and Pullen were excused.

The Sergeant at Arms Color Guard consisting of Pages Paul Deccio and Mike Hanses, presented the Colors. Reverend David Steen, pastor of the Lutheran Church of the Good Shepherd of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

March 8, 1985

Mr. President:

The Speaker has signed:

SENATE JOINT MEMORIAL NO. 128, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

March 8, 1985

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 189,

SUBSTITUTE HOUSE BILL NO. 194,

HOUSE BILL NO. 250,

SUBSTITUTE HOUSE BILL NO. 262,

ENGROSSED HOUSE BILL NO. 281,

SUBSTITUTE HOUSE BILL NO. 389,

SECOND SUBSTITUTE HOUSE BILL NO. 428, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 189 by Committee on Local Government (originally sponsored by Representatives Madsen, Haugen, Brough, Ebersole, Ballard, Smitherman, Winsley and Holland)

Modifying provisions relating to property tax levies by fire protection districts.

Referred to Committee on Governmental Operations.

SHB 194 by Committee on Local Government (originally sponsored by Representatives Haugen, Miller, Ballard, R. King, Allen and Isaacson)

Establishing an alternative procedure for commencing withdrawal of territory from a water or sewer district.

Referred to Committee on Governmental Operations.

HB 250 by Representatives Nutley, Brough and Miller

Extending time requirements for revision of small works roster.

Referred to Committee on Governmental Operations.

SHB 262 by Committee on Education (originally sponsored by Representatives Ebersole, Betzoff, Peery and P. King) (by Superintendent of Public Instruction request)

Eliminating certain obsolete provisions from Title 28A RCW.

Referred to Committee on Education.

EHB 281 by Representatives Jacobsen, Long, Unsoeld, Nealey, Todd, Gallagher, McMullen, Sutherland, Barnes, Miller, Ballard, D. Nelson, Madsen, Bond and Hine

Authorizing limited regulation by the state of radio communications service companies.

Referred to Committee on Energy and Utilities.

SHB 389 by Committee on State Government (originally sponsored by Representatives Nutley, Belcher, Hankins and Winsley) (by Department of Services for the Blind request)

Clarifying collection of vending machine revenue in public buildings.

Referred to Committee on Governmental Operations.

2SHB 428 by Committee on Commerce and Labor (originally sponsored by Representatives Fisch, Patrick, Ebersole, Chandler, Wang, P. King, Basich and Winsley)

Revising education requirements for real estate license application.

Referred to Committee on Commerce and Labor.

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

SECOND READING

SENATE BILL NO. 3146, by Senators Granlund, Kreidler, Kiskaddon and Deccio (by Department of Corrections request)

Updating the names and capacities of corrections institutions.

MOTIONS

On motion of Senator Granlund, Substitute Senate Bill No. 3146 was substituted for Senate Bill No. 3146 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Granlund, the rules were suspended, Substitute Senate Bill No. 3146 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. 3146.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3146 and the bill passed the Senate by the following vote: Yeas, 40; nays, 2; absent, 3; excused, 4.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Boltiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Wojahn, Zimmerman - 40.

Voting nay: Senators Bailey, Metcalf - 2.

Absent: Senators Hayner, Kreidler, Williams - 3.

Excused: Senators Fleming, Lee, Pullen, Thompson - 4.

SUBSTITUTE SENATE BILL NO. 3146, having received the constitutional 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 Bender, Senator Kreidler was excused.

SECOND READING

SENATE BILL NO. 3592, by Senators Gaspard, Hansen, Benitz, Bauer, Goltz, Bottiger, Bailey and Barr

Modifying provisions relating to commodity commissions.

The bill was read the second time.

MOTION

On motion of Senator Hansen, the rules were suspended, Senate Bill No. 3592 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. 3592.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3592 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Kreidler, Lee, Thompson - 3.

SENATE BILL NO. 3592, having received the constitutional majority, 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. 3238, by Senators Talmadge, Halsan, Granlund, Stratton, Rasmussen, Garrett and Peterson

Revising procedures for reports of child abuse.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, Second Substitute Senate Bill No. 3238 was substituted for Senate Bill No. 3238 and the second substitute bill was advanced to second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Second Substitute Senate Bill No. 3238 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 Second Substitute Senate Bill No. 3238.

ROLL CALL

The Secretary called the roll on final passage of Second Substitute Senate Bill No. 3238 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Lee - 1.

SECOND SUBSTITUTE 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.

SECOND READING

SENATE BILL NO. 3401, by Senators Peterson, Hansen and Guess (by Department of Licensing request)

Revising commercial motor vehicle licensing reciprocity.

The bill was read the second time.

MOTION

On motion of Senator Hansen, the rules were suspended, Senate Bill No. 3401 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. 3401.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3401 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Lee - 1.

SENATE BILL NO. 3401, having received the constitutional majority, 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. 3298, by Senators Hansen, Barr, Goltz, Benitz and Newhouse

Modifying notice requirements for changes in water flows or levels in public waters.

The bill was read the second time.

MOTION

On motion of Senator Hansen, the rules were suspended, Senate Bill No. 3298 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. 3298.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3298 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Lee - 1.

SENATE BILL NO. 3298, having received the constitutional majority, 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. 3339, by Senators Thompson and Zimmerman

Authorizing library districts to participate in boundary review proceedings.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Senate Bill No. 3339 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. 3339.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3339 and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Voting nay: Senator Pullen - 1.

SENATE BILL NO. 3339, having received the constitutional 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 9:39 a.m., on motion of Senator Vognild, the Senate recessed until 10:30 a.m.

SECOND MORNING SESSION

The Senate was called to order at 10:32 a.m. by President Cherberg.

SECOND READING

SENATE BILL NO. 3594, by Senators Hansen, Benitz, Goltz and Newhouse

Changing provisions relating to irrigation district voting.

MOTIONS

On motion of Senator Bender, Senator Halsan was excused.

On motion of Senator Hansen, Substitute Senate Bill No. 3594 was substituted for Senate Bill No. 3594 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Hansen, the rules were suspended, Substitute Senate Bill No. 3594 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. 3594.

Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Halsan - 1.

SUBSTITUTE SENATE BILL NO. 3594, having received the constitutional majority, 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. 3354, by Senators McDermott, Newhouse, Vognild, McDonald, Owen, Talmadge, Bottiger and Deccio

Modifying provisions relating to medical aid to workers.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 3354 was substituted for Senate Bill No. 3354 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 3354 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. 3354.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3354 and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Benitz - 1.

SUBSTITUTE SENATE BILL NO. 3354, having received the constitutional majority, 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. 3398, by Senators Thompson, McCaslin and Zimmerman

Authorizing the consideration by local government of local excise tax revenues arising from local purchases in awarding purchase contracts.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 3398 was substituted for Senate Bill No. 3398 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Thompson, the rules were suspended, Substitute Senate Bill No. 3398 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Thompson, could you inform us who requested this legislation?"

Senator Thompson: "I'm the prime sponsor of this bill, Senator Rasmussen. It is at my request that it is before us. It's supported by the Association of Washington Cities. We had favorable testimony from the electrical contractors. We had opposition to the bill in its original form from the general contractors, but the substitute bill broadened the coverage to include taxpayers outside the jurisdiction as well as within."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3398.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3398 and the bill passed the Senate by the following vote: Yeas, 31; nays, 18.

Voting yea: Senators Bailey, Barr, Bauer, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Granlund, Halsan, Hansen, Johnson, Kreidler, Lee, McCaslin, McManus, Moore, Newhouse, Owen, Peterson, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognlid, Warnke, Williams, Wojahn, Zimmerman - 31.

Voting nay: Senators Bender, Benitz, Bluechel, Cantu, Craswell, Deccio, Goltz, Guess, Hayner, Kiskaddon, McDermott, McDonald, Metcalf, Patterson, Pullen, Rasmussen, Sellar, von Reichbauer - 18.

SUBSTITUTE SENATE BILL NO. 3398, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3420, by Senators Granlund, Kiskaddon, Bottiger, McCaslin and Conner

Exempting transfers of open space land to nonprofit organizations from property tax recapture.

The bill was read the second time.

MOTIONS

On motion of Senator McDermott, the rules were suspended, Senate Bill No. 3420 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 Kiskaddon was excused.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3420.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3420 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vogt, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Kiskaddon - 1.

SENATE BILL NO. 3420, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3458, by Senator Conner

Mandating lower insurance rates for persons over 55 who have taken an accident prevention course.

MOTION

On motion of Senator Moore, Substitute Senate Bill No. 3458 was substituted for Senate Bill No. 3458 and the substitute bill was advanced to second reading and read the second time.

MOTIONS

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

On page 1, line 6, strike "shall" and insert "may"

On page 1, line 16, strike "shall" and insert "may"

On motion of Senator Moore, the rules were suspended, Engrossed Substitute Senate Bill No. 3458 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 Hayner: "Senator Conner, I think the idea of some sort of education for these people is a good one, but I'm also concerned about the cost to the Department of Licensing setting up these kinds of courses in all the rural areas and all over the state or contracting out for it. What is going to be the cost of this? Was there a fiscal note on it?"

Senator Conner: "There wasn't any requested. There is a course going a week from Saturday in this area, and there's one going--I believe--this Saturday in Spokane. So there are a number of areas where they are putting in this type of a program. There are many other states which have this type of program for the elderly, feeling that they need to be looking at the law and get some idea of perhaps what their shortcomings might be, or what they're not doing as far as regular

driving. But I do think--along with other states--that a move in this direction--we should be attempting to do so, and the senior citizens of this state are strongly in favor of this measure."

Further debate ensued.

POINT OF INQUIRY

Senator Zimmerman: "Senator Conner, the bill says, 'successfully completing the course.' Would there be a testing--some measurement of progress--to show that they have learned something, rather than just getting a certificate for having taken the course? I guess I'm getting at the the actual measurement of ability that would show improvement."

Senator Conner: "I'm told that they would have successfully completed the course on the day it is given."

Senator Zimmerman: "You don't think there should be some measure of having a test or do you assume that there is a test? Does 'successfully completed' mean that there was a test involved?"

Senator Conner: "That's my understanding. And as I say, this has been going on in other states and as a result the retired persons organization in this state felt it would be good for this state as well."

Senator Zimmerman: "It would seem logical that there be a test involved to have some measurement."

Further debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Conner, the way I read this bill, if someone over the age of 55 had a DWI and three speeding tickets--took this course--they would be eligible for a ten percent discount, which does not really make any sense. Would you care to respond to that?"

Senator Conner: "I couldn't respond to that."

POINT OF INQUIRY

Senator Newhouse: "Senator Bottiger, in your amendment changing 'shall' to 'may,' is there anything in present law that would prohibit an insurance company--if it were a good practice--to give such a discount now, without the bill?"

Senator Bottiger: "There was a question raised as to whether that was a legitimate group within the existing insurance code. There is one insurance company that does this now. There is another that says, 'we think it's a good idea, but we think the law ought to be clear.'"

Further debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Conner, will all insurance companies recognize this course or is it put on by certain insurance companies?"

Senator Conner: "There are tests of this type being put on now. There's one in Spokane and there's going to be one in this community next week, and it's being put on by the retired persons organization in this state. Now, there are insurance companies that don't want this and have talked to me and oppose it, but yet it makes sense to me where one company does have this type of program and where you went through these types of tests, I think it would be good, not only for the companies, but it would be pretty good for the individual to find out what his ability is as far as being a safe driver."

Senator Rasmussen: "A further question. In the event that a senior citizen does not pass this test, does that include the implied ten percent more on your insurance rather than a ten percent discount?"

Senator Conner: "I couldn't answer that."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Grossed Substitute Senate Bill No. 3458.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3458 and the bill passed the Senate by the following vote: Yeas, 36; nays, 12; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kreidler, Lee, McCaslin, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 36.

Voting nay: Senators Benitz, Bluechel, Cantu, Craswell, Guess, Hayner, McDonald, Metcalf, Newhouse, Patterson, Pullen, Sellar - 12.

Excused: Senator Kiskaddon - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3458, having received the constitutional majority, 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. 3397, by Senators Stratton, Vognild, Metcalf and Owen

Revising provisions relating to reimbursements for illegally killed wildlife.

The bill was read the second time.

MOTION

On motion of Senator Owen, the rules were suspended, Senate Bill No. 3397 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. 3397.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3397 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Kiskaddon - 1.

SENATE BILL NO. 3397, having received the 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 the special guest of Senator "Barney" Goltz and Senator Nita Rinehart, Congressman Ray Hooker of the Nicaraguan Legislature, and currently director of community development programs for the Atlantic coast of Nicaragua, who was seated on the Rostrum.

With permission of the Senate, business was suspended to permit Congressman Hooker to address the Senate.

The President invited the members of the Senate to meet Congressman Hooker at noon at the Press Briefing Room on the first floor of the House Office Building.

SECOND READING

SENATE BILL NO. 3427, by Senators Moore, Newhouse, Bender and Sellar

Regulating domestic insurance holding corporations.

The bill was read the second time.

MOTIONS

On motion of Senator Bender, Senator Hansen was excused.

On motion of Senator Moore, the rules were suspended, Senate Bill No. 3427 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 Bottiger, you mentioned the possibility that we had covered other corporations in the state by passage of a bill previously. Do you see the need for any additional legislation that could be involved as far as corporations taking over a variety of other types? We're reading currently of the interstate efforts from the Boone Pickens situation as far as Phillips and other kinds of takeovers. Are we in a position to do anything about those for this state?"

Senator Bottiger: "We have a couple of other pieces of legislation. Senator Talmadge has mentioned one--Senate Bill No. 3580. I wish Congress would address themselves to this because of the amount of money being sucked up in the money supply by letters of credit, and the absolute--what appears to me--black-mail by some of these takeover artists should be addressed by somebody, because I hope no one is--I hope--naive enough to think that somebody isn't going to pay on that Phillips deal, and it's probably going to be you and I, if we happen to use Phillips products."

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3427.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3427 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vogtild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Hansen - 1.

SENATE BILL NO. 3427, having received the constitutional majority, 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. 3099, by Senators Talmadge, Newhouse, Halsan and Granlund

Providing mental health treatment for juveniles.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 3099 was substituted for Senate Bill No. 3099 and the substitute bill was advanced to second reading and read the second time.

Senator Pullen moved that the following amendment be adopted:

On page 2, line 34, after "safety" strike "or development"

Debate ensued.

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

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

MOTIONS

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

On page 3, line 18, after "on" insert "an"

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

On page 11, line 20, after "to" insert "reasonable"

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

On page 12, line 35, after "treatment" insert "that only can be provided in a one hundred-eighty day commitment"

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

On page 13, line 23, after "and" strike "comprised" and insert "composed"

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute Senate Bill No. 3099 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. 3099.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3099 and the bill passed the Senate by the following vote: Yeas, 41; nays, 7; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hayner, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 41.

Voting nay: Senators Barr, Craswell, Johnson, McCaslin, Pullen, Sellar, Zimmerman - 7.

Excused: Senator Hansen - 1.

ENGROSSED SUBSTITUTE 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.

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

MOTION

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

SENATE RESOLUTION 1985-28

by Senators Cantu, Gaspard, Vognild, Conner, McCaslin, Bauer and Lee

WHEREAS, Junior Achievement is designed to provide young people with practical economic education programs and experiences in the competitive private enterprise system; accomplished through a partnership of the business and education communities; and

WHEREAS, Junior Achievement is privately funded through contributions from local businesses, foundations, and individuals, and receives no publicly funded support; and

WHEREAS, Junior Achievement provides staff assistance and program materials to over thirty school districts as well as numerous private schools in Washington State, serving approximately 14,000 students; and

WHEREAS, Junior Achievement provides economic education programs for both the elementary and secondary levels, namely; Business Basics for the elementary grade level; Project Business for the middle or junior high grade level; Applied Economics and the JA Company Program for the high school grade level; and

WHEREAS, Each Junior Achievement program requires the participation of business volunteers to make weekly visits to the classrooms or companies to share their first hand experience and knowledge of the private enterprise system with the students; and

WHEREAS, This experience-based teaching method makes the learning experience more interesting and complete for the students and hence, helps the students better understand the theories and practices of our private enterprise system; and

WHEREAS, A knowledge and understanding of microeconomic and macroeconomic principles are essential to enhance future opportunities for our State's young people in the competitive private enterprise system;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington hereby declares that March be set aside as Junior Achievement Volunteer Month and honors the business and education volunteers who give of their time and financial resources to impact the economic awareness and understanding of our state's young people through the Junior Achievement stair-step programs for economic literacy.

MOTION

At 11:51 a.m., on motion of Senator Vognild, 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 returned the Senate to the sixth order of business.

SECOND READING

SENATE BILL NO. 3426, by Senators Warnke, Newhouse, Vognild and Conner (by Board of Industrial Insurance Appeals request)

Revising provisions relating to industrial insurance appeals.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, Senate Bill No. 3426 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. 3426.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3426 and the bill passed the Senate by the following vote: Yeas, 45; absent, 4.

Voting yeas: Senators Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Bender, Craswell, Sellar, Stratton - 4.

SENATE BILL NO. 3426, having received the constitutional majority, 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. 3046, by Senator Williams

Increasing the utilities and transportation commission to five members.

The bill was read the second time.

MOTIONS

On motion of Senator Williams, the following amendment by Senators Williams and Benitz was adopted:

On page 2, after line 23, insert the following:

*Sec. 2. Section 80.01.050, chapter 14, Laws of 1961 and RCW 80.01.050 are each amended to read as follows:

(1) A majority of the commissioners shall constitute a quorum for the transaction of any business, for the performance of any duty, or for the exercise of any power of the commission, and may hold hearings at any time or place within or without the state. Any investigation, inquiry or hearing which the commission has power to undertake or to hold may be undertaken or held by or before any panel of commissioners appointed by the chairman of the commission or any examiner designated and authorized by the commission as provided in RCW 80.01.060. ~~((All investigations, inquiries and hearings of the commission, and all findings, orders or decisions, made by a commissioner, when approved and confirmed by the commission and filed in its office, shall be and be deemed to be the orders or decisions of the commission.))~~ A panel may not be composed of fewer than three commissioners. If a panel of commissioners is appointed, a decision of a majority of the panel is a decision of the commission, except as described in subsection (2) of this section.

(2) Any member of a panel voting in a case decided under subsection (1) of this section may request the commission to review the decision of the panel. The request for review shall occur within seven days of the panel decision and such review shall occur within fourteen days of the request. In any review proceeding, a decision of the majority of the commission shall be the decision of the commission.

NEW SECTION. Sec. 3. A new section is added to chapter 34.12 RCW to read as follows:
RCW 34.12.060 shall not apply to proceedings before the Washington utilities and transportation commission unless the commission requests a proposal for decision."

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

On page 1, beginning on line 2 of the title, strike the remainder of the title and insert "amending RCW 80.01.010 and 80.01.050; and adding a new section to chapter 34.12 RCW."

MOTION

On motion of Senator Williams, the rules were suspended, Engrossed Senate Bill No. 3046 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 Senate Bill No. 3046.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3046 and the bill passed the Senate by the following vote: Yeas, 35; nays, 14.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Owen, Peterson, Rasmussen, Rinehart, Saling, Stratton, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 35.

Voting nay: Senators Barr, Bluechel, Craswell, Garrett, Johnson, McDonald, Metcalf, Moore, Newhouse, Patterson, Pullen, Sellar, Talmadge, von Reichbauer - 14.

ENGROSSED SENATE BILL NO. 3046, having received the constitutional majority, 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. 3570, by Senators Gaspard, Saling, Conner and McManus (by Military Department request)

Continuing the National Guard educational assistance program.

The bill was read the second time.

MOTION

On motion of Senator Granlund, the rules were suspended, Senate Bill No. 3570 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 Senate Bill No. 3570.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3570 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 49.

SENATE BILL NO. 3570, having received the constitutional majority, 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. 4127, by Senators Wojahn, Newhouse, Vognild, Benitz, Goltz, Hansen, Halsan, Warnke, Deccio and Hayner

Revising provisions relating to alcoholic beverage licenses.

The bill was read the second time.

MOTIONS

On motion of Senator Warnke, the following Committee on Commerce and Labor amendment was adopted:

On page 2, line 27, after "notification to" insert "and approval of"

On motion of Senator Warnke, the rules were suspended, Engrossed Senate Bill No. 4127 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. 4127.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4127 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; absent, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senator Pullen - 1.

Absent: Senator Metcalf - 1.

ENGROSSED SENATE BILL NO. 4127, having received the constitutional majority, 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. 3386, by Senators Thompson, Talmadge and Zimmerman

Revising laws on executive sessions of governing bodies.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 3386 was substituted for Senate Bill No. 3386 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Thompson, the rules were suspended, Substitute Senate Bill No. 3386 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Saling: "Senator Thompson, my purpose in asking a question is to clarify legislative intent concerning the term 'disciplining' on page 2, line 19. Employees often increase the quality of their work by constructive criticism from their supervisors. This may be viewed as 'disciplining' by the employee. Does 'disciplining' as used in subsection (f) include all warnings and criticisms of an employee?"

Senator Thompson: "No, Senator Saling, it does not. 'Disciplining' as the word is used in subsection (f) means something that goes beyond verbal censure. In line 19, it refers to some action which changes the status of the employee, such as suspension, demotion, transfer or similar action that has an impact beyond just criticism or warning. It is used in conjunction with the term 'final action' and it is our intent that this be some sort of action that very specifically alters the employee's status."

POINT OF INQUIRY

Senator Talmadge: "Senator Thompson, some government agencies have taken the position that attorney-client privilege can be used to require executive session about any decision that could conceivably result in litigation, no matter how remote the possibility of litigation. I take it that Section 1 (h) of the bill is designed to allow executive sessions for discussion with legal counsel on existing litigation or litigation that is reasonably believed by the agency to soon result, if such discussions will result in adverse legal or financial consequences to the agency."

Senator Thompson: "Your understanding of that provision is correct."

Further debate ensued.

POINT OF INQUIRY

Senator Rinehart: "Senator Thompson, does Section 2 contemplate that the presiding officer can more than once announce an extension of an executive session?"

Senator Thompson: "Yes, Senator Rinehart, so long as each time the presiding officer announces a new time when the executive session will be concluded. The purpose, of course, is to give the public guidance and assurance that if it returns to the meeting place at the time announced by the presiding officer, the citizens won't miss the open session which follows."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3386.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3386 and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognlid, von Reichbauer, Wanke, Williams, Wojahn, Zimmerman - 48.

Voting nay: Senator Pullen - 1.

SUBSTITUTE SENATE BILL NO. 3386, having received the 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

March 11, 1985

Mr. President:

The House has passed:

SUBSTITUTE SENATE BILL NO. 3781, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 3781.

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

SECOND READING

SENATE BILL NO. 4185, by Senators Rinehart, Patterson and Gaspard

Clarifying the definition of higher education tuition and fees.

The bill was read the second time.

MOTION

Senator Rinehart moved that the following Committee on Education amendment be adopted:

On page 10, at the beginning of line 16, strike "state's community colleges, the"

POINT OF INQUIRY

Senator Metcalf: "Senator Rinehart, on the summary that we have here--the summary of the proposed committee amendment--is that the amendment that you moved? This says, 'relating to community colleges' ability to charge tuition fee is eliminated.' That sounds like a substantive change."

Senator Rinehart: "However, it is not."

Senator Metcalf: "Thank you, I hope."

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

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

MOTION

On motion of Senator Rinehart, the rules were suspended, Engrossed Senate Bill No. 4185 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. 4185.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4185 and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Absent: Senator McDonald - 1.

ENGROSSED SENATE BILL NO. 4185, having received the constitutional majority, 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. 3854, by Senators Rinehart, Rasmussen and Bender

Permitting ongoing absentee voters.

The bill was read the second time.

MOTION

Senator Pullen moved that the following amendment be adopted:

On page 2, line 18, after "year" insert "A disabled voter is defined as a voter with a permanent and significant physical disability, including sight loss, hearing loss, paralysis, loss of limbs, and respiratory impairment"

Debate ensued.

MOTION

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

On line 3 of the amendment, after "including" insert ", but not limited to," and after "hearing loss" insert ", paralysis," and after "loss of" insert "one or more" and after "limbs," strike "and" and insert "or"

The President declared the question before the Senate to be adoption of the amendment by Senator Pullen, as amended.

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

MOTION

On motion of Senator Thompson, the rules were suspended, Engrossed Senate Bill No. 3854 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Talmadge: "Senator Pullen, I didn't get a chance to ask this question prior to the time we took action on your amendment, but I trust that the language of your amendment is intended to be in the disjunctive--intended to be not in the conjunctive to require all of those particular aspects of disability before a person is deemed to be a disabled voter."

Senator Pullen: "It's definitely in the disjunctive and it so states. In fact, in my own handwriting I have an 'or' written in there to make sure that it clearly was disjunctive."

POINT OF INQUIRY

Senator Bottiger: "Senator Pullen, in the very rural areas, as you well know considering the district you represent, there are people who in some cases are so far out we allow them to vote by mail ballot. But in those districts which still do not have a mail ballot--someone is just over 65--maybe lacks transportation--or the polling place is so far away--that they've discovered that with snow and everything else, it's more convenient. They meet the test every other way, but I'm asking you about convenience. In a rural area, which has bad weather conditions, could these older people still apply for an absentee ballot?"

Senator Pullen: "If they meet the age requirement in the bill."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3854.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3854 and the bill passed the Senate by the following vote: Yeas, 46; nays, 3.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senators Barr, McDonald, Newhouse - 3.

ENGROSSED SENATE BILL NO. 3854, having received the constitutional majority, 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. 3024, by Senator Barr

Changing provisions relating to animals and fences.

MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 3024 was substituted for Senate Bill No. 3024 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Newhouse, the following amendment by Senators Newhouse, Barr and Hansen was adopted:

On page 7, after line 21, insert the following:

"Sec. 16. Section 3, chapter 31, Laws of 1893 as amended by section 2, chapter 56, Laws of 1925 ex. sess. and RCW 16.04.025 are each amended to read as follows:

If the owner or the person having in charge or possession such animals is unknown to the person sustaining the damage, ((the notice provided in RCW 16.04.020 shall be given by posting three notices, in three public places in the neighborhood where the animals are restrained)) the person retaining such animals shall, within twenty-four hours, notify the county sheriff or the nearest state brand inspector as to the number, description, and location of the animals. The county sheriff or brand inspector shall examine the animals by brand, tattoo, or other identifying characteristics and attempt to ascertain ownership. If the animal is marked with a brand or tattoo which is registered with the director of agriculture, the brand inspector or county sheriff shall furnish this information and other pertinent information to the person holding the animals who in turn shall send the notice required in RCW 16.04.020 to the animals' owner of record by certified mail.

If the county sheriff or the brand inspector determines that there is no apparent damage to the property of the person retaining the animals, or if the person sustaining the damage contacts the county sheriff or brand inspector to have the animals removed from his or her property, such animals shall be removed in accordance with chapter 16.13 RCW. Such removal shall not prejudice the property owner's ability to recover damages through civil suit.

Sec. 17. Section 7, chapter 31, Laws of 1893 and RCW 16.04.050 are each amended to read as follows:

If the owner or keeper of such offending animals is unknown to plaintiff at the commencement of the action, or if on the trial it appears that the defendant is not the proper party, defendant, and the proper party is unknown, service of the summons or notice shall be made by publication, by publishing a copy of the summons or notice, with a notice attached, stating the object of the action and giving a description of the animals seized, at least once a week for two consecutive weeks in a ((weekly)) newspaper ((published nearest to the residence of)) of general circulation in the county in which the plaintiff((if there be one published in the county;

~~and if not, by posting said summons or notice with said notice attached in three public places in the county, in either case)) resides. The most recent notice shall be published not less than ten days previous to the day of trial.~~

Sec. 18. Section 3, page 324, Laws of 1869 as last amended by section 2490, Code of 1881 and RCW 16.60.015 are each amended to read as follows:

Any person making and maintaining in good repair around his or her enclosure or enclosures, any fence such as is described in RCW 16.60.010 and 16.60.011, may recover in a suit for trespass before the nearest court having competent jurisdiction, from the owner or owners of any animal or animals which shall break through such fence, in full for all damages sustained on account of such trespass, together with the costs of suits; and the animal or animals, so trespassing, may be taken and held as security for the payment of such damages and costs: PROVIDED, That such person shall provide notice as required under RCW 16.04.020 and 16.04.025: PROVIDED FURTHER, That such person shall have such fences examined and the damages assessed by three reliable, disinterested parties and practical farmers, within five days next after the trespass has been committed: AND, PROVIDED FURTHER, That if, before trial, the owner of such trespassing animal or animals, shall have tendered the person injured any costs which may have accrued, and also the amount in lieu of damages which shall equal or exceed the amount of damages afterwards awarded by the court or jury, and the person injured shall refuse the same and cause the trial to proceed, such person shall pay all costs and receive only the damages awarded."

Renumber the remaining section.

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

On page 1, beginning on line 3 of the title, delete "and 16.60.062" and insert "16.60.062, 16.04.025, 16.04.050, and 16.60.015"

MOTION

On motion of Senator Hansen, the rules were suspended, Engrossed Substitute Senate Bill No. 3024 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 Barr, I notice that first this bill establishes what a lawful fence is and then it also provides where there is a partition fence. Now, one of those wealthy cattlemen alongside of my scrubland decides he wants to put in a partition fence, then I have to share in it and if we can't agree, we have two weeks and then they can go to court--and collect attorney fees. Is that very fair? One person with two or three thousand acres of land is going to fence it and then wants me to share in the cost of that fence. They're well able to bear the burden and I'm not. I was wondering why that was put in the bill?"

Senator Barr: "I'm glad you brought that to the body's attention, Senator Rasmussen, because I think in the substitute part of it, that was deleted and so you're right in line with other people's concerns."

Senator Rasmussen: "Thank you. That's not in the bill any more then? I found it in my bill and didn't notice that it was taken out."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3024.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3024 and the bill passed the Senate by the following vote: Yeas, 47; nays, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Boltiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senators Pullen, Rasmussen - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3024, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 2:45 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 3:40 p.m. by President Cherberg.

SECOND READING

SENATE BILL NO. 3596, by Senators Granlund, Kiskaddon, Talmadge, Deccio and Kreidler (by Office of Financial Management request)

Changing provisions relating to the state criminal justice information system.

The bill was read the second time.

MOTIONS

On motion of Senator Granlund, the following Committee on Ways and Means amendment was adopted:

On page 5, beginning on line 22, strike all of section 7

Senator Pullen moved that the following amendment be adopted:

On page 5, line 21, add a new subsection (3) as follows:

"(3) The corrections standards board shall keep records on all sentencings above or below the standard range defined by chapter 9.94A RCW. As a minimum, the records shall include the name of the offender, the crimes for which the offender was sentenced, the name and county of the sentencing judge, and the deviation from the standard range. Such records shall be made available to public officials upon request."

Debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Would you object to the idea of an amendment to this amendment that would make it the Sentencing Guidelines Commission as opposed to the Corrections Standards Board which only deals with standards in jails?"

Senator Pullen: "Not at all. I think that would be most desirable."

MOTION

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

On the first line of the amendment, strike "Corrections Standards Board" and insert "Sentencing Guidelines Commission"

POINT OF INQUIRY

Senator Newhouse: "Senator Talmadge, I had the same concern you did. But now how is the Sentencing Guidelines Commission to have knowledge of these sentences above or beyond the standard range? It happens in every court in the state, I suppose. Are they required to report to anyone, or how in the world can they be collected unless someone has that authority?"

Senator Talmadge: "I think they'll probably have to acquire it from the court administrator's office. That would be my best guess, as to where that data would be available. It would either be in the judicial information system or in the criminal justice information system--one of the two. I assume on this issue that Senator Pullen is looking simply for someone to acquire it from one or more of the information systems that already exist. My understanding is that we do that already with respect to juvenile offenders, where we found, much to everyone's surprise, the judges departed, in the vast majority of cases, above the guidelines rather than below."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Pullen, as amended.

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

MOTIONS

On motion of Senator McDermott, the following title amendment was adopted:
On page 1, line 3 of the title, strike "and making an appropriation"

On motion of Senator McDermott, the rules were suspended, Engrossed Senate Bill No. 3596 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 Barr was excused.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3596.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3596 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Barr - 1.

ENGROSSED SENATE BILL NO. 3596, having received the constitutional majority, 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. 3132, by Senators Patterson, Rinehart, Gaspard, Goltz, Saling, Johnson, Bauer, Warnke, Bender, Conner, McManus and McDermott

Permitting increased funding for higher education financial aid.

The bill was read the second time.

MOTIONS

On motion of Senator Gaspard, the following Committee on Education amendment was adopted:

On page 1, line 13, after "no less than" strike "twenty-four percent" and insert "~~((twenty-four percent))~~ one-third"

On motion of Senator Gaspard, the rules were suspended, Engrossed Senate Bill No. 3132 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 Senate Bill No. 3132.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3132 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 49.

ENGROSSED SENATE BILL NO. 3132, having received the constitutional majority, 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. 3276, by Senators McDermott, Talmadge, Stratton, Gaspard, Kreidler, DeJarnatt, Halsan, Conner, McManus, Peterson, Fleming, Goltz, Rasmussen, Garrett, Wojahn, Bauer, Hansen, Bottiger, Thompson, Bender, Granlund, Owen, Williams, Lee, Barr and von Reichbauer (by Lieutenant Governor request)

Establishing a missing children clearinghouse.

MOTION

On motion of Senator McDermott, Substitute Senate Bill No. 3276 was substituted for Senate Bill No. 3276 and the substitute bill was advanced to second reading and read the second time.

MOTION

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

On page 1, line 5, after "clearinghouse" and before the period, insert "which shall include the maintenance and operation of a toll-free, twenty-four-hour telephone hotline"

MOTION

On motion of Senator Vognild, further consideration of Substitute Senate Bill No. 3276 was deferred.

SECOND READING

SENATE BILL NO. 3431, by Senators Goltz, Moore, Owen, McManus, Bailey and McCaslin

Restricting local measured service telephone rates.

MOTION

On motion of Senator Williams, Substitute Senate Bill No. 3431 was substituted for Senate Bill No. 3431 and the substitute bill was advanced to second reading and read the second time.

MOTIONS

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

On page 2, beginning on line 10, after "~~basis~~:" strike all material through "interest," on line 17 and insert "The implementation of mandatory local measured telephone service is a major policy change in available telephone service. The commission shall not accept for filing or approve, prior to June 1, 1987, a tariff filed by a telephone company which imposes mandatory local measured service on any customer or class of customers. This subsection does not apply to land, air, or marine mobile service, pay telephone, or any service which has been traditionally offered on a measured service basis."

On motion of Senator Williams, the rules were suspended, Engrossed Substitute Senate Bill No. 3431 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. 3431.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3431 and the bill passed the Senate by the following vote: Yeas, 43; nays, 5; absent, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 43.

Voting nay: Senators Craswell, McCaslin, Metcalf, Sellar, Zimmerman - 5.

Absent: Senator Owen - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3431, having received the constitutional majority, 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. 4113, by Senators McDermott, Sellar and Johnson

Authorizing state financial institutions to charge interest rates on credit cards competitive with those charged in other states.

The bill was read the second time.

MOTION

Senator Wojahn moved the following amendment be adopted:
On page 1, line 7 after "state" insert "after July 1, 1987"

Debate ensued.

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

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

ROLL CALL

The Secretary called the roll and the motion by Senator Wojahn carried and the amendment was adopted by the following vote: Yeas, 25; nays, 23; absent, 1.

Voting yea: Senators Bauer, Bender, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Warnke, Williams, Wojahn - 25.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, Garrett, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Saling, Sellar, Vognild, von Reichbauer, Zimmerman - 23.

Absent: Senator Bottiger - 1.

MOTION

On motion of Senator Moore, the rules were suspended, Engrossed Senate Bill No. 4113 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Fleming: "Senator Moore, recognizing that the state banks would like to be able to use this bill to help them be more competitive, would SeaFirst now be one of those banks that are able to charge the upper limit, since (1) they are owned by the Bank of Cal and (2) maybe their operations for credit cards have been moved out of the state--I'm not sure whether they have or not. Would they be one of those that these local banks would have to compete with--with this larger amount?"

Senator Moore: "Any bank in the state would be blanketed in by this. This was promoted by one individual bank, but the rest will benefit from it."

Senator Fleming: "O.K. But if this bill did not pass, which banks in the state would be beneficiary to do what the out-of-state banks do? In other words, would SeaFirst be able to charge this higher rate whether this bill passed or not--or are they already charging it since, maybe, their operations have moved out of state?"

Senator Moore: "It is my understanding that they are one of the ones that are not charging a higher rate and they are as low as anybody in the state."

Senator Fleming: "So they would be able to take advantage of it?"

Senator Moore: "They would be able to take advantage, yes."

Further debate ensued.

POINT OF INQUIRY

Senator Barr: "Senator Vognild, I'm not sure that all the discussion here is on the subject. If I pay my VISA card on time, how does this bill affect me?"

Senator Vognild: "Not at all. You're not paying any interest now and you wouldn't be then."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4113.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4113 and the bill passed the Senate by the following vote: Yeas, 32; nays, 16; absent, 1.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Bottiger, Craswell, Deccio, DeJarnatt, Garrett, Goltz, Guess, Hansen, Hayner, Johnson, Kiskaddon, Kraidler, Lee, McCaslin, McDermott, McDonald, McManus, Newhouse, Patterson, Rasmussen, Saling, Sellar, Stratton, Thompson, Vognild, von Reichbauer, Warnke, Zimmerman - 32.

Voting nay: Senators Bauer, Bender, Cantu, Conner, Fleming, Gaspard, Granlund, Halsan, Moore, Owen, Peterson, Pullen, Rinehart, Talmadge, Williams, Wojahn - 16.

Absent: Senator Metcalf - 1.

ENGROSSED SENATE BILL NO. 4113, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 3276, deferred earlier today.

MOTION

Senator Bluechel moved that the following amendment be adopted:

On page 1, line 20 after "(4)" insert "The patrol shall collect such information as will enable it to retrieve immediately the following information about a missing child: Name, date of birth, social security number, fingerprint classification, relevant physical descriptions, and known associates and locations. Access to the preceding information shall be available to appropriate law enforcement agencies, and to parents and legal guardians, when appropriate."

Debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator Bluechel, I certainly have no problem with the accumulation of that kind of data about the child, because I think it would be helpful. The question I have is--to what degree would the State Patrol have to affirmatively go out and seek that information out--such as known associates and locations and fingerprints, if such information were not readily available to the State Patrol?"

Senator Bluechel: "If the fingerprints aren't available, they are simply not available, but if they're taken in one of these registration drives such as some of the PTAs are putting on or some of the community groups, then we would have to assume that they are available. If I read the remainder of the bill, which I believe is your bill, it says the information shall include pictures, bulletins, training sessions, reports and biographical materials. What we're trying to do here is point out what is most important in this group. There may be other material and there may be some of this missing, but we're trying to make the file as complete as possible to fit in with the national file and any other files other states might have."

Senator Talmadge: "I just wanted to make sure we didn't have to send a state trooper out to the location to do an investigation to come up with the data such as associates, locations, etc."

Senator Bluechel: "Senator Talmadge, you're approaching another one of the bills that was in your committee where there was actually a system set up to train local agencies to take this kind of data. This is not in this bill, but this goes as far as it reads in the amendment here."

Senator Talmadge: "But would it require the State Patrol to affirmatively send out an investigator to acquire the data, or could the State Patrol simply rely on the information sent to it by the local law enforcement agency indicating that the State Patrol would like to have the things enumerated in your amendment?"

Senator Bluechel: "The instructions to the local agencies would be to provide this data if available. We are missing--as I mentioned one of the bills that did not pass out of committee would have taken care of that particular problem. There is nothing in this bill that says the State Patrol has to go out and get it itself. What we are doing here is trying to set up a statewide structure that goes into the local police agency where they all operate on the same basis."

Further debate ensued.

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

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

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute Senate Bill No. 3276 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. 3276.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3276 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3276, having received the constitutional majority, 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. 3486, by Senators DeJarnatt, Newhouse, Halsan, Warnke and Vognild

Limiting the area in which a county may impose a tax on gambling.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, Senate Bill No. 3486 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. 3486.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3486 and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; absent, 1.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Voting nays: Senators Bluechel, Pullen - 2.

Absent: Senator Deccio - 1.

SENATE BILL NO. 3486, having received the constitutional majority, 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. 3851, by Senators Wojahn, Warnke and Vognild

Allowing security and law enforcement officers and fire fighters over eighteen upon licensed premises.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, Senate Bill No. 3851 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. 3851.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3851 and the bill passed the Senate by the following vote: Yeas, 47; absent, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senators Metcalf, Moore - 2.

SENATE BILL NO. 3851, having received the constitutional majority, 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. 4212, by Senators Warnke, McManus, Bender, Bauer, Gaspard, Moore and Johnson

Establishing an international trade and investment information program.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, Senate Bill No. 4212 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 Senate Bill No. 4212.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4212 and the bill passed the Senate by the following vote: Yeas, 43; nays, 5; absent, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McDermott, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senators Cantu, Craswell, Lee, McCaslin, Pullen - 5.

Absent: Senator Moore - 1.

SENATE BILL NO. 4212, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3593, by Senators Thompson, McCaslin, Hansen, Patterson and Zimmerman

Ratifying previous local government reimbursements for costs related to the Mt. St. Helens eruption.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Senate Bill No. 3593 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. 3593.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3593 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald,

McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 49.

SENATE BILL NO. 3593, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3602, by Senators Moore, Sellar and Wojahn (by Department of General Administration request)

Revising provisions relating to savings and loan associations.

MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 3602 was substituted for Senate Bill No. 3602 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Moore, the rules were suspended, Substitute Senate Bill No. 3602 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3602.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3602 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE SENATE BILL NO. 3602, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3625, by Senators Kreidler, Zimmerman and Bottiger

Changing provisions relating to fire protection district annexation.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Senate Bill No. 3625 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Hansen: "Senator Thompson, you take a fire district in town and a rural fire district where the port has had big business come out and build a tax base for the rural district, and they have the equipment and stuff to handle that district--the city now wants to come along and annex the industry into the city, so they can take the tax base? Is that what this is?"

Senator Thompson: "No. This is permissive legislation and would only result through negotiation between the fire district and the city and the vote of the people within the city and the people within the fire district."

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3625.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3625 and the bill passed the Senate by the following vote: Yeas, 44; nays, 4; absent, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hayner,

Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 44.

Voting nay: Senators Deccio, Hansen, Patterson, Pullen - 4.

Absent: Senator Sellar - 1.

SENATE BILL NO. 3625, having received the constitutional majority, 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. 3776, by Senators Thompson, Bluechel, Wojahn, Zimmerman, Goltz, Kiskaddon, McDermott, Warnke and McManus (by Arts Commission request)

Authorizing the continued existence of the state arts commission and restructuring the commission.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 3776 was substituted for Senate Bill No. 3776 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Thompson, the rules were suspended, Substitute Senate Bill No. 3776 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. 3776.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3776 and the bill passed the Senate by the following vote: Yeas, 45; nays, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senators Craswell, McCaslin, Pullen, Rasmussen - 4.

SUBSTITUTE SENATE BILL NO. 3776, having received the constitutional majority, 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. 3852, by Senators Wojahn, von Reichbauer, McManus, Pullen, Vognild and Johnson

Modifying the joint legislative committee on child support.

The bill was read the second time.

MOTION

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

On page 1, line 8, after "of" strike "eleven" and insert "(~~eleven~~) twelve"

On page 1, line 12, after "eleventh" strike "member" and insert "(~~member~~) and twelfth members"

On page 1, line 12, after "be" strike "a member" and insert "(~~a member~~) members"

On page 1, line 14, after "members" and before the period insert ", one of whom shall be a noncustodial parent"

MOTION

On motion of Senator Granlund, the rules were suspended, Engrossed Senate Bill No. 3852 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. 3852.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3852 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 49.

ENGROSSED SENATE BILL NO. 3852, having received the constitutional majority, 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. 4128, by Senator McCaslin (by Corrections Standards Board request)

Revising the authority of the corrections standards board.

MOTIONS

On motion of Senator Granlund, Substitute Senate Bill No. 4128 was substituted for Senate Bill No. 4128 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Granlund, the rules were suspended, Substitute Senate Bill No. 4128 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. 4128.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4128 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE SENATE BILL NO. 4128, having received the constitutional majority, 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. 4138, by Senators Moore, Saling and Stratton (by Office of Insurance Commissioner request)

Revising procedures governing acquisition of domestic insurers.

MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 4138 was substituted for Senate Bill No. 4138 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Moore, the rules were suspended, Substitute Senate Bill No. 4138 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. 4138.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4138 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald,

McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE SENATE BILL NO. 4138, having received the constitutional majority, 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. 4169, by Senators McDermott, Zimmerman and Gaspard

Extending the Thomas Burke Memorial Washington State Museum of the University of Washington. The bill was read the second time.

MOTIONS

On motion of Senator Gaspard, the following Committee on Education amendment was adopted:

On page 1, beginning on line 16, after "anthropological," strike "geographical" and insert "geological"

On motion of Senator Gaspard, the rules were suspended. Engrossed Senate Bill No. 4169 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. 4169.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4169 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 49.

ENGROSSED SENATE BILL NO. 4169, having received the constitutional majority, 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. 4234, by Senators Conner, Garrett, McManus, Williams and Johnson

Extending certain tax exemptions for ride-sharing vehicles.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended, Senate Bill No. 4234 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. 4234.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4234 and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Patterson - 1.

SENATE BILL NO. 4234, having received the constitutional majority, 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. 4266, by Senators Williams and Benitz (by Energy Facility Site Evaluation request)

Modifying provisions on the energy facility site evaluation council.

The bill was read the second time.

MOTION

On motion of Senator Williams, the rules were suspended, Senate Bill No. 4266 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. 4266.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4266 and the bill passed the Senate by the following vote: Yeas, 36; nays, 12; absent, 1.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 36.

Voting nay: Senators Barr, Bluechel, Craswell, Deccio, Guess, McCaslin, McDonald, Patterson, Pullen, Saling, Sellar, Stratton - 12.

Absent: Senator Vognild - 1.

SENATE BILL NO. 4266, having received the constitutional majority, 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. 4281, by Senators Hayner, Benitz, Newhouse, Patterson, Barr, Bailey, Hansen and Bauer

Prohibiting vehicles from leaking hazardous liquids.

MOTIONS

On motion of Senator Peterson, Substitute Senate Bill No. 4281 was substituted for Senate Bill No. 4281 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Peterson, the rules were suspended, Substitute Senate Bill No. 4281 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. 4281.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4281 and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Guess - 1.

SUBSTITUTE SENATE BILL NO. 4281, having received the constitutional majority, 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. 4314, by Senators Halsan and Owen

Requiring proposals for legislation to reinstate certain natural fish runs.

MOTIONS

On motion of Senator Halsan, Substitute Senate Bill No. 4314 was substituted for Senate Bill No. 4314 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Halsan, the rules were suspended, Substitute Senate Bill No. 4314 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. 4314.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4314 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE SENATE BILL NO. 4314, having received the constitutional majority, 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. 4386, by Senators Thompson and Zimmerman

Relating to special purpose districts.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 4386 was substituted for Senate Bill No. 4386 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Thompson, the rules were suspended, Substitute Senate Bill No. 4386 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. 4386.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4386 and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Voting nay: Senator Pullen - 1.

SUBSTITUTE SENATE BILL NO. 4386, having received the constitutional majority, 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. 4424, by Senator Hansen

Relating to water rights.

MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 4424 was substituted for Senate Bill No. 4424 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Hansen, the rules were suspended, Substitute Senate Bill No. 4424 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Talmadge: "Senator Hansen, were these people actually denied the water rights or did they simply fail because of the time deadline?"

Senator Hansen: "Just over the time deadline and since they had the water rights, they thought they were secure and they didn't have any staff on the irrigation district. When they found out about this adjudication and one individual filed for a well right and found out that the irrigation district hadn't even filed for their total water rights, so if you went into the adjudication process, there would be 1,100 acres setting out there high and dry without any water rights, so what we're doing is just opening the window long enough to let them jump through."

Senator Talmadge: "So they'll get a fair chance to have it go up or down depending upon the merit?"

Senator Hansen: "Yes."

POINT OF INQUIRY

Senator Bottiger: "Senator Hansen, is this restricted just to the Yakima?"

Senator Hansen: "That's right. We opened the window just for the Yakima Basin and there had to be a water right before 1900 in order to qualify."

Senator Bottiger: "Are there other areas that might, also, have fallen into the same trap?"

Senator Hansen: "I doubt it very much. We opened this window in about 1978 for a period, and by that time everyone that we figured knew about it, and there were about 300 that jumped through that window."

Senator Bottiger: "My brother-in-law is the ditchmaster for the Entiat irrigation system. I'm going to call him and make sure he didn't miss this, too. And if he did, I'll fix it in the House."

Senator Hansen: "And I'll help you."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4424.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4424 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE SENATE BILL NO. 4424, having received the constitutional majority, 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. 3378, by Senators Fleming, Hansen, McDermott, Brauer, Barr, Wojahn, Bailey, Deccio, Benitz and Patterson

Establishing a state agricultural finance commission.

MOTIONS

On motion of Senator Goltz, Substitute Senate Bill No. 3378 was substituted for Senate Bill No. 3378 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Hansen, the rules were suspended, Substitute Senate Bill No. 3378 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 Deccio: "Senator Fleming, how will the commission deal with marginal accounts? Does it have to be somebody that has A-Number One credit in order to get these loans? Where do you cap off those folks who can go down to the bank and borrow money at the regular rate?"

Senator Fleming: "Senator Deccio, basically, what the commission will do--it will set up rules and regulations and make deals through the banking institutions and these particular loan requirements that will be set up will be no different than the other requirements. They will go through a process, and what this allows them to do is just to apply for these--just as they would--just like in industrial revenue bonds. There are some requirements set up on the federal level of the purchase of land up to \$250,000, etc., but the requirements would be set up by the commission. Secondly, the banking institutions themselves--they are all for this. Originally, like on the housing finance, they were concerned that there might be some competition, but that is not the case. They would establish these rules and regulations as to how or the level of the cap in terms of the agricultural community."

Senator Deccio: "So then the commission would set the guidelines and not leave it to the banks? The banks, most of the time, if you don't need any money, they'll give you all you want and if you need it, they won't give you any. I'd hate to see this kind of a program put into that kind of a position."

Senator Fleming: "They would establish the criteria, etc. and the loans would be handled just like any other loans with financial institutions. The commission, itself, would not be making the loans. They would be made through the normal process."

POINT OF INQUIRY

Senator Guess: "Senator Fleming, you mentioned 250,000. Do you mean acres? I can't go buy a farm. I need \$1 million two. Can I go buy a farm?"

Senator Fleming: "These are to help you finance--not to finance your entire package. It's dollars. There are those individuals now--you see it is difficult for young farmers to get into the business--to make the kinds of loans--so these loans would help them do that kind of thing--not make the whole purchase."

Further debate ensued.

MOTION

On motion of Senator von Reichbauer, Senator Lee was excused.

PARLIAMENTARY INQUIRY

Senator McDonald: "Mr. President, how many votes are required for the passage of this bill?"

MOTION

On motion of Senator Vognild, further consideration of Substitute Senate Bill No. 3378 was deferred.

SECOND READING

SENATE BILL NO. 3814, by Senators Warnke, Cantu, Vognilid, Goltz, Newhouse, Lee, Conner, Wojahn, Bauer and Johnson

Establishing the center for international trade in forest products.

MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 3814 was substituted for Senate Bill No. 3814 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 3814 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. 3814.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3814 and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senators Craswell, McCaslin, Pullen - 3.

Absent: Senator Hayner - 1.

Excused: Senator Lee - 1.

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 Senate resumed consideration of Substitute Senate Bill No. 3378, deferred on third reading and a point of parliamentary inquiry earlier today.

REPLY BY THE PRESIDENT

President Cherberg: "In reply to Senator McDonald's inquiry, it will be necessary to have a minimum of thirty votes to pass this measure."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3378.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3378 and the bill passed the Senate by the following vote: Yeas, 39; nays, 7; absent, 2; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kreidler, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 39.

Voting nay: Senators Cantu, Craswell, Kiskaddon, McCaslin, McDonald, Pullen, Rasmussen - 7.

Absent: Senators Hayner, Metcalf - 2.

Excused: Senator Lee - 1.

SUBSTITUTE SENATE BILL NO. 3378, 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

SENATE CONCURRENT RESOLUTION NO. 115, by Senators Warnke, Bender, Fleming, Vognild, McManus, Garrett, Rasmussen, Moore, Newhouse and Sellar (by Lieutenant Governor request)

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

The bill was read the second time.

MOTIONS

On motion of Senator Warnke, the following amendment by Senators Warnke and Lee was adopted:

On page 2, after line 11, insert the following:

"(10) Submit a report to the legislature annually outlining its activities and recommendations and"

On motion of Senator Warnke, the rules were suspended, Engrossed Senate Concurrent Resolution No. 115 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 Engrossed Senate Concurrent Resolution No. 115.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Concurrent Resolution No. 115 and the resolution passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senator McCaslin - 1.

Excused: Senator Lee - 1.

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 115, having received the constitutional majority, was declared passed.

SECOND READING

SENATE JOINT MEMORIAL NO. 121, by Senators Bauer, Hansen, Benitz, Moore, Gaspard, Barr, DeJarnatt, Goltz, Rasmussen, Bender, Wojahn and Bailey

Urging Congress to amend federal law to assist farm banks.

MOTIONS

On motion of Senator Hansen, Substitute Joint Memorial No. 121 was substituted for Senate Joint Memorial No. 121 and the substitute memorial was advanced to second reading and read the second time.

On motion of Senator Hansen, the rules were suspended, Substitute Senate Joint Memorial No. 121 was advanced to third reading, the second reading considered the third, and the memorial 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 Joint Memorial No. 121.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Joint Memorial No. 121 and the memorial passed the Senate by the following vote: Yeas, 42; nays, 5; absent, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Voting nay: Senators Cantu, Craswell, Hayner, McCaslin, McDonald - 5.

Absent: Senators Benitz, Patterson - 2.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 121, having received the constitutional majority, was declared passed.

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

MESSAGE FROM THE HOUSE

March 11, 1985

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 3781, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

At 6:47 p.m., on motion of Senator Vognild, the Senate adjourned until 9:00 a.m., Tuesday, March 12, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

FIFTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 12, 1985

The Senate was called to order at 9:12 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard, consisting of Girls Scouts Rebecca Persoon and Susan Worrall of Troop No. 770 and representing the Pacific Peaks Girl Scout Council, presented the Colors. Reverend David Steen, pastor of the Lutheran Church of the Good Shepherd of Olympia, offered the prayer.

MOTION

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

MESSAGE FROM THE HOUSE

March 11, 1985

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 51,

SUBSTITUTE HOUSE BILL NO. 81,

SUBSTITUTE HOUSE BILL NO. 520,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 543,

SUBSTITUTE HOUSE BILL NO. 547,

HOUSE BILL NO. 677,

SUBSTITUTE HOUSE BILL NO. 958,

HOUSE BILL NO. 1010,

SUBSTITUTE HOUSE BILL NO. 1037,

SUBSTITUTE HOUSE BILL NO. 1074, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

President Pro Tempore Goltz assumed the chair.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 51 by Representatives O'Brien, Dellwo, Lux and Locke

Requiring public restrooms in grocery stores.

Referred to Committee on Commerce and Labor.

SHB 81 by Committee on Judiciary (originally sponsored by Representatives Armstrong, West, Wang and Leonard)

Prohibiting teaching, exhibiting, or demonstrating the use of or using firearms in civil disorders.

Referred to Committee on Judiciary.

SHB 520 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Lux, Sanders, Winsley, Holland, Grimm, Zellinsky, Hankins, P. King, Madsen, Barrett, Day, Ballard and Nutley

Revising industrial loan company provisions.

Referred to Committee on Financial Institutions.

ESHB 543 by Committee on Local Government (originally sponsored by Representatives Hankins, Hine, Haugen, Isaacson, Brough, Ebersole and Fisher)

Establishing uniform laws on city consolidation.

Referred to Committee on Governmental Operations.

SHB 547 by Committee on Education (originally sponsored by Representatives Walker, Ebersole, Betzoff, Cole, Hankins, Valle, Holland, Rayburn, Doty, Rust, Appelwick, L. Smith, Taylor, Dobbs, Winsley, Chandler, Isaacson, Brough and Sanders)

Relating to the observance of Veterans' Day in the common schools.

Referred to Committee on Education.

HB 677 by Representatives Lux, Winsley, Barrett, Lewis, Locke, Sanders, P. King, Dellwo, Crane and Ballard

Authorizing public debts to be assigned to a collection agency seven days after notice.

Referred to Committee on Judiciary.

SHB 958 by Committee on Natural Resources (originally sponsored by Representatives McMullen, Haugen and Lundquist)

Transferring certain trust lands to the parks and recreation commission.

Referred to Committee on Parks and Ecology.

HB 1010 by Representative Grimm

Appropriating funds for the publication of the session laws.

Referred to Committee on Ways and Means.

SHB 1037 by Committee on Transportation (originally sponsored by Representative Prince)

Revising procedures and amounts in records of accident reports.

Referred to Committee on Transportation.

SHB 1074 by Committee on State Government (originally sponsored by Representatives Peery, West, Belcher, Wang, Bristow, Leonard, Dellwo, Haugen, Basich and Unsoeld) (by Governor Gardner request)

Authorizing self-funding or self-insurance by the state employees' insurance board.

Referred to Committee on Governmental Operations.

There being no objection, the President Pro Tempore advanced the Senate to the sixth order of business.

SECOND READING

SENATE BILL NO. 3310, by Senators Talmadge and Sellar

Facilitating election administration.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 3310 was substituted for Senate Bill No. 3310 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 3310 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, I see in the background material--let me explain--we have a problem in Pierce County. Our county auditor consolidated a precinct and made it a 900 person precinct--from 700 to 900--which is contrary to state law. The county council has told him that he must reduce it to within the state law. Does this give any extra authority to the county auditor to move on his own?"

Senator Talmadge: "No, Senator Rasmussen. The only thing that this bill permits the county auditor to do is that under those circumstances where a city annexes county territory, the auditor could adjust the boundaries to reflect that annexation of territory by the county authority, within state law."

Senator Rasmussen: "Within state law?"

Senator Talmadge: "Within state law, correct."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3310.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3310 and the bill passed the Senate by the following vote: Yeas, 44; nays, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalif, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Williams, Wojahn - 44.

Voting nay: Senators Craswell, Hayner, McCaslin, Pullen, Zimmerman - 5.

SUBSTITUTE SENATE BILL NO. 3310, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 9:31 a.m., on motion of Senator Vognil, the Senate recessed until 10:00 a.m.

SECOND MORNING SESSION

The Senate was called to order at 10:06 a.m. by President Cherberg.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of a special delegation from the People's Republic of China, and appointed Senators Hansen, Barr, Benitz, Newhouse, Fleming, Granlund, Rasmussen and Guess as a committee of honor to escort the honored guests to the Senate Rostrum.

The President introduced Madame So Lai, President of the Earning Fit Company of Hong Kong; Susie Lai, Madame Lai's daughter; Mr. Liang Gan, Director of the Gan Dairy Products in the People's Republic of China and Mr. Guo Rong Lian, Chairman of the Board of Trustees, Department of Agriculture from the People's Republic of China.

The President also introduced Mr. Larry Schorno, Mr. Forrest Wetzel and Mr. Walter Schorno, from the S & W Export Company of Yelm, accompanying the special guests

With permission of the Senate, business was suspended to permit Mr. Larry Schorno and Madame So Lai to address the Senate.

The President and Senator Bottiger presented gifts to the honored guests and appropriate remarks of welcome were given by several Senators.

The committee of honor escorted the honored guests from the Senate Chamber and the committee was discharged.

PERSONAL PRIVILEGE

Senator Deccio: "Mr. President a point of personal privilege. There are always some good things that come out of the things we do. Two good side effects out of the ceremony this morning. One was that Farmer George enhanced his credibility as an agronomist. The other was, I finally discovered how you keep Senator Zimmerman's talks to a minimum, and that is to have him deliver them in Chinese."

PERSONAL PRIVILEGE

Senator Wojahn: "Mr. President a point of personal privilege. I'm sorry I didn't jump up when Senator Fleming declined, because all I wanted to say to all of you was 'it took a woman to do it.' If you notice, she was the only one who spoke and I congratulate her for the fine job she's done and I'm very pleased. Thank you."

PERSONAL PRIVILEGE

Senator Hansen: "Mr. President a point of personal privilege. I personally want to thank this Senate for the support they have given the agricultural community in our economic development packages that make this possible. This is the first step. We have lots of other products and I just want to impress upon each and every one of you that it was with your help that we've been able to put an economic package together and I'm sure it's going to pay big dividends to the state of Washington. Thank you."

PERSONAL PRIVILEGE

Senator Stratton: "Mr. President a point of personal privilege. I have different emotions about all of this because I need to tell you that I am losing my young, attractive male secretary on April 10. He is going on a three week translation tour to the People's Republic of China and he will be gone for six weeks, so I enjoyed their visit here, but I am sorry to lose my secretary to them. Thank you."

SECOND READING

SENATE BILL NO. 3696, by Senator Warnke

Relating to economic development.

MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 3696 was substituted for Senate Bill No. 3696 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Warnke, the following amendments by Senators Cantu and Lee were considered simultaneously and adopted:

5 On page 4, beginning on line 36, strike all material down to and including line 8 on page

Renumber the sections consecutively and correct internal references accordingly.

7 On page 5, beginning on line 16, strike all material down to and including line 28 on page

Renumber the sections consecutively and correct internal references accordingly.

On page 18, strike lines 3 and 4 and insert the following:

"NEW SECTION. Sec. 31. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter ____ (ESSB 3798), Laws of 1985;
- (2) Section 2, chapter ____ (ESSB 3798), Laws of 1985;
- (3) Section 3, chapter ____ (ESSB 3798), Laws of 1985;
- (4) Section 4, chapter ____ (ESSB 3798), Laws of 1985;
- (5) Section 5, chapter ____ (ESSB 3798), Laws of 1985;
- (6) Section 6, chapter ____ (ESSB 3798), Laws of 1985;
- (7) Section 8, chapter ____ (ESSB 3798), Laws of 1985;
- (8) Section 15, chapter ____ (ESSB 3798), Laws of 1985;
- (9) Section 16, chapter ____ (ESSB 3798), Laws of 1985;
- (10) Section 17, chapter ____ (ESSB 3798), Laws of 1985;
- (11) Section 18, chapter ____ (ESSB 3798), Laws of 1985; and
- (12) Section 19, chapter ____ (ESSB 3798), Laws of 1985."

On motion of Senator Warnke, the following title amendments were adopted:

On page 1, line 1 of the title, after "RCW" strike all material through "82.20.010," on line 2

On page 1, line 4 of the title, strike "adding a new section to chapter 82.08 RCW;"

On page 1, line 6 of the title, strike "repealing chapter ____ (SSB 3798), Laws of 1985;" and insert "repealing section 1, chapter ____ (ESSB 3798), Laws of 1985; repealing section 2, chapter ____ (ESSB 3798), Laws of 1985; repealing section 3, chapter ____ (ESSB 3798); Laws of 1985; repealing section 4, chapter ____ (ESSB 3798), Laws of 1985; repealing section 5, chapter ____ (ESSB 3798), Laws of 1985; repealing section 6, chapter ____ (ESSB 3798), Laws of 1985; repealing section 8, chapter ____ (ESSB 3798), Laws of 1985; repealing section 15, chapter ____

(ESSB 3798), Laws of 1985; repealing section 16, chapter ____ (ESSB 3798), Laws of 1985; repealing section 17, chapter ____ (ESSB 3798), Laws of 1985; repealing section 18, chapter ____ (ESSB 3798), Laws of 1985; repealing section 19, chapter ____ (ESSB 3798), Laws of 1985;"

MOTION

On motion of Senator Warnke, the rules were suspended, Engrossed Substitute Senate Bill No. 3696 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. 3696.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3696 and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; absent, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senators Craswell, McCaslin - 2.

Absent: Senator Conner - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3696, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION TO SUSPEND SPECIAL ORDER OF BUSINESS

At 10:47 a.m., on motion of Senator Vognild, the special order of business, Senate Joint Memorial No. 103, set for 11:00 a.m., was suspended.

MOTION

Senator Vognild moved that Senate Joint Memorial No. 103 be referred to the Committee on Judiciary.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Vognild that Senate Joint Memorial No. 103 be referred to the Committee on Judiciary.

The motion by Senator Vognild carried and Senate Joint Memorial No. 103 was referred to the Committee on Judiciary.

SECOND READING

SENATE BILL NO. 3555, by Senators Moore, Metcalf, Rasmussen and Barr

Requiring actions to examine the federal reserve system.

The bill was read the second time.

POINT OF ORDER

Senator Newhouse: "Mr. President a point of order. In the calendar, at least, we show that there are only five signatures to the majority report on Senate Bill No. 3555. The Financial Institutions Committee has ten members and I believe that a majority would require six signatures."

REPLY BY THE PRESIDENT

President Cherberg: "The President has been advised that there are six signatures on the committee report. One was left off in the printing, but will be added."

MOTION

On motion of Senator Moore, the rules were suspended, Senate Bill No. 3555 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 Senate Bill No. 3555.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3555 and the bill passed the Senate by the following vote: Yeas, 30; nays, 19.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Cantu, Conner, Craswell, Deccio, Garrett, Guess, Halsan, Hayner, Johnson, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Owen, Pullen, Rasmussen, Rinehart, Sellar, Stratton, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 30.

Voting nay: Senators Benitz, Bluechel, Bottiger, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Hansen, Kiskaddon, Kreidler, McDonald, Newhouse, Patterson, Peterson, Saling, Talmadge, Thompson, Wojahn - 19.

SENATE BILL NO. 3555, having received the 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 Joint Resolution No. 103, deferred March 6, 1985.

MOTION

Senator Rasmussen moved that the following amendment be adopted:

On page 1, line 22, after "state," strike all of the following sentence down to and including "commission." on line 27.

Debate ensued.

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

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

MOTION

On motion of Senator Thompson, the rules were suspended, Engrossed Substitute Senate Joint Resolution No. 103 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 Engrossed Substitute Senate Joint Resolution No. 103.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Joint Resolution No. 103 and the resolution failed to pass the Senate by the following vote: Yeas, 32; nays, 17.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Peterson, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 32.

Voting nay: Senators Benitz, Cantu, Craswell, Guess, Halsan, Hansen, Hayner, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Stratton, von Reichbauer - 17.

ENGROSSED SUBSTITUTE SENATE JOINT RESOLUTION NO. 103, having failed to receive the constitutional two-thirds majority, was declared lost.

PERSONAL PRIVILEGE

Senator Granlund: "Mr. President a point of personal privilege. Senator Rasmussen, I know that you would not intentionally impugn my motives or misinterpret any kind of conversation that we may have had. We may have joked in the dining room--as I remember we did have a conversation. At no time do I remember using the words, 'I was trapped.' I think the record should show that. Thank you."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "My apologies to Senator Granlund. When I interpreted your conversation, I merely said that sometimes you do get trapped and I'm sorry if that's impugning your motives. Everybody's motives on this floor are as pure as the drifted snow--until they get out to the people. That's what counts. I'm very

sorry, Senator Granlund. You and I have been friends ever since you've been here and we want to continue."

PERSONAL PRIVILEGE

Senator Deccio: "Mr. President a point of personal privilege. Did you say the pity of manhood?"

REPLY BY THE PRESIDENT

President Cherberg: "You're impugning my words."

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Hansen served notice that he would move to reconsider the vote by which Engrossed Substitute Senate Joint Resolution No. 103 failed to pass the Senate.

PARLIAMENTARY INQUIRY

Senator Pullen: "Did I understand Senator Hansen to give notice of reconsideration or did he wish to move for immediate reconsideration? I think there is some uncertainty as to what the motion was."

President Cherberg: "Senator, did you mean that you wish it to be reconsidered immediately?"

Senator Hansen: "I'm not particular whether it's immediately or not, but voting on the prevailing side, I don't want SJR 103 lost, so I'm serving notice to reconsider."

President Cherberg: "The normal procedure would be--you have given notice and your notice of reconsideration would be considered tomorrow."

Senator Hansen: "Tomorrow would be fine."

SECOND READING

SENATE BILL NO. 3333, by Senators Warnke, Vognild, Sellar, Wojahn, Goltz, Bottiger, Fleming, Deccio, Moore, Stratton, Peterson, Lee, Thompson, Hansen, Conner, Barr, Garrett, Owen, Kreidler, Granlund, McManus, Gaspard, Bauer, DeJarnatt, McDermott, Halsan, Guess, Bender and Metcalf

Regulating motorcycle dealers' franchises.

MOTION

On motion of Senator Warnke, Substitute Senate Bill No. 3333 was substituted for Senate Bill No. 3333 and the substitute bill was advanced to second reading and read the second time.

MOTIONS

Senator Cantu moved that the following amendment be adopted:

On page 7, line 20, after "distributor" strike the semi-colon and insert "and except in those instances where a dealer orders motorcycles in sufficient numbers to qualify for volume discounts"

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

On line 4 of the amendment after "discounts" insert "and as long as discounts are available to all dealers"

The President declared the question before the Senate to be adoption of the amendment by Senator Cantu, as amended.

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

MOTION

Senator McDonald moved that the following amendment be adopted:

On page 10, line 10, strike all of NEW SECTION. Section 6, through line 23 on page 11 and renumber the remaining sections consecutively.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Warnke, on line 38, that kind of bothers me. How do you make a determination whether it's injurious to the public welfare for the proposed dealer to be established or relocated? On page 10, line 36--that's the part that Senator McDonald is proposing to eliminate with his amendment. Would we go to DSHS and have them make a determination on public welfare? It bothers me as to how you would make that determination."

Senator Warnke: "I believe, in this section, we're talking about the competition between dealers and whether or not a distributor may overload an area. In speaking of the public welfare, they are talking about the flooding of the market and forcing that person out of business and how that will affect the market place for the purchaser of a motorcycle."

Senator Rasmussen: "Under the Dealer's Act, I don't think you have the public welfare in there. As I understand it, if General Motors or American Motors or Chrysler or any of them come in and relieve you of your dealership, they then have to pay you for your stock and your costs involved in setting up, but I don't think they have public welfare in there. This is a strange provision. Could we amend this, also, to include prohibiting Nordstroms from coming in alongside the Bon and Fredericks? Competition is terrific."

Senator Warnke: "I'm not sure that that would fit under this section of the code in dealing with the Motor Vehicle Franchise Act, if we went to Nordstroms."

Further debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator Warnke, the concern I have about the section to which Senator McDonald refers is the issue of antitrust liability--not only for the individual manufacturer involved but also for the state--in light of some of the recent cases that have imposed antitrust liability on states that sanction anticompetitive behavior. What I am curious about is whether or not you have some kind of legal opinion from your staff or the Attorney General's office with respect to the issue of antitrust liability for the individual manufacturers or for the state in this particular area?"

Senator Warnke: "There was testimony from the Attorney General's office and from the FDC in which they questioned the possibility. Neither of them said it was. One of the things we are doing in the act--I believe it's section 12 or 13--we are asking for LBC and for us, too, to look at the entire franchise act, including this particular bill, over the next year or so and possibly with the Judiciary Committee be able to answer those types of questions at the next session of the legislature."

Further debate ensued.

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

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

MOTION

On motion of Senator Vognild, further consideration of Substitute Senate Bill No. 3333 was deferred.

MOTION

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

MOTION

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

SENATE RESOLUTION 1985-29

by Senators Rinehart and Lee

WHEREAS, The Girl Scouts of the United States of America will observe the 73rd anniversary of their founding on Tuesday, March 12, 1985; and

WHEREAS, Since 1912 the Girl Scout movement has opened new worlds of thought and action to more than 46 million members; and

WHEREAS, The organization reaffirms its commitment to work for world understanding and friendship among all the peoples of the world; and

WHEREAS, Girl Scout Week will be celebrated by the Girl Scouts of our state from March 10 through 16, 1985; and

WHEREAS, Members of this body have participated in Girl Scouting and have benefited from its training and philosophy;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate officially recognizes the valuable service the Girl Scouts of the United States of America performs for the youth of our state and our country; and

BE IT FURTHER RESOLVED, That the Senate applaud all of our State Girl Scout Councils for a job well done; and

BE IT FURTHER RESOLVED, That the members of the body do all they can in their home districts to promote the programs and ideals of the Girl Scouts of the United States of America; and

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the National Office of the Girl Scouts of the United States of America in New York, New York, the Regional Offices of the Girl Scouts, and to the five Girl Scout Councils serving Washington State.

MOTION

At 12:02 p.m., on motion of Senator Vognilid, 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 returned the Senate to the sixth order of business.

SECOND READING

SENATE BILL NO. 4229, by Senators Granlund, Kiskaddon, Talmadge, Johnson, Stratton, Conner and McManus

Providing that juveniles not be confined in adult jail or holding facilities.

MOTIONS

On motion of Senator Granlund, Substitute Senate Bill No. 4229 was substituted for Senate Bill No. 4229 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Granlund, the rules were suspended, Substitute Senate Bill No. 4229 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator McDonald: "Senator Granlund, one of the things I wish we had here was a fiscal note. Does this have a fiscal impact on local governments at all?"

Senator Granlund: "No, there is no fiscal impact on local governments. One of the things I didn't mention would be that the Corrections Standards Board will monitor this and there is no fiscal impact to them, because they are doing that type of thing with the jails and our correctional facilities anyway."

POINT OF INQUIRY

Senator Rasmussen: "Senator Granlund, I haven't had a chance to read the bill yet and I'm sorry. It provides that the juvenile may be detained in an adult facility. Does that mean that they would have a separate cell, or can they be put in the tank?"

Senator Granlund: "No. I'm sorry you didn't hear my statement. They must be out of sight and sound of an adult while they are being detained for 24 hours only."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4229.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4229 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent, 2.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarmatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senator Barr - 1.

Absent: Senators Benitz, Peterson - 2.

SUBSTITUTE SENATE BILL NO. 4229, having received the 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. 3333, deferred earlier today.

MOTION

Senator McDonald moved that the following amendment be adopted:

On page 23, line 7, strike all of section 15 through line 10, and insert a new section 15 as follows:

"NEW SECTION. Sec. 15. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act shall be null and void in its entirety."

Debate ensued.

MOTION

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

Strike everything in the amendment after "15" in line 1 of the amendment

POINT OF INQUIRY

Senator Warnke: "Senator Bottiger, on the amendment, if we have no severability clause in the bill at all and a portion of the bill is declared invalid, is not the whole bill declared invalid then?"

Senator Bottiger: "I believe that would be up to the court as to whether or not the intent of the legislature is still there without the portion declared invalid by the court or by a gubernatorial veto, then submitted to the court. I can't answer that question—I think it would be up to the judges."

Senator Warnke: "Exactly my comments, Senator Bottiger. How would they ever know the intent of the legislature if we take the severability clause out? It would seem to me the court would interpret that we did not mean to have one there."

Further debate ensued.

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

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

The President declared the question before the Senate to be adoption of the McDonald amendment, as amended.

The motion by Senator McDonald failed and the amendment, as amended, was not adopted on a rising vote.

MOTIONS

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

On page 13, line 26, after "RCW 46.70.011" and before the period insert "but excludes vehicles 33,000 pounds and over"

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

On page 10, line 18, after "may file" delete everything down to line-23 and insert: "an action in the superior court of the county where the existing franchise dealer's place of business is located, challenging the proposed establishment or relocation of the dealership within the relevant market area."

MOTION

On motion of Senator Rinehart, the rules were suspended, Engrossed Substitute Senate Bill No. 3333 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. 3333.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3333 and the bill passed the Senate by the following vote: Yeas, 36; nays, 12; absent, 1.

Voting yeas: Senators Barr, Bauer, Bender, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Rinehart, Sellar, Stratton, Talmadge, Thompson, Vogt, von Reichbauer, Warnke, Williams, Wojahn - 36.

Voting nays: Senators Bailey, Benitz, Bluechel, Cantu, Craswell, Kiskaddon, McDonald, Pullen, Rasmussen, Saling, Zimmerman - 12.

Absent: Senator Peterson - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3333, having received the constitutional majority, 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. 3266, by Senators McDermott, Zimmerman, Deccio, Sellar, Moore, Thompson and Warnke (by Governor Gardner, Lieutenant Governor, Secretary of State, State Treasurer, State Auditor, Attorney General, Superintendent of Public Instruction, Commissioner of Public Lands and Insurance Commissioner request)

Increasing salaries of certain elected officials.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 3266 was substituted for Senate Bill No. 3266 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Warnke, the following amendment by Senators Warnke and McDermott was adopted:

On page 1, line 7 after "January 1," strike "1987" and insert "1986"

On motion of Senator Warnke, the following amendment by Senators Warnke and McDermott was adopted:

On page 2, line 29 after "legislature" insert "and the previously named state elected officials"

Senator Lee moved that the following amendment be adopted:

On page 1, line 7, strike subsections (1) and (2) and insert:

"(1) Effective January 1, 1987, the annual salaries of the following named state elected officials shall be: Governor, seventy-nine thousand nine hundred dollars; lieutenant governor, thirty-six thousand three hundred dollars plus a sum equal to 1/260th of the difference between the annual salary of the lieutenant governor and the annual salary of the governor for each day that the lieutenant governor is called upon to perform the duties of the governor by reason of the absence from the state, removal, resignation, death, or disability of the governor; secretary of state, thirty-nine thousand three hundred dollars; state treasurer, forty-seven thousand two hundred dollars; state auditor, forty-seven thousand two hundred dollars; attorney general, fifty-nine thousand seven hundred dollars; superintendent of public instruction, fifty-four thousand three hundred dollars; commissioner of public lands, fifty-four thousand three hundred dollars; state insurance commissioner, forty-seven thousand two hundred dollars.

(2) Members of the legislature shall receive for their service fourteen thousand two hundred dollars effective January 1, 1987; and in addition reimbursement for mileage for travel to and from legislative sessions as provided in RCW 43.03.060. On January 1, 1988 and each January 1 thereafter, the annual salary of members of the legislature and state elected officials covered under this section shall be adjusted by the annual percent change in the nation's implicit price deflator or equivalent measure as published by the Bureau of Economic Analysis, US Department of Commerce. Such adjustments shall be calculated, rounding to the nearest one hundred dollars, by the director of financial management."

Debate ensued.

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

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

MOTION

Senator Hayner moved that the following amendment be adopted:

On page 2, line 28, beginning with "On" strike all material down through "management," on line 35

Debate ensued.

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

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

MOTIONS

On motion of Senator Bender, Senator Peterson was excused.

On motion of Senator McDermott, 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.

Debate ensued.

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, 30; nays, 18; excused, 1.

Voting yea: Senators Bailey, Bender, Bluechel, Bottiger, Conner, Deccio, Fleming, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McDermott, McDonald, McManus, Moore, Owen, Rasmussen, Rinehart, Sellar, Talmadge, Thompson, Vognilid, Warnke, Williams, Wojahn - 30.

Voting nay: Senators Barr, Bauer, Benitz, Cantu, Craswell, DeJarnatt, Garrett, Halsan, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Saling, Stratton, von Reichbauer, Zimmerman - 18.

Excused: Senator Peterson - 1.

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.

MOTION

At 2:22 p.m., on motion of Senator Vognilid, the Senate recessed until 2:50 p.m.

SECOND AFTERNOON SESSION

The Senate was called to order at 3:24 p.m. by President Cherberg.

SECOND READING

SENATE BILL NO. 3162, by Senators McDermott and Warnke

Defining employer and employee relationships for entertainers for unemployment insurance.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 3162 was substituted for Senate Bill No. 3162 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 3162 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. 3162.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3162 and the bill passed the Senate by the following vote: Yeas, 44; absent, 5.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse,

Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Bailey, Benitz, Bluechel, Hayner, Lee - 5.

SUBSTITUTE 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.

SECOND READING

SENATE BILL NO. 3252, by Senators Owen and Warnke

Revising procedures for family conciliation courts.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 3252 was substituted for Senate Bill No. 3252 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 3252 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. 3252.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3252 and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Deccio - 1.

SUBSTITUTE SENATE BILL NO. 3252, having received the constitutional 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, Senate Bill No. 3148, Senate Bill No. 3319 and Senate Bill No. 3877 which were on the second reading consent calendar, were placed on the regular second reading calendar.

SECOND READING

SENATE BILL NO. 3765, by Senators Thompson and Zimmerman

Modifying provisions on municipal utilities.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Senate Bill No. 3765 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 Thompson, on page 4, section 5, it says--'general obligation bonds may be issued by the city or town for the purpose of providing all or part of the cost of purchasing, acquiring or constructing a public utility or making any additions or betterments thereto or extensions thereof.' The court in the WPPSS case ruled that the people did not have an opportunity to vote on those bonds that were issued for the nuclear plants and therefore couldn't be required to pay. This would indicate that you may issue bonds for betterment or additions. Does that not include nuclear plants? What limitations are there?"

Senator Thompson: "To the limitations described in the bill--as you just read it."

Senator Rasmussen: "But this is another section of the bill. This includes betterment or additions. If you want to add an addition and add a nuclear plant, you

could do it without a vote of the people and they would be liable for the WPPSS bonds which the court ruled on."

Senator Thompson: "I don't read it that way, Senator Rasmussen."

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3765.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3765 and the bill passed the Senate by the following vote: Yeas, 43; nays, 5; absent, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Zimmerman - 43.

Voting nay: Senators Craswell, McCaslin, Metcalf, Pullen, Rasmussen - 5.

Absent: Senator Williams - 1.

SENATE BILL NO. 3765, having received the constitutional majority, 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. 3792, by Senators Moore, Sellar and Wojahn (by Department of General Administration request)

Modifying provisions relating to banks and banking.

MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 3792 was substituted for Senate Bill No. 3792 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Pullen, the following amendment by Senators Pullen, Moore and Lee was adopted:

On page 1, after line 19, insert a new section as follows, and renumber the remaining sections accordingly:

"NEW SECTION, Sec. 2. A new section is added to chapter 30.04 RCW to read as follows:

Each person making a deposit in a bank or trust company shall be given a receipt that shall show or in conjunction with the deposit slip can be used to trace the name of the bank or trust company, the name of the account, the account number, the date, and the amount deposited. If specifically requested by the depositor when making the deposit, the receipt must expressly show the name of the bank or trust company, the date, the amount deposited, plus either the name of the account or the account number or both the name of the account and the account number."

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

On page 1, line 2 of the title, after "adding" strike "a new section" and insert "new sections"

On motion of Senator Moore, the rules were suspended, Engrossed Substitute Senate Bill No. 3792 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Talmadge: "Senator Moore, I was particularly interested in section 4 of the bill which permits the loans to officers of the bank. If I read that section right, the bank could make a loan to one of its corporate officers in the amount of 5% of the bank's capital, an unimpaired surplus or \$25,000 whichever is larger--and up to the maximum amount of a half million dollars. Is that correct?"

Senator Moore: "That's correct, providing the 5% rule pertains."

Senator Talmadge: "What justification was given for the need to make loans of a half million dollars to the directors of the corporation, particular bank holding company or bank officers?"

Senator Moore: "It's a penalty, in my opinion, to preclude the right of anybody to borrow from an institution within limits, even if they are an officer or director. I was once an officer and director and stockholder in a savings and loan and I couldn't borrow any money, not even to finance my house, and I think that this is somewhat of a hardship."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3792.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3792 and the bill passed the Senate by the following vote: Yeas, 47; absent, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senators Johnson, Rinehart - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3792, having received the constitutional majority, 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. 3907, by Senators Fleming, Peterson, Bender, Stratton, Barr, Owen, Zimmerman, Conner and Vognild

Creating a forest products market development task force.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, Senate Bill No. 3907 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 Senate Bill No. 3907.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3907 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 49.

SENATE BILL NO. 3907, having received the constitutional majority, 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. 4041, by Senator Owen

Relating to state oyster reserves.

MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 4041 was substituted for Senate Bill No. 4041 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Owen, the rules were suspended, Substitute Senate Bill No. 4041 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. 4041.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4041 and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Absent: Senator McCaslin - 1.

SUBSTITUTE SENATE BILL NO. 4041, having received the constitutional majority, 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. 4129, by Senator McCaslin (by Corrections Standards Board request)

Revising certain work-release provisions.

The bill was read the second time.

MOTION

On motion of Senator Granlund, the rules were suspended, Senate Bill No. 4129 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 McCaslin, could you explain on page 2, lines 25 and 26--why we are changing the period from one-fourth to one-third for the reduction of the prisoner's sentence for good conduct?"

Senator McCaslin: "I think that's bringing it into conformance. I think they've allowed one-fourth for work release and for good time and they are combining the two now, so they are the same. Isn't that right, Senator Granlund? Go ahead, Senator Granlund."

Senator Granlund: "What they are doing is--now work release has only one-fourth good time and those other prisoners that are in county jails have one-third, and the Corrections Standards Board would like to see that uniform and they are asking that we bring the one-fourth up to one-third. It's not combined."

Senator Pullen: "I understand that if you're in jail and you're behind the bars, but your behavior is good, then one-third could be knocked off your sentence. This has that if you're out on work release, one-fourth could be knocked off, but with any consideration given to the fact that a prisoner may enjoy being out on work release and would much prefer being out on work release and having one-fourth knocked off rather than being cooped up in the jail and having one-third being knocked off.

"In other words, it seems like the work release prisoners are getting a dual benefit. In one case, they get out to work and get out of jail and then they get one-third knocked off besides. So, it almost seems they're getting a dual benefit. It seems to me there might have been some logic to the one-fourth in connection with work release, because they are getting the privilege of work release, and then you knock off one-fourth and that's a privilege, too, but not quite as much as the one-third. It, perhaps, seems like the old law was logical."

Senator Granlund: "Senator Pullen, I think we're getting into philosophical reasons and I will yield back to Senator McCaslin if he'd like to continue the conversation. I think it's a perfectly appropriate thing for the Correction Standards Board to be asking and I would suggest that we support it."

Senator McCaslin: "I think you have to read (e) and (f) together. Let me read from the bill--'with court approval the prisoner's sentence may be reduced'--it doesn't say it has to be, Senator Pullen--'by one-third if the prisoner's conduct, diligence and general attitude merits the reduction.' They have to merit the reduction. Now (f), 'if the work release prisoner violates the conditions of custody or employment, the prisoner shall be returned to the sentencing court--the sentencing court may require the prisoner to spend the remainder of the sentence in actual confinement and may cancel any earned reduction of the sentence.' So, I think they are well covered, Senator Pullen."

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4129.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4129 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; absent, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 47.

Voting nay: Senator Pullen - 1.

Absent: Senator Zimmerman - 1.

SENATE BILL NO. 4129, having received the constitutional majority, 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. 4190, by Senators Talmadge, Newhouse, Deccio, Cantu, Warnke and Vognild (by Joint Select Committee on Worker's Compensation request)

Modifying the administrative procedures of the board of industrial insurance appeals board.

MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 4190 was substituted for Senate Bill No. 4190 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Warnke, the rules were suspended. Substitute Senate Bill No. 4190 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. 4190.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4190 and the bill passed the Senate by the following vote: Yeas, 46; absent, 3.

Voting yea: Senators Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Bender, Deccio, Rinehart - 3.

SUBSTITUTE SENATE BILL NO. 4190, having received the constitutional majority, 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. 4263, by Senators Warnke, Sellar, Vognild, Hansen, Zimmerman, Moore, Bottiger, McDermott, Lee, Patterson, Guess, Halsan and Johnson

Providing for the enforcement of the wholesale distributor/supplier equity agreement act.

MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 4263 was substituted for Senate Bill No. 4263 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Warnke, the rules were suspended. Substitute Senate Bill No. 4263 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. 4263.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4263 and the bill passed the Senate by the following vote: Yeas, 46; nays, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senators Kiskaddon, McDonald, Pullen - 3.

SUBSTITUTE SENATE BILL NO. 4263, having received the constitutional majority, 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. 4291, by Senators Lee and Zimmerman

Authorizing a plan to promote small businesses in certain areas of the state.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, Senate Bill No. 4291 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 Warnke, I just wondered, is there any fiscal impact associated with this measure?"

Senator Warnke: "None."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4291.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4291 and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Bauer - 1.

SENATE BILL NO. 4291, having received the constitutional majority, 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. 4294, by Senators Lee and Benitz

Authorizing the establishment of a maximum three-month penalty-free period for employers paying industrial insurance premiums.

MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 4294 was substituted for Senate Bill No. 4294 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 4294 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Bottiger: "Senator Warnke, if an employer has not filed and there is an injury, does the director retain his discretion to impose the penalty for someone who is not discovered, in fact, until there is an injury.?"

Senator Warnke: "It's at the discretion of the director and it says the director 'may,' so under that circumstance I really don't know what the director would do."

Senator Bottiger: "But he retains the ability to make the fine in that case."

POINT OF INQUIRY

Senator McDermott: "Senator Warnke, what's the penalty for not paying the industrial insurance premium?"

Senator Warnke: "I don't know at this moment. I'll walk off the floor and see if I can get it."

Senator McDermott: "Maybe we can set this bill down. I'd like to know why we are exempting anybody."

REMARKS BY SENATOR VOGNILD

Senator Vognild: "Maybe I can help a little with this. We're not really letting anybody off free on this. What we're doing is asking those who are out there that either didn't know they were supposed to file, or maybe they just didn't file for some reason. This notice goes out saying that you can come in and correct this mistake without a penalty, but you have to come in and correct it. If the department goes out and finds them, then there is no correction on it and they're not let off from anything. It's asking people to comply."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4294.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4294 and the bill passed the Senate by the following vote: Yeas, 45; nays, 4.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 45.

Voting nays: Senators McDermott, Rasmussen, Stratton, Zimmerman - 4.

SUBSTITUTE SENATE BILL NO. 4294, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 107, by Senators Talmadge, Kreidler, Williams, Hansen and Lee

Requesting congressional funding for cleanup of hazardous waste sites.

The memorial was read the second time.

MOTION

On motion of Senator Talmadge, the following Committee on Parks and Ecology amendment was adopted:

On page 1, line 25 after "authorize" strike "ten billion" and insert "a minimum of 7.5 billion"

On motion of Senator Kreidler, the rules were suspended, Engrossed Senate Joint Memorial No. 107 was advanced to third reading, the second reading considered the third, and the memorial 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 Senate Joint Memorial No. 107.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Joint Memorial No. 107 and the memorial passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Melcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 49.

ENGROSSED SENATE JOINT MEMORIAL NO. 107, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 3047, by Senators McDermott and Zimmerman

Establishing the western library network.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 3047 was substituted for Senate Bill No. 3047 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Thompson, the rules were suspended, Substitute Senate Bill No. 3047 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. 3047

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3047 and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Melcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Voting nay: Senator Pullen - 1.

SUBSTITUTE SENATE BILL NO. 3047, having received the constitutional majority, 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. 3087, by Senators Talmadge, Newhouse, Halsan, Hayner, Williams and Granlund

Revising provisions relating to disposition of juvenile offenders.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 3087 was substituted for Senate Bill No. 3087 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 3087 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. 3087.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3087 and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan,

Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Hayner - 1.

SUBSTITUTE SENATE BILL NO. 3087, having received the constitutional majority, 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. 3154, by Senators Moore, Rasmussen and Vognild

Creating the crime of vagrancy.

MOTION

On motion of Senator Talmadge, Substitute Senate Bill No. 3154 was substituted for Senate Bill No. 3154 and the substitute bill was advanced to second reading and read the second time.

MOTION

Senator Pullen moved that the following title amendment be adopted:

On page 1, line 1 of the title after "of" strike "vagrancy" and insert "disorderly conduct"

POINT OF INQUIRY

Senator Moore: "Senator Pullen, do you consider disorderly conduct more violent than vagrancy or less so?"

Senator Pullen: "I believe in the generic sense it would be considered more so."

Senator Moore: "I just want to be sure of that. Otherwise, I would consider offering an amendment to the bill rather than the title."

Senator Pullen: "In the bill, Senator Moore, if you take a look at line 16, it defines disorderly as a misdemeanor as the penalty and the new underlined language in subsection (d) has included a new item which falls under the definition of disorderly conduct. Disorderly conduct and vagrancy are two different things. If we have an act relating to vagrancy which would then set forth the penalty for disorderly conduct it could be construed as having a subject matter that does not fit the title."

Further debate ensued.

The President declared the question before the Senate to be adoption of the title amendment.

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

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute Senate Bill No. 3154 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

PARLIAMENTARY INQUIRY

Senator McDonald: "I wasn't quick enough on this, I'm sorry, but this question, I think, is important to the body. Senator Pullen's amendment did amend the title before the semicolon. He changed vagrancy to disorderly conduct. It probably is not a major amendment, but it raises a major constitutional question. In your opinion, can we amend the title before the semicolon, thereby changing the scope, basically, of the bill? For instance, you could have an act relating to education and amend it to be higher education in some cases. That's a question that I would pose to you."

REMARKS BY SENATOR PULLEN

Senator Pullen: "Senator McDonald should be commended for his interest in such matters. I think the President could have days and days of interesting study of this issue. Of course, the President, traditionally, has not made constitutional rulings, but there are a few extra issues here. No. 1, this is a substitute bill rather than the original bill. That's one factor to consider. No. 2, this amendment was more in the

nature of a correction rather than a change in philosophy or approach. No. 3, had the amendment not been adopted, it's possible that the subject matter of the bill would not conform to the title. Under our rules, it is essential, as well as under the constitution, that the subject matter do conform with the title of the bill. This was an unusual amendment. It was not an amendment that attempted to adjust the title in some sinister way. It was more an amendment needed to correct the title so that the subject matter of the bill fit the title. That would be a much different situation than where one would take a bill and try to change the enacting clause for some other reason."

Further debate ensued.

REPLY BY THE PRESIDENT

President Cherberg: "The adoption of the amendment was untimely, but the President can see no difficulty or any problem attached to the adoption of the amendment. After all, this was describing disorderly conduct as a misdemeanor in the bill."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3154.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3154 and the bill passed the Senate by the following vote:

Yeas, 49.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3154, having received the constitutional majority, 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. 3161, by Senators McDermott, Warnke, Vognild, Talmadge, Wojahn and Moore

Prescribing protective measures for purchasers of health studio services.

MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 3161 was substituted for Senate Bill No. 3161 and the substitute bill was advanced to second reading and read the second time.

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

On page 2, line 6, after "at" strike everything through and including "RCW" on line 7 and insert "public common schools, public institutions of higher education, private schools approved under RCW 28A.02.201, and private institutions of higher education"

On motion of Senator Warnke, the rules were suspended, Engrossed Substitute Senate Bill No. 3161 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Fleming: "Senator McDermott, can you assure me that this will be the last time I'll have to vote on this measure?"

Senator McDermott: "I have been here for a number of years and as we send legislation over to the House of Representative--we all pray together."

Senator Fleming: "Mr. President, then I guess I'll have to vote 'maybe.'"

POINT OF INQUIRY

Senator Cantu: "Senator Warnke, the definition of 'lifetime membership' seems to be one that concerns the members of the industry and I'm wondering if you would explain to us the definition of a lifetime contract under this bill?"

Senator Warnke: "This bill prohibits lifetime contracts, but in order to be able to handle that issue, it simply says that there is no definition of long term contracts. Contracts are limited to three years, but if they extend past three years the person who is buying the service must initial that portion of the contract which, specifically, deals with the length of the contract over three years. We have worked this bill very closely with members of the industry and the consumers and they find it acceptable."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3161.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3161 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; absent, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Meicall, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senator Pullen - 1.

Absent: Senator Deccio - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3161, having received the constitutional majority, 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. 3165, by Senators Bottiger, Thompson, Vognild, Bauer, von Reichbauer and Bailey

Creating new superior court judicial positions.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 3165 was substituted for Senate Bill No. 3165 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 3165 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, I think this is the first time we've used this approach. Is this to get around Initiative 62?"

Senator Talmadge: "No, it's the second time we've used this approach. We used it in 1980 when we authorized five new judicial positions for King County and required the approval of the King County Council for those new positions."

Senator Rasmussen: "It works, then?"

Senator Talmadge: "It does."

POINT OF INQUIRY

Senator Guess: "Senator Talmadge, it says a fiscal note is requested. Could you give us an idea how much it's going to cost us?"

Senator Talmadge: "The state will have to bear its one-half share of the salaries of those judicial positions. I think for the year that would be approximately \$120,000. That's just a guess. I don't have the fiscal note in front of me."

Senator Guess: "Who is requesting this--King County or the attorneys in King County?"

Senator Talmadge: "King County is not in this bill--Pierce County, Snohomish County and Clark County--and the testimony came from the legislative authorities and the judicial officers in those counties."

POINT OF INQUIRY

Senator Guess: "Do you think we've got enough money to pay for this, Senator Rasmussen?"

Senator Rasmussen: "I don't know. I'm not on the County Council now. As far as the state is concerned, we have unlimited money."

Senator Guess: "Did you have anything to do with requesting this?"

Senator Rasmussen: "No."

Senator Guess: "Did they come to you and ask for it?"

Senator Rasmussen: "No."

Senator Guess: "Are you going to give it to them?"

Senator Rasmussen: "They have to assume the cost if they want them, and I was very glad to hear Senator Talmadge explain that."

Senator Guess: "They will only assume the counties' cost and not the state's costs. It's going to cost the state \$120,000 and the county \$120,000."

Senator Rasmussen: "We went through Governor Gardner's budget and it would look like there was going to be a slight surplus there, and so I think the state could handle it all right."

Senator Guess: "Thank you, Senator. You made up my mind."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3165.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3165 and the bill passed the Senate by the following vote: Yeas, 47; nays, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senators Guess, Pullen - 2.

SUBSTITUTE SENATE BILL NO. 3165, having received the constitutional majority, 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. 3179, by Senators Halsan and Kreidler

Enlarging the class of persons entitled to cash out annual leave.

MOTIONS

On motion of Senator Bender, Senator Vognild was excused.

On motion of Senator Halsan, Substitute Senate Bill No. 3179 was substituted for Senate Bill No. 3179 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Halsan, the rules were suspended, Substitute Senate Bill No. 3179 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3179.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3179 and the bill passed the Senate by the following vote: Yeas, 45; absent, 3; excused,

1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Benitz, Hansen, Lee - 3.

Excused: Senator Vognild - 1.

SUBSTITUTE SENATE BILL NO. 3179, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3201, by Senators Halsan and Kreidler

Classifying PCBs as dangerous waste.

MOTIONS

On motion of Senator Kreidler, Substitute Senate Bill No. 3201 was substituted for Senate Bill No. 3201 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Kreidler, the rules were suspended, Substitute Senate Bill No. 3201 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. 3201.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3201 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Lee - 1.

Excused: Senator Vognild - 1.

SUBSTITUTE SENATE BILL NO. 3201, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3207, by Senators Granlund, Metcalf, Bottiger, Rasmussen, Johnson, Patterson, Owen, Bender and Bauer

Providing for prison work programs.

MOTIONS

On motion of Senator Granlund, Substitute Senate Bill No. 3207 was substituted for Senate Bill No. 3207 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Granlund, the rules were suspended, Substitute Senate Bill No. 3207 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3207.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3207 and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senators Pullen, Sellar - 2.

Excused: Senator Vognild - 1.

SUBSTITUTE SENATE BILL NO. 3207, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3262, by Senators Granlund, Kiskaddon and Stratton (by Department of Social and Health Services request)

Changing provisions relating to nursing home licensing.

MOTIONS

On motion of Senator Granlund, Substitute Senate Bill No. 3262 was substituted for Senate Bill No. 3262 and the substitute bill was advanced to second reading and read the second time.

Senator Kreidler moved that the following amendments be considered and adopted simultaneously:

On page 2, line 16, after "eligible" insert "for"

On page 2, line 21, after "recipient;" strike "or"

On page 2, line 25, after "recipient" and before the period insert ": or

(f) To charge any amounts in excess of the medicaid rate from the date of eligibility, except for any supplementation permitted by the department pursuant to RCW 18.51.070"

On page 2, after line 25, insert the following:

"(3) Any nursing home which has a medicaid contract with the department shall maintain one list of names of persons seeking admission to the facility, which is ordered by the date of request for admission. This information shall be retained for one year from the month admission was requested."

Re-number the remaining subsections consecutively.

Debate ensued.

MOTION

On motion of Senator Granlund, further consideration of Substitute Senate Bill No. 3262 was deferred.

SECOND READING

SENATE BILL NO. 3302, by Senators Fleming, Zimmerman, Sellar, Bauer, Johnson, McDermott and Gaspard

Authorizing employment of chaplains by law enforcement agencies.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 3302 was substituted for Senate Bill No. 3302 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 3302 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. 3302.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3302 and the bill passed the Senate by the following vote: Yeas, 47; nays, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, Fleming, Garrett, Gaspard, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vogtild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senators DeJarnatt, Goltz - 2.

SUBSTITUTE SENATE BILL NO. 3302, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3312, by Senators Thompson and Zimmerman

Including municipal corporations as "public agencies."

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Senate Bill No. 3312 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. 3312.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3312 and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Voting nay: Senator Pullen - 1.

SENATE BILL NO. 3312, having received the 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. 3262 and the pending amendments by Senator Kreidler on page 2, lines 16, 21 and 25, deferred earlier today.

POINT OF INQUIRY

Senator Deccio: "Senator Kreidler, on page 2, line 25--that deals with penalties that are now in the federal law?"

Senator Kreidler: "The first amendment there was a substitute in there of the new sub (f), which specifies what is current federal law and does not have any penalties relative to a nursing home charging more for a private patient than for a state patient."

Senator Deccio: "So, then they would not be limited to charging private patient rates which might be more than the Medicaid rates?"

Senator Kreidler: "That is correct."

Senator Deccio: "Then the second one requires that the department maintain a list. What does sub (3) do?"

Senator Kreidler: "A nursing home is required to maintain a list of people who have requested admission to that nursing home. They have to maintain that list for one year upon the request and it is a preference list for who will be admitted to the nursing homes to make sure that state patients are not bypassed by private patients who can be charged more."

Senator Deccio: "One more question. These were not presented in committee. I was just wondering why?"

Senator Kreidler: "At the time, I wasn't sure of the support and opposition. I had an opportunity to talk to the proponents along with some of the people who might have problems with it. I received assurances from both parties and decided to offer it as a floor amendment."

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

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

MOTION

On motion of Senator Granlund, the rules were suspended, Engrossed Substitute Senate Bill No. 3262 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. 3262.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3262 and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Voting nay: Senator Pullen - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3262, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3388, by Senator Talmadge

Revising provisions relating to the attorney general.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 3388 was substituted for Senate Bill No. 3388 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 3388 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. 3388.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3388 and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Cantu - 1.

SUBSTITUTE SENATE BILL NO. 3388, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3412, by Senators Warnke, Zimmerman, Halsan, Rasmussen, McManus, Stratton, Garrett, Gaspard, Bender, Bauer, Wojahn and McDonald

Facilitating the siting and expansion of business.

The bill was read the second time.

MOTION

On motion of Senator Warnke the rules were suspended, Senate Bill No. 3412 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3412.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3412 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 49.

SENATE BILL NO. 3412, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3414, by Senators Wojahn, Lee, Halsan, Warnke, McManus, McDonald, Gaspard, Bauer and Rasmussen

Enforcing the regulatory fairness act.

MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 3414 was substituted for Senate Bill No. 3414 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 3414 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. 3414.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3414 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE SENATE BILL NO. 3414, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3442, by Senators Vognild, Zimmerman, Bauer and Conner (by Commission for Vocational Education request)

Establishing a fire service training revolving fund.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 3442 was substituted for Senate Bill No. 3442 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Thompson, the rules were suspended, Substitute Senate Bill No. 3442 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Bottiger: "Senator Vognild, in the Digest--I have to apologize for not reading the exact bill--but there's some question as to whether this fund is subject to appropriation by the legislature. Can you put my concern at ease?"

Senator Vognild: "Yes, Senator, the fund is subject to appropriation by the legislature."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3442.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3442 and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Decclo, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Benitz - 1.

SUBSTITUTE SENATE BILL NO. 3442, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3494, by Senator Gaspard

Authorizing the conduct of turkey shoots.

The bill was read the second time.

MOTION

Senator Warnke moved that the following Committee on Commerce and Labor amendment be adopted:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 2, chapter 139, Laws of 1981 as amended by section 1, chapter 70, Laws of 1984 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, 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 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 do not exceed five thousand dollars during any calendar year; and

(e) All revenue therefrom, after deducting the cost of prizes and other expenses of the activity, is devoted solely to the purposes for which the organization qualifies as a bona fide charitable or nonprofit organization; and

(f) The organization gives notice at least five days in advance of the conduct of any of the activities to the local police agency of the jurisdiction within which the activities are to be conducted of the organization's intent to conduct the activities, the location of the activities, and the date or dates they will be conducted; and

(g) The organization conducting the activities maintains records for a period of one year from the date of the event which accurately show at a minimum the gross revenue from each activity, details of the expenses of conducting the activities, and details of the uses to which the gross revenue therefrom is put.

(4) The legislature hereby authorizes any person, association or organization operating an established business primarily engaged in the selling of food or drink for consumption on the premises to conduct social card games and to utilize punch boards and pull-tabs as a commercial stimulant to such business when licensed and utilized or operated pursuant to the provisions of this chapter and rules and regulations adopted pursuant thereto.

(5) The legislature hereby authorizes any person to conduct or operate amusement games when licensed and operated pursuant to the provisions of this chapter and rules and regulations adopted by the commission at such locations as the commission may authorize.

(6) The legislature hereby authorizes 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.

(10) 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, turkey shoots permitting wagers of money. Such contests shall not constitute such gambling or lottery as otherwise in this chapter prohibited, or be subject to civil or criminal penalties. Such organizations must be organized for purposes other than the conduct of turkey shoots.

Such turkey shoots shall be held in accordance with all other requirements of chapter 9.46 RCW, other applicable laws, and rules that may be adopted by the commission. Gross revenues from all such turkey shoots held by the organization during the calendar year shall not exceed five thousand dollars. Turkey shoots conducted under this section shall meet the following requirements:

(a) The target shall be divided into one hundred or fewer equal sections, with each section constituting a chance to win. Each chance shall be offered directly to a prospective contestant for one dollar or less;

(b) The purchaser of each chance shall sign his or her name on the face of the section he or she purchases;

(c) The person shooting at the target shall not be a participant in the contest, but shall be a member of the organization conducting the contest;

(d) Participation in the contest shall be limited to members of the organization which is conducting the contest and their guests;

(e) The target shall contain the following information:

(i) Distance from the shooting position to the target;

(ii) The gauge of the shotgun;

(iii) The type of choke on the barrel;

(iv) The size of shot that will be used; and

(v) The prize or prizes that are to be awarded in the contest;

(f) The targets, shotgun, and ammunition shall be available for inspection by any person purchasing a chance thereon, the commission, or by any law enforcement agency upon demand, at all times before the prizes are awarded;

(g) The turkey shoot shall award the prizes based upon the greatest number of shots striking a section;

(h) No turkey shoot may offer as a prize the right to advance or continue on to another turkey shoot or turkey shoot target; and

(i) Only bona fide members of the organization who are not paid for such service may participate in the management or operation of the turkey shoot, and all income therefrom, after deducting the cost of prizes and other expenses, shall be devoted solely to the lawful purposes of the organization."

POINT OF INQUIRY

Senator Kiskaddon: "Senator Warnke, does the Society for the Prevention of Cruelty to Animals have any position on this bill?"

Senator Warnke: "They didn't even bother to come in and testify, but they shoot at targets rather than live turkeys, although we've been known to use the term 'turkey' in here before."

Debate ensued.

The President declared the question before the Senate to be adoption of the Committee on Commerce and Labor amendment.

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

MOTIONS

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

On page 1, line 2 of the title, strike everything after "organizations;" and insert "and amending RCW 9.46.030."

On motion of Senator Warnke, the rules were suspended, Engrossed Senate Bill No. 3494 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. 3494.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3494 and the bill passed the Senate by the following vote: Yeas, 42; nays, 5; absent, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 42.

Voting nay: Senators Bluechel, Craswell, Lee, Pullen, Zimmerman - 5.

Absent: Senators Benitz, Hansen - 2.

ENGROSSED SENATE BILL NO. 3494, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3498, by Senators Warnke, Bender, Vognild and Stratton

Regulating recreational water contact facilities.

MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 3498 was substituted for Senate Bill No. 3498 and the substitute bill was advanced to second reading and read the second time.

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

On page 4, line 10, after "facility" insert "advisory committee"

On motion of Senator Warnke, the rules were suspended, Engrossed Substitute Senate Bill No. 3498 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. 3498.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3498 and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; absent, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senators Craswell, Pullen - 2.

Absent: Senators Benitz, Hansen - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3498, having received the constitutional majority, 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. 3503, by Senators Granlund and Kreidler

Providing for the review of inmate grievances.

MOTIONS

On motion of Senator Granlund, Second Substitute Senate Bill No. 3503 was substituted for Senate Bill No. 3503 and the second substitute bill was advanced to second reading and read the second time.

On motion of Senator Granlund, the rules were suspended, Second Substitute Senate Bill No. 3503 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 McDonald: "Senator Deccio, you have some expertise in this area, obviously. Could you enlighten me at all on the severity of some of the complaints that have been lodged that would result in this bill?"

Senator Deccio: "I think the body needs to know that this bill was brought to us by some advocacy groups who were concerned, not about the murders, rapes, harassments, robberies, dope, etc. They're only concerned about staff. None of the evidence we got indicated, as Senator Kreidler says, that people were being deprived of their rights. I don't think that's happening at all. Sure, the department didn't oppose it, because--though they didn't like it--how is a department going to come before a committee and oppose a bill before a committee?"

"There's \$50,000 appropriated in this bill and I think it's \$50,000 wasted. We're saying that we don't trust the Department of Corrections--we don't like the way they're running the prisons. I think if that's the case, the Governor ought to remove the Secretary. We're appealing to the whims of some of those folks down there. When one inmate files two hundred complaints, I think we ought to take a look at that. To do what we're seeing here is just going to appeal to mischief in terms of those people who would like to keep themselves busy and they do it in this way--by filing complaints. There were really no hard problems that came before the committee."

The President declared the question before the Senate to be the roll call on final passage of Second Substitute Senate Bill No. 3503.

ROLL CALL

The Secretary called the roll on final passage of Second Substitute Senate Bill No. 3503 and the bill failed to pass the Senate by the following vote: Yeas, 22; nays, 26; absent, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Halsan, Kiskaddon, Kreidler, McDermott, McManus, Moore, Peterson, Rinehart, Talmadge, Thompson, Warnke, Williams, Wojahn - 22.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Garrett, Guess, Hansen, Hayner, Johnson, Lee, McCaslin, McDonald, Metcalf, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Vognild, von Reichbauer, Zimmerman - 26.

Absent: Senator Stratton - 1.

SECOND SUBSTITUTE SENATE BILL NO. 3503, having failed to receive the constitutional majority, was declared lost.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Vognild served notice that he would move to reconsider the vote by which Second Substitute Senate Bill No. 3503 failed to pass the Senate.

SECOND READING

SENATE BILL NO. 3538, by Senators Warnke and Talmadge

Providing for the nontransferability between school districts of classified employees' seniority.

The bill was read the second time.

MOTIONS

On motion of Senator Gaspard, the following Committee on Education amendments were considered simultaneously and adopted:

On page 2, line 36, after "other benefits" strike "including longevity."

On page 3, line 3, after "retain" strike "seniority" and insert "any seniority rights other than longevity"

On motion of Senator Gaspard, the rules were suspended, Engrossed Senate Bill No. 3538 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. 3538.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3538 and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Stratton - 1.

ENGROSSED 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.

MOTION

At 6:39 p.m., on motion of Senator Vognild, the Senate adjourned until 9:00 a.m., Wednesday, March 13, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

FIFTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 13, 1985

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.

The Sergeant at Arms Color Guard, consisting of Jeremy Kaiser and Andrew Boswell, presented the Colors. Reverend Marion Kline, minister of visitation of the First United Methodist Church of Olympia, offered the prayer.

MOTION

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

SECOND READING

SENATE BILL NO. 3568, by Senators Kreidler, Wojahn and Fleming

Restricting expenditures for administrative costs on conservation corps projects.

MOTIONS

On motion of Senator Kreidler, Substitute Senate Bill No. 3568 was substituted for Senate Bill No. 3568 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Kreidler, the rules were suspended, Substitute Senate Bill No. 3568 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. 3568.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3568 and the bill passed the Senate by the following vote: Yeas, 47; nays, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senators Hayner, Pullen - 2.

SENATE BILL NO. 3568, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3587, by Senator Goltz

Authorizing the selection of students to attend a compact-authorized program in osteopathic medicine.

MOTIONS

On motion of Senator Goltz, Substitute Senate Bill No. 3587 was substituted for Senate Bill No. 3587 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Goltz, the rules were suspended, Substitute Senate Bill No. 3587 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. 3587.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3587 and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Rinehart - 1.

SUBSTITUTE SENATE BILL NO. 3587, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3595, by Senators Talmadge, McCaslin, Pullen, Moore, Barr, Rasmussen and Lee

Providing that theft of a controlled substance is a class B felony.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 3595 was substituted for Senate Bill No. 3595 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 3595 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. 3595.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3595 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE SENATE BILL NO. 3595, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of the 1985 Washington State Apple Blossom Festival royalty and appointed Senators Sellar, Warnke, Wojahn, Saling and Bauer to escort the honored guests to the Senate Rostrum.

The President turned the gavel over to Senator Sellar who introduced Queen Darci Henke and Princesses Cami Harris and Cindy Lee.

With permission of the Senate, business was suspended, to permit Queen Darci to address the Senate.

Senator Sellar returned the gavel to the President and the honored guests were escorted from the Senate Chamber and the committee was discharged.

SECOND READING

SENATE BILL NO. 3598, by Senators Granlund, Craswell, McManus, Stratton and Kiskaddon

Establishing protections for disabled persons assisted by service dogs.

MOTIONS

On motion of Senator Granlund, Substitute Senate Bill No. 3598 was substituted for Senate Bill No. 3598 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Kreidler, the rules were suspended, Substitute Senate Bill No. 3598 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. 3598.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3598 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE SENATE BILL NO. 3598, having received the constitutional majority, 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. 3630, by Senators Warnke, Gaspard and Talmadge

Changing provisions relating to the Washington high-technology coordinating board.

MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 3630 was substituted for Senate Bill No. 3630 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 3630 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. 3630.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3630 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE SENATE BILL NO. 3630, having received the constitutional majority, 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. 3684, by Senator McDermott

Relating to lotteries.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 3684 was substituted for Senate Bill No. 3684 and the substitute bill was advanced to second reading and read the second time.

Senator Hayner moved the following amendments by Senators Hayner and Lee be considered and adopted simultaneously:

On page 2, line 28, after "fund))" insert "and to the new economic development fund, created by RCW 67.70.260, and, after July 1, 1986, the amount of money transferred to the general fund shall equal the amount of money transferred to the new economic development fund"

On page 7, line 2 after "lottery," insert "There also is established the new economic development fund in the state treasury, which fund shall be used for the purposes of attracting new business and industry to the state, encouraging the expansion of existing business and industry, supporting private sector efforts to create new jobs, and providing for increased tax revenues resulting from increased business and industrial activity, including agricultural-based business and industry. The new economic development fund's moneys shall be distributed and allotted by the departments of commerce and economic development, community development, and agriculture, pursuant to rules established by the office of financial management, after consultation with those departments."

Debate ensued.

POINT OF INQUIRY

Senator McDermott: "Senator Hayner, is it your intention that the funding of the Department of Commerce and Economic Development be contingent upon the revenues of the lottery coming in up to projection?"

Senator Hayner: "No."

Senator McDermott: "So you don't want--you know the lottery is being run like a business--and so you don't think they should be contingent upon the business of the lottery?"

Senator Hayner: "The Commerce and Economic Development?"

Senator McDermott: "Yes."

Senator Hayner: "Certainly not, totally. No, I think this is just saying to the Lottery Commission, 'we are going to take some of this money and use it for economic development'--that is all we're going to say. I'm not saying that it shall go the department. I'm saying that there shall be an economic development fund, and if the department wants to use that fund for whatever purpose necessary, then that is where it should go."

Further debate ensued.

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

POINT OF INQUIRY

Senator Vognild: "Senator Hayner, is this a non-appropriated fund that you're setting up?"

Senator Hayner: "Yes, I don't think there's any problem with that, Senator Vognild, because the funds from the lottery seem to be diminishing, so we don't have to worry about it getting out of hand and getting huge--especially with what is happening in other states."

POINT OF INQUIRY

Senator Halsan: "Senator Hayner, if we're going to be giving all this money for economic development purposes and not really knowing where it goes, would you support my Senate Joint Resolution No. 104 to amend the provisions of lending the state's credit, so we could engage in economic development activity?"

Senator Hayner: "No."

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senators Hayner and Lee.

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, 21; nays, 27; absent, 1.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Patterson, Pullen, Saling, Sellar, von Reichbauer, Zimmerman - 21.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 27.

Absent: Senator Newhouse - 1.

MOTION

On motion of Senator Vognild, further consideration of Substitute Senate Bill No. 3684 was deferred.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of the 1985 Sequim Irrigation Festival royalty and appointed Senators Conner, Stratton, Patterson, Cantu and Lee to escort the honored guests to the Senate Rostrum.

The President introduced Queen Lynn Griffith and Princesses Julie Anderson and Sarah Watkins.

With permission of the Senate, business was suspended, to permit Queen Lynn to address the Senate.

The honored guests were escorted from the Senate Chamber and the committee was discharged.

MOTION

At 10:04 a.m., on motion of Senator Vognild, the Senate recessed until 11:00 a.m.

SECOND MORNING SESSION

The Senate was called to order at 11:37 a.m. by President Cherberg.

SECOND READING

SENATE BILL NO. 4227, by Senators Bender, Kiskaddon, Vognild and Johnson
Changing provisions relating to scoliosis screening.

The bill was read the second time.

MOTIONS

On motion of Senator Granlund, the following Committee on Human Services and Corrections amendment was adopted:

On page 2, line 1, after "scoliosis" strike the remainder of the sentence and insert "and kyphosis."

On motion of Senator Granlund, the rules were suspended, Engrossed Senate Bill No. 4227 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. 4227.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4227 and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; absent, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senators Craswell, Pullen - 2.

Absent: Senator Hayner - 1.

ENGROSSED SENATE BILL NO. 4227, having received the 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. 3684, deferred earlier today.

MOTION

Senator Zimmerman moved that the following amendment be adopted:

On page 4, line 13 beginning with "Contracts" delete all language up to and including "bid." on line 14

Debate ensued.

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

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

MOTION

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 3684 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. 3684.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3684 and the bill passed the Senate by the following vote: Yeas, 47; nays, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 47.

Voting nay: Senators von Reichbauer, Zimmerman - 2.

SUBSTITUTE SENATE BILL NO. 3684, having received the 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

March 12, 1985

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 466,

HOUSE BILL NO. 479,

SUBSTITUTE HOUSE BILL NO. 622,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 717,

HOUSE BILL NO. 720,

SUBSTITUTE HOUSE BILL NO. 731,

ENGROSSED HOUSE BILL NO. 787,

HOUSE BILL NO. 832,

SUBSTITUTE HOUSE BILL NO. 850, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

March 12, 1985

Mr. President:

The House has passed:

HOUSE BILL NO. 25,

HOUSE BILL NO. 66,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 98,

ENGROSSED HOUSE BILL NO. 173,

SUBSTITUTE HOUSE BILL NO. 188,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 214,

ENGROSSED HOUSE BILL NO. 222, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

March 12, 1985

Mr. President:

The House has passed:

HOUSE BILL NO. 398,

SUBSTITUTE HOUSE BILL NO. 403,

ENGROSSED HOUSE BILL NO. 434,

SUBSTITUTE HOUSE BILL NO. 452,

SUBSTITUTE HOUSE BILL NO. 456,

SUBSTITUTE HOUSE BILL NO. 460, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 25 by Representatives Haugen and Brough

Raising the debt limit for counties, cities, towns, and public hospital districts.

Referred to Committee on Governmental Operations.

HB 66 by Representatives R. King, Patrick, Wang, Gallagher and Crane

Establishing a training certificate for plumbing construction work contractors.

Referred to Committee on Commerce and Labor.

ESHB 98 by Committee on Ways and Means (originally sponsored by Representatives B. Williams, Grimm, Holland, Bristow and Van Luven)

Abolishing the gambling revolving fund, the lottery revolving fund, and the state lottery fund.

Referred to Committee on Ways and Means.

EHB 173 by Representatives D. Nelson, Barnes and Fisher

Permitting the optional designation of party preference on voters' registration forms.

Referred to Committee on Judiciary.

SHB 188 by Committee on Judiciary (originally sponsored by Representatives Madsen, Todd and P. King)

Revising provisions to require removal of repossessed mobile homes from mobile home parks.

Referred to Committee on Judiciary.

ESHB 214 by Committee on Judiciary (originally sponsored by Representatives Baugher, Hargrove, Patrick, West, Tilly, Lundquist, Winsley, Lewis, Fuhrman, S. Wilson, Leonard, Hastings, van Dyke, Dobbs, Van Luven, May, Bond, Valle, Ballard, Silver, Basich, Isaacson and Schoon)

Prohibiting operation of a watercraft while under the influence of alcohol or drugs.

Referred to Committee on Judiciary.

EHB 222 by Representatives Wineberry, Niemi, Lewis, Locke, Allen, Smitherman, Addison, Wang, J. King, O'Brien, Belcher, Lux, Jacobsen, Cole, K. Wilson, Fisher, D. Nelson, Leonard, Appelwick, Unsoeld, Tilly, Holland and Valle

Creating a state holiday observing the birth of Martin Luther King, Jr.

Referred to Committee on Governmental Operations.

- HB 398 by Representatives Walk and Betrozoff (by Department of Licensing request)
Requiring payment of the federal heavy vehicle use tax for state vehicle registration.
Referred to Committee on Transportation.
- SHB 403 by Committee on Local Government (originally sponsored by Representatives Nutley, Brough, Miller, Valle, P. King and Barnes)
Including aquifers in pollution protection provisions of sewer districts.
Referred to Committee on Parks and Ecology.
- EHB 434 by Representatives Niemi, Brekke, Dellwo, Ballard and Cole
Providing for licensing of full-time faculty at University of Washington school of dentistry.
Referred to Committee on Human Services and Corrections.
- SHB 452 by Committee on Judiciary (originally sponsored by Representatives Baugher, Lewis, McMullen, Armstrong, Crane and Hine)
Adding factors to be considered before releasing an accused on personal recognizance.
Referred to Committee on Judiciary.
- SHB 456 by Committee on Judiciary (originally sponsored by Representatives Crane, Kremen, Hargrove, Rayburn and Valle)
Authorizing preliminary chemical breath analysis of persons suspected of driving while intoxicated.
Referred to Committee on Judiciary.
- SHB 460 by Committee on Energy and Utilities (originally sponsored by Representatives Wang, Jacobsen, Tilly, D. Nelson, Long, Locke, Barnes, Armstrong, Isaacson, Todd, Gallagher, Unsoeld and Winsley)
Restricting telephone solicitation.
Referred to Committee on Energy and Utilities.
- SHB 466 by Committee on Natural Resources (originally sponsored by Representatives Sutherland, Belcher and S. Wilson)
Revising provisions relating to wholesale fish dealers.
Referred to Committee on Natural Resources.
- HB 479 by Representatives Appelwick, Jacobsen, Hargrove, Schoon, May and Taylor
Authorizing state park passes and fishing licenses for disabled persons.
Referred to Committee on Parks and Ecology.
- SHB 622 by Committee on Trade and Economic Development (originally sponsored by Representatives Vekich, Braddock, Basich, Kremen, J. King, Nutley, Schoon, Sanders, Peery, McMullen, Hargrove, L. Smith, Niemi, Brough, Bristow, Unsoeld, Todd, Allen, Armstrong, D. Nelson, Cole, Appelwick, Smitherman, G. Nelson, P. King and May)
Modifying provisions on the Washington centennial commission.
Referred to Committee on Commerce and Labor.

ESHB 717 by Committee on Energy and Utilities (originally sponsored by Representatives Todd, Isaacson, D. Nelson, Schmidt, Unsoeld, Long, Van Luven, Cole, Crane, Brough, Allen, Thomas and Wineberry)

Imposing requirements for approval of optional local measured service telephone rates.

Referred to Committee on Energy and Utilities.

HB 720 by Representatives Walk and Schmidt

Establishing the highway construction stabilization account.

Referred to Committee on Transportation.

SHB 731 by Committee on Agriculture (originally sponsored by Representatives Madsen and R. King)

Requiring the department of agriculture to design a marketing plan for Washington-bred horses.

Referred to Committee on Agriculture.

EHB 787 by Representatives Tilly, Wang, Betrozoff, Crane, J. Williams and Bond

Exempting avalanche control activities from the state explosive act.

Referred to Committee on Commerce and Labor.

HB 832 by Representatives Kremen, Smitherman, Tilly, Barrett, McMullen and Zellinsky

Authorizing the acceptance of gifts by the world fair commission.

Referred to Committee on Commerce and Labor.

SHB 850 by Committee on Commerce and Labor (originally sponsored by Representatives Cole, Appelwick, G. Nelson, Wang, Tilly, Ebersole, O'Brien, Taylor, Betrozoff, D. Nelson and Jacobsen)

Continuing and modifying regulation of landscape architects.

Referred to Committee on Commerce and Labor.

MOTION

At 11:56 a.m., on motion of Senator Vognild, 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

SENATE BILL NO. 3786, by Senators DeJarnatt and Owen

Establishing misdemeanor offense for theft of shopping carts.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 3786 was substituted for Senate Bill No. 3786 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Substitute Senate Bill No. 3786 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 Talmadge, I always thought it was illegal to steal anyone else's property. Would this be a good vehicle to add things such as towels from hotels, books from libraries, etc.? I guess what I am asking is--do we need specific laws for this kind of thing?"

Senator Talmadge: "A vehicle so to speak, Senator Lee? My understanding is that it is already, obviously, a crime to steal someone else's property and if you stole a shopping cart, that would be treated under the theft statute. What this bill does in specific, is make possession of a shopping cart off the premises of the owner, a crime--a misdemeanor. That possession of a shopping cart, at the present time, is not treated as theft and is not a crime. The idea of the bill is to make possession without the permission of the owner, off the premises, a misdemeanor."

Further debate ensued.

MOTIONS

On motion of Senator Bender, Senator Owen was excused.

On motion of Senator Zimmerman, Senator Sellar was excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3786.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3786 and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Benitz, Deccio - 2.

Excused: Senators Owen, Sellar - 2.

SUBSTITUTE SENATE BILL NO. 3786, having received the constitutional majority, 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. 3717, by Senator McDermott

Relating to retirement systems.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 3717 was substituted for Senate Bill No. 3717 and the substitute bill was advanced to second reading and read the second time.

Senator McDermott moved that the following amendment be adopted:

On page 10, after line 2, insert the following:

"Sec. 13. Section 6, chapter 294, Laws of 1977 ex. sess. as amended by section 10, chapter 184, Laws of 1984 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:

Member	50%
Employer	30%
State	20%

Effective January 1, 1986, however, no contributions are required for any calendar month in which the member is not granted service credit.

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 all employers of any pending adjustment in the required contribution rate and such increase shall be announced at least thirty days prior to the effective date of the change.

Members' contributions required by this section shall be deducted from the members basic salary each payroll period. The members contribution and the employers contribution shall be

remitted directly to the department within fifteen days following the end of the calendar month during which the payroll period ends.

Until such time as the director shall establish other rates, members, employers of such members, and the state shall each contribute the following percentages of basic salary:

Member	8.14%
Employer	4.88%
State	3.28%

In addition, the state shall initially contribute an additional twenty percent of basic salary per member to amortize the unfunded supplemental present value of the retirement system in effect on September 30, 1977.

Sec. 14. Section 11, chapter 14, Laws of 1963 ex. sess. as last amended by section 1, chapter 236, Laws of 1984 and RCW 41.32.401 are each amended to read as follows:

(1) For the purpose of establishing and maintaining an actuarial reserve adequate to meet present and future liabilities of the system and to pay for an equitable portion of the operating expenses of the department, the director shall determine the necessary contribution rates to be made by each employer on all members' total earnable compensation on the basis of the latest valuation prepared by the state actuary, and shall include a percentage contribution of the total earnable compensation, to be known as the "normal contribution" and an additional percentage contribution of such earnable compensation, to be known as the "unfunded liability contribution." The director shall notify employers of such rates at least thirty days prior to their effective date. Such determination shall provide for amortization of unfunded retirement system liabilities over a period of not more than fifty years from July 1, 1964. The legislature shall appropriate to the superintendent of public instruction the full amount recommended by the state actuary for the employer contribution rates for state funded certificated staff. The amounts shall be deposited in the teachers' retirement fund for the payment of pensions, survivors' benefits, and the employer's share of the operating expenses for the system. However, a school district for the 1985-86 school year shall not be required to pay to the department of retirement systems for the employer contribution to the teachers' retirement system, any amount in excess of the funds received by such school district from the state through the office of the superintendent of public instruction for such purpose, and for the 1986-87 school year and thereafter, a school district shall not be required to pay at a rate exceeding the rate that the director sets for the employer contribution for each employee. Effective January 1, 1986, however, no contributions will be required for the calendar months in which the member is not granted service credit if the member or employee first established membership on or after October 1, 1977.

(2) In order to equitably reimburse the department of retirement systems expense fund, the director shall ascertain and report to each employer the contribution rate necessary to defray its proportional share of the cost of administering this chapter during either the next biennium or fiscal year, whichever is required to provide the amounts needed to defray such cost of administration. The director shall also ascertain at the beginning of either each biennium or each fiscal year, whichever is required, and request from the legislature an appropriation for the department of retirement systems expense fund sufficient to cover estimated expenses for the biennium or fiscal year.

Sec. 15. Section 6, chapter 293, Laws of 1977 ex. sess. as amended by section 11, chapter 184, Laws of 1984 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. Effective January 1, 1986, however, no contribution is required for any calendar month in which the member is not granted service credit. 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 all employers of any pending adjustment in the required contribution rate and such increase shall be announced at least thirty days prior to the effective date of the change.

Members contributions required by this section shall be deducted from the members earnable compensation each payroll period. The members contribution shall be remitted directly to the department within fifteen days following the end of the calendar month during which the payroll period ends and the employers contribution shall be remitted as provided by law.

Until such time as the director shall establish other rates, members and employers of such members shall each contribute 5.66% of earnable compensation: PROVIDED, That employers

shall initially contribute an additional 5.80% of earnable compensation per member to amortize the unfunded supplemental present value of the retirement system in effect on September 30, 1977.

Sec. 16. Section 34, chapter 274, Laws of 1947 as last amended by section 12, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.330 are each amended to read as follows:

(1) Each employee who is a member of the retirement system shall contribute five percent of his total compensation earnable: PROVIDED, HOWEVER, That a retirement system expense fund contribution of two dollars and fifty cents per annum shall be transferred in semiannual payments of one dollar and twenty-five cents from each employee account balance in the employees' savings fund to the department of retirement systems expense fund account, as set forth in this section. On and after July 1, 1973, each employee who is a member of the retirement system shall contribute six percent of his total compensation earnable. Effective January 1, 1986, however, no contributions are required for any calendar month in which the member is not granted service credit. The officer responsible for making up the payroll shall deduct from the compensation of each member, on each and every payroll of such member for each and every payroll period subsequent to the date on which he became a member of the retirement system the contribution as provided by this section.

(2) Any member may, pursuant to regulations formulated from time to time by the board, provide for himself, by means of an increased rate of contribution to his account in the employees' savings fund, an increased prospective retirement allowance pursuant to RCW 41.40.190 and 41.40.185.

(3) The officer responsible for making up the payroll shall deduct from the compensation of each member covered by the provisions of RCW 41.40.190(5) and 41.40.185(4) on each and every payroll of such member for each and every payroll period subsequent to the date on which he thereafter becomes a member of the retirement system, an amount equal to seven and one-half percent of such member's compensation earnable.

Sec. 17. Section 38, chapter 274, Laws of 1947 as last amended by section 22, chapter 52, Laws of 1982 1st ex. sess. and RCW 41.40.370 are each amended to read as follows:

(1) The director shall ascertain and report to each employer the contribution rates necessary to meet present and future pension liabilities of the system for the ensuing biennium or fiscal year, whichever is applicable. The amount to be so provided shall be computed by applying the rates of contribution as established by RCW 41.40.361 or 41.40.650 to an estimate of the total compensation earnable of all the said employer's members during the period for which provision is to be made.

(2) Beginning April 1, 1949, or October 1, 1977, as the case may be, the amount to be collected as the employer's contribution shall be computed by applying the applicable rates established by RCW 41.40.361 or 41.40.650 to the total compensation earnable of employer's members as shown on the current payrolls of the said employer, except no contributions are required for any calendar month in which the member is not granted service credit. Each said employer shall compute at the end of each month the amount due for that month and the same shall be paid as are its other obligations.

(3) In the event of failure, for any reason, of an employer other than a political subdivision of the state to have remitted amounts due for membership service of any of the employer's members rendered during a prior biennium, the director shall bill such employer through the director of financial management for such employer's contribution together with such charges as the director deems appropriate in accordance with RCW 41.50.120. Such billing shall be paid by the employer as, and the same shall be, a proper charge against any moneys available or appropriated to such employer for payment of current biennial payrolls.

Sec. 18. Section 6, chapter 295, Laws of 1977 ex. sess. as amended by section 12, chapter 184, Laws of 1984 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. Effective January 1, 1986, however, no contribution is required for any calendar month in which the member is not granted service credit. 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 all employers of any pending adjustment in the required contribution rate and such increase shall be announced 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."

Renumber the sections consecutively.

Debate ensued.

MOTION

On motion of Senator Bottiger, further consideration of Substitute Senate Bill No. 3717 was deferred.

SECOND READING

SENATE BILL NO. 3416, by Senators Moore, Rasmussen, Halsan, Warnke and McDonald

Providing penalties for persons writing drafts or checks and having insufficient funds.

MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 3416 was substituted for Senate Bill No. 3416 and the substitute bill was advanced to second reading and read the second time.

Senator Vognild moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 23, Laws of 1967 ex. sess. as last amended by section 1, chapter 254, Laws of 1981 and RCW 62A.3-515 are each amended to read as follows:

(1) Whenever a check as defined in RCW 62A.3-104 has been dishonored by nonacceptance or nonpayment the payee or holder of the check is entitled to collect a reasonable handling fee for each such instrument. When such check has not been paid within fifteen days and after the holder of such check sends such notice of dishonor as provided by RCW 62A.3-520 to the drawer at his last known address, then if the instrument does not provide for the payment of interest, or collection costs and attorneys fees, the drawer of such instrument shall also be liable for payment of interest at the rate of twelve percent per annum from the date of dishonor and cost of collection not to exceed forty dollars or the face amount of the check, whichever is the lesser. In addition, in the event of court action on the check the court, after such notice and the expiration of said fifteen days, shall award a reasonable attorneys fee as part of the damages payable to the holder of the check. This section shall not apply to any instrument which has been dishonored by reason of any justifiable stop payment order.

(2)(a) In any action against a person who makes any check as defined in RCW 62A.3-104 brought no sooner than thirty days after notice of dishonor has been sent for the payment of money which has been dishonored for lack of funds or credit to pay the same, or because the maker has no account with the drawee, the payee or holder may recover from the defendant damages in an amount equal to one hundred dollars or triple the amount for which the check is drawn, whichever is greater, not to exceed five hundred dollars.

(b) Subsequent to the commencement of the action but prior to the hearing, the defendant may tender to the plaintiff as satisfaction of the claim, an amount of money equal to the sum of the amount of the check and the incurred court and service costs.

(c) Nothing in this section precludes the right to commence action in any court under chapter 12.40 RCW for small claims. The remedies in this subsection are in addition to any other rights granted in subsection (1) of this section.

Sec. 2. Section 2, chapter 62, Laws of 1969 as amended by section 2, chapter 254, Laws of 1981 and RCW 62A.3-520 are each amended to read as follows:

The notice of dishonor shall be sent by certified mail to the drawer at his or her last known address, and said notice shall be substantially in the following form:

NOTICE OF DISHONOR OF CHECK

A check drawn by you and made payable by you to in the amount of has not been accepted for payment by, which is the drawee bank designated on your check. This check is dated and it is numbered, No.

You are CAUTIONED that unless you pay the amount of this check (~~within fifteen days after the date this letter is postmarked~~), you may very well have to pay the following additional amounts:

(1) Costs of collecting the amount of the check, including an attorney's fee which will be set by the court if payment is not made within fifteen days after the date this letter is postmarked;
 ((and))

(2) Interest on the amount of the check which shall accrue at the rate of twelve percent per annum from the date of dishonor if payment is not made within fifteen days after the date this letter is postmarked;

(3) One hundred dollars or triple the amount of the check, whichever is greater, not to exceed five hundred dollars, in any legal action brought at least thirty days after the date this letter is postmarked.

You are advised to make your payment to at the following address:

MOTION

Senator Fleming moved that the following amendments to the amendment be considered simultaneously and adopted:

On page 2, line 19 of the striking amendment after "amount" strike everything down to and including "dollars" on line 23 and insert "not to exceed one hundred dollars"

On page 4, line 2 of the striking amendment after "dollars" strike everything down to and including "dollars," on line 5

Debate ensued.

POINT OF INQUIRY

Senator Pullen: "Senator Vognild, my interest is in the amendments to your amendment, but in order to properly phrase it, I want to make sure I understand the provisions of your basic amendment. Am I correct in understanding your amendment that the triple damages can be avoided simply by paying the amount due within fifteen days? Is that correct?"

Senator Vognild: "Yes, that is correct. My amendment did not change that portion of the original bill."

Senator Pullen: "And the person who wrote the bad check must be notified by certified mail? Is that, also, part of your amendment?"

Senator Vognild: "No, that is not correct. Certified was taken out of both the substitute bill and the amendment."

Senator Pullen: "So, how are they notified?"

Senator Vognild: "They are notified by regular mail."

Further debate ensued.

CORRECTION OF ERROR IN POINT OF INQUIRY TO SENATOR PULLEN

Senator Vognild: "Thank you, Mr. President. I apologize to the body. I made an error in answering Senator Pullen's request. The mail notification is by certified mail. I apologize for that."

Senator Pullen: "I request that the remarks be entered in the Journal as a retraction, so that the record is clear."

REPLY BY THE PRESIDENT

President Cherberg: "It shall be done, Senator."

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

The motion by Senator Fleming carried and the amendments to the amendment were adopted on a rising vote.

POINT OF INQUIRY

Senator Newhouse: "Senator Vognild, I was going to speak in favor of your amendment--I am entirely in favor of removing the drafts. In reviewing the language, and I recognize it's not yours, I find language in there that includes two reasons for which an action might be brought. One, is that there are not sufficient funds, and the other is if they have no account. In both cases, it appears that the one who has been abused is not to institute any action until thirty days have expired. Is that reasonable in the case of a 'no account?' Shouldn't the action be started immediately, if possible?"

Senator Vognild: "That question was brought up in committee and it was discussed. We were told that many times that banks admitted that they make mistakes and if you allow the action to take place immediately and the bank, in fact, has

made a mistake, then you have an action in place. This was kind of a middle ground--with the fifteen day notice by certified mail and then the thirty days before action--was felt to be a reasonable middle ground."

The President declared the question before the Senate to be adoption of the amendment by Senator Vognild, as amended.

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

MOTIONS

On motion of Senator Bender, Senator Goltz was excused.

On motion of Senator Moore, the rules were suspended, Engrossed Substitute Senate Bill No. 3416 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. 3416.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3416 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJamatt, Fleming, Garrett, Gaspard, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senator Guess - 1.

Excused: Senators Goltz, Owen, Sellar - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3416, having received the constitutional majority, 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. 3184, by Senator Thompson

Providing state-owned housing for certain state employees.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 3184 was substituted for Senate Bill No. 3184 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Thompson, the rules were suspended, Substitute Senate Bill No. 3184 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3184.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3184 and the bill passed the Senate by the following vote: Yeas, 40; nays, 7; excused, 2.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Deccio, DeJamatt, Fleming, Garrett, Gaspard, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 40.

Voting nay: Senators Bailey, Cantu, Craswell, Lee, McDonald, Saling, Zimmerman - 7.

Excused: Senators Goltz, Owen - 2.

SUBSTITUTE SENATE BILL NO. 3184, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3452, by Senators Talmadge and Granlund

Establishing procedures for testimony of children in sexual offense cases.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 3452 was substituted for Senate Bill No. 3452 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 3452 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 Talmadge, I would like to commend you on working so effectively in this important area. One question I have--is there anything in the bill that limits cross-examination of the child witness?"

Senator Talmadge: "No, the concern that you raise was a concern that Senator Halsan raised in the proceedings of the committee. It makes clear that the right of cross-examination is still present, but you will note in the bill that there is a section on page 3 which makes it clear that nothing in this section limits or expand the court's discretion in exercising reasonable control over the mode and order in interrogating witnesses and presenting evidence so as to protect witnesses from harassment or undue embarrassment. In other words, what we've done is preserve the right of cross-examination, but made clear that we want the court to exercise the maximum amount of discretion so that the child witness is not intimidated by counsel and undue embarrassment or harassment is clearly avoided."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3452.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3452 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Goitz, Owen - 2.

SUBSTITUTE SENATE BILL NO. 3452, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator McDonald: "A point of personal privilege. Mr. President and fellow members of the Senate, on your desk is a piece of paper with an almost indistinguishable signature, I've been told, on the top--mine. It's called 'Scenarios for March through July 10 Collections.' This is from the Economic and Revenue Forecasting Council and these are the six scenarios that Dr. Song, who is the director of the Forecasting Council, has given us as members. This is a public document so you're not seeing anything that is secret. If today, Dr. Song was to give us his estimate of what was going to happen for the rest of the biennium, we would be on option No. five, which says instead of the \$32.2 million that we believed that we'd have at the end of this biennium, we are going to have in contrast \$17.2 million--a net almost of \$50 million difference. This is a time bomb that's ticking and this is something we're going to have to deal with and every day that goes by makes the problem worse.

"If you're going to raise taxes, you're going to have to raise them a whole bunch more; if you're going to cut programs, you're going to have to cut them a whole bunch more. Every day gets us closer to that June 30 deadline. Consequently, the supplemental budget is something we have to deal with. We have

been patiently waiting for this to come out, but I think the time is now and the time is growing steadily where we have to deal with this problem. I'm hoping we can precipitate some action from the majority party."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "I didn't challenge the use of the personal privilege, because, I think, part of what Senator McDonald said needed saying. Some of these problems, Senator McDonald, project over into next year--and when I go out on public speaking tours and am told that I have \$700 million I'm stashing away, I appreciate and will share with them your concern about how these revenue forecasts don't always seem to work right.

"The problem, obviously, outlined here--the federal contractor money is not coming in and former Senator Shinpoch is working on the problem. Also, departments have been told if you get caught spending money at the end of the biennium instead of reverting it, there may be new directors in those departments. The Governor is working on the problem; Senator McDermott is working on the problem, and I think the worst thing we can do is to act precipitously and just use the dart to figure out which one of those scenarios is right. The supplemental budget will come out. There are no agencies that have indicated that they must have any of the money right now--within the supplemental budget. They are all pruning back as best they can, so that won't happen."

PERSONAL PRIVILEGE

Senator Lee: "A point of personal privilege. The point of personal privilege that I am rising to is as the ranking member of the Senate Ways and Means Committee. Senator McDonald has very clearly outlined and Senator Bottiger has agreed the problem that faces us. Let me speak to you about what we would hope would be the privilege that all of us would be granted when this finally does come before us, which has already been mentioned that it will not, probably, be any sooner than March 20, which is less than ninety days before the budget itself runs out. The end of the session, April 28, is only sixty-two more days in which to expend any of that kind of funds. The reason that I'm rising is to make an urgent plea that because it's been delayed so long, that we do not then find ourselves in the position where we see it for the first time at 8:00 o'clock in the morning and are expected to vote on it on this floor at 8:00 o'clock the following morning. That is not a dichotomy request. It is one that is done as a request that we are made fully aware when it comes time to know what kind of push it's putting us into for the biennial budget. Many of the things in the original supplemental would, in fact, commit us, either to additional expenditures, and if we do not make them in the supplemental budget, then to putting them into the biennial budget. We hope to (1) have it expeditiously and (2) to have enough time to make intelligent responses to it--and I make that as a request."

REMARKS BY SENATOR VOGNILD

Senator Vognild: "Thank you, Mr. President. Because I concur with Senator Bottiger that these things needed saying today, this went on, but I would like to point out to the body that the rules were stretched. Rule 33 would not allow either of the presentations that were made here today. I guess I say this simply because I don't want to set a precedent and I hope that the extension of allowing people to speak will not be abused in the future."

REMARKS BY SENATOR McDONALD

Senator McDonald: "I don't know what I rise to. I guess a point of parliamentary inquiry, although it's going to be a statement. I look at Rule 178--Questions of Privilege--in Reeds and it says, 'that questions of personal privilege should be dealing with collectively, the safety, the dignity, and the integrity of its proceedings.' I think that this does fall under that category and I feel no compunction whatever, in using the point of personal privilege to bring up these questions."

SECOND READING

SENATE BILL NO. 3279, by Senators Gaspard, Goltz, Saling, Johnson, Lee, Stratton, Conner, Bender, Kiskaddon and Guess

Establishing requirements for home schooling.

MOTIONS

On motion of Senator Gaspard, Substitute Senate Bill No. 3279 was substituted for Senate Bill No. 3279 and the substitute bill was advanced to second reading and read the second time.

Senator Lee moved that the following amendment be adopted:

On page 5, line 9, after "chapter." insert "The legislative budget committee shall conduct a study on the methods, extent, nature, and results of home-based instruction, which study shall be filed with the legislature on January 1, 1988."

Debate ensued.

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

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

MOTION

Senator Metcalf moved that the following amendment by Senators Metcalf and Johnson be adopted:

On page 5, line 9, after "instruction." insert:

"If a child of mandatory attendance age is attending an unapproved private school which is operated as part of a church educational ministry, the parents, guardians or custodians of the child shall not be subject to the twenty-five dollar fine imposed by penalties under RCW 28A.27.100. As used herein, "church educational ministry" means an educational ministry that is integral to and inseparable from its sponsoring religious organization offering educational programs for children."

POINT OF ORDER

Senator Gaspard: "I raise a point of order and challenge the scope and object of the Metcalf amendment, Mr. President. The object of the bill is to provide a third option to compulsory attendance and that's home-based schooling. All sections of the bill relate directly to authorization of home-based instruction as an option. Any amendment which addresses the provision of education in a different setting as in the unimproved church school or church educational ministry, in my opinion, is clearly outside the scope of the bill and violates the scope and object clause of the State Constitution which is Article II, Section 38, which states that no amendment shall be allowed which shall change the scope and object of the bill. The title of the bill is 'An Act Relating to Home Schooling.' To expand the bill to address the issue of unimproved church schools or church educational ministries, would be in violation of Article II, Section 19 of the State Constitution which requires that no bill shall enhance more than one subject and shall be expressed in the title. With that understanding, I think the bill is clearly unconstitutional--if this amendment should pass."

PARLIAMENTARY INQUIRY

Senator McDonald: "Since Senator Gaspard was reading from papers, I think by leave of the house, probably we could get a copy of that. We'd like to be able to read it as well."

Further debate ensued.

MOTION

On motion of Senator Bottiger, further consideration of Substitute Senate Bill No. 3279 was deferred.

SECOND READING

SENATE BILL NO. 3205, by Senators Gaspard, Bauer, Patterson, Bender and Johnson

Modifying the period for accumulation of leave for school employees.

The bill was read the second time.

MOTIONS

On motion of Senator Gaspard, the following Committee on Education amendment was adopted:

On page 2, beginning on line 11, after "days" strike "in a contract period, but the contract period shall not be longer than one year" and insert "agreed to in a given contract, but not greater than one year"

On motion of Senator Gaspard, the rules were suspended. Engrossed Senate Bill No. 3205 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. 3205.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3205 and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJamatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senators Craswell, Newhouse - 2.

Absent: Senator von Reichbauer - 1.

Excused: Senator Owen - 1.

ENGROSSED SENATE BILL NO. 3205, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Pro Tempore Goltz assumed the chair.

SECOND READING

SENATE BILL NO. 3352, by Senators Gaspard, Bauer, Kiskaddon and Patterson

Providing a state clearinghouse for educational information.

The bill was read the second time.

MOTION

On motion of Senator Gaspard, the rules were suspended, Senate Bill No. 3352 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Saling: "Senator Gaspard, I had an amendment ready to take up on this particular bill, but I talked to you prior to that and I think there is perhaps no need, now, to submit that amendment, if we clarify the intent of the bill. During the testimony in the committee, there was testimony that some approximately \$56,000 from the federal government was being used by the office of the State Superintendent of Public Instruction, now, to accomplish this task. I believe the State Superintendent's office was requesting something in the neighborhood of \$144,000 per year if the federal funds dried up and they were asked to perform this task. It's my understanding, now, that it's your intent in submitting this bill in its present form that the SPI would be requested to continue the work they have been doing with no additional funds being appropriated. Is that correct?"

Senator Gaspard: "Your analysis of the fiscal note that was drawn is correct. We think this is an important enough operation. Quite frankly, we were concerned when the fiscal note came out--we didn't think that that was appropriate--that this ought to be a function important enough in the SPI office that they ought to do it with their current funds. In other words, I'm not looking for any appropriation to go with this bill, whether it's on the bill or in the budget."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3352.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3352 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senator Barr - 1.

Excused: Senator Owen - 1.

SENATE BILL NO. 3352, having received the constitutional majority, 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. 3846, by Senators Gaspard, Patterson, Kiskaddon and Bauer Changing certain requirements regarding public schools' in-service training needs assessments.

The bill was read the second time.

MOTIONS

On motion of Senator Gaspard, the following Committee on Education amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 189, Laws of 1977 ex. sess. as amended by section 10, chapter 149, Laws of 1979 and RCW 28A.71.210 are each amended to read as follows:

The superintendent of public instruction is hereby empowered to administer funds now or hereafter appropriated for the conduct of in-service training programs for public school certificated and classified personnel and to supervise the conduct of such programs. The superintendent of public instruction shall adopt rules in accordance with chapter 34.04 RCW that provide for the allocation of such funds to public school district or educational service district applicants on such conditions and for such training programs as he or she deems to be in the best interest of the public school system: PROVIDED, That each district requesting such funds shall have:

(1) Conducted a district needs assessment, to be reviewed and updated at least every two years, of certificated and classified personnel to determine identified strengths and weakness of personnel that would be strengthened by such in-service training program((-PROVIDED, FURTHER, That each school district or educational service district requesting funds shall have));

(2) Established an in-service training task force and demonstrated to the superintendent of public instruction that the task force has participated in ((and is supportive of the request for funding of the particular in-service training program)) identifying in-service training needs and goals; and

(3) Demonstrated to the superintendent of public instruction its intention to implement the recommendations of the needs assessment and thereafter the progress it has made in providing in-service training as identified in the needs assessment.

The task force required by this section shall be composed of representatives from the ranks of administrators, building principals, teachers, classified and support personnel employed by the applicant school district or educational service district, from the public, and from an institution(s) of higher education, in such numbers as shall be established by the school district board of directors or educational service district board of directors."

On motion of Senator Gaspard, the rules were suspended, Engrossed Senate Bill No. 3846 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. 3846.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3846 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus,

Melcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Lee - 1.

Excused: Senator Owen - 1.

ENGROSSED SENATE BILL NO. 3846, having received the constitutional majority, 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. 4118, by Senators Gaspard, Rinehart, Bauer, Johnson and Saling (by Superintendent of Public Instruction request)

Planning and implementing a school administrators' academy.

MOTIONS

On motion of Senator Gaspard, Substitute Senate Bill No. 4118 was substituted for Senate Bill No. 4118 and the substitute bill was advanced to second reading and read the second time.

Senator Gaspard moved that the following amendment be adopted:

On page 2, line 14 after "year" insert "." and strike all the material through "instruction." on line 17

Debate ensued.

MOTION

On motion of Senator Newhouse, further consideration of the Gaspard amendment was deferred until after consideration of the Craswell amendment.

MOTION

Senator Craswell moved that the following amendment be adopted:

On page 2, line 14 after "and the" delete all language up to and including "instruction" on line 17, and insert "implementation and operating expenses of the school administrators academy shall be paid wholly out of funds collected from tuition for academy courses at tuition levels to be established by the superintendent of public instruction necessary to meet such expenses."

Debate ensued.

Senator Deccio demanded a roll call and the demand was not sustained.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Craswell.

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

There being no objection, the Senate resumed consideration of the first amendment by Senator Gaspard on page 2, line 14.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Gaspard.

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

MOTION

On motion of Senator Gaspard, the rules were suspended, Engrossed Substitute Senate Bill No. 4118 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. 4118.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4118 and the bill passed the Senate by the following vote: Yeas, 31; nays, 17; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Fleming, Garrett, Gaspard, Goltz, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McManus, Patterson, Peterson, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 31.

Voting nay: Senators Barr, Cantu, Craswell, Deccio, DeJarnatt, Granlund, Guess, Hayner, McCaslin, McDonald, Metcalf, Moore, Newhouse, Pullen, Sellar, Stratton, Zimmerman - 17.

Excused: Senator Owen - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4118, having received the constitutional majority, 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. 4140, by Senator Gaspard (by Superintendent of Public Instruction, State Board of Education request)

Revising high school graduation requirements.

The bill was read the second time.

MOTION

Senator Gaspard moved that the following Committee on Education amendment be adopted:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. The state board of education shall adopt rules pursuant to chapter 34.04 RCW, to implement the course requirements set forth in RCW 28A.05.060. Such rules shall include, as the state board deems necessary, granting equivalencies for and temporary exemptions from the course requirements in RCW 28A.05.060 and special alterations of the course requirements in RCW 28A.05.060. In developing such rules the state board shall recognize the relevance of vocational and applied courses and allow such courses to fulfill in whole or in part the courses required for graduation in RCW 28A.05.060. Such rules may include provisions for competency testing in lieu of such courses required for graduation in RCW 28A.05.060.

Sec. 2. Section 6, chapter 278, Laws of 1984 and RCW 28A.05.060 are each amended to read as follows:

(1) The state board of education shall establish high school graduation requirements or equivalencies for students who commence the ninth grade subsequent to July 1, 1985, that meet or exceed the following:

SUBJECT	CREDITS ^(*)	((YEARS ⁺))
English	((9)) 3	((3 ⁺⁺))
Mathematics	((6)) 2	((2 ⁺⁺))
Social Studies		
United States history and government	((3)) 1	((+))
Washington state history and government	((1-1/2)) 1/2	((1/2))
Contemporary world history, geography, and problems	((3)) 1	((+))
Science ((3)) 1 credit(s) must be in		
laboratory science)	((6)) 2	((2 ⁺⁺))
Occupational Education	((3)) 1	((+))
Physical Education	((See RCW 28A.05.040 for physical education requirements.)) 2	
Electives	((16-1/2)) 5 1/2	
Total	((48)) 18	

((^{*} Credit means 60 hours of instruction including normal class change passing time. Three credits are the equivalent to a one-year course.

⁺⁺ No more than 1 credit per trimester or 1 1/2 credits per semester or 3 credits per year may be applied toward graduation requirements in these subjects. Additional credits in these subjects may be counted as electives.

⁺⁺⁺ The state board of education shall establish through rules and regulations clearly defined physical education requirements for the purpose of minimum high school graduation requirements under RCW 28A.05.040.))

(2) The Washington state history and government requirement may be fulfilled by students in grades seven or eight or both. Students who have completed the Washington state history and government requirement in grades seven or eight or both before commencing the ninth grade subsequent to July 1, 1985, shall be considered to have fulfilled the Washington state history and government requirement.

(3) A candidate for graduation must have in addition earned a minimum of ((48)) 18 credits ((and fulfilled the physical education requirement)) including all required courses. These

credits shall consist of the state requirements listed above and such additional requirements and electives as shall be established by each district.

~~((2) The state board of education shall develop and establish procedures for students to meet equivalencies for courses required for graduation in subsection (1) of this section. Such procedures may include provisions for competency testing in lieu of such courses:~~

~~(3) The state board of education shall establish procedures for establishing high school graduation requirements for students with special educational needs, in accord with limitations on their ability to fulfill these high school graduation requirements:~~

~~(4) The local school districts shall consider the relevance of vocational and applied courses in fulfilling these high school graduation requirements:~~

~~(5) The state board of education, upon request from local school districts, shall be authorized to grant temporary exemptions from the graduation requirements in subsection (1) of this section for reasons relating to school district size and availability of staff authorized to teach required subjects. The state board of education may adopt reasonable and necessary rules regarding exemptions for students who transfer between districts:~~

~~(6)) (4) In recognition of the statutory authority of the state board of education to establish and enforce minimum high school graduation requirements, the state board shall periodically reevaluate the graduation requirements and shall report such findings to the legislature in a timely manner as determined by the state board.~~

NEW SECTION, Sec. 3. The state board of education shall establish for students who commence the ninth grade subsequent to July 1, 1987, an additional one credit elective requirement to be chosen from fine, visual, or performing arts, any of the subject areas as set forth in RCW 28A.05.060, or any combination thereof.

NEW SECTION, Sec. 4. Sections 1 and 3 of this act are each added to chapter 28A.05 RCW."

PARLIAMENTARY INQUIRY

Senator Kiskaddon: "I have another striking amendment. Is mine appropriate after we take care of this one?"

REPLY BY PRESIDENT PRO TEMPORE GOLTZ

President Pro Tempore Goltz: "Yours will follow the committee report."
Further debate ensued.

POINT OF INQUIRY

Senator Pullen: "Senator Gaspard, as I read Section 2 where it lists the credits required--previously for English, there was nine required and now we're proposing just three? Is that correct? For Math, it used to be six and we're now requiring two?"

Senator Gaspard: "What the State Board has requested us to do and what we are doing is that those credits will now equate to a year."

Senator Pullen: "What did they equate to before?"

Senator Gaspard: "Before, it was three credits equalled a year."

The President Pro Tempore declared the question before the Senate to be adoption of the Committee on Education amendment.

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

MOTION

Senator Kiskaddon moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 28A.05 RCW to read as follows:

(1) In recognition of the statutory authority of the state board of education to establish and enforce minimum high school graduation course requirements, the state board shall periodically reevaluate the graduation course requirements and shall report such findings to the legislature in a timely manner as determined by the state board.

(2) The state board of education shall establish minimum high school graduation course requirements: (a) To assure that students graduating from high school recognize the value of life-long learning, recognize the importance of formal and informal educational experiences, and have the capability of learning what they need to learn in order to adapt to society's rapid evolution into a technological age, and (b) to assure that students can function as contributing and responsible members of society who have developed senses of personal and social accountability, esteem of self and others, the ability to pursue the creative use of one's innate talents and skills, the ability to strive for successful relationships with family, coworkers, and society, and concern for and cooperation with others.

(3) The state board of education shall adopt rules pursuant to chapter 34.04 RCW, to implement the course requirements established pursuant to subsection (2) of this section. Such

rules shall include, as the state board deems necessary, granting equivalencies for, temporary exemptions from, and special alterations of the course requirements established pursuant to subsection (2) of this section. In developing such rules the state board shall recognize the relevance of vocational and applied courses and allow such courses to fulfill in whole or in part the courses required for graduation as established pursuant to subsection (2) of this section. Such rules may include provisions for competency testing in lieu of such courses required for graduation established under subsection (2) of this section.

NEW SECTION. Sec. 2. Section 6, chapter 278, Laws of 1984 and RCW 28A.05.060 are each repealed."

Debate ensued.

POINT OF INQUIRY

Senator Bottiger: "Senator Kiskaddon, Senator Fleming was going to ask this, but I can't find him. Would this amendment permit a local school board to adopt global education?"

No reply.

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Kiskaddon.

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

MOTIONS

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

On page 1, on line 1 of the title, after "requirements;" strike the remainder of the title and insert "amending RCW 28A.05.060; and adding new sections to chapter 28A.05 RCW."

On motion of Senator Gaspard, the rules were suspended, Engrossed Senate Bill No. 4140 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 Gaspard, this really is a question for information, and I'm almost sorry I didn't ask it before we got to third reading, but it may be all right here also. The first section of the bill is, I think, a great addition. What I'm referring to now is Section 2. In reply to a question, I think from Senator Pullen, you had indicated that what is now called 'credits' on your committee amendment means 'years.' I do not see that said any place else in here--that 'credits' means 'years,' and then when I look down here on electives, I see five and one-half. In most cases, I think, high school is no more than four years. What I'm really asking--is there a definition of 'credits' someplace if it's not here in this particular measure?"

Senator Gaspard: "The intent here is to coincide with what is now currently being proposed in the State Board of Education. They're adopting the rules and regulations to change 'credits' to mean 'years' and we're doing that to be consistent in the bill we're passing.

Senator Lee: "So, five and one-half years for electives is correct?"

Senator Gaspard: "Senator Lee, I don't know if I can answer that at this point. Let me try to ask staff here and I'll find out."

Senator Lee: "I don't necessarily say we have to hold it up here, but I think we may have a problem that we may want to talk to the House members about to be sure that the definition of 'credit' is taken care of in the Administrative Procedures Act or in the statute."

Senator Gaspard: "Remember, we're giving some broad rule-making authority to the State Board and they can define that elective other than in 'years' if they so wish."

Senator Lee: "That really gets confusing. I don't know if I can support the bill under those circumstances."

MOTION

On motion of Senator Bottiger, further consideration of Engrossed Senate Bill No. 4140 was deferred.

President Cherberg assumed the chair.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 3279 and the pending amendment by Senators Metcalf and Johnson on page 5, line 9, deferred earlier today.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Gaspard, the President finds that Substitute Senate Bill No. 3279 is a measure authorizing and regulating home-based instruction as an alternative to public schooling or approved private schooling.

"The amendment proposed by Senators Metcalf and Johnson exempts children attending unapproved private schools operated as part of a church educational ministry from state truancy requirements.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment was ruled out of order.

MOTION

Senator Craswell moved that the following amendment by Senators Craswell, Conner, Johnson and Goltz be adopted:

On page 9, after line 3, insert the following:

NEW SECTION. Sec. 6. The legislature recognizes that while the right of parents to raise their children pursuant to their personal conscience is set forth in both the federal and state constitutions, state law makes no exemption from the current compulsory attendance requirements for parents who, by reason of religious beliefs, were opposed to such requirements. The legislature finds that there is a growing number of parents who by reason of truly held religious beliefs are educating their children at home or in unapproved church schools. The legislature further finds that there is a scarcity of information on the nature and effectiveness of education provided in these settings.

NEW SECTION. Sec. 7. A new section is added to chapter 28A.27 RCW to read as follows:

From the effective date of this section until July 1, 1988, the provisions of this chapter shall not apply to parents who by reason of truly held religious beliefs are conscientiously opposed to such provisions, make a declaration to the superintendent of the local school district in which they reside that they will exercise parental rights to be responsible for the instruction of their child, and are providing an educational program consistent with their religious beliefs through an unapproved church school or in their own home.

NEW SECTION. Sec. 8. (1) A temporary commission is hereby established to:

(a) Study the number, teaching methods, and curriculums of unapproved church schools and home schools and their effectiveness in educating children;

(b) Review laws and policies of other states with regard to unapproved church schools and home schools;

(c) Study the history, purpose, and enforcement of compulsory attendance and its impact on truancy and on unapproved church schools and home schools; and

(d) Review court decisions regarding unapproved church schools and home schools both in this state and other states.

(2) The commission shall be composed of fifteen members as follows:

(a) Four legislators with one from each caucus of each house appointed by the speaker of the house of representatives or the president of the senate as applicable;

(b) The private education director of the office of the superintendent of public instruction;

(c) The executive secretary of the Washington association of prosecuting attorneys or his or her representative; and

(d) The following persons selected by the majority leader of the senate and the speaker of the house of representatives:

(i) A superintendent of a school district or principal of a public school;

(ii) An administrator of an unapproved church school;

(iii) Three parents whose children attend unapproved church schools; and

(iv) Six parents who for religious reasons teach their children at home.

(3) Nonlegislative members of the commission shall not receive compensation but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060. Legislative members shall be reimbursed under RCW 44.04.120.

(4) The members of the commission shall elect a member to serve as chairman and may adopt bylaws to govern the commission's proceedings. The legislature shall provide staff and support services to the commission.

(5) The commission shall report its findings to the legislature by January 1, 1988.

NEW SECTION. Sec. 9. Sections 6, 7, and 8 of this act shall expire July 1, 1988.

NEW SECTION. Sec. 10. Sections 6, 7, and 8 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Renumber the remaining section accordingly.

POINT OF ORDER

Senator Gaspard: "Mr. President, I rise to challenge the scope and object of this amendment and use the same arguments with the Metcalf amendment, that this applies not only to home schools, but also has unimproved church schools in it, and I believe that is beyond the scope and object."

Debate ensued.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Gaspard, the President finds that Substitute Senate Bill No. 3279 is a measure authorizing and regulating home-based instruction as an alternative to public schooling or approved private schooling.

"The amendment proposed by Senators Craswell, Conner, Johnson and Goltz delays the implementation date of the act for parents who by reason of truly held religious or philosophical beliefs conscientiously oppose regulation and establishes a commission to study this type of schooling.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment was ruled out of order.

MOTION

Senator Barr moved that the following amendment by Senators Barr and Goltz be adopted:

On page 9, after line 3, insert the following:

NEW SECTION. Sec. 6. The legislature recognizes that while the right of parents to raise their children pursuant to their personal conscience is set forth in both the federal and state constitutions, state law makes no exemption from the current compulsory attendance requirements for parents who, by reason of religious or philosophical beliefs, are opposed to such requirements. The legislature finds that there is a growing number of parents who by reason of truly held religious or philosophical beliefs are educating their children at home. The legislature further finds that there is a scarcity of information on the nature and effectiveness of education provided in this setting.

NEW SECTION. Sec. 7. A new section is added to chapter 28A.27 RCW to read as follows:

From the effective date of this section until July 1, 1988, the provisions of this chapter shall not apply to parents who by reason of truly held religious or philosophical beliefs are conscientiously opposed to such provisions, make a declaration to the superintendent of the local school district in which they reside that they will exercise parental rights to be responsible for the instruction of their child, and are providing an educational program consistent with their beliefs in their own home. The state board of education shall not by rule or otherwise further define "truly held religious or philosophical beliefs" or "conscientiously opposed."

NEW SECTION. Sec. 8. (1) A temporary commission is hereby established to:

(a) Study the number, teaching methods, and curriculums of home schools and their effectiveness in educating children;

(b) Review laws and policies of other states with regard to home schools;

(c) Study the history, purpose, and enforcement of compulsory attendance and its impact on truancy and home schools; and

(d) Review court decisions regarding home schools both in this state and other states.

(2) The commission shall be composed of eleven members as follows:

(a) Four legislators with one from each caucus of each house appointed by the speaker of the house of representatives or the president of the senate as applicable;

(b) The private education director of the office of the superintendent of public instruction;

(c) The executive secretary of the Washington association of prosecuting attorneys or his or her representative; and

(d) The following persons selected by the majority leader of the senate and the speaker of the house of representatives:

(i) A superintendent of a school district or principal of a public school; and

(ii) Four parents who for religious or philosophical reasons teach their children at home.

(3) Nonlegislative members of the commission shall not receive compensation but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060. Legislative members shall be reimbursed under RCW 44.04.120.

(4) The members of the commission shall elect a member to serve as chairman and may adopt bylaws to govern the commission's proceedings. The legislature shall provide staff and support services to the commission.

(5) The commission shall report its findings to the legislature by January 1, 1988.

NEW SECTION, Sec. 9. Sections 6, 7, and 8 of this act shall expire July 1, 1988.

NEW SECTION, Sec. 10. Sections 6, 7, and 8 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Renumber the remaining section accordingly.

POINT OF ORDER

Senator Gaspard: I again rise to a point of order challenging the scope and object of the amendment. Like the other amendments we have before us, this is a bill that deals with another way of educating--recognized education--compulsory schooling in the state, whether it be the public school system or the approved private school system, now we're talking about home-based schooling. The amendment before us gives a temporary exemption to the compulsory attendance law, but the bill before us creates a permanent alternative to schooling, and the amendment before us creates a special exemption to the compulsory attendance law for parents whose truly held religious or philosophical beliefs cause them to fail to comply with the law.

"Finally, the amendment before us, essentially, removes all the regulatory authority of the state, whereas here in the bill we're dealing with home schooling. We are providing for a reasonable balance between the parental interests and the interests that the state has in educating its children."

Debate ensued.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Gaspard, the President finds that Substitute Senate Bill No. 3279 is a measure authorizing and regulating home-based instruction as an alternative to public schooling or approved private schooling.

"The amendment proposed by Senators Barr and Goltz delays the implementation date of the act for parents who by reason of truly held religious or philosophical beliefs conscientiously oppose regulation and establishes a commission to study this type of schooling.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment was ruled out of order.

MOTION

Senator Craswell moved that the following amendment be adopted:

On page 2, after line 28, add the following:

"(e) The parents, by reason of truly held religious beliefs, are conscientiously opposed to such requirement and are providing an educational program consistent with their religious beliefs."

Debate ensued.

MOTION

On motion of Senator Bottiger, further consideration of Substitute Senate Bill No. 3279 was deferred.

SECOND READING

SENATE BILL NO. 3160, by Senator Warnke

Providing for school employee suggestion awards.

MOTIONS

On motion of Senator Gaspard, Substitute Senate Bill No. 3160 was substituted for Senate Bill No. 3160 and the substitute bill was advanced to second reading and read the second time.

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

On page 1, line 8, after "economy," strike "and" and insert "or"

On motion of Senator Gaspard, the rules were suspended, Engrossed Substitute Senate Bill No. 3160 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. 3160.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3160 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3160, having received the 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. 3279 and the pending amendment by Senator Craswell on page 2, after line 28, deferred earlier today.

POINT OF ORDER

Senator Gaspard: "Mr. President, after I've had an opportunity to review the amendment before us, I think it's consistent with the other amendments that have been proposed, and although they've been proposed with good intentions, they're still, in my opinion, outside the scope and object of the bill that was drawn for home schooling. For that reason, I would ask you to make a ruling on my point of order."

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Gaspard, the President finds that Substitute Senate Bill No. 3279 is a measure authorizing and regulating home-based instruction as an alternative to public schooling or approved private schooling.

"The amendment proposed by Senator Craswell adds an exemption to the mandatory attendance laws if parents by reason of truly held religious beliefs are conscientiously opposed to such requirements.

"The President, therefore, finds that the proposed amendment does change 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 Gaspard, the rules were suspended, Substitute Senate Bill No. 3279 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. 3279.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3279 and the bill passed the Senate by the following vote: Yeas, 36; nays, 13.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Deccio, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, McManus, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn - 36.

Voting nay: Senators Conner, Craswell, DeJarnatt, Fleming, Granlund, Kreidler, McDermott, Metcalf, Moore, Patterson, Pullen, Williams, Zimmerman - 13.

SUBSTITUTE SENATE BILL NO. 3279, having received the 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. 4140, deferred on third reading earlier today.

MOTIONS

On motion of Senator Gaspard, the rules were suspended and Engrossed Senate Bill No. 4140 was returned to second reading and read the second time.

On motion of Senator Gaspard, the Senate reconsidered the Committee on Education amendment which was adopted earlier.

MOTION

Senator Lee moved that the following amendment by Senators Lee and Gaspard to the Committee on Education amendment, on reconsideration, be adopted:

On page 2, section 2, line 10, insert "(2) For the purposes of this section one credit is equivalent to one year of study."

Renumber the following subsections accordingly.

POINT OF INQUIRY

Senator Pullen: "Senator Lee, just as a point of clarification, I assume the one year time frame that is referred to in your amendment refers to the 180 day school year?"

Senator Lee: "In most cases it would, for 99.99 percent of the students. Also, in this same act--4140--we have Section 1 which allows for some equivalencies, so this language would not conflict with that first section."

Senator Pullen: "I also assume that the time that's being spent in class each of the 180 days for the 99 percent of the school districts you referred to, is approximately one hour less a reasonable passing time?"

Senator Lee: "That's what the current Washington Administrative Code says and that's where I think that should be defined. Any exceptions thereto would then also be handled in that administrative code."

Senator Pullen: "I assume you're not worried about whether the passing time is five minutes or ten minutes, but you do intend it to be approximately one hour of study per school day--less a reasonable amount of passing time--whatever the WAC should determine that to be?"

Senator Lee: "Yes, we do intend that it be a uniform requirement that's established by the State Board of Education, so that a child who has one year of study in some place like Washtucna will be getting the same kind of equivalent education as to someone in Bellingham."

Senator Pullen: "So one credit, then, is approximately 180 hours of class time, less a reasonable amount of passing time?"

Senator Lee: "Under the current Washington Administrative Code, that is true."

Senator Pullen: "And that would be the case under your definition as proposed in this amendment, as I understand it?"

Senator Lee: "Until that code is changed."

Senator Pullen: "How could it be changed other than perhaps the amount of passing time? In other words, is it conceivable that it be defined in the WACs that ten minutes shall be spent in class and fifty minutes shall be allowed for passing time?"

Senator Lee: "Well, Senator Pullen, it just happens that this state has had 180 days for a long period of time and that's where that 180 hours comes from. If at some time or other that should be changed to 181 or 179, then we would, also, need to make a change in that WAC."

Senator Pullen: "The 180 days is presently statutorily defined?"

Senator Lee: "That is correct."

The President declared the question before the Senate to be adoption of the amendment by Senators Lee and Gaspard to the Committee on Education amendment, on reconsideration.

The motion by Senator Lee carried and the amendment to the committee amendment, on reconsideration, was adopted.

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

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

MOTION

On motion of Senator Gaspard, the rules were suspended, Engrossed Senate Bill No. 4140 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. 4140.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4140 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; absent, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senator Pullen - 1.

Absent: Senator Kiskaddon - 1.

ENGROSSED SENATE BILL NO. 4140, having received the constitutional majority, 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. 3067, by Senators Hansen, Gaspard, Bottiger, Barr, Benitz, Vognild, Sellar, Goltz, Bailey and Newhouse

Modifying provisions relating to aquatic farming.

The bill was read the second time.

MOTION

Senator Bottiger moved that the following amendment by Senators Bottiger, Hansen and Vognild be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature declares that aquatic farming provides a consistent source of quality food, offers opportunities of new jobs, increased farm income stability, and improves balance of trade.

The legislature finds that the National Aquaculture Act of 1980 (Public Law 96-362) recognizes aquaculture as an agricultural industry and designates the United States department of agriculture as the lead agency for promotion of the aquaculture industry and that designating the Washington department of agriculture would be consistent with the purposes and intent of that federal act.

The legislature finds that many areas of the state of Washington are scientifically and biologically suitable for aquaculture development, and therefore the legislature encourages promotion of aquacultural activities, programs, and development with the same status as other agricultural activities, programs, and development within the state of Washington.

The legislature finds that aquaculture and aquacultural activities, developments, and facilities should be considered a branch of the agricultural industry of the state of Washington for purposes of any laws that apply to or provide for the advancement, benefit, or protection of the agriculture industry within the state of Washington.

The legislature further finds that in order to ensure the maximum yield and quality of cultured aquatic products, the department should provide diagnostic services that are workable and proven remedies to aquaculture disease problems.

It is therefore the policy of this state to encourage the development and expansion of aquaculture within the state of Washington. This chapter does not authorize or provide the private sector the legal authority to release salmon or steelhead trout into the public waters of the state and subsequently to recapture such species as in the practice commonly known as ocean ranching.

NEW SECTION, Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Aquaculture" means the process of growing, farming, or cultivating, private sector, cultured aquatic products in marine or freshwaters and includes management by an aquatic farmer. This chapter does not authorize or provide the private sector the legal authority to release salmon or steelhead trout into public waters of the state and the subsequent recapture of such species as in the practice commonly known as ocean ranching.

(2) "Aquatic farmer" is a private sector person who farms and manages the cultivating of private sector cultured aquatic products on the person's own land or on land in which the person has a present right of possession.

(3) "Private sector cultured aquatic products" are native, nonnative, or hybrids of marine or freshwater plants and animals that are propagated, farmed, or cultivated, or that are naturally set on aquatic farms under the supervision and management of a private sector aquatic farmer. Private sector cultured aquatic products include, but are not limited to, the following plants and animals:

SCIENTIFIC NAME	COMMON NAME
Enteromorpha	green nori
Monostroma	awo-nori
Ulva	sea lettuce
Laminaria	konbu
Nereocystis	bull kelp
Porphyra	nori
Iridaea	
Haliotis	abalone
Zhamys	pink scallop
Hinnites	rock scallop
Tatinopecten	Japanese or weathervane scallop
Protothaca	native littleneck clam
Tapes	manila clam
Saxidomus	butter clam
Mytilus	mussels
Crassostrea	Pacific oysters
Ostrea	Olympia and European oysters
Pacifasticus	crayfish
Macrobrachium	freshwater prawn
Salmo and Salvelinus	trout, char, and Atlantic salmon
Oncorhynchus	salmon
Ictalurus	catfish
Cyprinus	carp
Acipenseridae	sturgeon

(4) "Department" means the department of agriculture.

(5) "Director" means the director of agriculture.

NEW SECTION. Sec. 3. The department is the principal agency for the private sector aquaculture industry.

NEW SECTION. Sec. 4. (1) The director shall establish a program of disease inspection and control for aquatic farmers and shall use the expertise of the state veterinarian, the department of fisheries, the department of game, and the aquaculture industry in administering the program. The purpose of the program is to protect the aquaculture industry and wildstock fisheries from a loss of productivity due to aquatic diseases, parasites, pests, or maladies affecting fin fish, shellfish, or other private sector cultured aquatic products. The disease program may include, but is not limited to, the following elements:

- (a) Disease diagnosis;
- (b) Import and transfer requirements;
- (c) Provision for certification of stocks;
- (d) Classification of diseases by severity;
- (e) Provision for treatment of selected high-risk diseases;
- (f) Provision for containment and eradication of high-risk diseases;
- (g) Provision for destruction of diseased cultured aquatic products;
- (h) Provision for quarantine of diseased cultured aquatic products;
- (i) Provision for coordination with state and federal agencies;
- (j) Provision for development of preventative or control measures;
- (k) Provision for cooperative consultation service to aquatic farmers;
- (l) Listings of qualified pathologists trained in the prevention and suppression of aquatic diseases; and
- (m) Provision for disease history records.

(2) The director shall consult regarding the disease control program with the department of fisheries, the department of game, federal agencies, and Indian tribes to assure protection of state, federal, and tribal aquatic resources and to protect private sector cultured aquatic products from disease that could originate from waters or facilities managed by those agencies.

(3) The director may enter into contracts or interagency agreements for diagnostic field services with government agencies and institutions of higher education and private industry.

(4) The director in administering the disease control program shall not place constraints or take enforcement actions on the aquaculture industry that are more rigorous than those placed on the department of fisheries, the department of game, or other fish-rearing entities.

(5) All aquatic farmers must register with the department. The director shall develop and maintain a registration list of all aquaculture farms. Registered aquaculture farms shall provide the department production statistical data. The state veterinarian, the department of fisheries, and the department of game shall be provided with registration and statistical data.

NEW SECTION. Sec. 5. (1) There is hereby created the aquaculture advisory council. The council shall consist of the director or the director's designee, one representative of private sector inland fin fish farmers, one representative of private sector marine fin fish farmers, one representative of private sector marine shellfish farmers, and one representative of marine plant farmers, chosen by the governor to serve for a term of three years. Ex officio members of the advisory council, to be appointed by the governor, shall include a representative of the department of game, the department of fisheries, and a pathologist. Other ex officio state agency members may be appointed at the director's discretion.

(2) The council shall represent aquatic farmers in matters that relate to all aspects of interest to aquatic farmers including the performance, operation, expansion, development, promotion, and interdepartmental coordination.

(3) Any vacancies on the council shall be filled in the same manner as the original appointment.

(4) The council shall select a chairman by vote of the council members. A quorum consisting of at least three voting members must be present to conduct council business. The council shall meet at the call of the chairman or at the request of the director.

(5) The council shall expire June 30, 1991.

NEW SECTION. Sec. 6. The director, in consultation with the advisory council, the department of fisheries, the department of game, and the state veterinarian shall adopt rules to implement this chapter.

Sec. 7. Section 2, chapter 256, Laws of 1961 as amended by section 2, chapter 7, Laws of 1975 1st ex. sess. and RCW 15.65.020 are each amended to read as follows:

The following terms are hereby defined:

(1) "Director" means the director of agriculture of the state of Washington or his duly appointed representative. The phrase "director or his designee" means the director unless, in the provisions of any marketing agreement or order, he has designated an administrator, board or other designee to act for him in the matter designated, in which case "director or his designee" means for such order or agreement the administrator, board or other person(s) so designated and not the director.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Marketing order" means an order issued by the director pursuant to this chapter.

(4) "Marketing agreement" means an agreement entered into and issued by the director pursuant to this chapter.

(5) "Agricultural commodity" means any distinctive type of agricultural, horticultural, viticultural, floricultural, vegetable or animal product, including private sector cultured aquatic products as defined in section 2 of this 1985 act, either in its natural or processed state, including bees and honey but not including timber or timber products. The director is hereby authorized to determine (on the basis of common usage and practice) what kinds, types or subtypes should be classed together as an agricultural commodity for the purposes of this chapter.

(6) "Production area" and "marketing area" means any area defined as such in any marketing order or agreement in accordance with RCW 15.65.350. "Affected area" means the marketing or production area so defined in such order, agreement or proposal.

(7) "Unit" of an agricultural commodity means a unit of volume, weight, quantity, or other measure in which such commodity is commonly measured. The director shall designate in each marketing order and agreement the unit to be used therein.

(8) "Affected unit" means in the case of marketing agreements and orders drawn on the basis of a production area, any unit of the commodity specified in or covered by such agreement or order which is produced in such area and sold or marketed or delivered for sale or marketing; and "affected unit" means, in the case of marketing agreements and orders drawn on the basis of marketing area, any unit of the commodity specified in or covered by such agreement or order which is sold or marketed or delivered for sale or marketing within such marketing area: PROVIDED, That in the case of marketing agreements "affected unit" shall include only those units which are produced by producers or handled by handlers who have assented to such agreement.

(9) "Affected commodity" means that part or portion of any agricultural commodity which is covered by or forms the subject matter of any marketing agreement or order or proposal, and includes all affected units thereof as herein defined and no others.

(10) "Producer" means any person engaged in the business of producing any agricultural commodity for market in commercial quantities. "Affected producer" means any producer of an affected commodity. "To produce" means to act as a producer. For the purposes of RCW 15.65.140 and 15.65.160 as now or hereafter amended "producer" shall include bailees who contract to produce or grow any agricultural product on behalf of a bailor who retains title to the seed and its resulting agricultural product or the agricultural product delivered for further production or increase.

(11) "Handler" means any person who acts, either as principal, agent or otherwise, in processing, selling, marketing or distributing an agricultural commodity which was not produced by him. "Affected handler" means any handler of an affected commodity. "To handle" means to act as a handler.

(12) "Producer-handler" means any person who acts both as a producer and as a handler with respect to any agricultural commodity. A producer-handler shall be deemed to be a producer with respect to the agricultural commodities which he produces, and a handler with respect to the agricultural commodities which he handles, including those produced by himself.

(13) "Cooperative association" means any incorporated or unincorporated association of producers which conforms to the qualifications set out in the act of congress of the United States of February 18, 1922 as amended, known as the "Capper-Volstead Act" and which is engaged in making collective sales or in marketing any agricultural commodity or product thereof or in rendering service for or advancing the interests of the producers of such commodity on a non-profit cooperative basis.

(14) "Member of a cooperative association" means any producer who markets his product through such cooperative association and who is a voting stockholder or has a vote in the control of or is a party to a marketing agreement with such cooperative association with respect to such product.

(15) "Producer marketing" or "marketed by producers" means any or all operations performed by any producer or cooperative association of producers in preparing for market and marketing, and shall include: (a) selling any agricultural commodity produced by such producer(s) to any handler; (b) delivering any such commodity or otherwise disposing of it for commercial purposes to or through any handler.

(16) "Commercial quantities" as applied to producers and/or production means such quantities per year (or other period of time) of an agricultural commodity as the director finds are not less than the minimum which a prudent man engaged in agricultural production would produce for the purpose of making such quantity of such commodity a substantial contribution to the economic operation of the farm on which such commodity is produced. "Commercial quantities" as applied to handlers and/or handling means such quantities per year (or other period of time) of an agricultural commodity or product thereof as the director finds are not less than the minimum which a prudent man engaged in such handling would handle for the purpose of making such quantity a substantial contribution to the handling operation in which such commodity or product thereof is so handled. In either case the director may in his discretion: (a) determine that substantial quantity is any amount above zero; and (b) apply the quantity so determined on a uniform rule applicable alike to all persons which he finds to be similarly situated.

(17) "Commodity board" means any board established pursuant to RCW 15.65.220. "Board" means any such commodity board unless a different board is expressly specified.

(18) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter or trade.

(19) "Section" means a section of this chapter unless some other statute is specifically mentioned. The present includes the past and future tenses, and the past or future the present. The masculine gender includes the feminine and neuter. The singular number includes the plural and the plural includes the singular.

(20) "Represented in a referendum" means that a written document evidencing approval or assent or disapproval or dissent is duly and timely filed with or mailed to the director by or on behalf of an affected producer and/or a volume of production of an affected commodity in a form which the director finds meets the requirements of this chapter.

(21) "Person" as used in this chapter shall mean any person, firm, association or corporation.

Sec. 8. Section 15.66.010, chapter 11, Laws of 1961 as last amended by section 6, chapter 288, Laws of 1983 and RCW 15.66.010 are each amended to read as follows:

For the purposes of this chapter:

(1) "Director" means the director of agriculture of the state of Washington or any qualified person or persons designated by the director of agriculture to act for him concerning some matter under this chapter.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Marketing order" means an order issued by the director pursuant to this chapter.

(4) "Agricultural commodity" means any distinctive type of agricultural, horticultural, viticultural, vegetable, and/or animal product, including private sector cultured aquatic products as defined in section 2 of this 1985 act, within its natural or processed state, including bees and honey but not including timber or timber products. The director is authorized to determine what kinds, types or subtypes should be classed together as an agricultural commodity for the purposes of this chapter.

(5) "Producer" means any person engaged in the business of producing or causing to be produced for market in commercial quantities any agricultural commodity. For the purposes of RCW 15.66.060, 15.66.090, and 15.66.120, as now or hereafter amended "producer" shall include

bailees who contract to produce or grow any agricultural product on behalf of a bailor who retains title to the seed and its resulting agricultural product or the agricultural product delivered for further production or increase.

(6) "Affected producer" means any producer of an affected commodity.

(7) "Affected commodity" means any agricultural commodity for which the director has established a list of producers pursuant to RCW 15.66.060.

(8) "Commodity commission" or "commission" means a commission formed to carry out the purposes of this chapter under a particular marketing order concerning an affected commodity.

(9) "Unit" means a unit of volume, quantity or other measure in which an agricultural commodity is commonly measured.

(10) "Unfair trade practice" means any practice which is unlawful or prohibited under the laws of the state of Washington including but not limited to Titles 15, 16 and 69 RCW and chapters 9.16, 19.77, 19.80, 19.84, and 19.83 RCW, or any practice, whether concerning interstate or intrastate commerce that is unlawful under the provisions of the act of Congress of the United States, September 26, 1914, chapter 311, section 5, 38 U.S. Statutes at Large 719 as amended, known as the "Federal Trade Commission Act of 1914", or the violation of or failure accurately to label as to grades and standards in accordance with any lawfully established grades or standards or labels.

(11) "Person" includes any individual, firm, corporation, trust, association, partnership, society, or any other organization of individuals.

(12) "Cooperative association" means any incorporated or unincorporated association of producers which conforms to the qualifications set out in the act of Congress of the United States, Feb. 18, 1922, chapter 57, sections 1 and 2, 42 U.S. Statutes at Large 388 as amended, known as the "Capper-Volstead Act" and which is engaged in making collective sales or in marketing any agricultural commodity or product thereof or in rendering service for or advancing the interests of the producers of such commodity on a nonprofit cooperative basis.

(13) "Member of a cooperative association" or "member" means any producer of an agricultural commodity who markets his product through such cooperative association and who is a voting stockholder or has a vote in the control of or is under a marketing agreement with such cooperative association with respect to such product.

Sec. 9. Section 43.23.030, chapter 8, Laws of 1965 as last amended by section 5, chapter 248, Laws of 1983 and RCW 43.23.030 are each amended to read as follows:

The director of agriculture shall exercise all the powers and perform all the duties relating to the development of markets, for agricultural products, state and federal cooperative marketing programs, land utilization for agricultural purposes, water resources, transportation, and farm labor as such matters relate to the production, distribution and sale of agricultural commodities and private sector cultured aquatic products as defined in section 2 of this 1985 act.

Sec. 10. Section 46.16.090, chapter 12, Laws of 1961 as last amended by section 45, chapter 136, Laws of 1979 ex. sess. and RCW 46.16.090 are each amended to read as follows:

Motor trucks or trailers may be specially licensed based on the maximum gross weight thereof for fifty percent of the various amounts set forth in the schedule provided in RCW 46.16.070, when such trucks or trailers are owned and operated by farmers, but only if the following condition or conditions exist:

(1) When such trucks or trailers are to be used for the transportation of such farmer's own farm, orchard, or dairy products, or private sector cultured aquatic products as defined in section 2 of this 1985 act from point of production to market or warehouse, and of supplies to be used on ~~(his)~~ the farmer's farm: PROVIDED, That fish other than those that are private sector cultured aquatic products as defined in section 2 of this 1985 act and forestry products shall not be considered as farm products; and/or

(2) When such trucks or trailers are to be used for the infrequent or seasonal transportation by one such farmer for another farmer in ~~(his)~~ the farmer's neighborhood of products of the farm, orchard, ~~(or)~~ dairy, or aquatic farm owned by such other farmer from point of production to market or warehouse, or supplies to be used on such other farm, but only if such transportation for another farmer is for compensation other than money: PROVIDED, HOWEVER, That farmers shall be permitted an allowance of an additional eight thousand pounds, within the legal limits, on motor trucks or trailers, when used in the transportation of such farmer's own farm machinery between ~~(his)~~ the farmer's own farm or farms and for a distance of not more than thirty-five miles from ~~(his)~~ the farmer's farm or farms.

The department shall prepare a special form of application to be used by farmers applying for licenses under this section, which form shall contain a statement to the effect that the vehicle or trailer concerned will be used subject to the limitations of this section. The department shall prepare special insignia which shall be placed upon all such vehicles or trailers to indicate that the vehicle or trailer is specially licensed, or may, in its discretion, substitute a special license plate for such vehicles or trailers for such designation.

Operation of such a specially licensed vehicle or trailer in transportation upon public highways in violation of the limitations of this section is a traffic infraction.

Sec. 11. Section 75.08.080, chapter 12, Laws of 1955 as last amended by section 15, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.08.080 are each amended to read as follows:

- (1) The director may adopt, amend, or repeal rules as follows:
 - (a) Specifying the times when the taking of food fish or shellfish is lawful or unlawful.
 - (b) Specifying the areas and waters in which the taking and possession of food fish or shellfish is lawful or unlawful.
 - (c) Specifying and defining the gear, appliances, or other equipment and methods that may be used to take food fish or shellfish, and specifying the times, places, and manner in which the equipment may be used or possessed.
 - (d) Regulating the possession, disposal, landing, and sale of food fish or shellfish within the state, whether acquired within or without the state.
 - (e) Regulating the prevention and suppression of diseases and pests affecting food fish or shellfish.
 - (f) Regulating the size, sex, species, and quantities of food fish or shellfish that may be taken, possessed, sold, or disposed of.
 - (g) Specifying the statistical and biological reports required from fishermen, dealers, boat-houses, or processors of food fish or shellfish.
 - (h) Classifying species of marine and freshwater life as food fish or shellfish.
 - (i) Classifying the species of food fish and shellfish that may be used for purposes other than human consumption.
 - (j) Other rules necessary to carry out this title and the purposes and duties of the department.

(2) Subsections (1)(a), (b), (c), (d), ~~((and)) (e), (f), (h), (i), and (j)~~ of this section do not apply to:

- (a) Licensed oyster farms or oysters produced thereon; or
- (b) ~~Private tideland owners and lessees of state tidelands, when they take or possess oysters, clams, cockles, borers, or mussels, excluding razor clams, produced on their own private tidelands or their leased state tidelands for personal use)~~ private sector cultured aquatic products as defined in section 2 of this 1985 act.

Sec. 12. Section 75.28.010, chapter 12, Laws of 1955 as last amended by section 101, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.010 are each amended to read as follows:

(1) Except as otherwise provided by this title, a license or permit issued by the director is required to:

- (a) Commercially fish for or take food fish or shellfish;
 - (b) Deliver food fish or shellfish taken in offshore waters;
 - (c) Operate a charter boat; or
 - (d) ~~(Operate a commercial food fish or shellfish farm; or~~
 - ~~(e))~~ Engage in processing or wholesaling food fish or shellfish.
- (2) It is unlawful to engage in the activities described in subsection (1) of this section without having in possession the licenses or permits required by this title.

(3) No license or permit is required for the production, harvesting, delivery, processing, or wholesaling of private sector cultured aquatic products as defined in section 2 of this 1985 act.

Sec. 13. Section 75.28.280, chapter 12, Laws of 1955 as last amended by section 125, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.280 are each amended to read as follows:

~~((1) A clam farm license is required for the licensee to operate a commercial clam farm of one or more tracts of lands on tidelands or beds of navigable waters. The annual license fee is fifteen dollars for residents and nonresidents.~~

~~A clam farm license is not required for subtidal geoduck tracts for which licenses have been obtained under RCW 75.28.287.~~

~~(2) An oyster farm license is required for the licensee to operate a commercial oyster farm on tidelands or beds of navigable waters. The annual license fee is fifteen dollars for residents and nonresidents.~~

~~(3) Separate clam farm and oyster farm licenses are required for each of the following districts as defined by rule of the director: Northern Puget Sound district, southern Puget Sound district, Grays Harbor district, and Willapa Harbor district.~~

~~(4)) A mechanical harvester license is required to operate a mechanical or hydraulic device for commercially harvesting clams, other than geoduck clams, on a clam farm unless the requirements of RCW 75.20.100 are fulfilled for the proposed activity. The annual license fee is three hundred dollars for residents and nonresidents.~~

Sec. 14. Section 75.28.300, chapter 12, Laws of 1955 as last amended by section 132, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.300 are each amended to read as follows:

A wholesale fish dealer's license is required for:

(1) A business in the state to engage in the commercial processing of food fish or shellfish, including custom canning or processing of personal use food fish or shellfish.

(2) A business in the state to engage in the wholesale selling, buying, or brokering of food fish or shellfish. A wholesale fish dealer's license is not required of those businesses which buy exclusively from Washington licensed wholesale dealers and sell solely at retail.

(3) Fishermen ((or aquaculturists)) who land and sell their catch or harvest in the state to anyone other than a licensed wholesale dealer within or outside the state.

(4) A business to engage in the commercial manufacture or preparation of fertilizer, oil, meal, caviar, fish bait, or other byproducts from food fish or shellfish.

The annual license fee is thirty-seven dollars and fifty cents. A wholesale fish dealer's license is not required for persons (~~(buying or selling oyster seed for transplant)~~) engaged solely in the processing, wholesale selling, buying, or brokering of private sector cultured aquatic products as defined in section 2 of this 1985 act.

Sec. 15. Section 77.08.020, chapter 36, Laws of 1955 as last amended by section 10, chapter 78, Laws of 1980 and RCW 77.08.020 are each amended to read as follows:

(1) As used in this title or rules of the commission, "game fish" means those species of the class Osteichthyes that shall not be fished for except as authorized by rule of the commission and includes:

SCIENTIFIC NAME	COMMON NAME
Ambloplites rupestris	rock bass
Coregonus clupeaformis	lake white fish
Ictalurus furcatus	blue catfish
Ictalurus melas	black bullhead
Ictalurus natalis	yellow bullhead
Ictalurus nebulosus	brown bullhead
Ictalurus punctatus	channel catfish
Lepomis cyanellus	green sunfish
Lepomis gibbosus	pumpkinseed
Lepomis gulosus	warmouth
Lepomis macrochirus	bluegill
Lota lota	burbot or fresh water ling
Micropterus dolomieu	smallmouth bass
Micropterus salmoides	largemouth bass
Oncorhynchus nerka (in its landlocked form)	kokanee or silver trout
Perca flavescens	yellow perch
Pomixis annularis	white crappie
Pomixis nigromaculatus	black crappie
Prosopium williamsoni	mountain white fish
Salmo aquabonita	golden trout
Salmo clarkii	cutthroat trout
Salmo gairdnerii	rainbow or steelhead trout
Salmo salar	Atlantic salmon
Salmo trutta	brown trout
Salvelinus fontinalis	eastern brook trout
Salvelinus malma	Dolly Varden trout
Salvelinus namaycush	lake trout
Stizostedion vitreum	Walleye
Thymallus arcticus	arctic grayling

(2) Private sector cultured aquatic products as defined in section 2 of this 1985 act are not game fish.

Sec. 16. Section 77.28.020, chapter 36, Laws of 1955 as last amended by section 98, chapter 78, Laws of 1980 and RCW 77.12.570 are each amended to read as follows:

The commission shall adopt rules specifying the procedures, qualifications, and conditions for issuing a game farm license and governing the operation of game farms. Private sector cultured aquatic products as defined in section 2 of this 1985 act are exempt from regulation under this section.

Sec. 17. Section 77.28.080, chapter 36, Laws of 1955 as amended by section 100, chapter 78, Laws of 1980 and RCW 77.12.590 are each amended to read as follows:

Wildlife given away, sold, or transferred by a licensed game farmer shall have attached to each wildlife member, package, or container, a tag, seal, or invoice as required by the commission. Private sector cultured aquatic products as defined in section 2 of this 1985 act are exempt from regulation under this section.

Sec. 18. Section 77.28.090, chapter 36, Laws of 1955 as amended by section 101, chapter 78, Laws of 1980 and RCW 77.12.600 are each amended to read as follows:

A common carrier may transport wildlife shipped by a licensed game farmer if the wildlife is tagged, sealed, or invoiced as provided in RCW 77.12.590. Packages containing wildlife shall have affixed to them tags or labels showing the name of the licensee and the consignee. For purposes of this section, wildlife does not include private sector cultured aquatic products as defined in section 2 of this 1985 act.

Sec. 19. Section 77.32.010, chapter 36, Laws of 1955 as last amended by section 2, chapter 284, Laws of 1983 and RCW 77.32.010 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, a license issued by the commission is required to:

- (a) Hunt for wild animals or wild birds or fish for game fish;
- (b) Practice taxidermy for profit;
- (c) Deal in raw furs for profit;
- (d) Act as a fishing guide;
- (e) Operate a game farm;
- (f) Purchase or sell anadromous game fish; or
- (g) Use department-managed lands or facilities as provided by rule of the commission.

(2) A permit issued by the director is required to:

(a) Conduct, hold, or sponsor hunting or fishing contests or competitive field trials using live wildlife;

(b) Collect wild animals, wild birds, game fish, or protected wildlife for research or display; or

(c) Stock game fish.

(3) Aquaculture as defined in section 2 of this 1985 act is exempt from the requirements of this section, except when being stocked in public waters under contract with the department of game.

NEW SECTION. Sec. 20. Sections 1 through 6 of this act shall constitute a new chapter in Title 16 RCW.

NEW SECTION. Sec. 21. The following acts or parts of acts are each repealed:

(1) Section 2, chapter 35, Laws of 1971, section 124, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.265; and

(2) Section 10, chapter 212, Laws of 1955, section 126, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.282."

MOTION

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

On page 2, beginning on line 12, strike all material through "problems." on line 18

Debate ensued.

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

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

MOTION

Senator McDermott moved that the following amendments to the amendment be considered simultaneously and adopted:

On page 3, line 1, after "in" strike "marine or"

On page 3, line 20, after "of" strike "marine or"

Debate ensued.

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

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

MOTION

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

On page 4, beginning on line 29, strike all of Section 3 and renumber the remaining Sections consecutively

Debate ensued.

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

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

MOTION

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

On page 5, beginning on line 1, after "program" insert "entirely funded by user fees which the director may establish following a public hearing"

Debate ensued.

MOTIONS

On motion of Senator Bottiger, further consideration of Senate Bill No. 3067 was deferred.

At 4:55 p.m., on motion of Senator Bottiger, the Senate recessed until 6:00 p.m.

EVENING SESSION

The Senate was called to order at 6:09 p.m. by President Cherberg.

SECOND READING

SENATE BILL NO. 3904, by Senators Kiskaddon and Johnson

Permitting self-medication in boarding homes under certain circumstances.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 3904 was substituted for Senate Bill No. 3904 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Granlund, the following amendments by Senator Kiskaddon were considered and adopted simultaneously:

On page 1, line 12, after "individuals" insert: "to direct their self-medication or"

On page 1, line 27, after "self-medication", insert: "or self-directed medication"

On motion of Senator Granlund, the following amendment by Senator Kiskaddon was adopted:

On page 1, line 14, after the word "chapter" insert: "18.57 RCW or"

On motion of Senator Zimmerman, Senator Kiskaddon was excused.

On motion of Senator Bender, Senator Williams was excused.

On motion of Senator Granlund, the rules were suspended, Engrossed Substitute Senate Bill No. 3904 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. 3904.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3904 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Zimmerman - 47.

Excused: Senators Kiskaddon, Williams - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3904, having received the 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. 3067 and the pending McDermott amendment on page 5, line 1, to the amendment. Debate ensued.

The President 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

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

On page 5, line 3, after "farmers" insert "substantially similar to the program adopted by the Department of Fisheries"

Debate ensued.

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

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

MOTION

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

On page 5, line 14, after "other" strike "private sector cultured"

MOTION

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

On page 5, line 16, after "program" strike "may" and insert "shall"

Debate ensued.

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

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

MOTION

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

On page 6, beginning on line 26, strike all of subsection (4) and renumber the remaining subsections consecutively.

Debate ensued.

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

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

MOTION

Senator McDermott moved that the following amendments to the amendment be considered simultaneously and adopted:

On page 7, line 10, after "of" insert "eight voting members including"

On page 8, line 5, after "least" strike "three" and insert "five"

Debate ensued.

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

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

MOTION

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

On page 8, line 13, after "with" insert "and the approval of"

Debate ensued.

MOTION

On motion of Senator McDermott, and there being no objection, the amendment to the amendment was withdrawn.

MOTION

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

On page 21, line 26, after "((and))" strike "(e)."

Debate ensued.

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

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

PARLIAMENTARY INQUIRY

Senator McDermott: "I have a striking amendment and if we adopt this amendment, how will you take the striking amendment?"

REPLY BY THE PRESIDENT

President Cherberg: "Once the striking amendment is confirmed, then you can present your argument, Senator. It depends on what the body wishes to do."

MOTION

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

On page 30, line 1, insert "NEW SECTION, Sec. 22. The department of agriculture is to report to the legislature on the expenditure of funds needed to implement the disease program called for in section 4 of this 1985 act. The report shall detail what percentage of the funds come from user fees and what percentage of the funds come from the state general fund. The report shall be delivered to the legislature by January 1, 1987."

The President declared the question before the Senate to be adoption of the amendment by Senators Bottiger, Hansen and Vognild, as amended.

Debate ensued.

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

MOTIONS

On motion of Senator Bottiger, the following title amendments were adopted:

On page 1, on line 1 of the title, after "farming;" strike the remainder of the title and insert "amending RCW 15.65.020, 15.66.010, 43.23.030, 46.16.090, 75.08.080, 75.28.010, 75.28.280, 75.28.300, 77.08.020, 77.12.570, 77.12.590, 77.12.600, and 77.32.010; adding a new chapter to Title 16 RCW; and repealing RCW 75.28.265 and 75.28.282."

On page 30, line 12, after "RCW;" insert "creating a new section:"

On motion of Senator Zimmerman, Senator von Reichbauer was excused.

On motion of Senator Bottiger, the rules were suspended, Engrossed Senate Bill No. 3067 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 Senate Bill No. 3067.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3067 and the bill passed the Senate by the following vote: Yeas, 38; nays, 9; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Vognild, Warnke, Wojahn - 38.

Voting nay: Senators McDermott, Moore, Owen, Rinehart, Stratton, Talmadge, Thompson, Williams, Zimmerman - 9.

Excused: Senators Kiskaddon, von Reichbauer - 2.

ENGROSSED 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 READING

SENATE JOINT MEMORIAL NO. 104, by Senator Fleming

Petitioning Congress to enact legislation to provide financial assistance to Japanese-Americans who were relocated during World War II.

MOTIONS

On motion of Senator Thompson, Substitute Senate Joint Memorial No. 104 was substituted for Senate Joint Memorial No. 104 and the substitute memorial was advanced to second reading and read the second time.

On motion of Senator Thompson, the rules were suspended, Substitute Senate Joint Memorial No. 104 was advanced to third reading, the second reading considered the third, and the memorial 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 Joint Memorial No. 104.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Joint Memorial No. 104 and the memorial passed the Senate by the following vote: Yeas, 32; nays, 12; absent, 3; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Johnson, Kreidler, Lee, McDermott, McDonald, McManus, Moore, Peterson, Pullen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Williams, Wojahn, Zimmerman - 32.

Voting nay: Senators Barr, Benitz, Cantu, Craswell, Guess, Hansen, Hayner, McCaslin, Newhouse, Owen, Patterson, Rasmussen - 12.

Absent: Senators Deccio, Metcalf, Warnke - 3.

Excused: Senators Kiskaddon, von Reichbauer - 2.

SENATE JOINT MEMORIAL NO. 104, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 3369, by Senators Talmadge, Fleming, DeJarnatt and Kreidler

Authorizing municipalities to make reparations to certain employees who suffered salary losses during World War II.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 3369 was substituted for Senate Bill No. 3369 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Thompson, the rules were suspended, Substitute Senate Bill No. 3369 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Bender, Senator Warnke was excused.

POINT OF INQUIRY

Senator Rinehart: "Senator Talmadge, is it the intent of this bill to authorize the recent action of the Seattle School Board to compensate employees terminated in 1942, in the amount of \$5,000 each?"

Senator Talmadge: "Yes."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3369.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3369 and the bill passed the Senate by the following vote: Yeas, 33; nays, 11; absent, 2; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Johnson, Kreidler, Lee, McDermott, McDonald, McManus, Moore, Peterson, Pullen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Williams, Wojahn, Zimmerman - 33.

Voting nay: Senators Benitz, Cantu, Craswell, Guess, Hayner, McCaslin, Metcalf, Newhouse, Owen, Patterson, Rasmussen - 11.

Absent: Senators Deccio, Hansen - 2.

Excused: Senators Kiskaddon, von Reichbauer, Warnke - 3.

SUBSTITUTE SENATE BILL NO. 3369, having received the constitutional 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 reverted to the first order of business.

REPORT OF STANDING COMMITTEE
GUBERNATORIAL APPOINTMENT

March 12, 1985

GA 101 CONSTANCE L. PROCTER, to the position of Member of the Public Disclosure Commission, appointed by the Governor on February 19, 1985, for the term ending December 31, 1989, succeeding Marjorie J. Kafer.
Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman, McCaslin, Moore, Newhouse, Owen, Thompson.

Passed to Committee on Rules.

MOTION

At 7:26 p.m., on motion of Senator Vognild, the Senate adjourned until 9:00 a.m., Thursday, March 14, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

SIXTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, March 14, 1985

The Senate was called to order at 9:15 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator McDonald. On motion of Senator Zimmerman, Senator McDonald was excused.

The Sergeant at Arms Color Guard, consisting of Susi Germann and Christal Wicklander, presented the Colors. Reverend David Steen, pastor of the Lutheran Church of the Good Shepherd of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

March 13, 1985

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 22,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 101,

SUBSTITUTE HOUSE BILL NO. 127,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 166,

SUBSTITUTE HOUSE BILL NO. 232,

SUBSTITUTE HOUSE BILL NO. 512,

HOUSE BILL NO. 629, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

March 13, 1985

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 242,

SUBSTITUTE HOUSE BILL NO. 272,

HOUSE BILL NO. 675,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 746,

SUBSTITUTE HOUSE BILL NO. 799,

SUBSTITUTE HOUSE BILL NO. 805,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 932,

SUBSTITUTE HOUSE BILL NO. 1134,

SUBSTITUTE HOUSE BILL NO. 1195, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 22 by Representatives Vekich, Nealey, Baugher, Holland, Todd, Betrozoff, C. Smith, Isaacson, Doty, Unsoeld, Rayburn, Chandler and Sayan

Providing remedies to protect ground water rights.

Referred to Committee on Agriculture.

ESHB 101 by Committee on Commerce and Labor (originally sponsored by Representatives Patrick and S. Wilson)

Revising requirements for chance drawings by in-state grocery retail outlets.

Referred to Committee on Commerce and Labor.

SHB 127 by Committee on Natural Resources (originally sponsored by Representatives Sutherland and McMullen)

Empowering wildlife agents and fisheries patrol officers to enforce state traffic and criminal laws.

Referred to Committee on Governmental Operations.

ESHB 166 by Committee on Higher Education (originally sponsored by Representatives Sayan, Sommers, Belcher, Prince and Jacobsen)

Changing provisions relating to public university and college construction bids.

Referred to Committee on Education.

SHB 232 by Committee on Environmental Affairs (originally sponsored by Representatives Ebersole, Brough, Nutley, Smitherman, Allen, Walker, Locke, Haugen, Belcher, Winsley, Wang, Crane, Lux and Unsoeld)

Establishing groundwater management plan procedures and advisory committee.

Referred to Committee on Agriculture.

SHB 242 by Committee on Judiciary (originally sponsored by Representatives Locke, Patrick, Sanders, Winsley, Lewis, Fuhrman, Addison, S. Wilson, Miller, Tilly, G. Nelson, R. King, Van Luven, May, Bond, Silver, Taylor, Long, D. Nelson, Isaacson, Unsoeld and Schoon) (by Attorney General request)

Modifying provisions concerning rights of crime victims, their survivors, and witnesses of crime.

Referred to Committee on Judiciary.

SHB 272 by Committee on Judiciary (originally sponsored by Representatives Scott, Niemi, Padden, Tilly, Dellwo, Rayburn, Armstrong, Fisch, Tanner, Winsley, Taylor, Van Luven, Silver and Day)

Allowing admission of children's statements in criminal and dependency proceedings.

Referred to Committee on Judiciary.

SHB 512 by Committee on Judiciary (originally sponsored by Representatives Leonard, Sanders, Cole, Scott, D. Nelson, Smitherman, Crane, Belcher, Lewis, Braddock, Allen, Winsley, Rayburn, K. Wilson, Kremen, Locke, Todd, Isaacson, P. King, Rust, Tanner, Holland, Brough and Fisher)

Establishing a bill of rights for children who are victims or witnesses to crime.

Referred to Committee on Judiciary.

HB 629 by Representatives Cole, R. King, Ebersole, Scott, Betzoff, Walker, Taylor, Armstrong, Jacobsen, Basich, Unsoeld, P. King, Leonard, Long, Appelwick, Vekich, Rust, Todd, D. Nelson, Belcher and Barnes

Modifying requirements for elections for general obligation bonds for capital purposes.

Referred to Committee on Education.

HB 675 by Representatives Niemi, Barrett, Dellwo, Crane, Lewis, Appelwick, Tilly, Armstrong, Padden, Schmidt, Scott, Wang and Long

Including stepchildren as potential plaintiffs in wrongful death action.

Referred to Committee on Judiciary.

ESHB 746 by Committee on Judiciary (originally sponsored by Representatives Schmidt, Zellinsky, Crane, West, Scott and J. Williams)

Revising the requirement to provide health insurance coverage in child support cases.

Referred to Committee on Judiciary.

SHB 799 by Committee on Education (originally sponsored by Representatives Scott, Ballard, K. Wilson, Cole, P. King, Ebersole, Long, Haugen, R. King, Todd and Isaacson)

Encouraging school districts to provide community service programs on parenting and the problems of child abuse.

Referred to Committee on Education.

SHB 805 by Committee on Education (originally sponsored by Representatives Scott, K. Wilson, Cole, P. King, Ebersole, Long, Haugen, Winsley, Tanner, G. Nelson and Todd)

Requiring training in recognizing potential victims of child abuse.

Referred to Committee on Judiciary.

ESHB 932 by Committee on Judiciary (originally sponsored by Representatives K. Wilson, Allen, P. King, Armstrong, Miller, Leonard, Lewis, G. Nelson, Tanner, Patrick, Brough, May, Winsley and Todd)

Strengthening laws on reporting of child abuse.

Referred to Committee on Judiciary.

SHB 1134 by Committee on Social and Health Services (originally sponsored by Representatives West, G. Nelson, Lewis, Isaacson and May)

Requiring department of social and health services to screen employees dealing with children and developmentally disabled persons.

Referred to Committee on Human Services and Corrections.

SHB 1195 by Committee on State Government (originally sponsored by Representatives Addison, P. King and Holland)

Directing state agencies to establish flexible-time work schedules for employees.

Referred to Committee on Governmental Operations.

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

SECOND READING

SENATE BILL NO. 3740, by Senator Talmadge

Relating to courts.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 3740 was substituted for Senate Bill No. 3740 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Talmadge, the following amendment was adopted:
On page 23, line 30, after "Sections" insert "2 and"

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute Senate Bill No. 3740 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 Talmadge, are there any provisions in the bill that affect the right of trial by jury?"

Senator Talmadge: "No."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3740.

POINT OF INQUIRY

Senator Barr: "Senator Talmadge, I'm not clear on what the redistribution of the court receipts means to the small counties. Could you clarify that?"

Senator Talmadge: "Certainly. In the 1984 Act, you might recall that we used to have a whole series of special accounts to which certain parts of the civil filing fees and other fees went. In the 1984 Act, we simply put all of those into one single account and that account was to be distributed 65 percent to the local government and 35 percent to the state government. Out of our 35 percent, for example, comes Crime Victims Compensation and some other very important services such as the Criminal Justice Training Commission, etc.

"We said, however, at the time that we passed the Act, that if it impacted adversely on the revenue coming into the county governments that we would review the figures and if there was an adverse impact, we would adjust the formula to make its revenue neutral. What we've done is adjust the formula to provide for 68 percent of the revenues derived by fees and forfeitures to the local governments and 32 percent to the state government. That reflects a revenue neutral distribution of the fines and fees amongst the county and state governments. It should mean some more money in terms of revenue for the local governments as a result of this bill."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3740.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3740 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senator Pullen - 1.

Excused: Senator McDonald - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3740, having received the constitutional majority, 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. 3756, by Senators Lee and Talmadge

Expanding aircraft noise abatement programs.

MOTIONS

On motion of Senator Kreidler, Substitute Senate Bill No. 3756 was substituted for Senate Bill No. 3756 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Kreidler, the rules were suspended, Substitute Senate Bill No. 3756 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. 3756.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3756 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator McDonald - 1.

SUBSTITUTE SENATE BILL NO. 3756, having received the constitutional majority, 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. 3768, by Senators Thompson and Zimmerman

Providing for alteration of municipal utility systems.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Senate Bill No. 3768 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 Thompson, any time we take away the right of voter approval, it should cause a legislator to stop and ask a couple of questions. Apparently, there was a reason in the existing law why prior legislators thought it was important to require voter approval. Could you give us some indication of the historical reasons why prior legislators thought voter approval was so important in this area?"

Senator Thompson: "I've concluded that these statutes, because they are old, were established at a time that city water systems were planned and formed and the question of the manner and method of delivering water was considered crucial at that time. There are still safeguards, of course, in the establishment of extensions and in the financing of water system improvements. This language, at this stage of development of these systems, is unduly restrictive. They've aged to a point, now, where new pipe has to go in, some new rerouting, some size changes and that sort of thing and these sections, having been ignored all these years, now loom as unduly restrictive."

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3768.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3768 and the bill passed the Senate by the following vote: Yeas, 37; nays, 9; absent, 2; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 37.

Voting nay: Senators Cantu, Craswell, Johnson, Lee, McCaslin, Metcalf, Pullen, Rasmussen, Sellar - 9.

Absent: Senators Conner, McDermott - 2.

Excused: Senator McDonald - 1.

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.

SECOND READING

SENATE BILL NO. 3818, by Senators Rasmussen, Pullen and Kreidler (by Secretary of State request)

Adding an appointee of the director of financial management to the records committee.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Senate Bill No. 3818 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 Senate Bill No. 3818.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3818 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator McDonald - 1.

SENATE BILL NO. 3818, having received the constitutional majority, 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. 3822, by Senator Sellar

Revising interest rates on life insurance policy settlements.

MOTIONS

On motion of Senator Fleming, Substitute Senate Bill No. 3822 was substituted for Senate Bill No. 3822 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Fleming, the rules were suspended, Substitute Senate Bill No. 3822 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Vognild, further consideration of Substitute Senate Bill No. 3822 was deferred.

SECOND READING

SENATE BILL NO. 3826, by Senator Garrett

Modifying provisions on local government finances.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Senate Bill No. 3826 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. 3826.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3826 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senator Pullen - 1.

Excused: Senator McDonald - 1.

SENATE BILL NO. 3826, having received the 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. 3822, deferred on third reading earlier today.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3822.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3822 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Metcalf - 1.

Excused: Senator McDonald - 1.

SUBSTITUTE SENATE BILL NO. 3822, having received the 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. 3717 and the pending amendment by Senator McDermott on page 10, line 2, deferred March 13, 1985.

MOTION

On motion of Senator McDermott, and there being no objection, the amendment was withdrawn.

MOTION

Senator McDermott moved that the following amendment be adopted:

On page 10, after line 2, insert the following:

*Sec. 13. Section 6, chapter 294, Laws of 1977 ex. sess. as amended by section 10, chapter 184, Laws of 1984 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:

Member	50%
Employer	30%
State	20%

Effective January 1, 1986, however, no contributions are required for any calendar month in which the member is not granted service credit.

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 all employers of any pending adjustment in the required contribution rate and such increase shall be announced at least thirty days prior to the effective date of the change.

Members' contributions required by this section shall be deducted from the members basic salary each payroll period. The members contribution and the employers contribution shall be remitted directly to the department within fifteen days following the end of the calendar month during which the payroll period ends.

Until such time as the director shall establish other rates, members, employers of such members, and the state shall each contribute the following percentages of basic salary:

Member	8.14%
Employer	4.88%
State	3.28%

In addition, the state shall initially contribute an additional twenty percent of basic salary per member to amortize the unfunded supplemental present value of the retirement system in effect on September 30, 1977.

Sec. 14. Section 11, chapter 14, Laws of 1963 ex. sess. as last amended by section 1, chapter 236, Laws of 1984 and RCW 41.32.401 are each amended to read as follows:

(1) For the purpose of establishing and maintaining an actuarial reserve adequate to meet present and future liabilities of the system and to pay for an equitable portion of the operating

expenses of the department, the director shall determine the necessary contribution rates to be made by each employer on all members' total earnable compensation on the basis of the latest valuation prepared by the state actuary, and shall include a percentage contribution of the total earnable compensation, to be known as the "normal contribution" and an additional percentage contribution of such earnable compensation, to be known as the "unfunded liability contribution." The director shall notify employers of such rates at least thirty days prior to their effective date. Such determination shall provide for amortization of unfunded retirement system liabilities over a period of not more than fifty years from July 1, 1964. The legislature shall appropriate to the superintendent of public instruction the full amount recommended by the state actuary for the employer contribution rates for state funded certificated staff. The amounts shall be deposited in the teachers' retirement fund for the payment of pensions, survivors' benefits, and the employer's share of the operating expenses for the system. However, a school district for the 1985-86 school year shall not be required to pay to the department of retirement systems for the employer contribution to the teachers' retirement system, any amount in excess of the funds received by such school district from the state through the office of the superintendent of public instruction for such purpose, and for the 1986-87 school year and thereafter, a school district shall not be required to pay at a rate exceeding the rate that the director sets for the employer contribution for each employee. Effective January 1, 1986, however, no contributions will be required for the calendar months in which the member is not granted service credit if the member or employee first established membership on or after October 1, 1977.

(2) In order to equitably reimburse the department of retirement systems expense fund, the director shall ascertain and report to each employer the contribution rate necessary to defray its proportional share of the cost of administering this chapter during either the next biennium or fiscal year, whichever is required to provide the amounts needed to defray such cost of administration. The director shall also ascertain at the beginning of either each biennium or each fiscal year, whichever is required, and request from the legislature an appropriation for the department of retirement systems expense fund sufficient to cover estimated expenses for the biennium or fiscal year.

Sec. 15. Section 6, chapter 293, Laws of 1977 ex. sess. as amended by section 11, chapter 184, Laws of 1984 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. Effective January 1, 1986, however, no contribution is required for any calendar month in which the member is not granted service credit. 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 all employers of any pending adjustment in the required contribution rate and such increase shall be announced at least thirty days prior to the effective date of the change.

Members contributions required by this section shall be deducted from the members earnable compensation each payroll period. The members contribution shall be remitted directly to the department within fifteen days following the end of the calendar month during which the payroll period ends and the employers contribution shall be remitted as provided by law.

Until such time as the director shall establish other rates, members and employers of such members shall each contribute 5.66% of earnable compensation: PROVIDED, That employers shall initially contribute an additional 5.80% of earnable compensation per member to amortize the unfunded supplemental present value of the retirement system in effect on September 30, 1977.

Sec. 16. Section 34, chapter 274, Laws of 1947 as last amended by section 12, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.330 are each amended to read as follows:

(1) Each employee who is a member of the retirement system shall contribute five percent of his total compensation earnable: PROVIDED, HOWEVER, That a retirement system expense fund contribution of two dollars and fifty cents per annum shall be transferred in semiannual payments of one dollar and twenty-five cents from each employee account balance in the employees' savings fund to the department of retirement systems expense fund account, as set forth in this section. On and after July 1, 1973, each employee who is a member of the retirement system shall contribute six percent of his total compensation earnable. Effective January 1, 1986, however, no contributions are required for any calendar month in which the member is not granted service credit. The officer responsible for making up the payroll shall deduct from the compensation of each member, on each and every payroll of such member for each

and every payroll period subsequent to the date on which he became a member of the retirement system the contribution as provided by this section.

(2) Any member may, pursuant to regulations formulated from time to time by the board, provide for himself, by means of an increased rate of contribution to his account in the employees' savings fund, an increased prospective retirement allowance pursuant to RCW 41.40.190 and 41.40.185.

(3) The officer responsible for making up the payroll shall deduct from the compensation of each member covered by the provisions of RCW 41.40.190(5) and 41.40.185(4) on each and every payroll of such member for each and every payroll period subsequent to the date on which he thereafter becomes a member of the retirement system, an amount equal to seven and one-half percent of such member's compensation earnable.

Sec. 17. Section 38, chapter 274, Laws of 1947 as last amended by section 22, chapter 52, Laws of 1982 1st ex. sess. and RCW 41.40.370 are each amended to read as follows:

(1) The director shall ascertain and report to each employer the contribution rates necessary to meet present and future pension liabilities of the system for the ensuing biennium or fiscal year, whichever is applicable. The amount to be so provided shall be computed by applying the rates of contribution as established by RCW 41.40.361 or 41.40.650 to an estimate of the total compensation earnable of all the said employer's members during the period for which provision is to be made.

(2) Beginning April 1, 1949, or October 1, 1977, as the case may be, the amount to be collected as the employer's contribution shall be computed by applying the applicable rates established by RCW 41.40.361 or 41.40.650 to the total compensation earnable of employer's members as shown on the current payrolls of the said employer, except no contributions are required for any calendar month in which the member is not granted service credit. Each said employer shall compute at the end of each month the amount due for that month and the same shall be paid as are its other obligations.

(3) In the event of failure, for any reason, of an employer other than a political subdivision of the state to have remitted amounts due for membership service of any of the employer's members rendered during a prior biennium, the director shall bill such employer through the director of financial management for such employer's contribution together with such charges as the director deems appropriate in accordance with RCW 41.50.120. Such billing shall be paid by the employer as, and the same shall be, a proper charge against any moneys available or appropriated to such employer for payment of current biennial payrolls.

Sec. 18. Section 6, chapter 295, Laws of 1977 ex. sess. as amended by section 12, chapter 184, Laws of 1984 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. Effective January 1, 1986, however, no contribution is required for any calendar month in which the member is not granted service credit. 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 all employers of any pending adjustment in the required contribution rate and such increase shall be announced 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."

Renumber the sections consecutively.

Debate ensued.

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

Senator Hansen moved that the following amendment be adopted:

On page 10, after line 2, insert the following:

"Sec. 13. Section 13, chapter 209, Laws of 1969 ex. sess. as last amended by section 3, chapter 294, Laws of 1981 and RCW 41.26.130 are each amended to read as follows:

(1) Upon retirement for disability a member shall be entitled to receive a monthly retirement allowance computed as follows: (a) A basic amount of fifty percent of final average salary at time of disability retirement, and (b) an additional five percent of final average salary for each child as defined in RCW 41.26.030(7). ~~((c))~~ except where the child is a stepchild at the time of retirement for disability and this relationship is subsequently terminated by divorce, the additional five percent of average salary for each child shall continue, subject to RCW 41.04.310, 41.04.320, 41.04.330, and 41.26.180(3), as long as the divorce decree imposes an obligation on the disabled member toward the former stepchild or stepchildren. The combined total of subsections (1)(a) and (1)(b) of this section shall not exceed a maximum of sixty percent of final average salary.

(2) A disabled member shall begin receiving his disability retirement allowance as of the expiration of his six month period of disability leave or, if his application was filed after the sixth month of discontinuance of service but prior to the one year time limit, the member's disability retirement allowance shall be retroactive to the end of the sixth month.

(3) Benefits under this section will be payable until the member recovers from the disability or dies. If at the time that the disability ceases the member is over the age of fifty, he shall then receive either his disability retirement allowance or his retirement for service allowance, whichever is greater.

(4) Benefits under this section for a disability that is incurred while in other employment will be reduced by any amount the member receives or is entitled to receive from workmen's compensation, social security, group insurance, other pension plan, or any other similar source provided by another employer on account of the same disability.

(5) A member retired for disability shall be subject to periodic examinations by a physician approved by the disability board prior to his attainment of age fifty, pursuant to rules adopted by the director under RCW 41.26.115. Examinations of members who retired for disability prior to July 26, 1981, shall not exceed two medical examinations per year."

Renumber the sections consecutively.

POINT OF ORDER

Senator Lee: "This is an amendment we haven't seen and I challenge it on scope and object. In fact, the title amendment clearly points out that we have to add another section in order to accommodate this particular measure."

Debate ensued.

MOTION

On motion of Senator Vognil, further consideration of Substitute Senate Bill No. 3717 was deferred.

President Pro Tempore Goltz assumed the chair.

SECOND READING

SENATE BILL NO. 3340, by Senators Hansen, Barr, Goltz, Gaspard, Benitz and Bauer

Providing priority for certain agricultural liens.

MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 3340 was substituted for Senate Bill No. 3340 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Hansen, the rules were suspended, Substitute Senate Bill No. 3340 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 Substitute Senate Bill No. 3340.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3340 and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senators Bluechel, Saling - 2.

Excused: Senator McDonald - 1.

SUBSTITUTE SENATE BILL NO. 3340, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 119, by Senators Zimmerman, DeJarnatt, Patterson, Hansen, Deccio, Hayner, Benitz, Newhouse, Thompson, Bauer and Sellar

Asking Congress to appropriate funds for locking facility at Bonneville Dam.

The memorial was read the second time.

MOTION

On motion of Senator Zimmerman, the rules were suspended, Senate Joint Memorial No. 119 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Joint Memorial No. 119.

ROLL CALL

The Secretary called the roll on final passage of Senate Joint Memorial No. 119 and the memorial passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator McDonald - 1.

SENATE JOINT MEMORIAL NO. 119, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 3468, by Senators Williams, Bailey, Saling, Talmadge, Bauer and Rasmussen

Authorizing the monitoring of federal research regarding the suitability of Hanford as a radioactive waste disposal facility.

MOTIONS

On motion of Senator Williams, Substitute Senate Bill No. 3468 was substituted for Senate Bill No. 3468 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Williams, the rules were suspended, Substitute Senate Bill No. 3468 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 Newhouse: "Senator Williams, in Section 2, sub (1), the board is given authority, if it's dissatisfied, to conduct its own, and in sub (2), it says 'it shall seek federal funding.' Obviously, there's no assurance that federal funding will be forthcoming. Who, then, is to pay for all that investigation if they are dissatisfied?"

Senator Williams: "Senator Newhouse, the two go hand in hand. I'm also a member of the Nuclear Waste Board--a legislative member. In that process, I know and you know, that the Nuclear Waste Board operates on the funds that are provided to it by the federal government. If that monitoring is not satisfactory and

additional testing is needed, the funds aren't there to go out and do it, so the process of determining to do that and, also, the request to the federal government for those funds go hand in hand. Ultimately, if the state is unhappy or dissatisfied with the degree of cooperation on the part of the federal government in providing those funds, we can go to court.

"As a matter of fact, we are doing that on some other issues already. The Department of Energy has not been totally as cooperative as we would like them to be. They're very protective of their funds and are responsible to Congress and they're not going to give us those funds, always, just because we ask for them. Sometimes we have to leverage it a little bit, but the federal act does require that the federal government shall pay for this process and if we don't protect ourselves by insisting on some of these things, we won't get them done."

Senator Newhouse: "I don't believe you answered the question, Senator. If the funds are not there, does the state board go on conducting that independent evaluation? Must it wait until the funds are forthcoming from the federal government?"

Senator Williams: "I don't believe that the Nuclear Waste Board can spend money it doesn't have. That's why I say the decision to advocate additional testing, as well as seeking federal funds, have to go hand in hand. You can't go out and pay for something when you don't have the money."

Senator Newhouse: "So the federal funds must be there before that responsibility is assumed?"

Senator Williams: "Unless, through all of this, the Nuclear Waste Board and the Department of Ecology were to come back to the legislature and say, 'we can't get the feds to pay for this.' They could come back and ask us for it, I suppose, but I don't see the Nuclear Waste Board spending money it doesn't have."

Further debate ensued.

POINT OF INQUIRY

Senator Saling: "Senator Bailey, would you tell me where this waste comes from that we're talking about?"

Senator Bailey: "The nuclear waste is scheduled to come from all across the United States and that is why citizens of the United States should pay for the monitoring costs that we're requiring in this bill."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3468.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3468 and the bill passed the Senate by the following vote: Yeas, 36; nays, 11; absent, 1; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kiskaddon, Kreidler, Lee, McDermott, McManus, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 36.

Voting nay: Senators Barr, Benitz, Bluechel, Cantu, Craswell, Guess, Hayner, Johnson, McCaslin, Newhouse, Sellar - 11.

Absent: Senator Metcalf - 1.

Excused: Senator McDonald - 1.

SUBSTITUTE SENATE BILL NO. 3468, having received the constitutional majority, 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. 3221, by Senators Owen, McManus, Bender and Peterson

Providing reduced utility rates for certain low income persons.

MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 3221 was substituted for Senate Bill No. 3221 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Owen, the rules were suspended, Substitute Senate Bill No. 3221 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 Substitute Senate Bill No. 3221.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3221 and the bill passed the Senate by the following vote: Yeas, 41; nays, 6; absent, 1; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 41.

Voting nay: Senators Barr, Benitz, Bluechel, Craswell, Pullen, Zimmerman - 6.

Absent: Senator Moore - 1.

Excused: Senator McDonald - 1.

SUBSTITUTE SENATE BILL NO. 3221, having received the 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. 3717 and the pending amendment by Senator Hansen on page 10, line 2, deferred earlier today.

MOTION

On motion of Senator Hansen, and there being no objection, the amendment was withdrawn.

MOTIONS

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

On page 1, line 3 of the title, after "44.44.040" and before the semicolon insert ", 41.26.450, 41.32.401, 41.32.775, 41.40.330, 41.40.370, and 41.40.650"

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute Senate Bill No. 3717 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 Substitute Senate Bill No. 3717.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3717 and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Barr, Moore - 2.

Excused: Senator McDonald - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3717, having received the constitutional 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 advanced to the ninth order of business.

MOTION FOR RECONSIDERATION

Having served prior notice, Senator Hansen moved that the Senate reconsider the vote by which Engrossed Substitute Senate Joint Resolution No. 103 failed to pass the Senate March 12, 1985.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Hansen to reconsider the vote by which Engrossed Substitute Senate Joint Resolution No. 103 failed to pass the Senate.

The motion by Senator Hansen carried and the Senate resumed consideration of Senate Joint Resolution No. 103, on reconsideration.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Joint Resolution No. 103, on reconsideration.

Debate ensued.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Joint Resolution No. 103, on reconsideration, and the resolution passed the Senate by the following vote: Yeas, 33; nays, 15; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Moore, Peterson, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognilid, Warnke, Williams, Wojahn, Zimmerman - 33.

Voting nay: Senators Benitz, Cantu, Conner, Craswell, Guess, Halsan, Hayner, Melcalf, Newhouse, Owen, Patterson, Pullen, Rasmussen, Sellar, von Reichbauer - 15.

Excused: Senator McDonald - 1.

ENGROSSED SUBSTITUTE SENATE JOINT RESOLUTION NO. 103, on reconsideration, having received the constitutional two-thirds majority, was declared passed.

MOTION

On motion of Senator Vognilid, the Senate reverted to the eighth order of business.

MOTION

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

SENATE RESOLUTION 1985-33

by Senators Cantu, Gaspard, Rasmussen, Bauer, Pullen, Lee and Conner

WHEREAS, The Mercer Island High School Basketball Team is the first High School Basketball Team in history to reach the Washington State AAA Boys Basketball Tournament final playoff game in four out of five straight years; and

WHEREAS, The Mercer Island High School Basketball Team was rated the number one high school basketball team in the United States during 1984; and

WHEREAS, Coach Ed Pepple has established a truly outstanding reputation at Mercer Island High School, both in terms of winning percentage as a coach and as a teacher of young men; and

WHEREAS, The Mercer Island High School Basketball Team star guard, Quin Snyder, has been named a McDonald's High School Basketball All American, one of only 25 All Americans nationwide; and

WHEREAS, The Mercer Island High School Basketball Team star center Brian Schwabe, has been named a McDonald's High School Honorable Mention All American; and

WHEREAS, The Mercer Island High School Basketball Team finished the season undefeated in Washington State and as champions of the High School AAA Boy's State Basketball Tournament Championship;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, That the Mercer Island High School Basketball Team and its coaching staff be commended for their superior accomplishments; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to the Mercer Island High School Basketball Team's head coach Ed Pepple, and team members Eric Brady, Russell Easter, John Gilliland,

Doug Marriott, Mike Mathers, Omar Parker, Paul Roberts, Brian Scwabe, Quin Snyder, Jeff Thompson, Scott Wellar and Jeff Wood.

MOTION

At 11:14 a.m., on motion of Senator Vognild, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Pro Tempore Goltz. There being no objection, the Senate reverted to the third order of business.

MESSAGE FROM THE GOVERNOR

March 13, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on March 13, 1985, Governor Gardner approved the following Senate Bill entitled:

Substitute Senate Bill No. 3781

Relating to the Washington State Patrol.

Sincerely,

TERRY SEBRING, Counsel to the Governor

There being no objection, the President Pro Tempore advanced the Senate to the sixth order of business.

SECOND READING

SENATE BILL NO. 3906, by Senators Talmadge and Cantu (by Attorney General request)

Modifying provisions on pornography and moral nuisances.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 3906 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 Senate Bill No. 3906.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3906 and the bill passed the Senate by the following vote: Yeas, 41; absent, 7; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Haryner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, Moore, Newhouse, Owen, Paterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Wojahn, Zimmerman - 41.

Absent: Senators Benitz, McDermott, McManus, Metcalf, Rinehart, Thompson, Williams - 7.

Excused: Senator McDonald - 1.

SENATE BILL NO. 3906, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator von Reichbauer, Senator Benitz was excused.

SECOND READING

SENATE BILL NO. 3910, by Senators Talmadge, Halsan and Goltz

Establishing penalties for unfair manufacturing processes.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, 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 Senate Bill No. 3910.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3910 and the bill passed the Senate by the following vote: Yeas, 41; nays, 4; absent, 2; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 41.

Voting nay: Senators Bluechel, Kiskaddon, Pullen, Zimmerman - 4.

Absent: Senators McDermott, McManus - 2.

Excused: Senators Benitz, McDonald - 2.

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.

SECOND READING

SENATE BILL NO. 3379, by Senators Fleming, Hansen, Goltz, Bauer, Rasmussen, Metcalf, Barr, Bailey, Hayner, Deccio and Zimmerman

Establishing a matching grant program for conservation districts.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 3379 was substituted for Senate Bill No. 3379 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 3379 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 Substitute Senate Bill No. 3379.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3379 and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senators Craswell, Stratton - 2.

Excused: Senators Benitz, McDonald - 2.

SUBSTITUTE 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.

SECOND READING

SENATE BILL NO. 3837, by Senators Wojahn, McDermott, Vognild, Stratton, Warnke and Fleming

Providing for early warnings of reductions in business operations.

MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 3837 was substituted for Senate Bill No. 3837 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 3837 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Wojahn, further consideration of Substitute Senate Bill No. 3837 was deferred.

SECOND READING

SENATE BILL NO. 4115, by Senators Warnke, Bluechel, Bottiger, Newhouse and Sellar

Authorizing industrial development bonds for sports facilities.

The bill was read the second time.

MOTIONS

On motion of Senator Warnke, the following Committee on Commerce and Labor amendment was adopted:

On page 1, line 26, after "parks," insert "For the purposes of this section, the term "sports facilities" shall not include facilities which are constructed for use by members of a private club or as integral or subordinate parts of a hotel or motel, or which are not available on a regular basis for general public use."

On motion of Senator Warnke, the rules were suspended, Engrossed Senate Bill No. 4115 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 Senate Bill No. 4115.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4115 and the bill passed the Senate by the following vote: Yeas, 31; nays, 15; absent, 1; excused, 2:

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Lee, McManus, Newhouse, Owen, Patterson, Peterson, Saling, Stratton, Thompson, Vognild, Wojahn, Zimmerman - 31.

Voting nay: Senators Cantu, Craswell, Kreidler, McCaslin, McDermott, Metcalf, Moore, Pullen, Rasmussen, Rinehart, Sellar, Talmadge, von Reichbauer, Warnke, Williams - 15.

Absent: Senator Hayner - 1.

Excused: Senators Benitz, McDonald - 2.

ENGROSSED SENATE BILL NO. 4115, 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

SENATE BILL NO. 4196, by Senators Warnke, Cantu and Wojahn (by Employment Security Department request)

Providing for special programs to assist the unemployed and underemployed.

MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 4196 was substituted for Senate Bill No. 4196 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 4196 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTIONS

On motion of Senator Vognild, the rules were suspended and Substitute Senate Bill No. 4196 was returned to second reading and read the second time.

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

On page 3, line 11, after "agencies" insert ", private for-profit and not-for-profit organizations in the fields of job placement, vocational counseling, career development, career change and employment preparation"

On motion of Senator Warnke, the rules were suspended, Engrossed Substitute Senate Bill No. 4196 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. 4196.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4196 and the bill passed the Senate by the following vote: Yeas, 41; nays, 4; absent, 2; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, Metcalf, Moore, Owen, Peterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senators Craswell, McCaslin, Newhouse, Patterson - 4.

Absent: Senators McManus, Rinehart - 2.

Excused: Senators Benitz, McDonald - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4196, having received the constitutional majority, 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. 4213, by Senators Warnke, Bender, McManus, Gaspard, Bauer and Moore

Establishing a trade assistance center.

MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 4213 was substituted for Senate Bill No. 4213 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 4213 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 Warnke, you mentioned that this bill is, in fact, a change in name from what we passed last time as the Export Trade Assistance Center. What I want to know--is the intent of this bill to change the emphasis of this trade center from exports to imports?"

Senator Warnke: "No, it is not. The bill is intended to allow the Center to place some emphasis on imports since they play a role in the state's economy, particularly for the ports. However, the Center must still contract with DCED and that contract will create the specific focus for the Center, which I believe still must be on exports."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4213.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4213 and the bill passed the Senate by the following vote: Yeas, 42; nays, 4; absent, 1; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Voting nay: Senators Barr, Craswell, McCaslin, Pullen - 4.

Absent: Senator Rinehart - 1.

Excused: Senators Benitz, McDonald - 2.

SUBSTITUTE SENATE BILL NO. 4213, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 113, by Senators McManus, Bailey, DeJarnatt, Garrett and Pullen

Requesting Congress to retain the Small Business Administration.

The memorial was read the second time.

MOTIONS

On motion of Senator McManus, the rules were suspended, Senate Joint Memorial No. 113 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

On motion of Senator Bender, Senator Granlund was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Joint Memorial No. 113.

ROLL CALL

The Secretary called the roll on final passage of Senate Joint Memorial No. 113 and the memorial passed the Senate by the following vote: Yeas, 41; nays, 5; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McDermott, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senators Craswell, Kiskaddon, McCaslin, Newhouse, Rasmussen - 5.

Excused: Senators Benitz, Granlund, McDonald - 3.

SENATE JOINT MEMORIAL NO. 113, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 3021, by Senator Barr

Modifying the fee paid by a married couple or family when filing a water rights statement

The bill was read the second time.

MOTION

On motion of Senator Hansen, the rules were suspended, Senate Bill No. 3021 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 Senate Bill No. 3021.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3021 and the bill passed the Senate by the following vote: Yeas, 44; absent, 2; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Metcalf, Sellar - 2.

Excused: Senators Benitz, Granlund, McDonald - 3.

SENATE BILL NO. 3021, having received the constitutional majority, 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. 3812, by Senators Kreidler and Talmadge

Modifying penalty provisions on the violation of water pollution control statutes.

The bill was read the second time.

MOTION

On motion of Senator Kreidler, the rules were suspended, Senate Bill No. 3812 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 Senate Bill No. 3812.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3812 and the bill passed the Senate by the following vote: Yeas, 39; nays, 7; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McManus, Moore, Owen, Patterson, Peterson, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 39.

Voting nay: Senators Craswell, Deccio, McCaslin, Metcalf, Newhouse, Pullen, Zimmerman - 7.

Absent: Senator Rinehart - 1.

Excused: Senators Benitz, McDonald - 2.

SENATE BILL NO. 3812, having received the constitutional majority, 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. 3828, by Senators Talmadge, Kreidler, Bluechel, McDermott, Conner, Lee, Rasmussen, Cantu, Gaspard, Kiskaddon, Granlund, Craswell, Warnke, Goltz, Johnson, Moore, McManus, Peterson, Bailey, Fleming, Bender, Halsan, Zimmerman, Williams, von Reichbauer, Garrett and Vognild (by Governor Gardner request)

Reestablishing the Puget Sound water quality authority.

MOTIONS

On motion of Senator Kreidler, Second Substitute Senate Bill No. 3828 was substituted for Senate Bill No. 3828 and the second substitute bill was advanced to second reading and read the second time.

Senator Talmadge moved that the following amendment by Senators Talmadge and Kreidler be adopted:

On page 2, line 25, after "quality," strike everything down to and including "authority." on line 26, and insert the following: "The commissioner of public lands and the director of ecology shall serve as ex officio, nonvoting members of the authority."

MOTION

On motion of Senator Bottiger, further consideration of Second Substitute Senate Bill No. 3828 was deferred.

SECOND READING

SENATE BILL NO. 3556, by Senators Vognild, Metcalf, Owen, Barr, Stratton, Johnson, Rasmussen, Peterson and Lee

Authorizing the use of private aquaculturists to enhance the propagation of food fish.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 3556 was substituted for Senate Bill No. 3556 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Substitute Senate Bill No. 3556 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 Stratton: "Senator Vognild, yesterday we passed a bill which turns the aquaculture industry over to agriculture, would you not feel that this, too, should go to agriculture?"

Senator Vognild: "Senator, the answer to that would be 'no,' because in one case yesterday, we were talking about growing, producing and marketing a food product. In this case, we are talking about preserving and enhancing a natural resource and I think that this is where it belongs with game and fish."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3556.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3556 and the bill passed the Senate by the following vote: Yeas, 37; nays, 7; absent, 3; excused, 2.

Voting yea: Senators Bailey, Barr, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 37.

Voting nay: Senators Bauer, Bender, Gaspard, Moore, Talmadge, Thompson, Wojahn - 7.

Absent: Senators Bottiger, Deccio, Rinehart - 3.

Excused: Senators Benitz, McDonald - 2.

SUBSTITUTE SENATE BILL NO. 3556, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3211, by Senators Thompson, Newhouse and Talmadge

Authorizing modifications of community property settlements involving military retirement benefits.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 1, line 8, after "retirement" strike "benefits" and insert "compensation"

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 3211 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 Newhouse: "Senator Talmadge, in view of the fact that these divorce cases from that period were settled and the judge may very well have taken retirement into consideration, even though, supposedly not able to divide that, won't this bill possibly create about as many inequities as it might solve?"

Senator Talmadge: "Senator Newhouse, I think my response to that would be that you may remember that the language of the bill provides that the whole divorce settlement is open to scrutiny by the court. If the court took into consideration the division of the future military retirement benefits, then the court, conceivably, might not permit the reopening of the settlement. There was some request made to the committee that we confine the reopening just to that military retirement issue. We declined to do that, because we wanted the whole settlement before the court and presumably if the settlement was a fair one in its overall terms, then the court would decline to reopen on this issue."

POINT OF INQUIRY

Senator Hayner: "Senator Talmadge, in view of what you answered, I predict that there will be a flurry of applications to the court to reopen those settlements. Do we have any idea at all how many cases dealing with that military pay might be involved?"

Senator Talmadge: "We do not at the present time. The language of the bill is language authorized to us by a congressional enactment on this issue. I would suspect that there may be some cases that are filed, I think--as I responded to Senator Newhouse's question--so long as the overall terms of the total settlement will be before the court, I don't think a lot of attorneys are going to recommend to their client to rush off to reopen for fear that some other more beneficial aspects of the settlement might be altered by the reopening. I think it's going to be something that's rather cautious and I wouldn't expect a tremendous volume of these kinds of petitions for reopening to follow."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3211.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3211 and the bill passed the Senate by the following vote: Yeas, 35; nays, 10; absent, 2; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McManus, Moore, Owen, Patterson, Peterson, Rinehart, Saling, Stratton, Talmadge, Thompson, Warnke, Williams, Wojahn - 35.

Voting nay: Senators Bluechel, Deccio, Gaspard, Newhouse, Pullen, Rasmussen, Sellar, Vognild, von Reichbauer, Zimmerman - 10.

Absent: Senators McCaslin, Metcalf - 2.

Excused: Senators Benitz, McDonald - 2.

ENGROSSED SENATE BILL NO. 3211, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3110, by Senators Wojahn, Zimmerman, Gaspard, Vognild, Sellar, Thompson, Deccio, Johnson and Conner

Modifying the business and occupation taxation of the income from amusement devices.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 3110 was substituted for Senate Bill No. 3110 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 3110 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 Substitute Senate Bill No. 3110.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3110 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senator Stratton - 1.

Excused: Senator Benitz - 1.

SUBSTITUTE SENATE BILL NO. 3110, having received the constitutional 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 3:05 p.m., on motion of Senator Vognild, the Senate recessed until 3:35 p.m.

SECOND AFTERNOON SESSION

The Senate was called to order at 4:05 p.m. by President Pro Tempore Goltz.

SECOND READING

SENATE BILL NO. 4211, by Senators Warnke, Fleming, Bottiger, Vognild, Bender, McManus, Moore, Lee and Johnson

Establishing the legislative committee on economic development.

MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 4211 was substituted for Senate Bill No. 4211 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 4211 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 Substitute Senate Bill No. 4211.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4211 and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Boltiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Deccio - 1.

SUBSTITUTE SENATE BILL NO. 4211, having received the constitutional 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, Senate Bill No. 3370, Senate Bill No. 3783 and Senate Bill No. 3872, which were on the second reading calendar, were referred to the Committee on Rules.

SECOND READING

SENATE BILL NO. 3027, by Senators Williams and Warnke

Requiring refueling services for disabled drivers except by stations which are solely cashier-attended.

MOTIONS

On motion of Senator Williams, Substitute Senate Bill No. 3027 was substituted for Senate Bill No. 3027 and the substitute bill was advanced to second reading and read the second time.

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

On page 2, line 27, after the word "the" insert "rights or"

On motion of Senator Williams, the rules were suspended, Engrossed Substitute Senate Bill No. 3027 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 Substitute Senate Bill No. 3027.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3027 and the bill passed the Senate by the following vote: Yeas, 34; nays, 15.

Voting yea: Senators Bailey, Bauer, Bender, Cantu, Conner, DeJarnatt, Fleming, Garrett, Goltz, Granlund, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McManus, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 34.

Voting nay: Senators Barr, Benitz, Bluechel, Bottiger, Craswell, Deccio, Gaspard, Guess, Hansen, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Zimmerman - 15.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3027, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3856, by Senators Vognild, Hansen, McManus, Metcalf, Bottiger, Zimmerman and Stratton

Establishing a state fire protection board.

MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 3856 was substituted for Senate Bill No. 3856 and the substitute bill was advanced to second reading and read the second time.

POINT OF ORDER

Senator Newhouse: "I would wonder if 3856 is properly before us. Again, I see there are only five signatures on the bill report and there are ten members of that committee."

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "With the permission of the body, we will hold further consideration of this bill until we can count the signatures on the committee report."

SECOND READING

SENATE BILL NO. 3405, by Senators Moore, Wojahn, Lee, Pullen, McDonald, Stratton and Rinehart

Establishing the mental sports competition and research commission.

The bill was read the second time.

MOTIONS

On motion of Senator Bender, Senator McManus was excused.

On motion of Senator Moore, the rules were suspended, Senate Bill No. 3405 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Newhouse: "Senator Moore, I notice instructions to the so-called commission to within two years carry on a chess tournament and a bridge tournament each with a prize fund of eighty thousand dollars. Knowing some of the costs of putting on such an affair, how's it supposed to be funded without any appropriation or no fiscal note?"

Senator Moore: "It would be done in much the same way as conventions are done--by pressing the citizens that have an interest in it--like hotels and restaurants to help finance it."

Senator Newhouse: "An official commission of the state is supposed to put pressure on private parties to contribute to this fund?"

Senator Moore: "Precisely."

POINT OF INQUIRY

Senator McCaslin: "Senator Moore, I would have preferred to ask Senator Rasmussen this question, however, his name isn't on the bill, but in the background material, they say 'mental sports, including chess, checkers, go.' I don't know what 'go' is. Could you explain to the body?"

Senator Moore: "'Go' is a very ancient, oriental game that has never been given a great deal of credibility in our society, but it is worthy--and it does require some memory in order to play it adequately. We, also, could have mentioned 'mahjong' and those of you who are in my age bracket will remember that sixty years ago this country was swept by 'mahjong' and then it faded away. Today several billion people are aware that 'mahjong' exists and I think we could attract an international tournament to Seattle from the Orient."

Senator McCaslin: "One further question, Senator Moore, if Senator Pullen was here, would he feel that this is a constitutional bill?"

Senator Moore: "I would really prefer to defer to either Senator Pullen or Senator Rasmussen."

POINT OF INQUIRY

Senator McCaslin: "Senator Pullen, would this fit into the constitution of both the United States and the State of Washington?"

Senator Pullen: "Yes."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3405.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3405 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vogtild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senator Patterson - 1.

Absent: Senator Newhouse - 1.

Excused: Senator McManus - 1.

SENATE BILL NO. 3405, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Cherberg assumed the chair.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 3856, deferred earlier today.

REPLY BY PRESIDENT CHERBERG

President Cherberg: "Senator Newhouse has presented the point that there are only five signees on Senate Bill No. 3856, however, the record shows that Senator Wojahn was the sixth."

Substitute Senate Bill No. 3856 was ruled in order.

MOTIONS

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

On page 3, beginning on line 30, after "between" strike all of the matter down to and including "resources" on line 31, and insert "state agencies"

On page 4, line 12, after the period following "chapter" add a new paragraph as follows: "This section does not apply to forest fire service personnel and programs."

On motion of Senator Warnke, the rules were suspended, Engrossed Substitute Senate Bill No. 3856 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 Vognild, several existing statutes are repealed including provisions outlining a commission for vocational education, powers and duties and they are transferred over to this new board. My question--we have a good fire training program in our vocational schools and additional training out at Cover Park, what does this do to the vocational schools in the present system that's operating and how many people are we transferring over to the new department?"

Senator Vognild: "Senator, it does absolutely nothing to the programs that you're referring to. Those are pretraining programs and they remain in the vocational educational field. The fire service training that we are transferring is inservice type of training--updating and upgrading of skills and that is the portion we are talking about."

Further debate ensued.

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

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3856 and the bill passed the Senate by the following vote: Yeas, 30; nays, 17; absent, 1; excused, 1.

Voting yea: Senators Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke - 30.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kreidler, McDonald, Newhouse, Saling, Sellar, Williams, Wojahn, Zimmerman - 17.

Absent: Senator Bottiger - 1.

Excused: Senator McManus - 1.

ENGROSSED 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.

SECOND READING

SENATE BILL NO. 4286, by Senator Lee

Authorizing the parks and recreation commission to issue permits for use of metal detectors on state beaches.

The bill was read the second time.

MOTION

Senator Kreidler moved that the following Committee on Parks and Ecology amendment be adopted:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. A new section is added to chapter 43.51 RCW to read as follows:

The use of metal detectors has become an enjoyable hobby for many state park visitors. Metal detector use on state beaches should be encouraged because it aids in keeping state parks clean and enjoyable for all. The commission may issue permits for the use of metal detectors and the recovery of found items on state beaches under its jurisdiction. The commission may adopt rules under chapter 34.04 RCW as it finds necessary to establish appropriate conditions and limitations for the permits, and to govern issuance of the permits and the fee to be charged therefor.

Sec. 2. Section 197, chapter 255, Laws of 1927 and RCW 79.01.748 are each amended to read as follows:

Every person who wilfully commits any trespass upon any public lands of the state and cuts down, destroys or injures any timber, or any tree standing or growing thereon, or takes, or removes, or causes to be taken, or removed, therefrom any wood or timber lying thereon, or maliciously injures or severs anything attached thereto, or the produce thereof, or digs, quarries, mines, takes or removes therefrom any earth, soil, stone, mineral, clay, sand, gravel, or any valuable materials, shall be guilty of larceny. The state parks and recreation commission may develop rules permitting the removal of certain materials that have no historic, archaeological, or natural resource value, and that the commission finds are otherwise appropriate for removal using a metal detector.

Sec. 3. Section 198, chapter 255, Laws of 1927 and RCW 79.01.752 are each amended to read as follows:

Every person being in lawful possession of any public lands of the state, under and by virtue of any lease or contract of purchase from the state, cuts down, destroys or injures, or causes to be cut down, destroyed or injured, any timber standing or growing thereon, or takes or removes, or causes to be taken or removed, therefrom, any wood or timber lying thereon, or maliciously injures or severs anything attached thereto, or the produce thereof, or digs, quarries, mines, takes or removes therefrom, any earth, soil, clay, sand, gravel, stone, mineral or other valuable material, or causes the same to be done, or otherwise injures, defaces or damages, or causes to be injured, defaced or damaged, any such lands unless expressly authorized so to do by the lease or contract under which he holds possession of such lands, or by the provisions of law under and by virtue of which such lease or contract was issued, shall be guilty of a misdemeanor. The state parks and recreation commission may develop rules permitting the removal of certain materials that have no historic, archaeological, or natural resource value, and that the commission finds are otherwise appropriate for removal using a metal detector."

POINT OF INQUIRY

Senator Rasmussen: "Senator Kreidler, is issuance of permits compulsory?"

Senator Kreidler: "No, Senator, it is not compulsory. It is permissive."

Senator Rasmussen: "It is permissive?" Then, let me ask one further question. I'm Joe Jackson and I come in from Indiana and I've got my metal detector with me and I go down there on the beach--I don't know anything about it being compulsory and it just says 'maybe.' How do I know if I'm operating legally or illegally and will that warden give me a ticket if I show up without having a permit?"

Senator Kreidler: "Right now, you'd be in a situation, under the current law, where you'd wind up being able to be told that you could not use them and could not keep anything you collected while you were using a metal detector. Essentially, now, we're setting up a permissive rule system which would, essentially, allow them then to be able to do it without any problems. I'm sure there would be signs that would have to be posted and if the signs were not properly posted, the assumption would be that there were no rules governing the use of metal detectors."

"One of the things we did in committee to try and reinforce to the Parks Department, which really caused this problem to come up in the first place, was to express to them the sincere interests of the committee to see that this was done with a great deal of latitude to essentially encourage and support people who want to use metal detectors as some form of recreation."

The President declared the question before the Senate to be adoption of the Committee on Parks and Ecology amendment.

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

MOTIONS

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

On page 1, on line 1 of the title, after "beaches;" insert "amending RCW 79.01.748 and 79.01.752;"

On motion of Senator Kreidler, the rules were suspended, Engrossed Senate Bill No. 4286 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 Senate Bill No. 4286.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4286 and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Cantu, McDermott - 2.

Excused: Senator McManus - 1.

ENGROSSED SENATE BILL NO. 4286, having received the constitutional majority, 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. 3500, by Senators Peterson, Benitz, Hansen, Vognild, Conner and Metcalf

Regulating tourist and agricultural directional signs along state highways.

MOTIONS

On motion of Senator Zimmerman, Senator Cantu was excused.

On motion of Senator Peterson, Substitute Senate Bill No. 3500 was substituted for Senate Bill No. 3500 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Peterson, the rules were suspended, Substitute Senate Bill No. 3500 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 Peterson, in the explanation here it says, 'political signs.' Are political signs going to be allowed to go along side the highways?"

Senator Peterson: "I think the penalty clause is removed on them during the period of the campaign. Yes, that's one of the things that everyone might not agree with and as Senator Patterson has indicated, Slim, there may be some glitches in this bill that when it gets to the House, that some of these things may be improved or taken out. Rather than delaying action of the bill with the limited time we have left, I think the amount of effort that we put forth in this, I would like to pass it through this body. If there are necessary corrections to be made for it, I am sure we will have the opportunity again to do so."

Senator Rasmussen: "Well, Senator Peterson, I guess my question will be--would it be considered that we would have a personal interest in this bill in the allowing of political signs along the highways?"

Senator Peterson: "I think if you'll note, it's off of the right-of-way, Slim."

Senator Rasmussen: "How far off?"

Senator Peterson: "I don't know how far off--it doesn't say. It says it's off of the right-of-way, so we're not allowing political signs on the rights-of-ways of our state highways. Right now, political signs in any given campaign--you'll find them not only on the right-of-way--but surely any where off the right-of-way on private property are permitted and allowed."

PARLIAMENTARY INQUIRY

Senator Rasmussen: "Mr. President, I know you don't rule on constitutional questions, but this question is--a bill that is clearly related to politics and summer-time bloom--would it be a conflict of interest for those of us who are going to be running for office to vote on this legislation? Let me say further, Mr. President, that you do not discolor the highways with your signs. I've never seen any of them out there, but you don't vote. I might have a conflict that somebody would say 'you feathered the bed for yourself.'"

REPLY BY THE PRESIDENT

President Cherberg: "The President believes that everyone is treated the same and it is of no special interest to any one person."

Senator Rasmussen: "Even our opponents would have that right, too, then? Thank you. I see your point. Our opponents would have that same right if they knew the maintenance man along the highway."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3500.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3500 and the bill passed the Senate by the following vote: Yeas, 42; nays, 5; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Voting nay: Senators Bluechel, Garrett, Kreidler, Rasmussen, Rinehart - 5.

Excused: Senators Cantu, McManus - 2.

SUBSTITUTE SENATE BILL NO. 3500, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3319, by Senators Talmadge, McCaslin and DeJarnatt

Authorizing award of court costs in challenges to open public meeting act.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 1, line 18, after "awarded" strike "all"

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 1, line 20, after "action." insert "Pursuant to RCW 4.84.185, any public agency who prevails in any action in the courts for a violation of this chapter may be awarded reasonable expenses and attorney fees upon final judgment and written findings by the trial judge that the action was frivolous and advanced without reasonable cause."

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 3319 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. 3319.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3319 and the bill passed the Senate by the following vote: Yeas, 33; nays, 14; excused, 2.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, Owen, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Stratton, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Williams, Wojahn - 33.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Craswell, Deccio, Hansen, McDonald, Metcalf, Moore, Newhouse, Patterson, Saling, Zimmerman - 14.

Excused: Senators Cantu, McManus - 2.

ENGROSSED SENATE BILL NO. 3319, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Vognil, Senate Bill No. 3303, which was on the second reading calendar, was returned to the Committee on Rules.

SECOND READING

SENATE BILL NO. 4195, by Senators Bauer, Zimmerman, Vognild, Warnke, Conner, Hansen, Garrett and Bottiger

Requiring all sales of fireworks to comply with state regulations and strengthening enforcement provisions.

MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 4195 was substituted for Senate Bill No. 4195 and the substitute bill was advanced to second reading and read the second time.

Senator Rinehart moved that the following amendments by Senators Rinehart, Moore and McDermott be considered simultaneously and adopted:

- On page 3, on line 5, after "town," strike "city-county."
- On page 3, on line 20, after "cities," strike "city-counties."
- On page 3, beginning on line 25, strike "city-counties."
- On page 3, on line 27, after "cities," strike "city-counties."
- On page 4, on line 3, after "county," strike "city-county."
- On page 4, on line 4, after "county," strike "city-county."
- On page 4, on line 5, after "county," strike "city-county."
- On page 4, on line 17, after "town," strike "city-county."
- On page 4, on line 20, after "town," strike "city-county."
- On page 4, on line 24, after "town," strike "city-county."
- On page 4, on line 30, after "town," strike "city-county."
- On page 4, on line 36, after "town," strike "city-county."
- On page 5, on line 2, after "town," strike "city-county."
- On page 5, on line 11, after "~~district~~" strike "city-county."
- On page 5, on line 17, after "~~district~~" strike "city-county."
- On page 5, on line 30, after "~~district~~" strike "city-county."
- On page 6, on line 15, after "~~district~~" strike "city-county."
- On page 7, on line 22, after "county," strike "city-county."

Debate ensued.

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

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

MOTION

Senator Rinehart moved that the following amendments by Senators Rinehart, Moore and McDermott be considered simultaneously and adopted:

- On page 3, beginning on line 2, after "chief" strike everything down through "~~chief~~" on line 3 and insert "of a ((~~local fire department~~ or)) fire protection district, a chief"
- On page 3, on line 5, after "city-county," strike everything through "~~district~~" and insert "county, or district"
- On page 5, on line 11, after "~~(or~~" strike everything through "~~district~~" and insert ") fire protection district."
- On page 5, beginning on line 16, after "~~(or~~" strike everything down through "~~district~~" on line 17 and insert ") fire protection district."
- On page 5, on line 30, after "~~(or~~" strike everything through "~~district~~" and insert ") fire protection district."
- On page 6, beginning on line 14, after "~~(or~~" strike everything down through "~~district~~" on line 15 and insert ") fire protection district."
- On page 7, beginning on line 22, after "department" strike everything down through "~~district~~" on line 23 and insert "or fire protection district"

Debate ensued.

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

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

MOTION

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

On page 3, after line 6, insert the following:

"Sec. 6. Section 13, chapter 228, Laws of 1961 as last amended by section 5, chapter 249, Laws of 1984 and RCW 70.77.180 are each amended to read as follows:

"Permit" means the official permission granted by a local public agency for the purpose of establishing and maintaining a place within the jurisdiction of the local agency where fireworks are manufactured, constructed, produced, packaged, stored, sold, exchanged, discharged, displayed, demonstrated, shown, or used."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

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

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

MOTION

Senator Rinehart moved that the following amendments by Senators Rinehart, Moore, Williams, McDermott and Cantu be considered simultaneously and adopted:

On page 3, on line 19, after "state-wide" strike everything down through "enacted." on line 29 and insert "minimum standards for the enforcement of this chapter.

Counties, cities, and towns shall comply with such state rules. Any local rules adopted by local authorities that are more restrictive than state law as to the types of fireworks that may be sold shall have an effective date no sooner than one year after their adoption."

On page 4, beginning on line 1, strike everything down through "county." on page 5, line 2

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

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

POINT OF INQUIRY

Senator Granlund: "Senator Rinehart, was it chaotic in Seattle?"

Senator Rinehart: "No, it was not. As a matter of fact, Seattle did a terrific job with the ordinance and it was not chaotic."

Further debate ensued.

MOTION

On motion of Senator Zimmerman, Senator Kiskaddon was excused.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senators Rinehart, Moore, McDermott and Cantu.

ROLL CALL

The Secretary called the roll and the motion by Senator Rinehart failed and the amendments were not adopted by the following vote: Yeas, 19; nays, 25; absent, 2; excused, 3.

Voting yea: Senators Bailey, Bender, Bluechel, Fleming, Goltz, Granlund, Kreidler, McCaslin, McDermott, Moore, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vognild, Williams, Wojahn, Zimmerman - 19.

Voting nay: Senators Barr, Bauer, Benitz, Bottiger, Conner, Craswell, DeJarnatt, Garrett, Gaspard, Guess, Halsan, Hansen, Hayner, Johnson, Lee, McDonald, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Sellar, Stratton, von Reichbauer - 25.

Absent: Senators Deccio, Warnke - 2.

Excused: Senators Cantu, Kiskaddon, McManus - 3.

MOTION

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

On page 3, after line 35, insert the following:

"Sec. 7. Section 29, chapter 228, Laws of 1961 as last amended by section 11, chapter 249, Laws of 1984 and RCW 70.77.260 are each amended to read as follows:

(1) Any person desiring to do any act mentioned in RCW 70.77.255(1) (a) or (c) shall apply in writing to a local fire official for a permit.

(2) Any person desiring to put on a public display of fireworks under RCW 70.77.255(1)(b) shall apply in writing to a local fire official for a permit. Application shall be made at least ~~((ten))~~ thirty days in advance of the proposed display."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

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

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

MOTION

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

On page 3; after line 35, insert the following:

"Sec. 7. Section 28, chapter 228, Laws of 1961 as last amended by section 10, chapter 249, Laws of 1984 and RCW 70.77.255 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, no person, without an appropriate state license may:

(a) Manufacture, import, possess, demonstrate, show, or sell any fireworks at wholesale or retail for any use;

(b) Make a public display of fireworks; or

(c) Transport fireworks, except as a public carrier delivering to a licensee.

(2) Except as authorized by a license and permit under subsection (1)(b) of this section, no person may discharge special fireworks at any place.

(3) No person less than eighteen years of age may apply for or receive a license or permit under this chapter.

(4) No license or permit is required for the possession or use of common fireworks lawfully purchased at retail.

(5) No person may sell fireworks to a child whom the person knows or should know to be, by reason of youth or inexperience, unfit to be trusted with fireworks."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

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

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

MOTION

Senator Halsan moved that the following amendments be considered simultaneously and adopted:

On page 4, line 19, strike "subsection (2)" and insert "subsections (2) and (3)"

On page 4, after line 36, insert the following:

"(3) Any city, town, city-county, or county may enact as an ordinance or part of an ordinance provisions permitting the sale, purchase, possession, and use of common fireworks items commonly known as firecrackers."

On page 9, line 22, after "commission" insert ", except as provided in section 8(3) of this act."

Debate ensued.

POINT OF INQUIRY

Senator Halsan: "Senator Rinehart, if you are really supportive of local option, perhaps we should set this bill down and do local option both ways, up and down. Would you support that?"

Senator Rinehart: "I would be pleased to set the bill down."

Senator Halsan: "That wasn't the question. I think the silence speaks for you."

Further debate ensued.

Senator Halsan 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 Halsan.

ROLL CALL

The Secretary called the roll and the motion by Senator Halsan failed and the amendments were not adopted by the following vote: Yeas, 5; nays, 35; absent, 6; excused, 3.

Voting yea: Senators Deccio, Halsan, Metcalf, Owen, Stratton - 5.

Voting nay: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Kreidler, Lee, McCaslin, McDermott, McDonald, Moore, Newhouse, Patterson, Peterson, Pullen, Rinehart, Saling, Sellar, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Zimmerman - 35.

Absent: Senators Bottiger, Garrett, Johnson, Rasmussen, Thompson, Warnke - 6.
Excused: Senators Cantu, Kiskaddon, McManus - 3.

MOTION

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

On page 5, after line 32, insert the following:

"Sec. 12. Section 36, chapter 228, Laws of 1961 as last amended by section 17, chapter 249, Laws of 1984 and RCW 70.77.295 are each amended to read as follows:

In the case of an application for a permit under RCW 70.77.260(2) for the public display of fireworks, the amount of the surety bond or certificate of insurance required under RCW 70.77-.285 shall be not less than ~~((fifty))~~ one hundred thousand dollars and ~~((one))~~ ten million dollars for bodily injury liability for each person and event, respectively, and not less than ~~((twenty-five))~~ seventy-five thousand dollars for property damage liability for each event."

Remember the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

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

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

MOTION

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

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

"Sec. 13. Section 42, chapter 228, Laws of 1961 as last amended by section 20, chapter 249, Laws of 1984 and RCW 70.77.325 are each amended to read as follows:

(1) Application for a license shall be made annually by every person holding an existing license who wishes to continue the activity requiring the license. The application shall be accompanied by the annual license fee as prescribed in RCW 70.77.340.

(2) A person applying for an annual license as a retailer under this chapter shall file an application by June ~~((10))~~ 1 of the current year. The state fire marshal shall grant or deny the license within fifteen working days of receipt of the application.

(3) A person applying for an annual license as a manufacturer, importer, or wholesaler under this chapter shall file an application by January 31 of the current year. The state fire marshal shall grant or deny the license within ninety days of receipt of the application."

Remember the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

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

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

MOTION

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

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

"Sec. 13. Section 45, chapter 228, Laws of 1961 as amended by section 24, chapter 230, Laws of 1982 and RCW 70.77.340 are each amended to read as follows:

The original and annual license fee shall be as follows:

Manufacturer	\$ ((500.00))
	750.00
Importer	((100.00))
	150.00
Wholesaler	((1,000.00))
	2,500.00
Retailer (for each separate retail outlet)	((10.00))
	15.00
Public display for special fireworks	((10.00))
	15.00
Pyrotechnic operator for special fireworks	((5.00))
	7.50

Remember the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

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

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

MOTION

Senator Rinehart moved that the following amendment by Senators Rinehart, Moore, McDermott and Talmadge be adopted:

On page 7, after line 12, insert the following:

"Sec. 15. Section 65, chapter 228, Laws of 1961 as amended by section 29, chapter 249, Laws of 1984 and RCW 70.77.440 are each amended to read as follows:

(1) ~~((Any person whose fireworks are seized under the provisions of RCW 70.77.435 may within ten days after such seizure petition the state fire marshal to return the fireworks seized upon the ground that such fireworks were illegally or erroneously seized. Any petition filed hereunder shall be considered by the state fire marshal within fifteen days after filing and an oral hearing granted the petitioner, if requested. Notice of the decision of the state fire marshal shall be served upon the petitioner. The state fire marshal may order the fireworks seized under this chapter disposed of or returned to the petitioner if illegally or erroneously seized. The determination of the state fire marshal is final unless within sixty days an action is commenced in a court of competent jurisdiction in the state of Washington for the recovery of the fireworks seized by the state fire marshal.~~

~~(2) If the fireworks are not returned to the petitioner or destroyed pursuant to RCW 70.77.435, the state fire marshal may sell confiscated common fireworks and special fireworks that are legal for use and possession under this chapter to wholesalers licensed by the state fire marshal.)~~ In the event of seizure under RCW 70.77.435, proceedings for forfeiture shall be deemed commenced by the seizure. The state fire marshal or deputy state fire marshal under whose authority the seizure was made shall cause notice to be served within ten days following the seizure on the owner of the fireworks seized and the person in charge thereof and any person having any known right or interest therein, of the seizure and intended forfeiture of the seized property. The notice may be served by any method authorized by law or court rule including but not limited to service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen-day period following the seizure.

(2) If no person notifies the state fire marshal in writing of the person's claim of lawful ownership or right to lawful possession of seized fireworks within thirty days of the seizure, the seized fireworks shall be deemed forfeited.

(3) If any person notifies the state fire marshal in writing of the person's claim of lawful ownership or possession of the fireworks within thirty days of the seizure, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. The hearing shall be before an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction if the aggregate value of the seized fireworks is more than five hundred dollars. The hearing before an administrative law judge and any appeal therefrom shall be under Title 34 RCW. In a court hearing between two or more claimants to the article or articles involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorneys' fees. The burden of producing evidence shall be upon the person claiming to have the lawful right to possession of the seized fireworks. The state fire marshal shall promptly return the fireworks to the claimant upon a determination by the administrative law judge or court that the claimant is lawfully entitled to possession of the fireworks.

(4) When fireworks are forfeited under this chapter the state fire marshal may:

(a) Dispose by summary destruction those fireworks that are not legal for use and possession in this state; or

(b) Sell the forfeited common fireworks and special fireworks that are legal for use and possession in this state to wholesalers licensed by the state fire marshal. Sale shall be by public auction after publishing a notice of the date, place, and time of the auction in a newspaper of general circulation in the county in which the auction is to be held, at least three days before the date of the auction. The proceeds of the sale of the seized fireworks under this section shall be deposited in the general fund. ~~((Fireworks that are not legal for use and possession in this state shall be destroyed by the state fire marshal.))~~

Renumber the remaining sections consecutively and correct any internal references accordingly.

MOTION

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

On page 2, line 36 of the amendment, strike "ten" and insert "fifteen"

The President declared the question before the Senate to be adoption of the amendment by Senators Rinehart, Moore, McDermott and Talmadge, as amended.

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

MOTION

Senator Rinehart moved that the following amendment by Senators Rinehart, Moore, McDermott and Talmadge be adopted:

On page 7, on line 6, after "marshal," strike everything down through "marshal" on line 8 and insert "~~((Any fireworks seized under this section may be disposed of by the state fire marshal))~~ Fireworks subject to forfeiture under this chapter may be seized by the state fire marshal or deputy fire marshal upon process issued by any superior court having jurisdiction over the property. Seizure without process may be made if:

(1) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative search warrant;

(2) The fireworks subject to seizure have been the subject of a prior judgment in favor of the state in a criminal injunction of forfeiture proceeding based upon this chapter;

(3) The state fire marshal or deputy fire marshal has probable cause to believe that the fireworks are directly or indirectly dangerous to health or safety; or

(4) The state fire marshal or deputy fire marshal has probable cause to believe that the fireworks were sold, offered for sale, used, discharged, possessed, or transported in violation of this chapter or the rules or regulations of the state fire marshal or are intended to be sold, offered for sale, used, discharged, possessed, or transported in violation of this chapter or the rules or regulations of the state fire marshal"

Debate ensued.

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

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

MOTION

On motion of Senator Rinehart, the following amendment by Senators Rinehart, Moore and McDermott was adopted:

On page 9, beginning on line 1, strike everything down through "port." on line 9

Renumber the remaining sections consecutively and correct any internal references accordingly.

MOTION

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

On page 9, line 11, after "may" insert "knowingly"

MOTION

On motion of Senator Rinehart, the following amendments by Senators Rinehart, Moore and McDermott were considered and adopted simultaneously:

On page 10, after line 2, insert the following:

"NEW SECTION. Sec. 24. "Consumer or user" as used in this chapter has its ordinary meaning and specifically includes, where applicable, natural persons, corporations, trusts, unincorporated associations, and partnerships that, at a fixed location or place of business, purchase, accept, or receive common fireworks."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 10, on line 3, after "through" strike "23" and insert "24"

MOTION

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

On page 10, after line 2, insert the following:

"NEW SECTION. Sec. 24. (1) This chapter is in the public interest and the commission by any person of an act or practice prohibited by this chapter is declared to be an unfair act or practice or unfair method of competition in the conduct of trade or commerce for the purpose of the application of the consumer protection act, chapter 19.86 RCW.

(2) Remedies under chapter 19.86 RCW are in addition to the enforcement provisions of this chapter."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 10, on line 3, after "through" strike "23" and insert "24"

MOTION

Senator Rinehart moved that the following amendments by Senators Rinehart, Moore, McDermott and Talmadge be considered simultaneously and adopted:

On page 10, after line 2, insert the following:

"NEW SECTION. Sec. 24. In an action based on fault seeking to recover damages for injury or death to a person or harm to property resulting from the sale of fireworks in violation of RCW 70.77.255, 70.77.395, 70.77.510, or 70.77.515, no contributory fault is chargeable to the claimant to diminish an award of compensatory damages for any such injury, death, or harm."

Re-number the remaining sections consecutively and correct any internal references accordingly.

On page 10, on line 3, after "through" strike "23" and insert "24"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senators Rinehart, Moore, McDermott and Talmadge.

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

MOTION

Senator Rinehart moved that the following amendment by Senators Rinehart, Moore, McDermott and Cantu be adopted:

On page 10, beginning on line 5, strike everything down through "thereto." on page 15, line 31

Re-number the remaining sections consecutively and correct any internal references accordingly.

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

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

MOTION

Senator Rinehart moved that the following amendment be adopted:

On page 2, on line 3, after "fireworks" strike everything down through "rockets:))" on line 22 and insert "means any fireworks designed primarily to produce visual or audible effects by combustion.

(1) The term includes:

(a) Ground and hand-held sparkling devices, including items commonly known as dipped sticks, sparklers, cylindrical fountains, cone fountains, illuminating torches, wheels, ground spinners, and flitter sparklers;

(b) Smoke devices;

(c) ~~((Fireworks commonly known as helicopters, aeri-als, spinners, roman-candies, mines, and shells;~~

(d)) Class C explosives classified on January 1, 1984, as common fireworks by the United States department of transportation.

(2) The term does not include fireworks commonly known as firecrackers, salutes, chasers, skyrockets, and missile-type rockets, helicopters, aeri-als, spinners, roman candles, mines, and shells."

Debate ensued.

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

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

ROLL CALL

The Secretary called the roll and the motion by Senator Rinehart failed and the amendment was not adopted by the following vote: Yeas, 14; nays, 26; absent, 6; excused, 3.

Voting yea: Senators Bailey, Bender, Bluechel, Fleming, Goltz, Granlund, Kreidler, McCaslin, McDermott, Moore, Rasmussen, Rinehart, Talmadge, Wojahn - 14.

Voting nay: Senators Barr, Bauer, Benitz, Bottiger, Conner, Craswell, Deccio, Garrett, Gaspard, Guess, Halsan, Hansen, Hayner, McDonald, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Saling, Sellar, Stratton, Vognild, von Reichbauer, Zimmerman - 26.

Absent: Senators DeJarnatt, Johnson, Lee, Thompson, Warnke, Williams - 6.

Excused: Senators Cantu, Kiskaddon, McManus - 3.

MOTION

Senator Rinehart moved that the following amendment be adopted:

On page 6, after line 33, insert the following:

"Sec. 14. Section 56, chapter 228, Laws of 1961 as last amended by section 24, chapter 249, Laws of 1984 and RCW 70.77.395 are each amended to read as follows:

Except as provided in RCW 70.77.311, no common fireworks shall be sold or discharged within this state except from twelve o'clock noon on the twenty-eighth of June to twelve o'clock noon on the sixth of July of each year. No common fireworks may be sold or discharged between the hours of ((~~eleven~~)) ~~ten~~ o'clock p.m. and ((~~nine~~)) ~~ten~~ o'clock a.m."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

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

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

MOTION

Senator Rinehart moved that the following amendments be considered simultaneously and adopted:

On page 10, after line 2, insert the following:

"NEW SECTION, Sec. 24. Except with the supervision of an adult, no person under the age of sixteen years may possess or discharge fireworks."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 10, on line 3, after "through" strike "23" and insert "24"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senators Rinehart.

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

MOTION

Senator Rinehart moved that the following amendments be considered simultaneously and adopted:

On page 10, after line 2, insert the following:

"NEW SECTION, Sec. 24. No wholesaler or retailer may sell or give fireworks to a person under sixteen years of age. A person who knowingly violates this shall be guilty of a gross misdemeanor."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 10, line 3, after "through" strike "23" and insert "24"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senators Rinehart.

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

POINT OF INQUIRY

Senator Moore: "Senator Bauer, have you always been totally consistent with this matter of not wanting to support something because it's not enforceable?"

Senator Bauer: "I guess I am inconsistent. Last year, I went for firecrackers and this year I'm off of firecrackers, so I guess I am somewhat inconsistent on the enforceability."

MOTION

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

On page 1, on line 3 of the title, after "70.77.315," insert "70.77.325,"

On page 1, on line 3 of the title, after "70.77.315," insert "70.77.340,"

On page 1, on line 3 of the title, after "70.77.435," insert "70.77.440,"

MOTIONS

On motion of Senator von Reichbauer, Senator Johnson was excused.

Senator Bauer moved that the rules be suspended and Engrossed Substitute Senate Bill No. 4195 be advanced to third reading, the second reading considered the third, and the bill be placed on final passage.

Debate ensued.

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

The President declared the question before the Senate to be the roll call on the motion by Senator Bauer to suspend the rules and advance Engrossed Substitute Senate Bill No. 4195 to third reading.

ROLL CALL

The Secretary called the roll and the motion by Senator Bauer carried and Engrossed Substitute Senate Bill No. 4195 was advanced to third reading by the following vote: Yeas, 33; nays, 10; absent, 2; excused, 4.

Voting yea: Senators Barr, Bauer, Benitz, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Lee, McCaslin, McDonald, Metcalf, Newhouse, Owen, Patterson, Peterson, Saling, Sellar, Stratton, Thompson, Vognilid, von Reichbauer, Warnke, Zimmerman - 33.

Voting nay: Senators Bailey, Kreidler, McDermott, Moore, Pullen, Rasmussen, Rinehart, Talmadge, Williams, Wojahn - 10.

Absent: Senators Bender, Bluechel - 2.

Excused: Senators Cantu, Johnson, Kiskaddon, McManus - 4.

Engrossed Substitute Senate Bill No. 4195 was advanced to third reading and 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. 4195.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4195 and the bill passed the Senate by the following vote: Yeas, 27; nays, 18; excused, 4.

Voting yea: Senators Barr, Bauer, Benitz, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Guess, Halsan, Hansen, Hayner, Lee, McCaslin, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Sellar, Stratton, Vognilid, von Reichbauer, Zimmerman - 27.

Voting nay: Senators Bailey, Bender, Bluechel, Fleming, Goltz, Granlund, Kreidler, McDermott, McDonald, Moore, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Warnke, Williams, Wojahn - 18.

Excused: Senators Cantu, Johnson, Kiskaddon, McManus - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4195, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator von Reichbauer served notice that he would move to reconsider the vote by which Engrossed Substitute Senate Bill No. 4195 passed the Senate.

SECOND READING

SENATE BILL NO. 3148, by Senators Granlund, Kreidler, Kiskaddon and Deccio (by Department of Corrections request)

Repealing provisions relating to special adult supervision programs.

The bill was read the second time.

MOTION

Senator Halsan moved that the following amendment be adopted:

On page 1, after line 27, insert the following:

"Sec. 2. Section 12, chapter 137, Laws of 1981 as last amended by section 6, chapter 209, Laws of 1984 and RCW 9.94A.120 are each amended to read as follows:

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2) and (5) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than three years, and shall not be eligible for furlough, work release or other authorized leave of absence from the correctional facility during such minimum three year term except for the purpose of commitment to an inpatient treatment facility. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section.

(5) In sentencing a first-time offender, other than a person convicted of a violation of chapter 9A.44 RCW or RCW 9A.64.020, the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

- (a) Devote time to a specific employment or occupation;
 - (b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense;
 - (c) Pursue a prescribed, secular course of study or vocational training;
 - (d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;
 - (e) Report as directed to the court and a community corrections officer; or
 - (f) Pay a fine, make restitution, and/or accomplish some community service work.
- (6) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, restitution, a term of community supervision not to exceed one year, and/or a fine. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(7) (a) When an offender is convicted of any violation of chapter 9A.44 RCW or RCW 9A.64.020 except RCW 9A.44.040 or RCW 9A.44.050 and has no prior convictions of chapter 9A.44 RCW, RCW 9A.64.020, or any other felony sexual offenses in this or any other state, the sentencing court on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

After receipt of the reports, the court shall then determine whether the offender and the community will benefit from use of this special sexual offender sentencing alternative. If the court determines that both the offender and the community will benefit from use of this provision, the court shall then impose a sentence within the sentence range and, if this sentence is less than six years of confinement, the court may suspend the execution of the sentence and place the offender on community supervision for up to two years. As a condition of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment;
- (iii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;
- (iv) Report as directed to the court and a community corrections officer;
- (v) Pay a fine, make restitution, accomplish some community service work, or any combination thereof; or
- (vi) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime.

If the offender violates these sentence conditions the court may revoke the suspension and order execution of the sentence. All confinement time served during the period of community supervision shall be credited to the offender if the suspended sentence is revoked.

(b) When an offender is convicted of any felony sexual offense and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its

own motion or on the motion of the offender or the state, order the offender committed for up to thirty days to the custody of the secretary of the department of social and health services at the Eastern State Hospital or the Western State Hospital for evaluation and report to the court on the offender's amenability to treatment at these facilities. If the secretary of the department of social and health services cannot begin the evaluation within thirty days of the court's order of commitment, the offender shall be transferred to the state for confinement pending an opportunity to be evaluated at the appropriate facility. The court shall review the reports and may order that the term of confinement imposed be served in the sexual offender treatment programs at Western State Hospital or Eastern State Hospital, as determined by the secretary of the department of social and health services. The offender shall be transferred to the state pending placement in the treatment program.

If the offender does not comply with the conditions of the treatment program, the secretary of the department of social and health services may refer the matter to the sentencing court for determination as to whether the offender shall be transferred to the department of corrections to serve the balance of his term of confinement.

If the offender successfully completes the treatment program before the expiration of his term of confinement, the court may convert the balance of confinement to community supervision and may place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

(i) Devote time to a specific employment or occupation;

(ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;

(iii) Report as directed to the court and a community corrections officer;

(iv) Undergo available outpatient treatment.

If the offender violates any of the terms of his community supervision, the court may order the offender to serve out the balance of his community supervision term in confinement in the custody of the department of corrections.

(8) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(9) If a sentence imposed includes a fine or restitution, the sentence shall specify a reasonable manner and time in which the fine or restitution shall be paid. In any sentence under this chapter the court may also require the offender to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary (a) to pay court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required, (b) to make recoupment of the cost of defense attorney's fees if counsel is provided at public expense, (c) to contribute to a county or interlocal drug fund, and (d) to make such other payments as provided by law. All monetary payments shall be ordered paid by no later than ten years after the date of the judgment of conviction.

(10) Except as provided under RCW 9.94A.140(1), a court may not impose a sentence providing for a term of confinement or community supervision which exceeds the statutory maximum for the crime as provided in RCW ~~(9A.20.020)~~ 9A.20.021.

(11) All offenders sentenced to terms involving community supervision, community service, restitution, or fines shall be under the supervision of the secretary of the department or such person as the secretary may designate and shall follow implicitly the instructions of the secretary including reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, and notifying the community corrections officer of any change in the offender's address or employment.

(12) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(13) Whenever a court sentences a person convicted of a violent offense to a term of confinement of more than one year, the court shall also order, in addition to the other terms of the sentence, that the offender, upon release from confinement, serve up to three years of community supervision. The conditions of supervision shall be limited to:

(a) Crime-related prohibitions;

(b) A requirement that the offender report to a community corrections officer at regular intervals;

(c) A requirement to remain within or without stated geographical boundaries;

(d) Restrictions on the association of the offender during the period of community supervision;

(e) A requirement that the offender participate in treatment or counseling services;

(f) A requirement that the offender secure and maintain employment;

(g) A requirement that the offender pursue a prescribed, court approved course of study or vocational training;

(h) A requirement that the offender abstain from the use of alcohol or other intoxicants;
and

(i) Any other requirements the court deems necessary for the protection of the public.

The length and conditions of supervision shall be set by the court at the time of sentencing. However, within thirty days prior to release from confinement and throughout the period of supervision, the length of supervision may be shortened and conditions of supervision may be modified by the sentencing court, upon motion of the department of corrections, the offender, or the prosecuting attorney. The period of supervision shall be tolled during any time the offender is in confinement for any reason. The period of supervision shall be concurrent with any outpatient supervision that is part of a treatment program imposed under subsection (7) of this section. In no case shall the period of supervision, in combination with the other terms of the offender's sentence, exceed the statutory maximum term for the offender's crime, as set forth in RCW 9A.20.021.

If the offender violates any condition of supervision, the sentencing court, after a hearing conducted in the same manner as provided for in RCW 9.94A.200, may order the offender to be confined for up to sixty days in the county jail at state expense. An offender may be held in jail at state expense pending the hearing, and any time served while awaiting the hearing shall be credited against confinement imposed for a violation. Appeals may not be taken except as provided by Rule 2.3, rules of appellate procedure.

(14) Whenever a court sentences a person convicted of a nonviolent offense to a term of confinement of more than one year, the court shall also order, in addition to the other terms of the sentence, that the offender, upon release from confinement, serve up to one year of community supervision. The conditions of supervision shall be limited to:

(a) Crime-related prohibitions;

(b) A requirement that the offender report to a community corrections officer at regular intervals;

(c) A requirement to remain within or without stated geographical boundaries;

(d) Restrictions on the association of the offender during the period of community supervision;

(e) A requirement that the offender participate in treatment or counseling services;

(f) A requirement that the offender secure and maintain employment;

(g) A requirement that the offender pursue a prescribed, court approved course of study or vocational training;

(h) A requirement that the offender abstain from the use of alcohol or other intoxicants;

and
(i) Any other requirements the court deems necessary for the protection of the public.

The length and conditions of supervision shall be set by the court at the time of sentencing. However, within thirty days prior to release from confinement and throughout the period of supervision, the length of supervision may be shortened and conditions of supervision may be modified by the sentencing court, upon motion of the department of corrections, the offender, or the prosecuting attorney. The period of supervision shall be tolled during any time the offender is in confinement for any reason. The period of supervision shall be concurrent with any outpatient supervision that is part of a treatment program imposed under subsection (7) of this section. In no case shall the period of supervision, in combination with the other terms of the offender's sentence, exceed the statutory maximum term for the offender's crime, as set forth in RCW 9A.20.021.

If the offender violates any condition of supervision, the sentencing court, after a hearing conducted in the same manner as provided for in RCW 9.94A.200, may order the offender to be confined for up to sixty days in the county jail at state expense. An offender may be held in jail at state expense pending the hearing, and any time served while awaiting the hearing shall be credited against confinement imposed for a violation. Appeals may not be taken except as provided in Rule 2.3, rules of appellate procedure.

(15) The decision to impose or to modify any condition of post-release supervision shall be made to apply equally to offenders in all parts of the state, without discrimination as to any element that does not relate to the crime or the previous record of the offender. The decision on the length and conditions of supervision shall be made solely by the court.

(16) A departure from the standards in RCW 9.94A.400(1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210(2) through (6).

Sec. 3. Section 20, chapter 137, Laws of 1981 as amended by section 12, chapter 209, Laws of 1984 and RCW 9.94A.200 are each amended to read as follows:

(1) If an offender violates any condition or requirement of a sentence, the court may modify its order of judgment and sentence and impose further punishment in accordance with this section.

(2) If an offender fails to comply with any of the requirements or conditions of a sentence the following provisions apply:

(a) The court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(b) The state has the burden of showing noncompliance by a preponderance of the evidence. If the court finds that the violation has occurred, it may order the offender to be confined for a period not to exceed sixty days for each violation, and may convert a term of partial confinement to total confinement. Any time served in confinement awaiting a hearing on noncompliance shall be credited against any confinement order by the court; and

(c) If the court finds that the violation was not willful, the court may modify its previous order regarding payment of fines or other monetary payments and regarding community service obligations.

(3) Nothing in this section prohibits the filing of escape charges if appropriate.

Sec. 4. Section 7, chapter 115, Laws of 1983 as amended by section 19, chapter 209, Laws of 1984 and RCW 9.94A.360 are each amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are summarized in Table 3, RCW 9.94A.330.

The offender score is computed in the following way:

(1) Include juvenile felony convictions if the offender was 15 or older at the time the offense was committed and the offender was less than 23 at the time the offense for which he or she is being sentenced was committed.

(2) If the present conviction is for Murder 1 or 2, Assault 1, Kidnaping 1, or Rape 1, count three points for prior adult and juvenile convictions for crimes in these categories, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(3) If the present conviction is for Burglary 1, count priors as in subsection (5) of this section; however count two points for each prior adult Burglary 2 conviction, and one point for each prior juvenile Burglary 2 conviction.

(4) If the present conviction is for Vehicular Homicide, only count the following crimes as part of the offender score: Vehicular Homicide, Vehicular Assault, Felony Hit and Run (RCW 46.52.020(4)), Hit and Run (RCW 46.52.020(5)), Driving While Intoxicated (RCW 46.61.502), Actual Physical Control (RCW 46.61.504), Reckless Driving (RCW 46.61.500), Attempting to Elude a Police Officer (RCW 46.61.500). Count two points for each adult or juvenile Vehicular Homicide conviction, one point for each other adult felony traffic or serious traffic conviction, and 1/2 point for each other juvenile felony traffic or serious traffic conviction.

(5) If the present conviction is for a violent offense and not covered in subsections (2), (3), (4), or (8) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(6) If the present conviction is for escape (Escape 1, RCW 9A.76.110; Escape 2, RCW 9A.76.120; Willful Failure to Return from Furlough, RCW 72.66.060; and Willful Failure to Return from Work Release, RCW 72.65.070), count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as 1/2 point.

(7) If the present conviction is for Burglary 2, count priors as in subsection (9) of this section; however count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 conviction, and one point for each juvenile prior Burglary 2 conviction.

(8) If the present conviction is for a violation of chapter 69.50 RCW, except for possession of a controlled substance (RCW 69.50.401(d)), count two points for each adult prior felony drug conviction (chapter 69.50 RCW, except RCW 69.50.401(d)), and one point for each juvenile drug conviction. All other adult and juvenile felonies are scored as in subsection (5) of this section if the current drug conviction is violent, or as in subsection (9) of this section if the current drug conviction is nonviolent.

(9) If the present conviction is for a nonviolent offense and not covered by subsection (6), (7), or (8) of this section, count one point for each prior adult felony conviction and one point for each prior juvenile violent felony conviction and 1/2 point for each prior juvenile nonviolent felony.

(10) If the present conviction is for an offense committed while the offender was under community supervision pursuant to this chapter, count one point.

(11) For all offender scores, the fractional totals shall be rounded down to the nearest whole number.

((+)) (12) In the case of multiple prior convictions for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. The conviction for the offense that yields the highest offender score is used.

((+)) (13) Class A prior felony convictions are always included in the offender score. Class B prior felony convictions are not included if the offender has spent ten years in the community and has not been convicted of any felonies since the last date of release from confinement pursuant to a felony conviction (including full-time residential treatment), if any, or entry of judgment and sentence. Class C prior felony convictions and serious traffic convictions as defined in RCW 9.94A.330 are not included if the offender has spent five years in the community

and has not been convicted of any felonies since the last date of release from confinement pursuant to a felony conviction (including full-time residential treatment), if any, or entry of judgment and sentence. This subsection applies to both adult and juvenile prior convictions.

The designation of out-of-state convictions shall be covered by the offense definitions and sentences provided by Washington law.

The offender score is the sum of points accrued under subsections (1) through ((12)) (13) of this section.

Sec. 5. Section 4, chapter 115, Laws of 1983 as amended by section 18, chapter 209, Laws of 1984 and RCW 9.94A.330 are each amended to read as follows:

TABLE 3
OFFENDER SCORE MATRIX

Current Offenses	Prior Adult Convictions				
	Serious Violent	Burglary 1	Other Violent	Vehicular Homicide	Escape
Serious Violent	3	2	2	2	1
Burglary 1	2	2	2	2	1
Other Violent	2	2	2	2	1
Vehicular Homicide	0	0	0	2	0
Escape	0	0	0	0	1
Burglary 2	1	2	1	1	1
Other Non-Violent	1	1	1	1	1
Drug	1	1	1	1	1
Current Offenses	Burglary 2	Felony Traffic	Serious Traffic	Other Non-Violent	Drug
Serious Violent	1	1	0	1	1
Burglary 1	2	1	0	1	1
Other Violent	1	1	0	1	1
Vehicular Homicide	0	1	1	0	0
Escape	0	0	0	0	0
Burglary 2	2	1	0	1	1
Other Non-Violent	1	1	0	1	1
Drug	1	1	0	1	2
Current Offenses	Prior Juvenile Convictions				
	Serious Violent	Burglary 1	Other Violent	Vehicular Homicide	Escape
Serious Violent	3	2	2	2	1/2
Burglary 1	2	2	2	2	1/2
Other Violent	2	2	2	2	1/2
Vehicular Homicide	0	0	0	2	0
Escape	0	0	0	0	1/2
Burglary 2	1/2	2	1/2	1/2	1/2
Other Non-Violent	1/2	1/2	1/2	1/2	1/2
Drug	1/2	1/2	1/2	1/2	1/2
Current Offenses	Burglary 2	Felony Traffic	Serious Traffic	Other Non-Violent	Drug
Serious Violent	1/2	1/2	0	1/2	1/2
Burglary 1	1	1/2	0	1/2	1/2
Other Violent	1/2	1/2	0	1/2	1/2
Vehicular Homicide	0	1/2	1/2	0	0
Escape	0	0	0	0	0
Burglary 2	1	1/2	0	1/2	1/2
Other Non-Violent	1/2	1/2	0	1/2	1/2
Drug	1/2	1/2	0	1/2	1

	<u>Status at Time of Current Offense</u>
On community supervision	1
Not on community supervision	0
Definitions: Serious Violent: Murder 1, Murder 2, Assault 1, Kidnapping 1, Rape 1	
Escape: Escape 1, Escape 2, Willful Failure to Return From Work Release or Furlough	
Serious Traffic: Driving While Intoxicated, Actual Physical Control, Reckless Driving, Hit-and-Run	
Felony Traffic: Felony Hit-and-Run, Vehicular Assault, Attempting to Elude a Police Officer	
Drug: All felony violations of chapter 69.50 RCW except possession of a controlled substance	

NEW SECTION. Sec. 6. The department of corrections shall conduct a study of post-release supervision for persons committed to the department. The study shall include the policy and fiscal implications of sections 2 through 5 of this 1985 act and whether post-release supervision would violate the intent of the sentencing reform act of 1981 or result in disparate sentences. It shall be filed with the secretary of the senate and chief clerk of the house of representatives by January 1, 1986.

NEW SECTION. Sec. 7. Sections 2, 3, 4, and 5 of this act shall take effect for all persons sentenced for offenses committed after September 1, 1986."

POINT OF ORDER

Senator Granlund: "I raise the issue of scope and object. I, respectfully, would like to submit to you that this amendment is outside the scope and object of the bill. Senate Bill 3148 repealed obsolete probation back to the set up special supervision programs for adult felons who received probation. Now, sometime ago we had what we called the special adult supervision program that was authorized by statute—that was an inducement, I guess I would have to say, to counties to share in the costs of supervision for service. These references in statutes are obsolete with the passing of SRA. We no longer have a need for this and I would remind you that the bill speaks to probation not to post release supervision.

"I think the amendment—I'm not going to speak to the merits of it now, but it probably is an amendment—a philosophical vent, if you will, that would be more probably put on a package that would be coming over from the House—House Bill No. 348, which is a sentencing reform package. Mr. President, I, respectfully, submit that you rule on the scope and object issue."

Debate ensued.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Granlund, the President finds that Senate Bill No. 3148 is a single purpose measure repealing chapter 9.95A, The Probationary Subsidy Act.

"The amendment proposed by Senator Halsan provides for the supervision of felons upon their release from prison as an addition to the sentences provided in Chapter 9.94A, the Sentencing Reform Act.

"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 Granlund, the rules were suspended, Senate Bill No. 3148 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. 3148.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3148 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vogt, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Excused: Senators Cantu, Johnson, Kiskaddon, McManus - 4.

SENATE BILL NO. 3148, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 7:15 p.m., on motion of Senator Vognild, the Senate adjourned until 9:30 a.m., Friday, March 15, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

SIXTY-FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, March 15, 1985

The Senate was called to order at 9:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard, consisting of Kim Tonkin and Kristina Mauer, presented the Colors. Reverend David Steen, pastor of the Lutheran Church of the Good Shepherd of Olympia, offered the prayer.

MOTION

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

SECOND READING

SENATE BILL NO. 4105, by Senators Newhouse, Hayner, Lee and McCaslin
Relating to mental health commitment.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 4105 was substituted for Senate Bill No. 4105 and the substitute bill was advanced to second reading and read the second time.

Senator Granlund moved that the following amendment by Senators Granlund, Johnson and Pullen be adopted:

On page 3, after line 28, insert the following:

*Sec. 2. Section 12, chapter 137, Laws of 1981 as last amended by section 6, chapter 209, Laws of 1984 and RCW 9.94A.120 are each amended to read as follows:

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2) and (5) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than three years, and shall not be eligible for furlough, work release or other authorized leave of absence from the correctional facility during such minimum three year term except for the purpose of commitment to an inpatient treatment facility. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section.

(5) In sentencing a first-time offender, other than a person convicted of a violation of chapter 9A.44 RCW or RCW 9A.64.020, the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

(a) Devote time to a specific employment or occupation;

(b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense;

(c) Pursue a prescribed, secular course of study or vocational training;

(d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;

- (e) Report as directed to the court and a community corrections officer; or
- (f) Pay a fine, make restitution, and/or accomplish some community service work.

(6) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, restitution, a term of community supervision not to exceed one year, and/or a fine. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(7) (a) When an offender is convicted of any violation of chapter 9A.44 RCW or RCW 9A.64.020 except RCW 9A.44.040 or RCW 9A.44.050 and has no prior convictions of chapter 9A.44 RCW, RCW 9A.64.020, or any other felony sexual offenses in this or any other state, the sentencing court on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

After receipt of the reports, the court shall then determine whether the offender and the community will benefit from use of this special sexual offender sentencing alternative. If the court determines that both the offender and the community will benefit from use of this provision, the court shall then impose a sentence within the sentence range and, if this sentence is less than six years of confinement, the court may suspend the execution of the sentence and place the offender on community supervision for up to two years. As a condition of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment;
- (iii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;
- (iv) Report as directed to the court and a community corrections officer;
- (v) Pay a fine, make restitution, accomplish some community service work, or any combination thereof; or
- (vi) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime.

If the offender violates these sentence conditions the court may revoke the suspension and order execution of the sentence. All confinement time served during the period of community supervision shall be credited to the offender if the suspended sentence is revoked.

(b) When an offender is convicted of any felony sexual offense and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, order the offender committed for up to thirty days to the custody of the secretary of the department of social and health services at the Eastern State Hospital or the Western State Hospital for evaluation and report to the court on the offender's amenability to treatment at these facilities. If the secretary of the department of social and health services cannot begin the evaluation within thirty days of the court's order of commitment, the offender shall be transferred to the state for confinement pending an opportunity to be evaluated at the appropriate facility. The court shall review the reports and may order that the term of confinement imposed be served in the sexual offender treatment programs at Western State Hospital or Eastern State Hospital, as determined by the secretary of the department of social and health services. However, the court shall not order that the term of confinement be served in the sexual offender treatment programs at Western State Hospital or Eastern State Hospital for any offender whose evaluation report indicates that the offender is dangerous or an escape risk. The offender shall be transferred to the state pending placement in the treatment program.

If the offender does not comply with the conditions of the treatment program, the secretary of the department of social and health services may refer the matter to the sentencing court for determination as to whether the offender shall be transferred to the department of corrections to serve the balance of his term of confinement.

If the offender successfully completes the treatment program before the expiration of his term of confinement, the court may convert the balance of confinement to community supervision and may place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;
- (iii) Report as directed to the court and a community corrections officer;
- (iv) Undergo available outpatient treatment.

If the offender violates any of the terms of his community supervision, the court may order the offender to serve out the balance of his community supervision term in confinement in the custody of the department of corrections.

(8) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(9) If a sentence imposed includes a fine or restitution, the sentence shall specify a reasonable manner and time in which the fine or restitution shall be paid. In any sentence under this chapter the court may also require the offender to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary (a) to pay court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required, (b) to make recoupment of the cost of defense attorney's fees if counsel is provided at public expense, (c) to contribute to a county or interlocal drug fund, and (d) to make such other payments as provided by law. All monetary payments shall be ordered paid by no later than ten years after the date of the judgment of conviction.

(10) Except as provided under RCW 9.94A.140(1), a court may not impose a sentence providing for a term of confinement or community supervision which exceeds the statutory maximum for the crime as provided in RCW 9A.20.020.

(11) All offenders sentenced to terms involving community supervision, community service, restitution, or fines shall be under the supervision of the secretary of the department or such person as the secretary may designate and shall follow implicitly the instructions of the secretary including reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, and notifying the community corrections officer of any change in the offender's address or employment.

(12) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(13) A departure from the standards in RCW 9.94A.400(1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210(2) through (6)."

POINT OF INQUIRY

Senator Talmadge: "Senator Granlund, have you analyzed your proposed amendment in the light of the Peterson case, that holds the mental health facility liable if they release someone who is deemed to be a dangerous patient?"

Senator Granlund: "It's precisely why I'm doing this, Senator Talmadge. I believe that the courts have the discretion not to send a person who is dangerous—a person who should be going to our state correctional institutions and not into a program. I would hate to bore the audience or bore our colleagues today with the ten sets of criteria, but they are spelled out very clearly that if this person is brought before the judge and has any one of these that applies to him, he should not be sent to the program and yet we have people on the bench, today, that say their hands are tied and I don't believe they are. We've had eight escapes from Western State Hospital. Right now, the capacity of the program at Western State Hospital is a hundred and ninety-eight—and we have two hundred and eighteen people there. At Eastern, we have fifty-six in an installation that has a capacity for forty-three—and I think something needs to be done."

Senator Talmadge: "I would certainly agree with that, Senator Granlund. My question was, has anybody on your staff analyzed this amendment from the standpoint of the Peterson case and the liability to the state? In specific, if someone is committed to the program at Western State Hospital and Eastern State Hospital, with your amendment, they must presumably not be dangerous and if, in fact, they are released and do damage to someone, wouldn't the state be necessarily liable under the Peterson case for the activity?"

Senator Granlund: "Pardon me, if I'm being obtuse. The point is—they should not be there at all, so the Peterson case would not apply."

Senator Talmadge: "But, I'm suggesting if the state makes a designation—if someone is sent to a facility, presumably they must not be dangerous. Is that correct, under your amendment?"

Senator Granlund: "Certainly."

Senator Talmadge: "If they, in fact, go out and do harm to someone, wouldn't the state be almost strictly liable for the consequences of the activity?"

Senator Granlund: "That has nothing to do with this amendment. This amendment is to keep people out of the program."

MOTION

On motion of Senator Talmadge, further consideration of Substitute Senate Bill No. 4105 was deferred.

SECOND READING

SENATE BILL NO. 4141, by Senators Fleming, Bottiger, Hayner and Sellar
Relating to legislative systems committee.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 4141 was substituted for Senate Bill No. 4141 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Thompson, the rules were suspended, Substitute Senate Bill No. 4141 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Vognild, further consideration of Substitute Senate Bill No. 4141 was deferred.

SECOND READING

SENATE BILL NO. 4231, by Senators Owen, Conner, McDonald and Zimmerman
(by Department of Game request)

Adjusting hunting and fishing license fees.

MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 4231 was substituted for Senate Bill No. 4231 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Owen, the rules were suspended, Substitute Senate Bill No. 4231 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 Owen, it would appear that on page 6, you've raised the fee for using a game department launching area to eight dollars and that each individual must have that license on him. At the present time, a person could drive in there with his family and have a fishing license or he could have one conservation permit and the whole family could go in there and use the launch area. Now, each one of those in the family, over sixteen, would have individual permits, is that correct?"

Senator Owen: "Senator Rasmussen, the Department of Game tells me that if one person in the family had it, they would not require that everybody else have it."

Senator Rasmussen: "The law here says 'each person'--'a person sixteen years of age or over using clearly identified game department lands and access facilities are required to possess conservation licenses on their person.' That would mean each individual would have to pay eight dollars and I think that is quite a burden for a family that's trying to stay together. The parents could either have a conservation license--or a fishing license would entitle them to use it, but the other individuals would all, now, have to have the license on their person. I don't care what the game department says, this is what the law says. It says 'the conservation license is non-transferrable.' I think that this is quite a burden and I'm going to have to vote 'no' on this legislation.

"Then one other place there, they have raised the license from a hundred to a hundred and fifty dollars and that's far more than nineteen percent increase. I had hoped this bill would be set down, so we could prepare some amendments."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4231.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4231 and the bill passed the Senate by the following vote: Yeas, 38; nays, 11.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 38.

Voting nay: Senators Barr, Benitz, Cantu, Craswell, Garrett, Hayner, McCaslin, Newhouse, Pullen, Rasmussen, von Reichbauer - 11.

SUBSTITUTE SENATE BILL NO. 4231, having received the constitutional majority, 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. 4216, by Senators Granlund and Kreidler

Prohibiting dentists from waiving the copayment requirements of a contract.

The bill was read the second time.

MOTION

On motion of Senator Granlund, the rules were suspended, Senate Bill No. 4216 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 Granlund, would you explain that a little bit further? Let me say what I think it is and see if that's correct. If I went to a dentist and the dentist had a five hundred dollar bill and he wanted to waive part of it, would that be unprofessional conduct?"

Senator Granlund: "And have your third party pay or pay it all?"

Senator Rasmussen: "Well, the third party payer would only pay whatever they agreed to pay on these insurance plans."

Senator Granlund: "If he is going to waive that part of the bill, in encouraging you to increase your services, even though you don't need to have them, that is unprofessional conduct."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4216.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4216 and the bill passed the Senate by the following vote: Yeas, 32; nays, 17.

Voting yea: Senators Bailey, Bauer, Bluechel, Bottiger, Cantu, Craswell, Fleming, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Newhouse, Patterson, Peterson, Pullen, Saling, Stratton, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Zimmerman - 32.

Voting nay: Senators Barr, Bender, Benitz, Conner, Deccio, DeJarnatt, Garrett, McDermott, McManus, Metcalf, Moore, Owen, Rasmussen, Rinehart, Sellar, Talmadge, Williams - 17.

SENATE BILL NO. 4216, having received the constitutional 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 10:04 a.m., on motion of Senator Vognild, the Senate recessed until 11:00 a.m.

SECOND MORNING SESSION

The Senate was called to order at 11:25 a.m. by President Cherberg.

SECOND READING

SENATE BILL NO. 4236, by Senators Wojahn and McDermott (by Deferred Compensation Committee request)

Implementing the deferred compensation committee's operational activity appropriation.

The bill was read the second time.

MOTION

On motion of Senator Wojahn, the rules were suspended, Senate Bill No. 4236 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. 4236.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4236 and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vogniid, von Reichbauer, Warnke, Wojahn, Zimmerman - 48.

Absent: Senator Williams - 1.

SENATE BILL NO. 4236, having received the constitutional majority, 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. 3367, by Senators Talmadge and Newhouse (by Public Disclosure Commission request)

Revising public disclosure laws.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 3367 was substituted for Senate Bill No. 3367 and the substitute bill was advanced to second reading and read the second time.

Senator McDonald moved that the following amendments be considered simultaneously and adopted:

On page 13, line 3, after "campaigning" strike "or services performed for the committee"

On page 13, following line 12, add a new subsection as follows:

"(2) Reimbursement for services performed for the committee by a campaign treasurer or other individual."

Renumber the remaining subsection accordingly.

POINT OF INQUIRY

Senator Talmadge: "Senator McDonald, so that I might understand the amendment, the intention of the two amendments that we're talking about here--the one on page 13, line 3, and page 13, line 13, is to permit the candidate to be reimbursed for lost income by the political campaign? Is that what you said?"

Senator McDonald: "No, it is not. The reimbursement would be for expenses, but not for lost income."

Senator Talmadge: "These two amendments would permit the reimbursement for expenses of the candidate?"

Senator McDonald: "Yes, it would allow for expenses, but not for the lost income."

Further debate ensued.

POINT OF INQUIRY

Senator Talmadge: "I looked at the bill and the sections you are attempting to amend in the first amendment, Senator McDonald, talked about reimbursement for loans to cover lost earnings incurred as a result of campaigning and what you're striking is the new language that was proposed by the commission--'or services performed for the committee.' My understanding in asking the question, initially, was--your amendment would still permit one to continue to receive reimbursement for lost wages sustained as a result of campaigning. What your amendment probably does preclude, is the kind of thing Senator Lee is talking about. Would you please clarify?"

Senator McDonald: "Yes, Senator Talmadge. We're simply striking 'or services performed for the committee.' 'Services performed for the committee' is very, very broad language. I think it's far broader than what we want to do. If we wanted to go into far more detail on this and propose something that will itemize those services which are acceptable and those which are not acceptable, I would be happy to join with you, but to simply say 'services,' that can be a whole host of things that I think opens this legislation up far more than we want to."

Senator Talmadge: "Just so I understand, the language that is there that permits reimbursement for expenses of a campaign treasurer or a candidate during a campaign is retained, and as a consequence, what you are talking about is the elimination of the language that relates to reimbursement for general services rendered--not the language relating with reimbursement of the candidate or campaign treasurer for income lost during a campaign, period?"

Senator McDonald: "This is correct."

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

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

MOTIONS

On motion of Senator Newhouse, the following amendment was adopted:
On page 17, line 13, after "set" insert "within the limits of RCW 43.03.028."

Senator Zimmerman moved that the following amendment be adopted:

On page 17, line 21, after "chapter" insert "including a report of all registered groups making aggregate contributions of one thousand dollars a year. This report will include a listing of all individual contributions exceeding fifty dollars. The report will be published no later than March 1 each year."

Debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator Zimmerman, as I understand it, the Public Disclosure Commission, now, does this. They procure a listing of the various campaigns--the contributions that were given. Is this to be substantially different than that report the Public Disclosure Commission now prepares--or do you have something else in mind?"

Senator Zimmerman: "I think that the way it's presently--is scattered. It's a scattered report. It's not easy for people to get to as far as the accurate contribution from groups. This would very much simplify the ability for the public--for people to see what's being contributed. I know they do put out some information--this would, I think, be the essence of doing it in a more useable, more practical report."

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

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

MOTION

Senator Pullen moved that the following amendment be adopted:

On page 10, line 2, after "of" strike "fifty dollars or more" and insert "more than fifty dollars"

Debate ensued.

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

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

MOTION

Senator Stratton moved that the following amendment be adopted:

On page 21, after line 20, insert the following:

"NEW SECTION, Sec. 14. A new section is added to chapter 42.17 RCW to read as follows:

If a candidate who is required to file a statement of financial affairs under RCW 42.17.240 has not filed the statement by the time provided in RCW 42.17.240, that candidate's name shall not be placed on the ballot by the appropriate elections officer."

POINT OF INQUIRY

Senator Pullen: "Senator Stratton, I want to commend you for your amendment and I'm inclined to support it. However, I have a technical question that I was hoping you could resolve. In the amendment, you refer to the time provided in RCW 14.17.240. Is that time April 15th each year?"

Senator Stratton: "When you file your financial affairs statement, it has to be filed within so many days of filing--if you recall."

Senator Pullen: "Unless you are an incumbent."

Senator Stratton: "And in 42.17.240, the incumbents would continue to file each year on April 15th, as we do."

Senator Pullen: "I guess my concern arises if an incumbent--in a year that he's not up for election should forget to file, I think that's happened to a few of our members from time to time. For example, suppose one of us were to forget to file prior to April 15th of this year, or for that matter, I suppose, simply forget to file in any year during the four-year period that you served as state Senator. Would you, then, under the terms of your amendment, be precluded from filing for office four years later when you're up--"

Senator Stratton: "Senator Pullen, if you will read line 9, this amendment says 'if a candidate,' so this would apply once you've become a candidate--to all people becoming candidates."

Senator Pullen: "Candidates who are incumbent did not file the F-1 report and other than the regular F-1 report due April 15th, if you're up for election--"

Senator Stratton: "If your F-1 report is delinquent, then I'd presume we'd come under the same treatment."

Senator Pullen: "Do you feel there ought to be some reasonable grace period, since if an incumbent Senator were just to forget by one day to file his report, then, I think a literal reading of your amendment would preclude him from being able to file as a candidate several months later."

Senator Stratton: "Let's be realistic. If you file your report on April 15th, even for a primary election, the ballots would not be printed until sometime in August--and if we, as Senators, are not responsible enough to be sure that our F-1's are filed, then 'yes,' we should be left off the ballot."

Senator Pullen: "Normally, it would be pretty easy, but I guess during a legislative session, when we're in session around April 15th and trying to get our income tax forms out at the same time--and in session every night seven days a week--it is easy to forget, I guess."

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

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

MOTIONS

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

On page 1, line 4 of the title, after "42.17.405;" insert "adding a new section to chapter 42.17 RCW;"

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute Senate Bill No. 3367 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 Talmadge, could you describe the process that the Public Disclosure would use in auditing a lobbyist's records?"

Senator Talmadge: "Senator Patterson, the authority that's contained in this bill is contained in Section 9 of the bill. In a particular case that was brought to the Supreme Court, there was some question about the scope of information that could be requested of the lobbyists. This particular amendment to the law provides that the Commission may ask for such other information as prescribed by a rule of the Commission. So that that issue--the issue of how much information need be provided would be something that the Commission could lay down in a rule process that will be open to public hearings and people will have an opportunity to testify and determine what kind of information could be disclosed. This would give them the authority to check what the lobbyist was saying in the reports."

Senator Patterson: "Would you anticipate that there will be additional expenses that would be incurred by the Public Disclosure Commission with these additional audit duties being prescribed?"

Senator Talmadge: "I certainly hope not. I don't think, in fact, that will be the case. The bill, as we have it before us, does not prescribe additional audits. It simply makes clear the authority of the Commission to ask such other information in the reporting process as they deem appropriate after the establishment of what it is they are going to ask via the rule-making process."

Senator Patterson: "And these are only those lobbyists that are officially registered to lobby during a legislative session? I'm just trying to get a handle on exactly the people we're talking about. Does the casual lobbyist that comes by--has a particular issue--may or may not be registered--would it include that person?"

Senator Talmadge: "I believe not. I believe it applies only to the normally registered lobbyist under the act."

Senator Patterson: "Someone who chose not to lobby, but comes down here and walks in here--and most of us are not aware of whether or not these individuals are registered lobbyists--we know who's in the book, but what I'm concerned about are those people who come in here and talk to us about a particular problem that they have. They are, in fact, lobbying and I just want to understand to the extent the audit of these persons' records would be subject to this law?"

Senator Talmadge: "At present, those kinds of casual lobbyists or citizen lobbyists are not required to report under the Public Disclosure Act. This particular section, I believe, does not affect that at all. It simply affects those people who are presently registered lobbyists who are making various kinds of expenditures for which they have to file reports under this amendment. When they do have to file reports, the Commission may ask for additional information, but only after establishing what that is, after a rule-making process."

POINT OF INQUIRY

Senator Deccio: "Senator Talmadge, I haven't read the bill, but I would like to ask the question--are the provisions in this bill or any other provisions required that anyone coming over here for just one day to lobby a specific issue, would have to register? Is that changed any?"

Senator Talmadge: "No, Senator Deccio. My response to you is the same as I gave to Senator Patterson and that is that the sections we have in the bill relating to lobbyists' disclosure that are presently the law are unaffected by the section and I believe it's Section 9 that has been changed in this bill."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3367.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3367 and the bill passed the Senate by the following vote: Yeas, 44; nays, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senators Bluechel, Craswell, McCaslin, Metcalf, Pullen - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3367, having received the 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 eight order of business.

MOTION

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

SENATE RESOLUTION 1985-37

by Senators Williams, Rasmussen, Bender, Thompson, Owen, Talmadge, McManus, Fleming, McDermott and Vognild

WHEREAS, There has recently been discussion suggesting a more contemporary theme song as the official song of the state of Washington; and

WHEREAS, Few of our citizens are aware that there is an official theme song; and

WHEREAS, Even fewer of our citizens know the words or could carry the tune; and

WHEREAS, Members of the "baby boom generation" have come of age and constitute a major population with increasing influence over economic decisions; and

WHEREAS, Many of our citizens exhibit their pride, energy, and creativity through the art of music; and

WHEREAS, "Rock and roll" musicians have provided some of our citizens the ability to express their pride, energy, and creativity through the art of dance; and

WHEREAS, It has been suggested that the song "Louie Louie" should be adopted as the state theme song; and

WHEREAS, Rockin' Robin Roberts, singer for the "Wailers", a Washington musical group, was the original vocalist for the song "Louie Louie;" and

WHEREAS, Lyrics have been written especially for our state by Richard Berry to the tune "Louie Louie;"

WHEREAS, Some of our legislators, citizens, and even the Governor are not familiar with the song "Louie Louie";

NOW, THEREFORE, BE IT RESOLVED, By the members of the Senate, That before the end of the 49th legislative session, the proposed lyrics written to the tune "Louie Louie" be performed in the rotunda for the citizens of this state to enjoy; and

BE IT FURTHER RESOLVED, That the members of the Senate for the state of Washington hereby declare April 12, 1985, to be "Louie Louie Day;" and

BE IT FURTHER RESOLVED, That the secretary of the Senate transmit a copy of this resolution to Mr. Berry.

Discussion on the resolution continued.

POINT OF INQUIRY

Senator Stratton: "Senator Rasmussen, I asked a question out here and I got an answer. I asked what is considered the baby boom generation and I was told it was those who came of age after the war. And I see your name on this amendment, and I'd like to know after what war?"

Senator Rasmussen: "Mr. President, if I may. Let me assure you that it was not the battle of the sexes. I do not participate in that, but I know that when my children and grandchildren get in the car and say 'Grandpa can I turn on the rock and roll,' I say, 'well it all depends on how bad the traffic is.' I did join on this, Senator Stratton, because I don't think Senator DeJarnatt can sing 'Washington My Home.' I have a little guilty conscience--having succumbed to the lobbying of Senator Bob Bailey, who did represent that district, and he did a terrific lobbying job, as Sid well knows. I don't remember that we sang the song, but it does not have the lilt like 'Bow Down to Washington.' You play that and everybody recognizes it, but when you play 'Washington My Home,' they say 'what is it?'"

"Helen Davis is a very nice woman. We all met her over in the House at the time we adopted that song and she did a good job for those days, but times change. The record sales have not been astounding, so possibly we should listen to another tune and, maybe, designate a committee of--well Margaret Hurley isn't

here any more—but we could, maybe, ask her to lead a group to get a better song with more lilt to it—for Washington. So, my guilty conscience, Senator Stratton, and not wanting to battle with the real artists, I'm just hoping that, maybe, we can make some progress."

Further debate ensued.

The President introduced Mr. Ross Shafer, promoter of 'Louie, Louie' as the state song, seated on the Rostrum.

With permission of the Senate, business was suspended to permit Mr. Shafer to address the Senate.

MOTION

At 12:18 p.m., on motion of Senator Vognild, 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 reverted the Senate to the first order of business.

REPORT OF STANDING COMMITTEE

March 15, 1985

ESHB 32 Prime Sponsor, Representative R. King: Providing collective bargaining for institutions of higher education. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass and refer to Committee on Ways and Means. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, Moore, Williams, Wojahn.

MINORITY recommendation: Do not pass. Signed by Senators Cantu, McDonald, Newhouse.

Referred to Committee on Ways and Means.

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

SECOND READING

SENATE BILL NO. 4262, by Senators Owen, Benitz, Stratton and McManus

Changing date for expiration of joint operating agencies' contracting authority.

The bill was read the second time.

MOTION

On motion of Senator Williams, the rules were suspended, Senate Bill No. 4262 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. 4262.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4262 and the bill passed the Senate by the following vote: Yeas, 43; absent, 6.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 43.

Absent: Senators Benitz, Craswell, Deccio, Guess, McDermott, von Reichbauer - 6.

SENATE BILL NO. 4262, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Wojahn: "A point of personal privilege, Mr. President. I just found out that we have a birthday person in our chamber and I would like to ask all the members to stand up and pick up their microphones and let's all sing Happy Birthday to Ole Scarpelli. He was looking really sour up there a minute ago."

Members of the Senate and the Lieutenant Governor sang Happy Birthday to Ole Scarpelli, Sergeant at Arms.

SECOND READING

SENATE BILL NO. 3877, by Senators Stratton, Saling, Guess, Conner, Lee, Barr, Halsan, Kreidler, Johnson, Warnke, Hansen, Goltz and Vogniild

Revising provisions relating to personal use licenses of the department of fisheries.

MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 3877 was substituted for Senate Bill No. 3877 and the substitute bill was advanced to second reading and read the second time.

Senator Owen moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. A new section is added to chapter 75.25 RCW to read as follows:

(1) A nonresident shellfish and food fish license is required for nonresident persons over the age of fifteen years to fish for, take, or possess shellfish and food fish for personal use from state waters or offshore waters. This license is not required to take, fish for, or possess Hood Canal shrimp, razor clams, or salmon for which a license is required under RCW 75.25.015, 75.25.020, or 75.25.100.

(2) An annual nonresident shellfish and food fish license is valid for the calendar year in which it is issued. The fee for an annual nonresident shellfish and food fish license is fifteen dollars.

(3) A two-day nonresident shellfish and food fish license may be issued to nonresidents who fish for food fish and shellfish other than razor clams, Hood Canal shrimp, and salmon. The fee for a two-day nonresident shellfish and food fish license is five dollars. Nonresident shellfish and food fish licenses are validated at the time of purchase by the signature of the license holder.

(4) A nonresident shellfish and food fish license is not required to harvest shellfish from private shellfish lands or farms.

(5) Nonresident scuba divers and skin divers over the age of fifteen years must possess a nonresident shellfish and food fish license to fish for, take, or possess shellfish and food fish other than razor clams, Hood Canal shrimp, and salmon.

(6) Revenues from the sale of nonresident shellfish and food fish licenses shall be deposited in the general fund and shall be appropriated for the resource management, enhancement, research, and enforcement functions of the shellfish and marine fish programs of the department of fisheries.

Sec. 2. Section 12, chapter 327, Laws of 1977 ex. sess. as last amended by section 7, chapter 80, Laws of 1984 and RCW 75.25.130 are each amended to read as follows:

Salmon angling licenses, Hood Canal shrimp licenses, nonresident shellfish and food fish licenses, and razor clam licenses shall be issued only under authority of the director. The director may authorize license dealers to issue the licenses and collect the license fees. In addition to the license fee, license dealers may charge a dealer's fee of twenty-five cents for salmon angling licenses and fifty cents for nonresident shellfish and food fish licenses, Hood Canal shrimp licenses, and razor clam licenses. The dealer's fee may be retained by the license dealer.

The director shall adopt rules for the issuance of salmon angling licenses, Hood Canal shrimp licenses, nonresident shellfish and food fish licenses, and razor clam licenses and for the collection, payment, and handling of license fees and dealers fees.

Sec. 3. Section 15, chapter 327, Laws of 1977 ex. sess. as last amended by section 8, chapter 80, Laws of 1984 and RCW 75.25.140 are each amended to read as follows:

(1) Salmon angling licenses, Hood Canal shrimp licenses, nonresident shellfish and food fish licenses, and razor clam licenses are not transferable. Upon request of a fisheries patrol officer or ex officio fisheries patrol officer, a person (a) digging for or possessing razor clams ((or)), (b) fishing for or possessing salmon for personal use ((or)), (c) conducting activities described in section 1 of this 1985 act, or (d) taking or possessing shrimp for personal use in that portion of Hood Canal lying south of the Hood Canal floating bridge, shall exhibit the required license

and write his or her signature for comparison with the signature on the license. Failure to comply with the request is prima facie evidence that the person does not have a license or is not the person named on the license.

(2) The razor clam license shall be visible on the licensee while digging for razor clams.

Sec. 4. Section 99, chapter 46, Laws of 1983 1st ex. sess. as amended by section 9, chapter 80, Laws of 1984 and RCW 75.25.150 are each amended to read as follows:

It is unlawful to dig for or possess razor clams, fish for or possess anadromous salmon, conduct the activities described in section 1 of this 1985 act, or take or possess shrimp without the licenses required by this chapter.

Sec. 5. Section 16, chapter 327, Laws of 1977 ex. sess. as last amended by section 10, chapter 80, Laws of 1984 and RCW 75.25.160 are each amended to read as follows:

A person who violates a provision of this chapter or who knowingly falsifies information required for the issuance of a salmon angling license, Hood Canal shrimp license, nonresident shellfish and food fish license, or razor clam license is guilty of a misdemeanor and is subject to the penalties provided in chapter 9A.20 RCW.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 7. This act shall take effect January 1, 1986."

MOTION

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

On page 2, line 8 of the amendment strike "over the age of fifteen years"

Debate ensued.

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

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

The President declared the question before the Senate to be adoption of the amendment by Senator Owen, as amended.

Debate ensued.

POINT OF INQUIRY

Senator Peterson: "Senator Owen, your amendment would only apply to non-resident fishermen or taking of shellfish?"

Senator Owen: "That's correct, only non-residents."

Senator Peterson: "That would mean my grandchildren and our family could still go out on the beach and dig butter clams without having to submit to a personal use license for shellfish?"

Senator Owen: "That's correct. If you go perch fishing or rock fishing and you want to go out and dig clams, then you would not have to have a license. Let me note one thing--to be fair to Senator Stratton in her bill. We did amend that if it's on your own property, her bill does not apply, but in my bill, it doesn't regardless of whose property."

Further debate ensued.

POINT OF INQUIRY

Senator McCaslin: "Senator Stratton, we've been coming in early and working late, I may have missed something. Didn't we just have a bill that had to do with the fishing licenses and what's the connection here?"

Senator Stratton: "Senator McCaslin, the bill we passed this morning related to the game department increases. This is not an Eastern Washington issue. This is a protection for the resource issue. We will get into that as we discuss the bill after this amendment is defeated."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Owen, as amended.

The motion by Senator Owen failed and the amendment, as amended, was not adopted on a rising vote.

MOTION

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

On page 4, line 33 of the amendment, after "food fish" insert ", or skin or scuba dive for food fish or shellfish."

PARLIAMENTARY INQUIRY

Senator Metcalf: "I don't have the bill before me right now. My amendment that was attached to the amendment that failed would require all scuba divers to have licenses is not attached to this particular amendment at this time, then, to the bill?"

REPLY BY THE PRESIDENT

President Cherberg: "Your amendment went down when Senator Owens' amendment went down."

Senator Metcalf: "Would it be proper, then, to offer it as an oral amendment? You all know what it is--to this bill to say that 'scuba divers or skin divers under the age of fifteen shall have to have a license.' That is, all scuba divers have to have a license, because, now, that we're talking about residents, it's a little bit different, but if it's proper I would offer it as an oral amendment to this bill."

President Cherberg: "Where would you place it, Senator?"

Senator Metcalf: "Well, perhaps we should place the bill down and I can get it and place it properly--or if you can take it as an oral amendment wherever it belongs in the bill. I'll trust our Chief Clerk to handle that."

MOTION

On motion of Senator Vognild, further consideration of Substitute Senate Bill No. 3877 was deferred.

SECOND READING

SENATE BILL NO. 4302, by Senators Wojahn, McDermott and Williams

Revising provisions relating to lie detectors.

The bill was read the second time.

MOTION

Senator Talmadge moved the following Committee on Judiciary amendment be adopted:

On page 1, line 21, after "any" strike all material down to and including "examination" on line 22 and insert "instrumentation or physical measuring device"

Debate ensued.

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

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

MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 2, line 4, strike all of subsection "(a)" and renumber the remaining subsections

Senator Talmadge moved that the following amendments be considered simultaneously and adopted:

On page 2, beginning on line 2, strike all material down to and including "party," on line 9 and renumber the subsections consecutively

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

"NEW SECTION, Sec. 3. A new section is added to chapter 49.44 RCW to read as follows:

In a civil action alleging a violation of RCW 49.44.120, the court may:

(1) Award a penalty in the amount of two thousand dollars to a prevailing employee or prospective employee in addition to any award of actual damages;

(2) Award reasonable attorneys' fees and costs to the prevailing employee or prospective employee; and

(3) Pursuant to RCW 4.84.185, award any prevailing party against whom an action has been brought for a violation of RCW 49.44.120 reasonable expenses and attorneys' fees upon final judgment and written findings by the trial judge that the action was frivolous and advanced without reasonable cause."

POINT OF INQUIRY

Senator Newhouse: "Senator Talmadge, the language here would infer that the judge had no alternative than to access the full amount. Do you intent that? Shouldn't it say 'the court may award?'"

Senator Talmadge: "Senator, in the original bill, there was a mandatory two thousand dollar figure. I have no problem in making that something that would be discretionary with the court, if that is what you would want to do."

MOTION

On motion of Senator Newhouse, the following amendment to the amendments was adopted:

On page 1, line 6 strike "shall" and insert "may"

The President declared the question before the Senate to be adoption of the amendments by Senator Talmadge, as amended.

The motion by Senator Talmadge carried and the amendments, as amended, were adopted.

MOTIONS

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

On page 1, line 2 of the title, after "49.44.130;" insert "adding a new section to chapter 49.44 RCW;"

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 4302 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. 4302.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4302 and the bill passed the Senate by the following vote: Yeas, 35; nays, 12; absent, 2.

Voting yea: Senators Bailey, Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Halsan, Hansen, Kiskaddon, Kreidler, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognlid, von Reichbauer, Williams, Wojahn, Zimmerman - 35.

Voting nay: Senators Barr, Benitz, Bluechel, Cantu, Deccio, Garrett, Hayner, Johnson, McCaslin, McDonald, Metcalf, Warnke - 12.

Absent: Senators Craswell, Guess - 2.

ENGROSSED SENATE BILL NO. 4302, having received the 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. 3877, deferred earlier today.

MOTION

On motion of Senator Owen, the rules were suspended, Engrossed Substitute Senate Bill No. 3877 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. 3877.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3877 and the bill passed the Senate by the following vote: Yeas, 26; nays, 21; absent, 2.

Voting yea: Senators Bailey, Barr, Bottiger, Deccio, Fleming, Gaspard, Goltz, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Newhouse, Patterson, Rinehart, Saling, Sellar, Stratton, Vognlid, Warnke, Wojahn, Zimmerman - 26.

Voting nay: Senators Bauer, Bender, Benitz, Bluechel, Cantu, Craswell, DeJarnatt, Garrett, Granlund, Halsan, Hansen, Metcalf, Moore, Owen, Peterson, Pullen, Rasmussen, Talmadge, Thompson, von Reichbauer, Williams - 21.

Absent: Senators Conner, Guess - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3877, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4136, by Senators Hansen, Fleming, Goltz, Benitz, Bauer, Barr, Bailey, Deccio, McDermott, Sellar and Patterson

Authorizing bonds for water supply projects.

MOTIONS

On motion of Senator Hansen, Second Substitute Senate Bill No. 4136 was substituted for Senate Bill No. 4136 and the second substitute bill was advanced to second reading and read the second time.

On motion of Senator Hansen, the rules were suspended, Second Substitute Senate Bill No. 4136 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. 4136.

ROLL CALL

The Secretary called the roll on final passage of Second Substitute Senate Bill No. 4136 and the bill passed the Senate by the following vote: Yeas, 42; nays, 6; absent, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Voting nay: Senators Craswell, Garrett, Kiskaddon, McCaslin, Metcalf, Pullen - 6.

Absent: Senator Guess - 1.

SECOND SUBSTITUTE SENATE BILL NO. 4136, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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 Senate Bill No. 3837, deferred on third reading March 14, 1985.

MOTIONS

On motion of Senator Bottiger, the rules were suspended and Substitute Senate Bill No. 3837 was returned to second reading and read the second time.

Senator Bottiger moved that the following amendment be adopted:

On page 4, line 11 after "provided," insert "No taxpayer shall be entitled to more than one credit pursuant to this section for a particular workplace during any three year period."

Debate ensued.

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

On motion of Senator Wojahn, the rules were suspended, Engrossed Substitute Senate Bill No. 3837 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 Garrett: "Senator Wojahn, would you answer a question for me? Does the business get the tax rebate if they stay open or if they close? I heard you and I was following very closely, but I thought you said they had to close in order to get the twenty-five percent tax rebate."

Senator Wojahn: "They have to give a warning first--before they close--that they give the warning--the greater amount they would receive. They have to close. They do not get it unless they close, but it would assist them as far as the closing costs. It might keep them in business. I think that most businessmen--the philosophy is they do not want to close a business."

Senator Garrett: "The only answer I wanted is that they have to close to get the rebate and lay all the employees off."

Senator Wojahn: "Yes."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3837.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3837 and the bill passed the Senate by the following vote: Yeas, 26; nays, 22; absent, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McDonald, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Wojahn - 26.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Garrett, Hayner, Johnson, Kiskaddon, Lee, McCasin, Metcalf, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer, Williams, Zimmerman - 22.

Absent: Senator Guess - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3837, having received the 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 Second Substitute Senate Bill No. 3828 and the pending amendment by Senator Talmadge and Kreidler on page 2, line 25, deferred March 14, 1985.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Bluechel: "I have an amendment on page 2, line 22. I'm not exactly sure where we are in these amendments. If we should vote on this, is that still acceptable to be debated?"

REPLY BY THE PRESIDENT

President Cherberg: "Yes."

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

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

MOTIONS

On motion of Senator Talmadge, the following amendment by Senators Talmadge and Kreidler was adopted:

On page 6, line 3, after "quality," and before "The" insert the following: "The plan shall coordinate and incorporate existing planning and research efforts of state agencies and local governments related to Puget Sound, and shall avoid duplication of existing efforts."

On motion of Senator Talmadge, the following amendment by Senators Talmadge and Kreidler was adopted:

On page 6, beginning on line 13, strike everything down to and including "Sound;" on line 15, and insert the following "(5) An identification and legal analysis of all existing laws governing actions of government entities which may affect water quality management of Puget Sound, the interrelationships of those laws, and the effect of those laws on implementation of the provisions of the plan;"

MOTION

Senator Bluechel moved that the following amendments be considered simultaneously and adopted:

On page 2, line 22, after "members" insert: ". The chair shall serve at the pleasure of the governor and the other six members shall be"

On page 3, line 3, after "(3)" strike: "The chair of the authority shall be a full time employee" and insert: "The seven members of the Puget Sound Water Quality Authority shall appoint a full time executive director"

On page 3, line 8, after "appropriate," strike: "The chair" and insert: "The executive director"

On page 5, line 17, after "(1)" strike: "The chair" and insert: "The executive director"

On page 5, line 23, after "appropriate," strike: "the chair" and insert: "the executive director"

On page 5, line 27, after "authority," strike: "The chair" and insert: "The executive director upon direction of the authority members"

On page 5, line 32, after "assignment," strike: "the chair" and insert: "the executive director"

On page 5, line 34, after "(3)" strike: "The chair" and insert: "The executive director"

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 amendments by Senator Bluechel.

ROLL CALL

The Secretary called the roll and the motion by Senator Bluechel failed and the amendments were not adopted by the following vote: Yeas, 19; nays, 28; absent, 2.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Sellar, von Reichbauer, Zimmerman - 19.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 28.

Absent: Senators Cantu, Guess - 2.

MOTIONS

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

On page 2, line 28, after "terms", insert "and be selected for their qualifications to carry out intent of this act"

Senator Lee moved that the following amendment be adopted:

On page 2, line 34, after "governor", insert "and direction of the authority"

Debate ensued.

POINT OF INQUIRY

Senator Lee: "Senator Kreidler, I do see in the bill where they are required to submit the plan to the Governor and the legislature and they give a date. I don't see any place where the legislature has to approve that plan or has to take any action of any kind. I thought you indicated that the bill was intended to do that. I'm just trying to clarify that in my own thinking."

Senator Kreidler: "By virtue of having the option of considering the plan for review, we have that option. It won't be a formal process of approving the plan, as such, but it will be to give us the opportunity to take action to either approve or reject it by virtue of legislative action that could be considered by the body."

Senator Lee: "However, it only requires the submission just as any other report--like the report that is being handed out right now from the Public Disclosure Commission--or something of this sort. Was it your intention that the legislature should actually review--in compiling this bill--so there would be like a report from the committee or something of this sort?"

Senator Kreidler: "The purpose was to give us the opportunity to take action if we did not agree with the plan, but wouldn't require the plan to have approval before it could be implemented. It gives us the opportunity to take action if we are in disagreement. It's one of those processes whereby we reach a compromise on this issue. I think we can all readily agree that everybody will have their two bits to offer if we had the absolute plan before us, but if there is disagreement with it, we will have the option of presenting legislation for consideration of that plan to make modifications to it, but it would not be a system whereby we we could stop the plan from going into effect per se."

Senator Lee: "So your answer is that it would take specific legislation passed through both houses to make any modification to the plan?"

Senator Kreidler: "That's what I said, yes."

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

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

MOTIONS

On motion of Senator Lee, the following amendment by Senators Lee and Talmadge was adopted:

On page 4, line 6, strike "technical"

On motion of Senator Lee, the following amendment by Senators Lee and Talmadge was adopted:

On page 7, line 18, after "implementation" insert "; and (21) The authority shall circulate and receive comments on drafts of the plan mandated herein, and keep a record of all relevant comments made at public hearing and in writing. These records should be made easily available to interested persons"

Senator Lee moved that the following amendments be considered simultaneously and adopted:

On page 6, line 21, after "(8)", strike "Recommendations for guidelines" and insert "Guidelines"

On page 6, line 32, after "(12)", strike "Recommendations on protecting", and insert "Protecting"

On page 6, line 35, after "(13)", strike "Recommendations for a" and insert "A"

On page 7, line 11, after "(17)", strike "Recommendations for implementation" and insert "Implementation"

Debate ensued.

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

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

MOTION

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

On page 7, line 9, after "resources, and", strike "development of"

On page 7, line 17, after "Recommendations for legislation" insert "Legislation"

MOTION

On motion of Senator Kreidler, the rules were suspended, Engrossed Second Substitute Senate Bill No. 3828 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. 3828.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute Senate Bill No. 3828 and the bill passed the Senate by the following vote: Yeas, 43; nays, 5; absent, 1.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senators Barr, Benitz, Newhouse, Pullen, Sellar - 5.

Absent: Senator Deccio - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3828, having received the 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 Miss Cori Peterson, the infant daughter of Senator and Mrs. Lowell Peterson, who was seated with her father on the floor of the Senate.

SECOND READING

SENATE BILL NO. 4168, by Senators Talmadge, Zimmerman and Garrett

Empowering a metropolitan municipal corporation to collect connection charges.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Senate Bill No. 4168 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. 4168.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4168 and the bill passed the Senate by the following vote: Yeas, 44; nays, 5.

Voting yea: Senators Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senators Bender, Craswell, McCaslin, Pullen, Saling - 5.

SENATE BILL NO. 4168, having received the constitutional majority, 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. 3799, by Senators Stratton and Williams

Increasing the state radiation control agency's responsibilities with regard to radiation control.

MOTIONS

On motion of Senator Williams, Substitute Senate Bill No. 3799 was substituted for Senate Bill No. 3799 and the substitute bill was advanced to second reading and read the second time.

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

On page 4, line 6, delete new section 4.

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

On page 1, line 2, after "RCW" strike "; and making an appropriation"

MOTION

On motion of Senator Williams, the rules were suspended, Engrossed Substitute Senate Bill No. 3799 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. 3799.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3799 and the bill passed the Senate by the following vote: Yeas, 28; nays, 19; absent, 2.

Voting yea: Senators Bailey, Bauer, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 28.

Voting nay: Senators Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Sellar, Zimmerman - 19.

Absent: Senators Bender, Hansen - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3799, having received the constitutional majority, 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. 3808, by Senators McManus, Williams, Zimmerman, Stratton and Halsan

Authorizing a study of the impact of siting a high-level radioactive waste storage repository in Washington.

MOTIONS

On motion of Senator McManus, Substitute Senate Bill No. 3808 was substituted for Senate Bill No. 3808 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator McManus, the rules were suspended, Substitute Senate Bill No. 3808 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. 3808.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3808 and the bill passed the Senate by the following vote: Yeas, 31; nays, 17; absent, 1.

Voting yea: Senators Bailey, Bauer, Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Kreidler, Lee, McDermott, McManus, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 31.

Voting nay: Senators Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hansen, Hayner, Johnson, Kiskaddon, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Sellar - 17.

Absent: Senator Bottiger - 1.

SUBSTITUTE SENATE BILL NO. 3808, having received the constitutional majority, 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. 4255, by Senators McDermott and Kreidler

Establishing a mechanism to finance the cleanup of releases of hazardous substances.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 4255 was substituted for Senate Bill No. 4255 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 4255 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. 4255.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4255 and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Voting nay: Senator Pullen - 1.

SUBSTITUTE SENATE BILL NO. 4255, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 109, by Senators Goltz, Williams and Saling

Petitioning the U. S. Department of Energy to shut down operations at the Purex plant under certain circumstances.

The memorial was read the second time.

MOTION

On motion of Senator Williams, the rules were suspended, Senate Joint Memorial No. 109 was advanced to third reading, the second reading considered the third, and the memorial 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 Joint Memorial No. 109.

ROLL CALL

The Secretary called the roll on final passage of Senate Joint Memorial No. 109 and the memorial passed the Senate by the following vote: Yeas, 43; nays, 4; absent, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senators Benitz, Bluechel, McCaslin, Newhouse - 4.

Absent: Senators Craswell, Deccio - 2.

SENATE JOINT MEMORIAL NO. 109, having received the constitutional majority, was declared passed.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 106, by Senators Talmadge, McManus, Williams and McDermott

Urging the highest priority for the pursuit of causes of action under the Nuclear Waste Policy Act of 1982.

The resolution was read the second time.

MOTIONS

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

On page 1, line 18, following "Act," insert "and

WHEREAS, The Legislature recognizes and commends the pursuit of legal redress by the Nuclear Waste Board."

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

On page 1, line 21, after "General" strike everything up to and including "feasible" on page 1, line 24, and insert "are encouraged to take whatever actions are necessary to represent the state, fully and adequately in any legal matter involving the state and arising under the federal Nuclear Waste Policy Act"

MOTION

On motion of Senator Williams, the rules were suspended, Engrossed Senate Concurrent Resolution No. 106 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 Engrossed Senate Concurrent Resolution No. 106.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Concurrent Resolution No. 106 and the resolution passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore,

Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Craswell - 1.

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 106, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 3035, by Senators McManus, DeJarnatt, Stratton, Talmadge, Garrett and Moore

Modifying provisions relating to drivers' and motorcyclists' licenses.

MOTIONS

On motion of Senator Peterson, Substitute Senate Bill No. 3035 was substituted for Senate Bill No. 3035 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Kreidler, the rules were suspended. Substitute Senate Bill No. 3035 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 McManus, I quickly scanned this bill. Could you tell me if it has a seat belt provision for the motorcycle and for the jimmy seat?"

Senator McManus: "This bill does not have a seat belt requirement for the jimmy seat, Senator Rasmussen. No, it does not."

Senator Rasmussen: "I thought you were on TV saying they were very necessary."

Senator McManus: "Well, I believe they are necessary for cars and trucks and probably in a motorcycle you have a different set of circumstances. I would have to think that one through before I'd want to mandate a seat belt on a jimmy seat on a motorcycle."

Senator Rasmussen: "Thank you. Maybe we can get the House to amend it."

POINT OF INQUIRY

Senator Patterson: "Senator McManus, when the bill was before the Transportation Committee, I was somewhat confused and I'm sure other members of the committee were confused in that, technically, the bill applies only to young people under the age of eighteen--that are required to go through this training course. Is that correct?"

Senator McManus: "No, that's not correct, Senator Patterson. If you're already licensed and you can demonstrate that you have had the proper education to drive a motorcycle, you're grandfathered in. If you're not licensed or your license has expired, then before you can renew your license you would have to pay the fee and go through a motorcycle driver's education class and that would apply to any age of driver in the state."

Senator Patterson: "In other words, for the first time--now, I am licensed to drive my automobile--if for the first time, I decide I want to go crazy and get out there and get on one of those bikes, do I have to go through--"

Senator McManus: "No, Senator Patterson, because you're grandfathered in, because you already have your driver's license."

Senator Patterson: "Driver's license for what?"

Senator McManus: "For cars."

Senator Patterson: "So, it's really not a license to drive a motorcycle you're talking about?"

Senator McManus: "It will be a permit certification to drive a motorcycle for those who are not yet licensed to drive."

Senator Patterson: "Then, what is the cost of the training course to the one that needs to have this kind of training?"

Senator McManus: "There will be a four dollar fee added to the basic driver's license fee of fourteen dollars to provide the money for the payment for the course which will be provided by the Motorcycle Safety Foundation through the Department of Licensing."

Senator Patterson: "So, all it's going to cost to take this training course--what you're saying--is that four dollars?"

Senator McManus: "That's correct, sir."

Senator Patterson: "That wasn't my understanding, but you are on record. As I understand, it costs more than that to take the training course, but that's your understanding of it, is that correct?"

Senator McManus: "That's correct and that's what's written. The training course has already been established, so you're not having to pay for the establishment of a new course. It's already in existence."

Senator Patterson: "Now, I asked one other question when they were testifying--the people that conduct these training courses. They all drive these high powered motorcycles and I noted and I asked the question whether or not, in their instruction there, if they recommend that the helmet be worn and I understand that that's one of the major problems with riding a bicycle--is that the head injuries that occur if you get thrown off and are in a bad situation with another vehicle. The answer came to me, 'oh, yes, we do.' Just for the benefit of this body, I waited until all those that were there that apparently were the instructors went out to their bicycles and got aboard and there wasn't a one of them--and there were nine of them--there wasn't a one of them that had a helmet with them. This bothers me very much.

"You know, these are the advocates of giving them proper training and yet when it came time for them to do their instruction, then, they personally do not wear the helmet and that bothers me somewhat."

Senator McManus: "I'm also told, Senator Patterson, that many of these instructors who are both members of cyclist groups and who are not, do wear their helmets and other protective equipment."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3035.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3035 and the bill passed the Senate by the following vote: Yeas, 33; nays, 16.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 33.

Voting nay: Senators Barr, Benitz, Cantu, Craswell, Deccio, Johnson, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Sellar, von Reichbauer, Zimmerman - 16.

SUBSTITUTE SENATE BILL NO. 3035, having received the constitutional majority, 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. 3125, by Senators Conner, Hansen and Garrett (by Department of Transportation request)

Authorizing construction of the Quinault Tribal Highway.

MOTIONS

On motion of Senator Peterson, Substitute Senate Bill No. 3125 was substituted for Senate Bill No. 3125 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Peterson, the rules were suspended, Substitute Senate Bill No. 3125 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 Vognild, I want to refer to the substitute bill that dealt with this issue. Could you kind of describe just a little bit for the benefit of the body what some of the problems were in trying to have the state of Washington involved in this project?"

Senator Vognild: "I'll try, Senator. Basically, the substitute bill is a bill that authorizes the Department to acquire the land--the right of way--to proceed with

the engineering and build a highway as they would any place in the state. Now, some of the problems involved are that we are going through, in this case, the Quinault Indian Reservation. The Quinault tribe feels that they should have ownership of the land. They would want to control the access from the highway and they want the power to police the highway, as well. This bill does not give them any of that power. Joe De LaCruz, who is president of the tribe has indicated that there is room to talk and there is room for a potential agreement. I think our best move is to put this bill over to the House now that they are willing to talk. I feel comfortable that we have a good chance of working out an agreement that is agreeable to the property owners, to the people of the state of Washington and to the Quinault tribe and get this very valuable piece of highway built."

POINT OF INQUIRY

Senator Fleming: "Senator Vognild, what you're saying is that this substitute bill is going to amend it to be as any highway that we are constructing--would normally be in terms of authority and so on? Is that correct?"

Senator Vognild: "That's correct, with one exception I should probably put in there. The one exception is that they are authorized to negotiate with the federal government and the tribe for some federal money to build the highway."

Senator Fleming: "O.K. Secondly, the way this is written up now is not, as I would see it, this is not the way it would normally go if this was a normal road going across an Indian reservation. On a normal situation, they would have the authority that you struck out of this original bill. Am I right?"

Senator Vognild: "Not necessarily, Senator. There are roads built in this state on Indian reservations that are owned and controlled completely by the state of Washington. There are other roads on reservation lands that are built and operated under a mutual agreement, so both can be done."

Senator Fleming: "O.K., but that's land that's owned and operated by the government and was either negotiated or sold to the government by the Indians?"

Senator Vognild: "Yes, as any other private land owner would be treated."

Senator Fleming: "As this bill was drawn up, this bill would make it happen without that negotiation or without buying it in terms of putting a hammer over the Indian reservation's head to bring them to the table?"

Senator Vognild: "No, Senator, it would not, because if the highway were to pass through or in any way encroach upon any land currently owned by the Quinault Nation, they would have to be negotiated with--purchased whatever the case is as any landowner would."

Senator Fleming: "My last question, then, if that is the case, why did you change the language from the original bill to this bill?"

Senator Vognild: "Because the original bill indicated that any land that was purchased would automatically revert to the control of the Quinault tribe, even though it was purchased from a private landowner that was not a member of the tribe."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3125.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3125 and the bill passed the Senate by the following vote: Yeas, 44; nays, 4; absent, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senators Fleming, Granlund, Rinehart, Sellar - 4.

Absent: Senator Benitz - 1.

SUBSTITUTE SENATE BILL NO. 3125, having received the 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 Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, the Committee on Commerce and Labor was relieved of further consideration of House Bill No. 622.

On motion of Senator Vognild, House Bill No. 622 was referred to the Committee on Parks and Ecology.

MOTION

At 5:21 p.m., on motion of Senator Vognild, the Senate recessed until 5:45 p.m.

SECOND AFTERNOON SESSION

The Senate was called to order at 5:57 p.m. by President Cherberg.

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

SECOND READING

SENATE BILL NO. 3659, by Senator McDermott

Relating to state government.

MOTIONS

On motion of Senator Goltz, Substitute Senate Bill No. 3659 was substituted for Senate Bill No. 3659 and the substitute bill was advanced to second reading and read the second time.

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

On page 3, line 31, strike "five hundred thousand" and insert "three hundred thousand"

On page 3, line 35, strike "five hundred thousand" and insert "three hundred twenty-five thousand"

On motion of Senator Goltz, the following amendment to the amendments was adopted:

On line 3 of the amendment strike "--five"

The President declared the question before the Senate to be adoption of the amendments by Senators Goltz and McDermott, as amended.

The motion by Senator Goltz carried and the amendments, as amended, were adopted.

MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute Senate Bill No. 3659 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Hansen: "Senator Goltz, I understand your problem with the floods that happened, but could anybody have taken that material out of that area without a hydraulic's permit? On the Nooksack River, I've seen timber laying in there that the people would love to get out, but the Game Department says 'no' and it's eating the banks away. In the Yakima River, the rafters--where after the flood and washed debris--that was hazardous to the rafters that use that river--went out and tried to take them out and they were stopped by the Game and Fisheries Department. Now, you're trying to put the fox in the hen house here and I think they're the one that stopped a lot of this clean-up before. Have you thought of that angle?"

Senator Goltz: "I will try to think of that angle as I give the reasons for my being interested in the bill."

Further debate ensued.

MOTION

On motion of Senator Zimmerman, Senator Benitz was excused.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3659.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3659 and the bill failed to pass the Senate by the following vote: Yeas, 15; nays, 33; excused, 1.

Voting yea: Senators Bailey, Bender, Cantu, Fleming, Gaspard, Goltz, Kreidler, Lee, McDermott, McDonald, Rasmussen, Rinehart, Talmadge, Williams, Wojahn - 15.

Voting nay: Senators Barr, Bauer, Bluechel, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Garrett, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Saling, Sellar, Stratton, Thompson, Vognild, von Reichbauer, Warnke, Zimmerman - 33.

Excused: Senator Benitz - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3659, having failed to receive the constitutional majority, was declared lost.

SECOND READING

SENATE BILL NO. 3601, by Senators Guess, Hansen, Patterson, Peterson, Owen, Barr and Benitz

Revising proportional licensing of motor vehicles.

The bill was read the second time.

MOTIONS

On motion of Senator von Reichbauer, Senator Johnson was excused.

On motion of Senator Peterson, the rules were suspended, Senate Bill No. 3601 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 Senate Bill No. 3601.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3601 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Warnke - 1.

Excused: Senators Benitz, Johnson - 2.

SENATE BILL NO. 3601, having received the constitutional majority, 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. 4267, by Senators Hansen and Sellar

Authorizing the department of transportation to buy and sell abandoned rail rights of way.

MOTIONS

On motion of Senator Peterson, Substitute Senate Bill No. 4267 was substituted for Senate Bill No. 4267 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Peterson, the rules were suspended, Substitute Senate Bill No. 4267 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. 4267.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4267 and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senators Bluechel, Pullen - 2.

Excused: Senators Benitz, Johnson - 2.

SUBSTITUTE SENATE BILL NO. 4267, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 127, by Senators Bottiger, Bluechel and Moore
Petitioning Congress to undertake a study on vessel air emissions.

The memorial was read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended, Senate Joint Memorial No. 127 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Joint Memorial No. 127.

ROLL CALL

The Secretary called the roll on final passage of Senate Memorial No. 127 and the memorial passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Guess, Newhouse - 2.

Excused: Senators Benitz, Johnson - 2.

SENATE JOINT MEMORIAL NO. 129, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 3897, by Senators Bender, Talmadge, McDermott, Halsan, Vognild and Moore

Establishing new reporting requirements for property and casualty insurers.

MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 3897 was substituted for Senate Bill No. 3897 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Moore, the rules were suspended, Substitute Senate Bill No. 3897 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 Bender, on page 2, where they list the number of the reserves, it indicates the reserves of the report claims at the end of the current year. My concern is how far out can you project reserves? It seems to me there's going to be cases--suits and so on that would possibly come down the line for the various professions that are covered. Probably, there would be the possibility of medical malpractice. I don't know how far down the line can you see reserves?"

Senator Bender: "This is a category in terms of their accounting procedure called 'losses incurred but not reported.' They keep a certain amount which they consider to be future claims down the road and these are kept for years, and they also use this money in terms of investment as well. While they're keeping this money in reserve, they also put it to investments and get to collect that money off of those investments as well."

Senator Zimmerman: "Actuarially though, there are certain figures you have to assume they have to keep for purposes of coverage. We're not leaving anyone bare out there in terms of the possibility of not being covered?"

Senator Bender: "That's correct. All we're asking for in this bill is to give us some more information to base those decisions on."

Senator Zimmerman: "The one other question, Senator Bender, where it says down on line 33, that 'this section shall provide for as many preceding years as required by the commissioner.' Is it likely that they would go back several years? That would be a little bit of a burden. I'm just curious as how that would apply."

Senator Bender: "My understanding with the Insurance Commissioner's Office is that they don't have any plans at all to go back to preceding years. All they want, now, is terms of what's going to happen today and in future years. They do not plan to go back."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3897.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3897 and the bill passed the Senate by the following vote: Yeas, 29; nays, 16; absent, 2; excused, 2.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognil, von Reichbauer, Wanke, Williams, Wojahn, Zimmerman - 29.

Voting nay: Senators Bailey, Barr, Bluechel, Cantu, Craswell, Garrett, Guess, Hayner, Kiskaddon, McCaslin, McDonald, McManus, Metcalf, Patterson, Saling, Sellar - 16.

Absent: Senators Lee, Newhouse - 2.

Excused: Senators Benitz, Johnson - 2.

SUBSTITUTE SENATE BILL NO. 3897, having received the constitutional majority, 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. 3790, by Senators Cantu, Granlund, Johnson, Owen, Craswell and Bailey

Restricting access to drivers' license records.

MOTIONS

On motion of Senator Peterson, Substitute Senate Bill No. 3790 was substituted for Senate Bill No. 3790 and the substitute bill was advanced to second reading and read the second time.

MOTION

On motion of Senator Bottiger, further consideration of Substitute Senate Bill No. 3790 was deferred.

SECOND READING

SENATE BILL NO. 3306, by Senators Newhouse, Talmadge, Owen, Bauer, Rasmussen, Vognil, Deccio and Lee

Requiring liability insurance as a condition for licensing a motor vehicle.

MOTIONS

On motion of Senator Zimmerman, Senator von Reichbauer was excused.

On motion of Senator Talmadge, Substitute Senate Bill No. 3306 was substituted for Senate Bill No. 3306 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 3306 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. 3306.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3306 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Benitz, Johnson, von Reichbauer - 3.

SUBSTITUTE SENATE BILL NO. 3306, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Moore: "A point of personal privilege, Mr. President. At this time, I would like to thank, in particular, the members of the minority party that are on the Financial Institutions Committee. I must say that I have had tremendous cooperation; the criticisms were all constructive. We tried to embody everything into legislation that the majority and the minority wanted and I want to, particularly, mention that I am delighted with the passage of this bill that we just voted upon. It's a real tribute to Irv Newhouse and I just wanted everybody to know that I'm glad a minority sponsor got a bill over to the other House. Thank you."

SECOND READING

SENATE BILL NO. 3469, by Senators Thompson, McCaslin, Garrett, Zimmerman and McManus

Modifying provisions relating to annexation and boundary review.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 3469 was substituted for Senate Bill No. 3469 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Thompson, the rules were suspended, Substitute Senate Bill No. 3469 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 Thompson, does this bill, in any way, make it easier for a city to annex islands?"

Senator Thompson: "No, it will not, Senator Pullen."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3469.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3469 and the bill passed the Senate by the following vote: Yeas, 33; nays, 13; excused, 3.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Conner, Craswell, Deccio, Fleming, Garrett, Gaspard, Granlund, Guess, Halsan, Hansen, Hayner, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Peterson, Pullen, Sellar, Stratton, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 33.

Voting nay: Senators Bailey, Cantu, DeJarnatt, Goltz, Halsan, Kiskaddon, Kreidler, Metcalf, Patterson, Rasmussen, Rinehart, Saling, Talmadge - 13.

Excused: Senators Benitz, Johnson, von Reichbauer - 3.

SUBSTITUTE SENATE BILL NO. 3469, having received the constitutional majority, 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. 4278, by Senators Metcalf and Guess

Establishing procedures for redemption of a vehicle impounded from an unlicensed driver.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended, Senate Bill No. 4278 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. 4278.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4278 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognlid, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Benitz, Johnson, von Reichbauer - 3.

SENATE BILL NO. 4278, having received the constitutional majority, 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. 4152, by Senators Rinehart, Gaspard, Goltz and Bauer

Including high school students and recent graduates as residents for higher education tuition and fees.

The bill was read the second time.

MOTIONS

On motion of Senator Rinehart, the following Committee on Education amendments were considered simultaneously and adopted:

On page 1, line 20, following "institution" strike "; ((or))", and insert "or a dependent student who has established a bona fide domicile in the state of Washington and has enrolled in a high school in this state or has graduated from a high school in this state within one year before the student's enrollment; or"

On page 1, line 24, after "continuous" strike all material through "enrollment" on line 27.

On motion of Senator Rinehart, the rules were suspended, Engrossed Senate Bill No. 4152 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. 4152.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4152 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognlid, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Benitz, Johnson, von Reichbauer - 3.

ENGROSSED SENATE BILL NO. 4152, having received the constitutional majority, 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. 3797, by Senators Bauer, Thompson, Zimmerman and Conner Revising the laws for the state school for the deaf and the state school for the blind.

MOTIONS

On motion of Senator Bauer, Substitute Senate Bill No. 3797 was substituted for Senate Bill No. 3797 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Bauer, the rules were suspended, Substitute Senate Bill No. 3797 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 Bluechel: "Senator Bauer, would this establish a separate agency and in the funding for these, would these be listed as a separate item--they would be out of DSHS--they would be by themselves literally as a separate agency?"

Senator Bauer: "Yes, Senator, the original suggestion was that they put them through the Superintendent of Public Instruction, but it appeared that that wasn't the necessary move, so they will be separate agencies, yes."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3797.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3797 and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senators Bluechel, Kreidler - 2.

Excused: Senators Benitz, Johnson, von Reichbauer - 3.

SUBSTITUTE SENATE BILL NO. 3797, having received the constitutional majority, 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. 3989, by Senator Moore

Relating to insurance.

MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 3989 was substituted for Senate Bill No. 3989 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Moore, the rules were suspended, Substitute Senate Bill No. 3989 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: "Thank you, Senator Wojahn. I commend you for your work in this very sensitive area. Let me ask one question, though. Is there any time limit involved in the bill beyond which insurance companies may or may not renew or provide insurance? In other words, I would assume that if a mastectomy had occurred recently, the insurance company could have a legitimate fear that there could be a recurrence of cancer. Is there any time limit that is involved in the bill?"

Senator Wojahn: "Yes, it's five years, and, also, if a person has had a mastectomy in order to have reconstructive work, it has to occur by six and a half years, generally, because the muscles contract and atrophy."

Senator Pullen: "I would assume that at least, to me, it seems like a reasonable time frame. Is there any evidence that there is any significant statistical recurrence of cancer after a five-year period?"

Senator Wojahn: "That's the magic date."

POINT OF INQUIRY

Senator McDonald: "Senator Wojahn, just looking at the bill, if a woman had some other disease or some other problem, does it say that they cannot deny insurance because of that?"

Senator Wojahn: "It simply says that insurance may not be denied because of a mastectomy and this has been the reason that there have been denials according to the Insurance Commissioner's Office and so the bill covers only that section. They are simply pulling that out of context and doing it. Now, they haven't had complaints on other items and that's the reason we sponsored the bill because there had been complaints—a number of them in the last year and a half."

Senator McDonald: "But they can deny it for another reason?"

Senator Wojahn: "I'm sure. Sure."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3989.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3989 and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; absent, 3; excused, 3.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vogndil, Warnke, Williams, Wojahn, Zimmerman - 42.

Voting nay: Senator Sellar - 1.

Absent: Senators Barr, Lee, McDermott - 3.

Excused: Senators Benitz, Johnson, von Reichbauer - 3.

SUBSTITUTE SENATE BILL NO. 3989, having received the constitutional majority, 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. 3558, by Senators Thompson, Metcalf and Conner

Authorizing state support of Washington students pursuing maritime studies out of state.

MOTIONS

On motion of Senator Gaspard, Substitute Senate Bill No. 3558 was substituted for Senate Bill No. 3558 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Gaspard, the rules were suspended, Substitute Senate Bill No. 3558 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Patterson: "Senator Gaspard, as I recall when we signed this bill out of committee, it was authorizing a program in optometry."

Senator Gaspard: "Optometry was authorized a couple of years ago."

Senator Patterson: "I'm reading on page 102 of the digest and it's a summary. Do we have another bill in committee that expands the authority of WICHE?"

Senator Gaspard: "We passed one yesterday, I believe, in osteopathic medicine."

Senator Patterson: "That's the other bill?"

Senator Gaspard: "That's the other bill and the reference to optometry--there was a section there that said we used optometry as the only expansion that we've had in the last few years. We wanted to make sure that these students will be in addition to the programs and that's why optometry is still in there with the current language."

Further debate ensued.

POINT OF INQUIRY

Senator McDonald: "Senator Gaspard, going through the numbers, it looks like a lot of money per student--\$8,100. I'm a WICHE commissioner and that's great and I think it's a great program, but it does seem like a lot of money. Is there any explanation for that?"

Senator Gaspard: "We have an appropriation on it for \$48,600. Is that what you're asking for--the appropriation?"

Senator McDonald: "No, I'm asking why eight thousand dollars a year?"

Senator Gaspard: "It's just what has been recognized to us as the cost of the program."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Senator McDonald, the thing you're referring to is what it costs the state of California to run the program per student. If you'll notice, six students on a two-year program--this is a two-year appropriation. That would be \$24,000 a year. We would be subsidizing about four thousand a student."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3558.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3558 and the bill passed the Senate by the following vote: Yeas, 44; absent, 2; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Lee, Rinehart - 2.

Excused: Senators Benitz, Johnson, von Reichbauer - 3.

SUBSTITUTE SENATE BILL NO. 3558, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MESSAGE FROM THE GOVERNOR

March 12, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am requesting the withdrawal of the following appointments which are pending before you:

Ralph Danekas, nominated as a member of the State Lottery Commission.

Earl T. Giant, nominated as a member of the State Lottery Commission.

Lenore Lambert, nominated as a member of the State Lottery Commission.

Vanna H. Novak, nominated as a member of the State Lottery Commission.

Lawrence G. Waldt, nominated as a member of the State Lottery Commission.

Sincerely,

BOOTH GARDNER, Governor

MOTION

On motion of Senator Bottiger, the gubernatorial appointments were returned to the Office of the Governor, as requested.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

March 12, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Andy Reynolds, appointed March 12, 1985, for a term ending August 2, 1986, as a member of the State Lottery Commission, succeeding Vanna H. Novak.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

March 12, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Jim Caley, appointed March 12, 1985, for a term ending August 2, 1988, as a member of the State Lottery Commission, succeeding Lawrence G. Waldt.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

March 12, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Carl Ooka, appointed March 12, 1985, for a term ending August 2, 1987, as a member of the State Lottery Commission, succeeding Lenore M. Lambert.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

March 12, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Judith Lonnquist, appointed March 12, 1985, for a term ending August 2, 1985, as a member of the State Lottery Commission, succeeding Ralph Danekas.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 102 by Representatives Sommers, B. Williams, Grimm, Brekke, Vander Stoep, Tilly, Braddock, Schoon, Thomas, Fuhrman, J. Williams, Winsley, Patrick, Hastings, Isaacson, Hankins, May and Silver (by Legislative Budget Committee request)

Eliminating supplemental pension benefits for future higher education employees and permitting retirement plan options.

Referred to Committee on Ways and Means.

E2SHB 138 by Committee on Ways and Means (originally sponsored by Representatives Locke, Belcher, Brough, Dellwo, Tilly, Rayburn, Wang,

Niemi, Scott, Jacobsen, Holland, Lewis, Winsley, Patrick, Tanner, Lux, Isaacson and Unsoeld)

Modifying provisions relating to crime victims' compensation.

Referred to Committee on Judiciary.

SHB 170 by Committee on Higher Education (originally sponsored by Representatives Vander Stoep, Grimm, Sommers, G. Nelson, Betrozoff, Braddock, Isaacson, Hastings, Walker, Fuhrman and Brough)

Establishing admission standards for the institutions of higher education.

Referred to Committee on Education.

SHB 220 by Committee on State Government (originally sponsored by Representatives Unsoeld, Belcher, Hankins, B. Williams and Isaacson) (by Secretary of State request)

Modifying provisions relating to the productivity board.

Referred to Committee on Governmental Operations.

HB 351 by Representatives Appelwick, Jacobsen, Hine, Basich, Sommers, Leonard and Lux

Permitting teachers to receive pension payments under certain circumstances while teaching.

Referred to Committee on Ways and Means.

SHB 376 by Committee on Ways and Means (originally sponsored by Representatives Tilly, Sommers, Wang, B. Williams, Grimm, Braddock, Patrick, Silver, Winsley, Addison, Isaacson, Sanders, Padden and Haugen)

Providing for actuarial fiscal notes for retirement legislation.

Referred to Committee on Ways and Means.

SHB 444 by Committee on Ways and Means (originally sponsored by Representatives Sommers, Grimm, Patrick, Tilly, Wang, Ballard and Isaacson) (by Department of Retirement Systems request)

Revising provisions relating to disability benefits for the law enforcement officers' and fire fighters' retirement system.

Referred to Committee on Ways and Means.

SHB 458 by Committee on Ways and Means (originally sponsored by Representatives Sommers, Tilly, B. Williams, Braddock, Wang, Grimm, Silver, Patrick and P. King)

Modifying provisions relating to judges' retirement.

Referred to Committee on Judiciary.

EHB 492 by Representatives Lewis, Brekke, Padden, Scott, Dobbs, Thomas, Isaacson, Dellwo, Barnes, Smitherman, Hankins, Day, Walker, Tilly, Allen, Leonard, Hastings, K. Wilson, van Dyke, Braddock, G. Nelson, S. Wilson, B. Williams, Ballard, Winsley, May, Brough, Holland, Silver, Tanner and Long

Establishing certain rights in child abuse and neglect proceedings.

Referred to Committee on Judiciary.

ESHB 495 by Committee on Judiciary (originally sponsored by Representatives Dellwo, Armstrong, Lewis, Scott, Tilly, Locke, Niemi, Lux, Hargrove and Belcher)

Authorizing retrocession of jurisdiction over certain Indian land.

Referred to Committee on Judiciary.

- EHB 542 by Representatives Day, Padden, Fisher, Dellwo, Barrett, P. King, Silver, Sanders and Scott
 Permitting voter registration officers to require proof of age from applicants.
 Referred to Committee on Governmental Operations.
- SHB 565 by Committee on Local Government (originally sponsored by Representatives Nutley, Ballard, Haugen, B. Williams and Isaacson)
 Authorizing county treasurer to serve as fiscal agent for certain local government units.
 Referred to Committee on Governmental Operations.
- HB 657 by Representatives Sommers, Tilly, Braddock, B. Williams, Wang, Grimm, Silver, Scott and Isaacson
 Revising provisions relating to disability benefits under the law enforcement officers' and fire fighters' retirement system.
 Referred to Committee on Ways and Means.
- EHB 856 by Representatives B. Williams, Schoon and Bond
 Modifying provisions on the termination and repeal of agencies and programs.
 Referred to Committee on Governmental Operations.
- SHB 891 by Committee on Local Government (originally sponsored by Representative Ballard)
 Revising provisions of park district annexation.
 Referred to Committee on Parks and Ecology.
- EHB 1021 by Representatives Vekich and Nealey (by Department of Agriculture request)
 Providing civil penalties and enforcement for violations of certain pesticide control laws.
 Referred to Committee on Agriculture.
- SHB 1116 by Committee on Local Government (originally sponsored by Representatives Day, Padden, Dellwo, Silver, Barrett, Taylor, Haugen, Isaacson, J. King, Bond, West and Fuhrman)
 Authorizing the establishment of aquifer protection areas.
 Referred to Committee on Parks and Ecology.
- HJM 22 by Representatives Lux, Winsley, P. King and Addison
 Requesting Congress to establish a uniform system to regulate financial institutions.
 Referred to Committee on Financial Institutions.
 There being no objection, the President returned the Senate to the fourth order of business.

MESSAGES FROM THE HOUSE

March 14, 1985

Mr. President:

The House has passed:

HOUSE BILL NO. 102.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 138.

SUBSTITUTE HOUSE BILL NO. 170.

SUBSTITUTE HOUSE BILL NO. 220.

HOUSE BILL NO. 351.

SUBSTITUTE HOUSE BILL NO. 376.

SUBSTITUTE HOUSE BILL NO. 444.

SUBSTITUTE HOUSE BILL NO. 458,
ENGROSSED HOUSE BILL NO. 492,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 495,
ENGROSSED HOUSE BILL NO. 542,
SUBSTITUTE HOUSE BILL NO. 565,
HOUSE BILL NO. 657,
SUBSTITUTE HOUSE BILL NO. 891,
ENGROSSED HOUSE BILL NO. 1021,
SUBSTITUTE HOUSE BILL NO. 1116,
HOUSE JOINT MEMORIAL NO. 22, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

March 13, 1985

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 856, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTIONS

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, the Committee on Governmental Operations was relieved of further consideration of Substitute House Bill No. 127.

On motion of Senator Vognild, House Bill No. 127 was referred to the Committee on Natural Resources.

On motion of Senator Vognild, the Committee on Governmental Operations was relieved of further consideration of House Bill No. 1074.

On motion of Senator Vognild, House Bill No. 1074 was referred to the Committee on Ways and Means.

MOTION

At 7:31 p.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Saturday, March 16, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

SIXTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Saturday, March 16, 1985

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, Fleming, McManus, von Reichbauer and Warnke. On motion of Senator Zimmerman, Senator von Reichbauer was excused.

The Sergeant at Arms Color Guard, consisting of Michael Kraus and Anthony Kraus, presented the Colors. Reverend David Steen, pastor of the Lutheran Church of the Good Shepherd of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 15, 1985

HB 312 Prime Sponsor, Representative Long: Revising the minimum school hours and day requirements for private schools. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Benitz, Fleming, Goltz, Johnson, Kiskaddon, McDermott, McManus, Patterson, Stratton, Warnke.

Passed to Committee on Rules for second reading.

March 15, 1985

HB 629 Prime Sponsor, Representative Cole: Relating to excess levies for capital purposes. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman, Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, Johnson, Kiskaddon, McDermott, McManus, Patterson, Saling, Stratton, Warnke.

Passed to Committee on Rules for second reading.

March 15, 1985

HJR 22 Prime Sponsor, Representative Cole: Removing 40% validation requirements for excess levy election for public schools. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman, Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, Johnson, Kiskaddon, McDermott, McManus, Patterson, Saling, Stratton, Warnke.

Passed to Committee on Rules for second reading.

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

SECOND READING

SENATE BILL NO. 3830, by Senators Garrett, Saling and Williams

Requiring full compensation for street vacations acquired at public expense.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Senate Bill No. 3830 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Bottiger: "Senator Garrett, it has been my experience that on occasion one abutting property owner will want the vacation in the entire tract and the other abutting property owner is perfectly willing to allow them to do that. In that case, the person acquiring the property would pay the full appraised value of the entire tract being vacated?"

Senator Garrett: "That's absolutely right. In some instances, they would go ahead and each one would buy it and then they would make the deal between them. In my sister's case in Seattle, it was exactly as you indicated. There was an alley vacated and the property owner on the other side did not want it. She got the whole right of way for half the appraised value, because it was dedicated for public use only."

Senator Bottiger: "The second part--the part I'm concerned about--is where each of the abutting property owners want one-half and they are each willing to pay one-half of the full appraised value. Does this bill require them to each pay a full appraised value for only half of the property?"

Senator Garrett: "Absolutely not. They could only get the full appraised value and it would, of course, not matter to the taxpayers or the citizens who paid it."

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3830.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3830 and the bill passed the Senate by the following vote: Yeas, 44; absent, 4; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Benitz, Fleming, McManus, Warnke - 4.

Excused: Senator von Reichbauer - 1.

SENATE BILL NO. 3830, having received the constitutional majority, 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. 3804, by Senators Zimmerman, McDermott, Talmadge and Kiskaddon

Modifying liability for "AIDS" in transactions involving blood donations.

The bill was read the second time.

MOTION

Senator Cantu moved that the following amendment be adopted:

On page 1, line 2 after the enacting clause, insert a new section to read as follows and renumber the remaining section consecutively:

"NEW SECTION. Sec. 1. A new section is added to chapter 70.01 RCW to read as follows:

Any blood donor program established in this state for receiving blood donations for medical or health purposes shall honor requests by donors to have the blood donations directed for use to persons as specified by such donors. The blood donor program may charge reasonable fees for such directed blood donations to cover administrative costs."

Debate ensued.

POINT OF INQUIRY

Senator Wojahn: "Senator Cantu, when blood is reduced to plasma, does that kill the impurities? I wonder if you could tell me, since you studied this."

Senator Cantu: "The information that I have as far as the treatments has been not for the transfusions, but as to the preparation of immune human globulin, in that case, they treat it with alcohol and the evidence is not there as to whether that particular treatment would kill the AIDS virus. I have not been able to find information whether it is autoclaved to apply the heat--or on the other side whether the necessary refrigeration has been done. I just simply have not been able to get that answer. Unfortunately, we don't know what this AIDS virus is and this is the reason for the bill. So, I have to concentrate my remarks to that particular subject."

Senator Wojahn: "Well, I have a problem, because I wonder if the AIDS virus could be removed by making plasma from the blood, because plasma is used in lieu of availability of blood, is it not? During the Viet Nam war, wasn't plasma used because whole blood was not available?"

Senator Cantu: "Again, my understanding to that--yes, you can acquire it. The theory for the transmission of AIDS is uncertain. But one thing is for certain, and that through a blood transfusion--because it is an organ and it does carry the virus."

Senator Wojahn: "So, you're assuming that that would also carry over into the plasma?"

Senator Cantu: "Yes, that is my assumption based upon my research."

POINT OF ORDER

Senator Zimmerman: "Speaking in opposition to the Cantu amendment, simply on the basis that this particular amendment would require the keeping track individually of every pint of blood that is donated. Trying to keep track of it over the long period of time that may be necessary, it completely becomes a logistics problem. In the King County blood bank, they are serving forty hospitals, they have 250,000 units that they prepared last year to be utilized. There are separate uses of the blood. It isn't all used as whole blood, such as for leukemia patients, you have to get the platelets. Consequently, it becomes an almost incredible administrative problem to try to keep track of the separate blood."

"In other words, it really takes away the entire blood bank idea where you, as a community, are trying to have enough blood to serve the thousands of people to be affected, and particularly for the emergencies where you have to act quickly. Now, this would say that you would have to go out and get your own donors. You more or less would have to get your own family to be the ones. Then the mechanics of it are what become the problem. I think that we must recognize that this would add immeasurably to the cost, but it would be more than the cost, it would just simply be the method of serving. I think the amendment goes far beyond what the bill intends to do. Having said this, I suppose, I would have to challenge the scope and object of the amendment."

Further debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Cantu, as I gather--your amendment says that if anybody goes in and makes a blood donation and wishes to make it directly to you, that then the blood bank would have to honor it?"

Senator Cantu: "Let me make sure I understand your question. If, in the case of elective surgery for a member of my family, if I want to go in--and the distinction is that this states 'a donor's request to a patient,' not the other way around, because there seems to be a difference. It's not a case where the patient wants a particular blood, and there's a wait until the patient's request is honored. This is the other way around. I'm trying to control it."

Senator Rasmussen: "To give a little protection from AIDS?"

Senator Cantu: "To give some protection."

Further debate ensued.

MOTIONS

On motion of Senator Vognil, further consideration of Senate Bill No. 3804 was deferred.

On motion of Senator Bender, Senator Warnke was excused.

SECOND READING

SENATE BILL NO. 3574, by Senators Gaspard, Sellar, Thompson, Warnke, Johnson, Rasmussen and Wojahn

Modifying provisions on leasehold excise taxation.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 3574 was substituted for Senate Bill No. 3574 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 3574 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Newhouse: "Senator McDermott, you're a little bit inaccurate. The courts did not establish the leasehold tax. The committee of the Legislative Council on Revenue, of which I chaired some years ago, did. Why should the tax be limited to sixty percent of the property tax--why arrive at that magical figure? This is to be an 'in lieu of tax' on public property used for private purposes and they are to pay a tax commensurate to local government to government services and I fail to understand why you arrived at the sixty percent figure."

Senator McDermott: "It, basically, is the average tax that goes through the length of the lease if you use the decreasing lease value. If you took the property tax off the lease value and took it over a twenty year period, that's what you get--an average of sixty percent."

Further debate ensued.

POINT OF INQUIRY

Senator Barr: "Senator McDermott, what is the meaning of 'other than product lease' on page 5 in the main part of the bill? It says 'with respect to a leasehold interest other than a product lease.'"

Senator McDermott: "They're talking about a crop share lease there."

Senator Barr: "Does that mean the crop share leases are exempt from this amendment?"

Senator McDermott: "The crop share leases are not under this. We're talking about leases on buildings and on property--not on the crops that are put in the grainery, etc."

Further debate ensued.

POINT OF INQUIRY

Senator McCaslin: "Senator McDermott, does this pertain just to port districts or any manufacturer in the state of Washington?"

Senator McDermott: "This has to do with the leasehold tax."

Senator McCaslin: "But in the explanation, it talks about manufacturers in the state of Washington selling goods outside the state."

Senator McDermott: "This applies to the leasehold tax on any public property. It's not only ports. The Department of Natural Resources leases land--the University of Washington--any public land that is leased has applicable to it, the leasehold tax. That's all it covers."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3574.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3574 and the bill passed the Senate by the following vote: Yeas, 38; nays, 8; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, McCaslin, McDermott, McManus, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Williams, Wojahn, Zimmerman

Voting nay: Senators Cantu, Craswell, Kiskaddon, Lee, McDonald, Metcalf, Newhouse, Pullen - 8.

Absent: Senator Benitz - 1.

Excused: Senators von Reichbauer, Warnke - 2.

SUBSTITUTE SENATE BILL NO. 3574, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3134, by Senators Goltz, Patterson, Gaspard, Saling, Johnson, Bauer, Garrett, Benitz, McDermott, Stratton, Rinehart and Lee

Permitting installment payments of tuition and fees at institutions of higher education.

The bill was read the second time.

MOTIONS

On motion of Senator Goltz, the following Committee on Education amendment was adopted:

On page 2, after line 19, insert:

"NEW SECTION. Sec. 4. The sum of forty-nine thousand eighty dollars, or as much thereof as may be necessary to implement a periodic payment plan pilot program, is appropriated for the biennium ending June 30, 1987, from the general fund to The Evergreen State College for purposes of this act."

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

On page 1, line 3, after "28B.15 RCW;" strike "and creating a new section" and insert "creating a new section; and making an appropriation"

On motion of Senator Goltz, the rules were suspended, Engrossed Senate Bill No. 3134 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 McDonald: "Senator Goltz, what would happen if someone was not able to make a payment? If I follow your logic--that if they didn't make a payment on time in the middle of the quarter, we would then be lending the state's credit if we allowed them to stay on. Is that your understanding?"

Senator Goltz: "No, they're not getting anything. If they don't pay, they don't get any credit--they don't get to attend. So they're not buying anything if they're not paying. They're not attending the institution if they fail to make their payment."

Senator McDonald: "And this is just a pilot program at the Evergreen State College, presently?"

Senator Goltz: "Yes, this will be a pilot program at Evergreen for one year, I believe it is."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3134.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3134 and the bill passed the Senate by the following vote: Yeas, 42; nays, 4; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, Williams, Wojahn, Zimmerman - 42.

Voting nay: Senators Craswell, Decchio, Owen, Stratton - 4.

Absent: Senator Benitz - 1.

Excused: Senators von Reichbauer, Warnke - 2.

ENGROSSED SENATE BILL NO. 3134, having received the constitutional majority, 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. 3259, by Senators Rasmussen and Warnke

Exempting specified handicapped persons from hunting and fishing license requirements.

The bill was read the second time.

MOTION

On motion of Senator Owen, the rules were suspended, Senate Bill No. 3259 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 Senate Bill No. 3259.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3259 and the bill passed the Senate by the following vote: Yeas, 37; nays, 9; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bottiger, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Saling, Talmadge, Thompson, Vognil, Williams, Wojahn - 37.

Voting nay: Senators Bluechel, Cantu, Deccio, Lee, Patterson, Pullen, Sellar, Stratton, Zimmerman - 9.

Absent: Senator Benitz - 1.

Excused: Senators von Reichbauer, Warnke - 2.

SENATE BILL NO. 3259, having received the constitutional 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 11:04 a.m., on motion of Senator Vognil, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Cherberg.

SECOND READING

SENATE BILL NO. 3350, by Senators Gaspard, Patterson and Barr

Preventing the redesignation of a school district due to joint operation of certain programs

MOTIONS

On motion of Senator Zimmerman, Senator Benitz was excused.

On motion of Senator Gaspard, Substitute Senate Bill No. 3350 was substituted for Senate Bill No. 3350 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Gaspard, the rules were suspended, Substitute Senate Bill No. 3350 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. 3350.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3350 and the bill passed the Senate by the following vote: Yeas, 42; absent, 5; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognil, Warnke, Williams, Wojahn, Zimmerman - 42.

Absent: Senators Bottiger, Deccio, McManus, Moore, Stratton - 5.

Excused: Senators Benitz, von Reichbauer - 2.

SUBSTITUTE SENATE BILL NO. 3350, having received the constitutional majority, 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. 3439, by Senators Gaspard, McDermott, Bauer, Deccio, Sellar, Vognild, Johnson and Wojahn

Requiring a specified staff student ratio for vocational education programs.

MOTIONS

On motion of Senator Bender, Senator Moore was excused.

On motion of Senator Gaspard, Substitute Senate Bill No. 3439 was substituted for Senate Bill No. 3439 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Gaspard, the rules were suspended, Substitute Senate Bill No. 3439 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. 3439.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3439 and the bill passed the Senate by the following vote: Yeas, 30; nays, 14; absent, 2; excused, 3.

Voting yea: Senators Barr, Bauer, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kreidler, McDermott, McManus, Owen, Paterson, Peterson, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 30.

Voting nay: Senators Bailey, Bluechel, Cantu, Craswell, Deccio, Hayner, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Pullen, Sellar, Zimmerman - 14.

Absent: Senators Bender, Newhouse - 2.

Excused: Senators Benitz, Moore, von Reichbauer - 3.

SUBSTITUTE SENATE BILL NO. 3439, having received the constitutional majority, 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. 3235, by Senators Gaspard, McDermott, Bottiger, Rinehart, Warnke, Wojahn, Bender and Garrett

Providing programs for educational excellence.

MOTIONS

On motion of Senator Gaspard, Substitute Senate Bill No. 3235 was substituted for Senate Bill No. 3235 and the substitute bill was advanced to second reading and read the second time.

Senator Gaspard moved that the following amendment be adopted:

On page 6, beginning on line 35, strike all material through "41.40.010(8)" on page 7, line 28, and insert "School boards may by separate contract with certificated instructional and classified staff provide supplemental compensation for additional days or additional duties as set forth in the bargaining agreement or agreements as negotiated between the district and the respective bargaining representatives, if the district does not incur obligations for the supplements beyond the current school year and if such supplements do not cause the state to incur any present or future funding obligations. Additional days for certificated instructional staff shall be those days beyond the one hundred and eighty day school year, and for classified staff those days beyond their respective work year. Such separate contracts shall be subject to the collective bargaining provisions of chapters 41.59 and 41.56 RCW. Such supplemental compensation shall not be deemed an increase in salary or compensation for purposes of RCW 28A.58.095. Separate contracts shall be subject to the provision of RCW 28A.67.074, shall not exceed one year, and if not renewed shall not constitute adverse change in accordance with RCW 28A.58.450 through 28A.58.515."

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

On line 13 of the amendment, striking section 6, which begins on page 6, line 33 and ends on page 7, line 28 of the substitute bill and inserting a new section 6, after "obligations," strike everything up to and including "beyond" on line 16 of the amendment, and insert "Additional days for certificated instructional and classified staff shall be those days beyond"

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 Kiskaddon to the amendment by Senator Gaspard.

ROLL CALL

The Secretary called the roll and the motion by Senator Kiskaddon failed and the amendment to the amendment was not adopted by the following vote: Yeas, 21; nays, 25; excused, 3.

Voting yea: Senators Bailey, Barr, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Owen, Patterson, Pullen, Saling, Sellar, Zimmerman - 21.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Peterson, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vogt, Warnke, Williams, Wojahn - 25.

Excused: Senators Benitz, Moore, von Reichbauer - 3.

PARLIAMENTARY INQUIRY

Senator Kiskaddon: "I have an amendment on the desk that would strike the section entirely. What do we do so we can consider that amendment, since the other was also striking a section and adding something to it?"

REPLY BY THE PRESIDENT

President Cherberg: "The President believes that it would be necessary for the members of the Senate to vote down Senator Gaspard's amendment before your striking amendment could be considered."

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

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

MOTION

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

On page 9, line 24, after "is a program" strike "approved" and insert "recommended"

On page 9, line 25, after "force" insert "and approved by the school district board of directors"

MOTION

Senator Craswell moved that the following amendment be adopted:

On page 9, line 16, beginning with "NEW" strike all of section 8 up to and including "RCW 28A.71.210." on page 9, line 25, and renumber the remaining sections accordingly.

Debate ensued.

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

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

MOTIONS

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

On page 9, line 26, after "9." strike all material through "purposes" on line 27, and insert "Implementation of sections 1, 2, 3, and 7 of this act are each subject to funds being appropriated during the 1985-87 biennium for such purpose or purposes"

On motion of Senator Gaspard, the rules were suspended, Engrossed Substitute Senate Bill No. 3235 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Patterson: "Senator McDermott, you note the amendment in the section of the bill that makes it null and void--basically the whole act--it's subject to appropriation. I wonder if you've had an opportunity to identify the cost factors in this bill and what kind of an appropriation you might be interested in offering in Ways and Means in order to make the bill active?"

Senator McDermott: "Senator Rasmussen has suggested that I tell you the truth, even if it hurts. The bill, as it now stands before you, is about \$400,000--and I think that's a fairly modest sum."

Senator Patterson: "On what basis--you're talking just about the state portion to implement it?"

Senator McDermott: "That's all I have the responsibility for getting it through--is putting out a budget that I can fund."

Senator Patterson: "As chairman of the Ways and Means Committee, have you had an opportunity to review what it's going to cost the local school districts in special levy money?"

Senator McDermott: "Well, as you know, the special levies are determined by the people. They vote for those. They decide how much they want to tax themselves, so it's real hard to know what three hundred school districts are going to do."

POINT OF INQUIRY

Senator Bauer: "Senator Gaspard, my biggest concern over this issue, up to this point, has been the question of whether or not what we do here today is going to impact the intentions of House Bill 166. Would you elaborate on that?"

Senator Gaspard: "Senator Bauer, in my opinion, this will not impact or remove the restrictions or intentions of House Bill 166. This section requires that the supplemental compensation for additional days or additional duties--and that supplemental compensation will not be considered an increase in salary or compensation for purposes of--I'll give you the RCW reference here--it's 28A.58.095. That's House Bill 166."

Senator Bauer: "So whatever obligation this might incur will not be the responsibility of the state? It would strictly be a local district determination?"

Senator Gaspard: "That's correct."

POINT OF INQUIRY

Senator Craswell: "Senator Gaspard, what was the fiscal impact of removing Section 8? Do you know?"

Senator Gaspard: "By removing Section 8, I believe the fiscal note that we had was approximately \$7 million a year--and we removed that section."

Further debate ensued.

POINT OF INQUIRY

Senator Saling: "Senator Gaspard, am I correct that the last amendment you had proposed did pass--the one that indicates implementation of five sections subject to funds being appropriated? Did that amendment pass?"

Senator Gaspard: "Yes."

Senator Saling: "Then in Section 6, which is not included as far as subject to funds being appropriated by the legislature--Section 6, page 7, beginning on line 12, says 'all rights to incur state funding obligations for the purposes set forth herein are reserved for the legislature.' Yet, your amendment indicated that this was not the responsibility of the legislature. Would you explain that to me, please? Who is going to pay that then? Will it be the local districts?"

Senator Gaspard: "Senator Saling, I think you're referring to Section 6, as it was in the substitute bill. We've adopted a new Section 6 in the amendment that was adopted on the floor."

Senator Saling: "So, whatever is negotiated locally will be paid locally according to the amendment that was adopted? It will not be paid by the legislature? Is that correct?"

Senator Gaspard: "That is correct."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3235.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3235 and the bill passed the Senate by the following vote: Yeas, 27; nays, 19; excused, 3.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarmatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, Lee, McDermott, McManus, Owen, Peterson, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 27.

Voting nay: Senators Bailey, Barr, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, McCaslin, McDonald, Metcalfe, Newhouse, Patterson, Pullen, Saling, Sellar, Zimmerman - 19.

Excused: Senators Benitz, Moore, von Reichbauer - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3235, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3510, by Senators Bauer, Gaspard, Benitz, DeJarmatt, Rasmussen and Bender (by Temporary Committee on Educational Policies request)

Revising the program of remediation.

MOTIONS

On motion of Senator Gaspard, Substitute Senate Bill No. 3510 was substituted for Senate Bill No. 3510 and the substitute bill was advanced to second reading and read the second time.

Senator Bauer moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 149, Laws of 1979 and RCW 28A.41.400 are each amended to read as follows:

It is the purpose of ((this act)) RCW 28A.41.402 through 28A.41.414 to create a state-wide program designed to provide remediation assistance to public school students who are deficient in basic skills achievement. The legislature intends that students' participation in the program be for the shortest period of time necessary and that a program objective be to help students attain grade-level in skills as soon as possible. The legislature intends, in establishing and continuing this ((new)) program, that the most efficient use possible be made of available testing information and of revenue for similar purposes from the federal government.

Sec. 2. Section 2, chapter 149, Laws of 1979 and RCW 28A.41.402 are each amended to read as follows:

As used in ((this act)) RCW 28A.41.400 through 28A.41.414 unless the context clearly indicates otherwise:

(1) "Basic skills" means reading, mathematics, and language arts.

(2) "Program of remediation" ((shall)) means the assistance ((in the remediation of basic skills deficiencies provided to five students or less per session)) provided to eligible students by a person certified pursuant to chapter 28A.70 RCW or by a person appropriately trained for that purpose acting under the direct supervision and control of a person certificated pursuant to chapter 28A.67 RCW. Such assistance shall be provided to ten eligible students or fewer per session. However, local school districts are encouraged to provide such assistance to five eligible students or fewer per session for students in grades two through six. Local school districts shall make every effort to provide such sessions in the regular classroom setting in grades two through six.

(3) "Approved program" means a program of remediation which is designed by a public school district, or which is selected from the bank of nationally validated proven educational practices and is a diagnostic, prescriptive model in basic skills, and which is approved by the local school board and the superintendent of public instruction in accordance with the following criteria:

(a) All students participating in the program shall be ((educationally deprived by consequence of their being below grade level in basic skills achievement)) eligible as defined in RCW 28A.41.406:

(b) The program and individual student progress shall be based on performance objectives related to educational achievement and shall be annually evaluated by the district in a manner consistent with such objectives;

(c) The program shall provide supplementary services designed to meet the ((special educational)) needs of the participating students by providing a program of remediation for

such participating students of at least one hundred minutes of instruction per week and of sufficient size, scope, and quality to give reasonable promise of substantial progress toward meeting the needs of such students and supportive services consisting of supervision, materials and supplies and the training of administrators, teachers, aides and tutors;

(d) ~~((Not less than fifty percent of the funds expended in the program by any school district in any fiscal year shall be expended in school attendance areas having high concentrations of students from low-income families as defined in Section 122 of Public Law 95-564))~~ The superintendent of public instruction may adopt additional program standards and procedures as necessary to combine the state program for remediation in basic skills with like federal programs in order to fulfill the state's goal of providing service to students in need of remediation; and

(e) The school district shall keep individual records of student progress and other such records and provide reasonable access thereto by parents and by the superintendent of public instruction as is necessary to assure compliance with the ~~((foregoing approval criteria))~~ provisions set forth in RCW 28A.41.400 through 28A.41.414.

(4) "Basic skills tests" means tests established pursuant to RCW 28A.03.360, as now or hereafter amended.

(5) "Placement testing" means the administration of standardized objective ~~((tests))~~ measurements by a school district for the purpose of diagnosing the basic skills achievement levels and remediation needs of individual students in conformance with instructions established by the superintendent of public instruction established for such purpose.

(6) "Standardized objective measurement" means a written or oral testing instrument that can be applied uniformly and consistently to determine in a comparable manner the educational achievement level of children.

Sec. 3. Section 3, chapter 149, Laws of 1979 and RCW 28A.41.404 are each amended to read as follows:

~~((Each school district which has established an approved program))~~ Each school district in which students are enrolled who are eligible for remediation services under RCW 28A.41.406 shall establish an approved program. Each school district shall submit annually an application to the office of the superintendent of public instruction for program approval. Upon approval of the program, each school district shall be eligible ~~((-as determined by the superintendent of public instruction;))~~ for state funds made available for the purposes of such program ~~((s)).~~ The ~~((number of students eligible to participate in such program in each school district))~~ allocation of state funds for each school district shall be calculated by the superintendent of public instruction ~~((through the use of data derived from the basic skills test, in making such calculations the superintendent of public instruction shall multiply the percentage of students taking the tests which scored in the lowest quartile, as compared to national norms, by the number of students enrolled in the district in grades two through six))~~ as follows: The number of students enrolled in grades two through nine in the district shall be multiplied by the percentage of students taking the basic skills tests in the previous year who scored in the lowest quartile as compared to national norms, and then reduced by the number of students enrolled in the district in grades two through nine receiving special education in basic skills under chapter 28A.13 RCW and who scored in the lowest quartile on the basic skills tests; PROVIDED, That in making this calculation the superintendent of public instruction may use an average of the percentages of the students scoring in the lowest quartile over the immediately preceding five or fewer years.

Sec. 4. Section 4, chapter 149, Laws of 1979 and RCW 28A.41.406 are each amended to read as follows:

Each school district shall determine the students ~~((who may))~~ eligible to participate in an approved program of remediation ~~((shall be determined by each school district))~~ through placement testing ~~((- PROVIDED, That only students in grades two through six who are behind grade level in one or more basic skills shall be eligible to participate. PROVIDED FURTHER, That the total number of students in a school district who may participate in an approved program of remediation may not exceed the total number of eligible students calculated in accordance with the provisions of RCW 28A.41.404)).~~ Students enrolled in grades two through nine who score at or below the twenty-fifth percentile in one or more basic skills shall be eligible to participate. Local school districts may determine that additional students who are below grade level in one or more basic skills are eligible if such students can be served within the funds allocated under RCW 28A.41.404. No student receiving ~~((educational services from the programs conducted))~~ special education instruction in basic skills pursuant to chapter 28A.13 RCW shall be eligible to participate in the remediation program established by ~~((this act))~~ RCW 28A.41.400 through 28A.41.414 if the student's ~~((program))~~ special education instruction is designed to address ~~((like needs))~~ the same basic skills as those addressed by the program of remediation.

NEW SECTION. Sec. 5. A new section is added to chapter 28A.41 RCW to read as follows:

State moneys allocated to local districts for remediation assistance shall be spent only for remediation assistance activities.

NEW SECTION. Sec. 6. A new section is added chapter 28A.41 RCW to read as follows:

School districts may enrich the program authorized by RCW 28A.41.400 through 28A.41.414: PROVIDED, That such enrichment shall not constitute a responsibility of the state.

Sec. 7, Section 6, chapter 149, Laws of 1979 and RCW 28A.41.410 are each amended to read as follows:

In order to insure that school districts are meeting the requirements of an approved program, the superintendent of public instruction shall monitor such programs no less than once every three years. The results of the evaluations required by RCW 28A.41.402(3)(b) shall be transmitted to the superintendent of public instruction annually. The superintendent of public instruction shall also review annually the state-wide remediation program and shall submit a report of such review to the legislature on or before January 1 of each year.

NEW SECTION, Sec. 8. In recognition of the fact that remediation assistance is necessary for some students in every grade level in the public school system in order for such students to reach a reasonable level of achievement in basic skills, it is hereby declared to be the intent of the legislature to extend the remediation assistance program to all eligible students in grades two through nine beginning with the 1986-1987 school year. This section shall take effect only if funds are appropriated before July 1, 1987, for the purposes of this act. If such funds are not so appropriated for the purposes of this section, this section shall be null and void in its entirety.

NEW SECTION, Sec. 9. Section 7, chapter 149, Laws of 1979, section 2, chapter 163, Laws of 1982 and RCW 28A.41.412 are each repealed.

NEW SECTION, Sec. 10. This act shall take effect if funds are appropriated in the state operating appropriations act for the 1985-87 biennium for the purposes of this act. If such funds are not so appropriated for the purposes of this act, this act shall be null and void in its entirety."

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

On page 9, line 3 of the amendment, after "grades" strike "two through nine" and insert "one through twelve"

The President declared the question before the Senate to be adoption of the amendment by Senator Bauer, as amended.

Debate ensued.

POINT OF INQUIRY

Senator Craswell: "Senator Bauer, I had not seen your amendment until just now and I'm not quite sure I followed all the changes from the committee's substitute bill. Besides changing it through grade 9, what was the significant difference?"

Senator Bauer: "We made provisions so that those children could be served. For instance when a child takes a test and he shows above the percentile in two subjects, let's say language arts and math and reading--the composite score puts him above the 25% percentile. He may be way down in reading and this would allow the school district to funnel money into his deficiencies in reading because in one of those areas, then, he was below the 25%. So, basically, that's the change. The original bill required it to take us through grade twelve. This backs off from grade twelve through nine and makes grades ten, eleven and twelve a contingent upon appropriation."

Senator Craswell: "Thank you. I assume there is a different fiscal impact, then, to this bill. Are you aware what that would be?"

Senator Bauer: "It's the same in the Governor's budget and it's \$16.8 million for the biennium. I don't recall what it was in the original bill. I think it was \$24 million. It was about \$8 million difference."

Senator Craswell: "The substitute bill, as it came out of committee, shows an actual savings--the fiscal note shows an actual savings, because of taking out the SLD's double payment. I believe a six year impact of about \$141,000--very little cost at all. Now we're talking about \$16 million. That's quite a significant change."

Senator Bauer: "The striking amendment brings the law into line with the budget. It extends only through grade nine. We save, approximately \$6.6 million per year by not going to the twelfth grade. So we're saving about \$12 million per year by backing off from the twelfth grade."

Senator Craswell: "But, apparently the other change in language of including those children in the program who only fall behind in one or two courses must add a far bigger cost to the bill than I would guess. I'm afraid I'm going to have to vote 'no' on this, because I don't think we have that kind of money to add to the program."

Further debate ensued.

MOTION

On motion of Senator Vognild, further consideration of Substitute Senate Bill No. 3510 was deferred.

SECOND READING

SENATE BILL NO. 3518, by Senators Bauer, Gaspard, Benitz, Moore, DeJarnatt, Goltz, Warnke, Bender, Kiskaddon, Conner, Bailey and Johnson (by Temporary Committee on Educational Policies request)

Enhancing early childhood education.

MOTIONS

On motion of Senator Zimmerman, Senator Kiskaddon was excused.

On motion of Senator Gaspard, Substitute Senate Bill No. 3518 was substituted for Senate Bill No. 3518 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Gaspard, the rules were suspended, Substitute Senate Bill No. 3518 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Bottiger, even with this bill, what authority will the Superintendent of Public Instruction have--or the local school district--over pre-school children?"

Senator Bottiger: "This bill, to the best of my knowledge, gives them no authority over pre-school children other than to set up the office and provide for the school district some program analysis and for us some recommendations for the next session if and when we can afford to implement them."

Senator Rasmussen: "What is to prevent the SPI from doing this at the present time with all the help he has over there--the research people?"

Senator Bottiger: "I think that's exactly the point. We're telling him to do it. There is no statutory authority for them to do it."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3518.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3518 and the bill passed the Senate by the following vote: Yeas, 34; nays, 10; absent, 1; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Halsan, Hansen, Johnson, Kreidler, Lee, McDermott, McManus, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 34.

Voting nay: Senators Cantu, Craswell, Deccio, Guess, Hayner, McCaslin, McDonald, Metcalf, Pullen, Zimmerman - 10.

Absent: Senator Granlund - 1.

Excused: Senators Benitz, Kiskaddon, Moore, von Reichbauer - 4.

SUBSTITUTE SENATE BILL NO. 3518, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3621, by Senators Bauer, Benitz, Goltz, McDonald, Hayner, McManus, Guess and Sellar (by Temporary Committee on Educational Policies, Structure and Management request)

Providing a career ladder, evaluation program, and training for teachers.

MOTION

On motion of Senator Gaspard, Substitute Senate Bill No. 3621 was substituted for Senate Bill No. 3621 and the substitute bill was advanced to second reading and read the second time.

Debate ensued.

MOTIONS

On motion of Senator Bender, Senator Granlund was excused.

On motion of Senator Vognild, further consideration of Substitute Senate Bill No. 3621 was deferred.

SECOND READING

SENATE BILL NO. 3294, by Senators Fleming, Wojahn and McManus

Establishing a high-risk student program.

MOTIONS

On motion of Senator Gaspard, Substitute Senate Bill No. 3294 was substituted for Senate Bill No. 3294 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Gaspard, the rules were suspended, Substitute Senate Bill No. 3294 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. 3294.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3294 and the bill passed the Senate by the following vote: Yeas, 25; nays, 18; absent, 1; excused, 5.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Halsan, Hansen, Kreidler, Lee, McDermott, McManus, Owen, Peterson, Rasmussen, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 25.

Voting nay: Senators Bailey, Barr, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Saling, Sellar, Stratton - 18.

Absent: Senator Zimmerman - 1.

Excused: Senators Benitz, Granlund, Kiskaddon, Moore, von Reichbauer - 5.

SUBSTITUTE SENATE BILL NO. 3294, having received the 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. 3510 and the pending striking amendment by Senator Bauer, deferred earlier today.

MOTION

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

On page 2, line 15, after "RCW." strike all new language through "six." on line 22

Debate ensued.

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

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

MOTION

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

On page 3, line 19, after "students" strike "of at least one hundred minutes of instruction per week and"

The President declared the question before the Senate to be adoption of the amendment by Senator Bauer, as amended.

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

MOTIONS

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

On page 1, line 3 of the title, after "28A.41 RCW," strike "creating a new section;" and insert "creating new sections;"

On motion of Senator Gaspard, the rules were suspended. Engrossed Substitute Senate Bill No. 3510 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. 3510.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3510 and the bill passed the Senate by the following vote: Yeas, 28; nays, 17; excused, 4.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Halsan, Hansen, Kreidler, Lee, McDermott, McManus, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 28.

Voting nay: Senators Bailey, Barr, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, McCaslin, McDonald, Metcalf, Newhouse, Pullen, Saling, Sellar, Stratton, Zimmerman - 17.

Excused: Senators Benitz, Granlund, Kiskaddon, von Reichbauer - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3510, having received the 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. 3621, deferred on second reading earlier today.

MOTIONS

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

Beginning on page 1, line 6, after "Sec. 1," strike all material down to and including "teachers." on line 26 and insert "The legislature finds that there is an emergent need to attract and retain more professional teachers. The legislature finds that the method and level of compensating professional teachers is an important determinant in retaining, attracting, and motivating excellent teachers. The legislature further finds that the current method of compensating teachers provides insufficient monetary rewards and promotional opportunities for excellent teachers. The legislature further finds that, to improve the quality of teaching, a professional climate should be fostered which encourages creativity and cooperation among teachers and enhances the intrinsic rewards teachers experience from helping students learn. The legislature recognizes that a career ladder compensation and evaluation plan may offer improvements over the current method and could enhance the attractiveness of the teaching profession. The legislature determines that a career ladder compensation and evaluation plan shall be tested prior to July 1, 1987, to examine those features most likely to meet the state's educational goals, be most effective and equitable, and best improve the quality of teaching. The legislature further determines that, in addition to local testing of the career ladder plan, a select commission on teacher compensation and evaluation should be created. The membership and responsibilities of the commission are defined in section 8 of this act."

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

On page 2, line 1, after "grants to" insert "not more than ten"

On page 2, line 2, after "projects," insert "Interested school districts shall apply to the office of the superintendent of public instruction to participate in the pilot projects."

On page 2, line 25, after "responsibilities" strike "or" and insert "and"

On page 2, line 25, strike ", or both"

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

On page 3, line 3, after "addressed," insert "Of the proposals selected for pilot testing, one or more of the proposals selected shall clearly resemble the career ladder models proposed by the temporary committee on educational policies, structure, and management or proposed by the Washington Roundtable.

On page 3, line 6, after "sizes," insert "The pilot projects may commence with the 1985-86 school year and shall continue through the 1986-87 school year."

Senator Bluechel moved that the following amendment to the amendments be adopted:

On page 3, line 44 of the amendments, strike "or" and insert "and"

POINT OF INQUIRY

Senator Rasmussen: "Senator Bluechel, could you explain the difference between the two proposals--the Roundtable and the 3609 Committee?"

Senator Bluechel: "I can't give you all the details, but there are some differences in the salary ranges and some of the other features. Without going into it, I can't give you the specific differences."

Senator Rasmussen: "This is why I wondered why you wanted this amendment. Presumably the Superintendent of Public Instruction and the schools that asked for it are going to be having the same goals, rather than having to work two separate programs. They both were aiming for excellence in education".

Senator Bluechel: "There are to be five pilot programs, as I understand it. That is the limitation here."

POINT OF INQUIRY

Senator Bluechel: "Senator Gaspard, how many different programs will there be?"

Senator Gaspard: "On the amendment, we adopted on page 2, line 1, we included the words 'not more than 10.'"

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Bluechel to the Gaspard amendments.

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

MOTION

On motion of Senator Bender, Senator DeJarnatt was excused.

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

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

MOTION

On motion of Senator Gaspard, the rules were suspended, Engrossed Substitute Senate Bill No. 3621 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Goltz: "Senator Gaspard, I'm still puzzled by the language of the amendment we adopted concerning the career ladder model. From a practical standpoint, is it possible--given the fact that the request for proposals go out--what happens if one or more of the proposals that come back do not resemble either of the two mentioned here? It seems to me there is something faulty with the prospect of not having a program that you could accept."

Senator Gaspard: "The program is completely voluntary. We're asking districts to make a proposal to the Superintendent of Public Instruction Office to receive the grants necessary for running these pilot projects. In that, we're really trying to give some intent language that we would like them to clearly resemble the career ladders of 3609 or the Business Roundtable. If a proposal comes back and it doesn't include one of those, we're up to eight or nine, I would view it--it shall clearly resemble the models. It doesn't mean that they have to be the 3609 or Business Roundtable, but they have to be something very similar to them."

Senator Goltz: "I haven't read the whole bill in the context of this amendment, but I'm wondering if it could be reworded that the request for proposals that go out have to ask for resemblance to either or both of these proposals? We're talking here about the selection process after the proposals come back."

Senator Gaspard: "The way I view it working is that the Superintendent of Public Instruction will put out requests for proposals to do these pilot projects and I would assume, under the language and intent of what we are trying to do here, is that the SPI will solicit a proposal to have one project resemble what is called the

3609 or the Business Roundtable approach. That request will go out, whether we get a feedback or not, we can only speculate, because it's completely voluntary."

POINT OF INQUIRY

Senator Rasmussen: "Senator Gaspard, what was the figure used during the campaign for excellence in education--and starting people on a career in education--for starting teachers? Was that \$16,000? It was one of the campaign issues that Governor Gardner was going to give an increase to beginning teachers in order to encourage people to go into the career of teaching."

Senator Gaspard: "If I remember correctly, it was a proposal from the Business Round Table that suggested that we increase the first year teacher's salary by about \$2,000 above the current average. The current average was about \$14,500, I believe."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3621.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3621 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 44.

Excused: Senators Benitz, DeJarnatt, Granlund, Kiskaddon, von Reichbauer - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3621, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3140, by Senators Patterson, Gaspard, Rinehart, Goltz, Saling, Johnson, Warnke, Halsan, Bender, Conner, Garrett, DeJarnatt, Stratton, McManus and McDermott

Modifying charges for higher education students taking two or fewer credit hours or more than eighteen credit hours.

The bill was read the second time.

MOTIONS

On motion of Senator Bender, Senators McDermott, Bottiger and Vognild were excused.

On motion of Senator Rinehart, the rules were suspended, Senate Bill No. 3140 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 Senate Bill No. 3140.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3140 and the bill passed the Senate by the following vote: Yeas, 41; excused, 8.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Warnke, Williams, Wojahn, Zimmerman - 41.

Excused: Senators Benitz, Bottiger, DeJarnatt, Granlund, Kiskaddon, McDermott, Vognild, von Reichbauer - 8.

SENATE BILL NO. 3140, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3278, by Senators Gaspard, Patterson, Rinehart, Goltz and McDermott

Waiving higher education fees for students of foreign nations.

The bill was read the second time.

MOTIONS

On motion of Senator Bender, Senator Conner was excused.

On motion of Senator Rinehart, the rules were suspended, Senate Bill No. 3278 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. 3278.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3278 and the bill passed the Senate by the following vote: Yeas, 38; nays, 2; excused, 9.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Craswell, Deccio, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Warnke, Williams, Wojahn, Zimmerman - 38.

Voting nay: Senators McCaslin, Pullen - 2.

Excused: Senators Benitz, Bottiger, Conner, DeJarnatt, Granlund, Kiskaddon, McDermott, Vognild, von Reichbauer - 9.

SENATE BILL NO. 3278, having received the constitutional majority, 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. 3357, by Senators Gaspard, Johnson, Bottiger, Granlund, Craswell, Halsan, Metcalf, Owen, Kiskaddon, Wojahn, Saling, Pullen, Stratton, Vognild, Hansen, von Reichbauer and Peterson

Removing the one year limit on the waiver of the out-of-state fee differential for military personnel and their spouses and dependents.

The bill was read the second time.

MOTIONS

On motion of Senator Rinehart, the following Committee on Education amendment was adopted:

On page 1, line 18, after "personnel" strike "of field grade or lower rank" and insert "(of ~~field grade or lower rank~~)"

On motion of Senator Rinehart, the rules were suspended, Engrossed Senate Bill No. 3357 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 Senate Bill No. 3357.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3357 and the bill passed the Senate by the following vote: Yeas, 37; nays, 3; excused, 9.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Cantu, Craswell, Deccio, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Warnke, Williams, Wojahn, Zimmerman - 37.

Voting nay: Senators Bluechel, McCaslin, McDonald - 3.

Excused: Senators Benitz, Bottiger, Conner, DeJarnatt, Granlund, Kiskaddon, McDermott, Vognild, von Reichbauer - 9.

ENGROSSED SENATE BILL NO. 3357, having received the constitutional majority, 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. 4153, by Senators Rinehart, Patterson, Gaspard and Goltz

Adjusting higher education tuition and fees.

The bill was read the second time.

MOTION

On motion of Senator Rinehart, the rules were suspended, Senate Bill No. 4153 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. 4153.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4153 and the bill passed the Senate by the following vote: Yeas, 40; excused, 9.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Craswell, Deccio, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Warnke, Williams, Wojahn, Zimmerman - 40.

Excused: Senators Benitz, Bottiger, Conner, DeJarnatt, Granlund, Kiskaddon, McDermott, Vognilid, von Reichbauer - 9.

SENATE BILL NO. 4153, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 110, by Senators Bauer, Benitz, DeJarnatt, Warnke, Bender and Conner (by Temporary Committee on Educational Policies request)

Petitioning Congress to support a federal college savings plan.

The memorial was read the second time.

MOTION

On motion of Senator Rinehart, the rules were suspended, Senate Joint Memorial No. 110 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Joint Memorial No. 110.

ROLL CALL

The Secretary called the roll on final passage of Senate Joint Memorial No. 110 and the memorial passed the Senate by the following vote: Yeas, 39; absent, 1; excused, 9.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Craswell, Deccio, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Warnke, Williams, Wojahn, Zimmerman - 39.

Absent: Senator Owen - 1.

Excused: Senators Benitz, Bottiger, Conner, DeJarnatt, Granlund, Kiskaddon, McDermott, Vognilid, von Reichbauer - 9.

SENATE JOINT MEMORIAL NO. 110, 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

March 14, 1985

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 116,

SUBSTITUTE HOUSE BILL NO. 131,

HOUSE BILL NO. 244,

HOUSE BILL NO. 251,

SUBSTITUTE HOUSE BILL NO. 321,

SUBSTITUTE HOUSE BILL NO. 596,

SUBSTITUTE HOUSE BILL NO. 602,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 852, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

March 15, 1985

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 375,

SUBSTITUTE HOUSE BILL NO. 378,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 461,

SUBSTITUTE HOUSE BILL NO. 489,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 627,

SUBSTITUTE HOUSE BILL NO. 802,

SUBSTITUTE HOUSE BILL NO. 837,

SUBSTITUTE HOUSE BILL NO. 855,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 863,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 930,

SUBSTITUTE HOUSE BILL NO. 1061,

SUBSTITUTE HOUSE BILL NO. 1063,

SUBSTITUTE HOUSE BILL NO. 1079,

HOUSE BILL NO. 1094,

ENGROSSED SUBSTITUTE HOUSE JOINT RESOLUTION NO. 25, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 116 by Representatives Belcher, Niemi, Unsoeld, Vekich, Walk, Peery, Kremen, McMullen, Fisch and Rayburn

Requiring that seniority determine salary increases, layoffs, and rehiring of state employees; that ratio of management and direct service employees be maintained; and providing mobility between personnel systems.

Referred to Committee on Governmental Operations.

SHB 131 by Committee on Social and Health Services (originally sponsored by Representatives Brekke and B. Williams)

Revising the regulation of health-related professions.

Referred to Committee on Human Services and Corrections.

HB 244 by Representatives O'Brien, P. King, Winsley, Hastings, May, Bond, Crane and Fisch

Creating a state medal of merit.

Referred to Committee on Governmental Operations.

- HB 251** by Representatives Tilly, Padden, Brooks, Lewis, Braddock, Bristow, Miller, Holland, Todd, Bond and Kremen
 Prescribing penalties for fraudulent use of ski area facilities.
 Referred to Committee on Judiciary.
- SHB 321** by Committee on Transportation (originally sponsored by Representatives Walk, Schmidt, Sutherland, Prince, J. Williams, Winsley and Hankins) (by County Road Administration Board request)
 Giving the county road administration board more responsibility over county road moneys.
 Referred to Committee on Transportation.
- SHB 375** by Committee on Ways and Means (originally sponsored by Representatives Tilly, Sommers, B. Williams, Grimm, Braddock, Patrick, Silver, Winsley, Addison, Miller and Isaacson)
 Revising provisions relating to unfunded retirement system liability.
 Referred to Committee on Ways and Means.
- SHB 378** by Committee on Ways and Means (originally sponsored by Representatives Sommers, Tilly, Wang, B. Williams, Grimm, Braddock, Patrick, Silver, Winsley, Basich, Miller, Isaacson and Brekke)
 Requiring funding of cost of living retirement adjustments.
 Referred to Committee on Ways and Means.
- ESHB 461** by Committee on Trade and Economic Development (originally sponsored by Representatives Kremen, Schoon, Unsoeld, Barrett, Braddock, Hargrove, Tanner, J. King, McMullen and P. King)
 Modifying provisions on loans and grants to political subdivisions for public facilities.
 Referred to Committee on Commerce and Labor.
- SHB 489** by Committee on Trade and Economic Development (originally sponsored by Representatives McMullen, Thomas, Braddock, Lundquist, Kremen and Tanner)
 Establishing allocation methods for private activity bonds.
 Referred to Committee on Commerce and Labor.
- SHB 596** by Committee on Local Government (originally sponsored by Representatives Hine, Barnes and Valle)
 Authorizing transaction assistance as a remedial program for property in a noise abatement impacted area.
 Referred to Committee on Governmental Operations.
- SHB 602** by Committee on Local Government (originally sponsored by Representatives Nutley, May, Hine, Brough, Bristow and Haugen)
 Requiring plat to meet standards established by engineering service division.
 Referred to Committee on Governmental Operations.
- E2SHB 627** by Committee on Ways and Means (originally sponsored by Representatives Tanner, B. Williams, McMullen, Silver, Kremen, L. Smith, Vekich, Smitherman, Hargrove, Schoon, Day, Wineberry, Zellinsky, Haugen, Gallagher, Ebersole, Dellwo, Thomas, Winsley, G. Nelson, P. King, Wang, Long, Isaacson and May)
 Establishing the Washington state economic development board.
 Referred to Committee on Commerce and Labor.

SHB 802 by Committee on Trade and Economic Development (originally sponsored by Representatives Scott, Silver, McMullen, Lundquist, Appelwick, Schmidt, Wineberry and May)

Declaring economic development programs with nonprofit corporations to be a public purpose for cities and counties.

Referred to Committee on Commerce and Labor.

SHB 837 by Committee on Trade and Economic Development (originally sponsored by Representatives Hargrove, Dobbs, Fisch, Lundquist, Haugen, L. Smith, Tanner, Appelwick, Bristow, Niemi, Fuhrman, Braddock, Schoon, S. Wilson, Basich, P. King, Ballard, Isaacson and May)

Establishing the center for international trade in forest products.

Referred to Committee on Commerce and Labor.

ESHB 852 by Committee on Judiciary (originally sponsored by Representatives Wang, Winsley, Tanner, K. Wilson and Brough)

Revising procedures for childrens' testimony in cases of sexual abuse.

Referred to Committee on Judiciary.

SHB 855 by Committee on Trade and Economic Development (originally sponsored by Representatives Wineberry, McMullen, Niemi, L. Smith, J. King, May, Lux, Schmidt, Smitherman, Dobbs, Vekich, Lundquist, Tanner, Rayburn, Kremen, Day, S. Wilson, Sayan and Wang)

Establishing the Washington state development finance authority.

Referred to Committee on Commerce and Labor.

ESHB 863 by Committee on Transportation (originally sponsored by Representatives Kremen, Walk, Thomas, Schmidt, Tanner and May)

Funding transportation improvements necessitated by planned economic development.

Referred to Committee on Transportation.

E2SHB 930 by Committee on Ways and Means (originally sponsored by Representatives Leonard, Brekke, Locke, Wineberry, Winsley, D. Nelson, Lewis, Lux, Brooks, Ebersole, Cole, Allen, Braddock, Armstrong, K. Wilson, Niemi, Valle, Miller, Addison, Scott, R. King, Isaacson and Wang)

Establishing a pilot project to provide social and health services to urban "street kids."

Referred to Committee on Human Services and Corrections.

SHB 1061 by Committee on Trade and Economic Development (originally sponsored by Representatives Rayburn, Nealey, Day, Lewis, Dellwo, Doty, Isaacson, Baugher, Tanner, Haugen, Ebersole, Armstrong and Wang)

Establishing a trade assistance center.

Referred to Committee on Commerce and Labor.

SHB 1063 by Committee on Trade and Economic Development (originally sponsored by Representatives Rayburn, C. Smith, McMullen, Vekich, West, Sayan, Hastings, Ballard, Lewis, Isaacson, Baugher, Kremen, Fuhrman, Nealey, J. Williams, Haugen and Armstrong)

Authorizing a permanent international marketing program for agricultural commodities and trade impact center.

Referred to Committee on Commerce and Labor.

SHB 1079 by Committee on Trade and Economic Development (originally sponsored by Representatives Peery, Holland, Hargrove, Bristow, Vekich, Haugen, Basich, B. Williams, Schoon, Fisch, Ballard, Betzoff, Sanders, Isaacson, Long, Doty, May, Thomas, L. Smith, Kremen, O'Brien, Wang and Tilly) (by Governor Gardner request)

Authorizing sales tax deferrals for investment projects.

Referred to Committee on Commerce and Labor.

HB 1094 by Representatives L. Smith, Dellwo, Brooks, Schmidt, Rayburn and Bond

Expanding eligibility for issuance of identicards.

Referred to Committee on Transportation.

ESHJR 25 by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Fisher, Fisch, Leonard and Hargrove)

Providing for the alteration of counties.

Referred to Committee on Governmental Operations.

MOTION

At 4:35 p.m., on motion of Senator Goltz, the Senate adjourned until 9:00 a.m., Monday, March 18, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

SIXTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, March 18, 1985

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 Bluechel, Craswell, Hansen, Kiskaddon, Lee, McDermott, McDonald, Patterson and Peterson. On motion of Senator Bender, Senator McDermott was excused. On motion of Senator von Reichbauer, Senators Lee, Bluechel and McDonald were excused.

The Sergeant at Arms Color Guard, consisting of Kristal Kink and Brett Thurman, presented the Colors. Reverend Dan Secrist, pastor of the Faith Assembly Church of Lacey, offered the prayer.

MOTION

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

SECOND READING

SENATE BILL NO. 4305, by Senators Halsan and Talmadge

Revising provisions governing bail bonds.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 4305 was substituted for Senate Bill No. 4305 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Talmadge, the following amendment by Senators Talmadge and Newhouse was adopted:

On page 1, beginning on line 9, after "bond" strike "and" on line 10 and insert "; PROVIDED, That"

On motion of Senator Kreidler, the rules were suspended, Engrossed Substitute Senate Bill No. 4305 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. 4305.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4305 and the bill passed the Senate by the following vote: Yeas, 40; absent, 5; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hayner, Johnson, Kreidler, McCaslin, McManus, Meicall, Moore, Newhouse, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 40.

Absent: Senators Craswell, Hansen, Kiskaddon, Patterson, Peterson - 5.

Excused: Senators Bluechel, Lee, McDermott, McDonald - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4305, having received the 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. 4105 and the pending amendment by Senators Granlund, Johnson and Pullen on page 3, line 28, deferred March 15, 1985.

Debate ensued.

POINT OF ORDER

Senator Talmadge: "Mr. President, if I might, I would raise the point of scope and object with respect to the amendment. This bill is designed to deal with the issue of release of offenders from various programs and the information to be provided. The amendment does not deal with that issue and I would certainly, respectfully, request that the President rule on the issue of scope and object with respect to this amendment."

Further debate ensued.

MOTION

On motion of Senator Vognild, further consideration of Substitute Senate Bill No. 4105 was deferred.

MOTIONS

On motion of Senator Bender, Senators Peterson and Hansen were excused.

On motion of Senator von Reichbauer, Senators Patterson and Kiskaddon were excused.

SECOND READING

SENATE BILL NO. 3056, by Senators Gaspard, Rinehart, von Reichbauer, Conner and Stratton

Limiting salary increases for certain administrators and presidents of institutions of higher education.

MOTIONS

On motion of Senator Gaspard, Substitute Senate Bill No. 3056 was substituted for Senate Bill No. 3056 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Gaspard, the rules were suspended, Substitute Senate Bill No. 3056 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. 3056.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3056 and the bill passed the Senate by the following vote: Yeas, 25; nays, 18; excused, 6.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Kreidler, McManus, Moore, Owen, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 25.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Lee, McCaslin, Metcalf, Newhouse, Pullen, Saling, Sellar, Zimmerman - 18.

Excused: Senators Hansen, Kiskaddon, McDermott, McDonald, Patterson, Peterson - 6.

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.

SECOND READING

SENATE JOINT MEMORIAL NO. 111, by Senators Bauer, Benitz and Rasmussen (by Temporary Committee on Educational Policies request)

Petitioning for federal action to increase minority participation in graduate education programs.

The memorial was read the second time.

MOTION

On motion of Senator Gaspard, the rules were suspended, Senate Joint Memorial No. 111 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Joint Memorial No. 111.

ROLL CALL

The Secretary called the roll on final passage of Senate Joint Memorial No. 111 and the memorial passed the Senate by the following vote: Yeas, 42; nays, 1; excused, 6.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hayner, Johnson, Kreidler, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Voting nay: Senator Guess - 1.

Excused: Senators Hansen, Kiskaddon, McDermott, McDonald, Patterson, Peterson - 6.

SENATE JOINT MEMORIAL NO. 111, having received the constitutional majority, was declared passed.

SECOND READING

SENATE JOINT MEMORIAL NO. 112, by Senators Bauer, Gaspard, Benitz, Williams, Rasmussen, Granlund, Peterson, Warnke and Vognild (by Temporary Committee on Educational Policies request)

Petitioning Congress to provide financial assistance to help the public school system accommodate non-English speaking students.

The memorial was read the second time.

MOTION

On motion of Senator Gaspard, the rules were suspended, Senate Joint Memorial No. 112 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Joint Memorial No. 112.

ROLL CALL

The Secretary called the roll on final passage of Senate Joint Memorial No. 112 and the memorial passed the Senate by the following vote: Yeas, 40; nays, 2; absent, 1; excused, 6.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Johnson, Kreidler, Lee, McManus, Metcalf, Moore, Newhouse, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 40.

Voting nay: Senators Craswell, McCaslin - 2.

Absent: Senator Hayner - 1.

Excused: Senators Hansen, Kiskaddon, McDermott, McDonald, Patterson, Peterson - 6.

SENATE JOINT MEMORIAL NO. 112, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 3200, by Senators Talmadge, Granlund, Halsan and DeJarnatt

Modifying provisions relating to crime victims' assistance.

MOTIONS

On motion of Senator Talmadge, Second Substitute Senate Bill No. 3200 was substituted for Senate Bill No. 3200 and the second substitute bill was advanced to second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Second Substitute Senate Bill No. 3200 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Bailey: "Senator Talmadge, I don't know if I understood you correctly, but I thought I heard you say that the victims had to use up all of their available assets before they were eligible for this program."

Senator Talmadge: "Their available insurance assets. There is a mechanism that has been in place since 1982, I believe, when the Crime Victims Compensation Fund was restored. I think it even predated it back to 1973 that required that before you could receive compensation under the fund, you had to exhaust certain resources that you had available to use such as insurance."

Senator Bailey: "In other words, if we had a child sexual assault victim, then they would have to use up their insurance assets before they were eligible for counseling?"

Senator Talmadge: "If they had insurance coverage, that would be correct. That's one of the problems with respect to the Crime Victim Compensation Act and one of the reasons that I think we need to look at some supplements to it."

The President declared the question before the Senate to be the roll call on final passage of Second Substitute Senate Bill No. 3200.

ROLL CALL

The Secretary called the roll on final passage of Second Substitute Senate Bill No. 3200 and the bill passed the Senate by the following vote: Yeas, 41; nays, 5; excused, 3.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wjahn, Zimmerman - 41.

Voting nay: Senators Barr, Benitz, Craswell, McCaslin, Newhouse - 5.

Excused: Senators Kiskaddon, McDermott, McDonald - 3.

SECOND SUBSTITUTE SENATE BILL NO. 3200, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3251, by Senators Owen, Deccio, Bender, Warnke and Thompson

Modifying methods for determining child custody and enforcing child support.

MOTION

On motion of Senator Talmadge, Substitute Senate Bill No. 3251 was substituted for Senate Bill No. 3251 and the substitute bill was advanced to second reading and read the second time.

Debate ensued.

MOTION

On motion of Senator Bottiger, further consideration of Substitute Senate Bill No. 3251 was deferred.

There being no objection, the Senate resumed consideration of Senate Bill No. 3804 and the pending amendment by Senator Cantu on page 1, line 2, deferred March 16, 1985.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Zimmerman, the President finds that Senate Bill No. 3804 is a measure with the single purpose of extending implied warranty immunity to lawsuits arising from the contraction of acquired immune deficiency syndrome (AIDS) from blood transfusions.

"The amendment proposed by Senator Cantu requires blood donor programs to honor requests by donors to have blood donations directed for use to persons as specified by such donors.

"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

Senator Cantu moved that the following amendment by Senators Cantu and Rasmussen be adopted:

On page 1, line 16, after "disease" insert "if the blood donor program, which may charge a reasonable fee to cover administrative costs, honors requests by donors to have blood donations directed for use to persons as specified by such donors for a period of fourteen days following the donation"

POINT OF ORDER

Senator Granlund: "A point of order, Mr. President. With all due respect, we once again are dealing with substantially the same amendment that we had before you and I must ask for a ruling on scope and object on this, also."

Debate ensued.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Granlund, the President finds that Senate Bill No. 3804 is a measure with the single purpose of extending implied warranty immunity to lawsuits arising from the contraction of acquired immune deficiency syndrome (AIDS) from blood transfusions.

"The amendment proposed by Senators Cantu and Rasmussen requires blood donor programs to honor requests by donors to have blood donations directed for use to persons as specified by such donors.

"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

Senator Deccio moved that the following amendment be adopted:

On page 1, after line 28, insert the following:

NEW SECTION, Sec. 2. The department of social and health services shall provide a written report to the senate committee on human services and corrections and the house of representatives committee on social and health services by January 1, 1986, providing a description of the current policies and procedures utilized by blood banks for detecting the presence of acquired immune deficiency disease in potential donors, the utilization of such procedures, costs of administering the procedures, and statistics on the number of cases of acquired immune deficiency disease reported as a result of the blood banks' screening procedures and information acquired as a result of transfusions. The department shall have the authority to collect data from blood banks, as necessary to develop the report."

POINT OF INQUIRY

Senator Granlund: "Senator Deccio, what is the fiscal impact of this amendment?"

Senator Deccio: "Senator Granlund, I don't think there should be any fiscal impact at all. This is a very light load to ask the department to do. It seems that every time we want them to sneeze, then they need more money to do it. I can say they can do this in house with what they've got. It's not all that big of job."

Further debate ensued.

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

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

MOTIONS

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

On page 1, line 1 of the title, strike "and" and after "RCW 70.54.120" insert "; and creating a new section"

On motion of Senator Granlund, the rules were suspended, Engrossed Senate Bill No. 3804 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Bottiger: "Senator Granlund, in your comment, both today and before, you mentioned that they would still be liable if they were negligent. If there is a test available and they do not use that test, would that, then, mean that they escaped the provisions of this act and they would be liable for the AIDS that would be passed on to somebody else?"

Senator Granlund: "Senator Bottiger, you're certainly the legal expert, but I would presume that if there was a test available and they did not avail themselves of it, certainly they would be liable."

POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, I am going to have elective surgery. I know when it is scheduled--maybe a month away. I asked four, five, six members of my family, to have some in reserve, to come in and donate blood for this operation that I am going to use. The blood bank refuses to send this blood that my donors have directed to go to me and to identify it. Will they, then, become liable? Understand, I have the blood from people I have confidence in--that do not have AIDS and I'm asking that it be labeled mine.

"Let me explain further. I have had my family--when I did have my surgery--donate blood and the name was right on the packet, so when I looked up there from my hospital bed, I saw the names of the people I knew who had made donations. Now, that's my question--it is, specifically, related to--if they refuse to do this at the blood bank, they will become more liable with this bill?"

Senator Talmadge: "Senator Rasmussen, I certainly hope that the blood banks or the health care facility would accommodate your concern, but as to whether or not there would be liability--without research on the issue--I wouldn't have any guess. I don't know."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3804.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3804 and the bill passed the Senate by the following vote: Yeas, 29; nays, 17; excused, 3.

Voting yea: Senators Barr, Bauer, Bluechel, Bottiger, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Johnson, Kreidler, McManus, Newhouse, Owen, Paterson, Peterson, Rinehart, Saling, Stratton, Talmadge, Thompson, Warnke, Williams, Wojahn, Zimmerman - 29.

Voting nay: Senators Bailey, Bender, Benitz, Cantu, Conner, Guess, Hansen, Hayner, Lee, McCaslin, Metcalf, Moore, Pullen, Rasmussen, Sellar, Vognild, von Reichbauer - 17.

Excused: Senators Kiskaddon, McDermott, McDonald - 3.

ENGROSSED SENATE BILL NO. 3804, having received the constitutional majority, 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. 3444, by Senators Fleming, Wojahn and Talmadge

Establishing the higher education opportunities program.

The bill was read the second time.

MOTIONS

On motion of Senator Gaspard, the following Committee on Education amendments were considered simultaneously and adopted:

On page 2, beginning on line 30, after "at least" strike "one year and have had a minimum annual gross revenue of one million dollars or more" and insert "three years"

On page 2, line 33, after "at least" strike "fifteen" and insert "ten"

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

On page 5, line 7, after "minimum" insert "cumulative"

On page 5, line 9, after "terminated" insert "unless the council for postsecondary education, or its successor agency, waives for good cause the minimum cumulative grade point average requirement for a particular student"

MOTION

On motion of Senator Gaspard, the rules were suspended, Engrossed Senate Bill No. 3444 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 Saling: "Senator Rinehart, as vice chairman for Higher Education on the Education Committee, I have discussed this with you, somewhat, and I have some questions about one part of the bill. I believe the bill is very good and I intend to support it, but there are some clarifying things that are necessary.

"In Section 5, it indicates the Council for Postsecondary Education or its successor agency are to establish the guidelines in application procedures, but it also states that in selecting the recipients, the following factors shall be considered: age, disability, income, number of dependents--whether the person is the single head of a household and so on, but it doesn't clarify how those are to be taken into consideration. In other words, the factor of age--would a younger person have preference over an older--or disability--would one who was disabled receive more points, for instance, toward a scholarship than one who's not disabled? What about the income--the lower the income, the more points for the person to receive the scholarship? Would you explain that for me, please?"

Senator Rinehart: "Senator Saling, all of the factors listed on page 3, subsection 3, are to be considered together and together they are to give a picture of the person who is applying for the program. Then, the Council for Postsecondary Education or the Higher Education Coordinating Board would take that total picture and match it with the intent of the bill, which is given in Section 1, and with the description of the pilot program which is listed in Section 2. All of those factors would be taken into account together. There would be no assignment of points either on the basis of any single one of them, but all of them to make a total picture of the proposed recipient."

Senator Saling: "Thank you. One other question, if I may? Another point is item (h) on page 4, in Section 5. It states that the Council for Postsecondary Education or its successor agency must determine whether the applicant is capable of succeeding in an institution of higher education, but it also states that it is not intended to be an academically competitive process.

"I know that grade point average is one--and only one indicator of potential success in higher education. If they are not to use that, how are they going to determine if an applicant is capable of succeeding in an institution of higher education?"

Senator Rinehart: "Senator Saling, academic criteria are not ruled out. It simply says they are not to be the sole criteria. Once, again, all of those items listed would be taken into account, whether or not the person has demonstrated a motivation to succeed in the program; whether or not it's reasonable to assume on the basis of family situation--age, income--all those other things once again would come under the total picture to make some kind of assessment."

Senator Saling: "You're telling me that age and income is a predictor of success in higher education?"

Senator Rinehart: "I'm telling you that all those things taken together. You're being a little more troublesome than you promised--all of those things taken together."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3444.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3444 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan,

Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.
 Voting nay: Senator Cantu - 1.
 Excused: Senators McDermott, McDonald - 2.

ENGROSSED SENATE BILL NO. 3444, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

March 18, 1985

Dear Sid,

If possible, I would like to enter a correction in the Journal. My NO vote on Engrossed Substitute Senate Bill No. 3444 was in error. I intended to vote YES. I was in the wings discussing another issue and thought the vote being taken was on another bill.

Emilio Cantu,
 Fourth District

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 3251, deferred on second reading earlier today.

MOTION

Senator Hayner moved that the following amendment by Senators Hayner and Newhouse be adopted:

On page 6, after line 7, insert a new subsection as follows:

"(5) The provisions of this 1985 amendatory act shall not constitute basis for an action for modification of a child custody decree as described in subsection (1) of this section."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Hayner, this in effect--your amendment would prohibit looking back? Can't the court, at the present time, look back?"

Senator Hayner: "Yes, they certainly can. If you'll look at your bill book, you will see the court has the power to modify these decrees under certain circumstances, where it is in the best interest of the child, but not just to say 'I'm going to come into court to demand joint custody as a result of this law having been passed.' I think that's what we're trying to avoid, because what we're interested in is the best interest of the child. Now, Senator Owen has said that he felt that joint custody was not being awarded. Why is it not being awarded? Well, it is not being awarded in many cases, because the parents cannot agree on anything and I defy you to tell me how you can have joint custody when the parents cannot agree where the children should go to school, what they should eat and what they should wear and who's going to pay for it."

Further debate ensued.

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

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

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute Senate Bill No. 3251 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. 3251.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3251 and the bill passed the Senate by the following vote: Yeas, 38; nays, 8; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bottlger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, McCaslin,

McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 38.

Voting nay: Senators Benitz, Bluechel, Cantu, Craswell, Guess, Hayner, Lee, Sellar - 8.

Absent: Senator Deccio - 1.

Excused: Senators McDermott, McDonald - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3251, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:17 a.m., on motion of Senator Vognild, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order at 2:29 p.m. by President Cherberg.

STATEMENT FOR THE JOURNAL

MEMO:

DATE: March 18, 1985

TO: Mary Wiley, Journal Clerk

FROM: Senator Dan McDonald

SUBJECT: Votes missed March 18, 1985

I would like the following statement added to the Journal for the date of March 18, 1985.

As Chairman of the Economic and Revenue Forecast Council, I was unable to be at the morning session of the Washington State Senate on March 18, 1985, because I was conducting the council meeting from 9:00 a.m. to 11:30 a.m. I, therefore, missed voting on the following bills: ESSB 4305, SSB 3056, SJM 111, SJM 112, 2nd SSB 3200, ESB 3804, ESB 3444 and ESSB 3251.

MOTION

On motion of Senator Bender, Senator Garrett was excused.

SECOND READING

SENATE BILL NO. 3882, by Senators Thompson, McCaslin, McManus, Rasmussen and Johnson (by Military Department request)

Authorizing the state militia to retain cleaning deposits and utility costs associated with armory rentals.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 3882 was substituted for Senate Bill No. 3882 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Thompson, the rules were suspended, Substitute Senate Bill No. 3882 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. 3882.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3882 and the bill passed the Senate by the following vote: Yeas, 42; absent, 6; excused, 1.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Absent: Senators Bauer, Conner, Guess, McManus, Metcalf, Sellar - 6.

Excused: Senator Garrett - 1.

SUBSTITUTE SENATE BILL NO. 3882, having received the constitutional majority, 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. 3323, by Senators Wojahn, Lee, Moore, Talmadge, Halsan, DeJarnatt and Bottiger

Revising provisions relating to child support.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 1, beginning on line 16, strike all material down to and including "inconsistency" on line 17 and insert "state the basis for the deviation"

MOTIONS

On motion of Senator Vognild, further consideration of Senate Bill No. 3323 was deferred.

On motion of Senator Bender, Senators Bauer and Stratton were excused.

SECOND READING

SENATE BILL NO. 3450, by Senator Talmadge

Revising provisions relating to firearms.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 3450 was substituted for Senate Bill No. 3450 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Talmadge, the following amendment by Senators Talmadge and Pullen was adopted:

On page 2, line 31, after "facility or" insert "to any"

Senator Talmadge moved that the following amendment be adopted:

On page 1, line 29, after "establishment" strike everything through "premises." on page 2, line 1, and insert "classified by the Washington state liquor control board as off-limits to persons under twenty-one years of age."

Debate ensued.

POINT OF INQUIRY

Senator Bottiger: "Senator Talmadge, in many places the restaurant is the lounge. There are cocktails being served and the lounge is a one or two bar area, but the basic place where the eating and consuming takes place is in the restaurant. This amendment would exempt the whole restaurant?"

Senator Talmadge: "If it's the premises that would be the one wherein people under the age of twenty-one would not be permitted, it would be covered by the statute preempting--it would be covered by the statute that bars firearms in the facility. If it were a section that was something that would permit someone under the age of twenty-one to be in it, then it would not be covered by this section."

Further debate ensued.

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.

MOTIONS

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

On page 12, line 35, after "fees." strike everything down to and including "items." on page 13, line 2

Senator Williams moved that the following amendments be considered simultaneously and adopted:

On page 1, line 22, after "courthouse;" insert "or"

On page 1, beginning on line 28, after "public" strike "; or" and insert "."

On page 1, beginning on line 29, strike all material down to and including "others." on line 8 of page 2 and insert the following:

"(2) Notwithstanding RCW 9.41.290, cities, towns, counties, and other municipalities may enact firearm laws and ordinances relating to:

(a) Discharge of firearms in any portion of their respective jurisdictions where humans, domestic animals, or property might be jeopardized. Such laws and ordinances shall not abridge the right of the individual guaranteed by Article I, section 24 of the state Constitution to bear arms in defense of self or others;

(b) Display in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons; or

(c) Possession in certain areas:

(i) In any place in which intoxicating liquor is served for consumption on the premises; or

(ii) In or upon any publicly owned property, excluding public rights of way."

On page 2, beginning on line 36, strike all material down to and including "employees." on line 1, page 3

Renumber the subsections consecutively.

Debate ensued.

MOTION

On motion of Senator Williams, and there being no objection, the amendments were withdrawn.

MOTION

Senator Pullen moved that the following amendment be adopted:

On page 3, line 1, after "employees" and before the period insert "or to a person licensed pursuant to RCW 9.41.070"

Debate ensued.

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

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

MOTION

Senator Pullen moved that the following amendment be adopted:

On page 3, line 1, after "employees" insert ", and only applies to persons who are under the influence of an intoxicating liquor or any drug as determined by application of the evidentiary and chemical tests for intoxication applicable to operators of motor vehicles pursuant to the terms in RCW 46.61.502, 46.61.504, and 46.61.506"

Debate ensued.

POINT OF INQUIRY

Senator Peterson: "Senator Pullen, a few sessions back you appeared on the floor of the Senate with a concealed weapon. Do you still carry a gun on the floor of the Senate and is it loaded?"

Senator Pullen: "In answer to your question--is that I carried the firearm that you referred to for two days. It was a demonstration to emphasize the importance of getting past a gubernatorial executive request bill which for some reason was lost in committee at that time. And, in answer to your question, I have not carried a firearm on the floor of the Senate since then and I'm very glad that I haven't because it's hard to carry a concealed pistol. They're hot, they're sweaty, they're heavy and they're awkward--and if you had to carry a concealed pistol around all day, you wouldn't want to do it either."

Further debate ensued.

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

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

MOTIONS

On motion of Senator Zimmerman, Senator von Reichbauer was excused.

Senator Pullen moved that the following amendment be adopted:

On page 3, line 1, after "employees" insert ", or to persons licensed pursuant to RCW 9.41.070 to carry a pistol concealed on his or her person and not under the influence of an intoxicating liquor or drug as determined by application of the evidentiary and chemical tests for intoxication applicable to operators of motor vehicles pursuant to the terms in RCW 46.61.502, 46.61.504, and 46.61.506"

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 Senator Pullen.

ROLL CALL

The Secretary called the roll and the motion by Senator Pullen failed and the amendment was not adopted by the following vote: Yeas, 20; nays, 26; excused, 3.

Voting yea: Senators Barr, Benitz, Craswell, Deccio, Guess, Halsan, Hansen, Hayner, Johnson, Lee, McCaslin, Metcalf, Moore, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Zimmerman - 20.

Voting nay: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Kiskaddon, Kreidler, McDermott, McDonald, McManus, Newhouse, Peterson, Rinehart, Talmadge, Thompson, Vognilid, Warnke, Williams, Wojahn - 26.

Excused: Senators Garrett, Stratton, von Reichbauer - 3.

MOTION

Senator Williams moved that the following amendment be adopted:

On page 5, after line 24, add the following:

*NEW SECTION. Sec. 8. A new section is added to chapter 70.74 RCW to read as follows:

(1) No person may manufacture, sell, import, or be in possession or physical control of any firearm ammunition that is constructed with any solid metal bullet other than lead or an alloy primarily of lead, or any solid metal bullet not constructed primarily of lead or lead alloy, that is jacketed with any type of metal including steel, brass, or copper, either with a truncated cone or hollowpoint nose that is specifically designed to be metal or armor-piercing. "Firearm ammunition" means only handgun ammunition or rifle ammunition that can be fired in a handgun.

(2) A violation of this section is a class C felony as defined under chapter 9A.20 RCW.

(3) Subsection (1) of this section does not apply to city, county, state, or military law enforcement special weapons and tactics teams, or city, county, state, or military law enforcement research units."

Debate ensued.

POINT OF INQUIRY

Senator Guess: "Senator Williams, did you really intend to do away with the hollow nose bullet?"

Senator Williams: "Senator, I'm like Senator Talmadge. I'm not an expert in this area, however, I have relied on people who are and ran this by police departments all over the state and this is their opinion based on the letters that you see--that this is the appropriate language."

Senator Guess: "The thing that I noticed in your correspondence this morning was that they were all for it and I'm for doing away with one particular type of ammunition, but did you ask any of them if this applied to this type of bullet--that was used in sports shooting? I just learned something that I didn't know about. This is a heavy steel silhouette. I didn't see any in that correspondence. Did any of them mention the fact that the steel silhouette is the fastest growing form of sport?"

Senator Williams: "No, I didn't ask it and I wasn't told that."

Senator Guess: "Mr. President, may I ask a question? Does anybody in the chamber, with the exception of Senator Pullen--has anybody ever seen this type of steel silhouette? Does this mean, then, that we are legislating against something we don't know anything about? I believe it does."

REMARKS BY SENATOR PETERSON

Senator Peterson: "In answering Senator Guess's question--Sam--I have been a big game hunter since I was about twelve years old--before I had to get a license and I don't see the need for teflon bullets or anything of that nature as far as big game hunting is concerned."

Further debate ensued.

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

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

ROLL CALL

The Secretary called the roll and the motion by Senator Williams failed and the amendment was not adopted by the following vote: Yeas, 14; nays, 33; excused, 2.

Voting yea: Senators Bluechel, Bottiger, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, McDermott, McManus, Peterson, Rinehart, Thompson, Warnke, Williams - 14.

Voting nay: Senators Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, Deccio, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Talmadge, Vogndil, von Reichbauer, Wojahn, Zimmerman - 33.

Excused: Senators Garrett, Stratton - 2.

MOTION

Senator Bottiger moved that the following amendment be adopted:

On page 14, after line 19, insert the following:

***NEW SECTION. Sec. 13.** A new section is added to chapter 9.41 RCW to read as follows:

Notwithstanding RCW 9.41.290, cities, towns, counties, and other municipalities may enact laws and ordinances restricting the possession of firearms in any public stadium, convention, or trade facility, or performing arts center or visual arts center operated by a city, town, county, or other municipality, excluding a place where a showing, demonstration, or lecture involving the exhibition of unloaded firearms is being conducted."

Renumber the remaining section consecutively.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Bottiger, are they allowed to frisk the people who go into these rock concerts?"

Senator Bottiger: "Senator, I understand that there was a court change that indicated that they could not do pat down searches for drugs."

Senator Rasmussen "Which would also include anything else that they were carrying?"

Senator Bottiger: "Well, Senator, it's pretty hard to conceal a rifle, or as Senator Pullen says a large, heavy gun that he carries under his coat—that's pretty obvious. You don't have to be a very well trained policeman to be able to spot one of those."

Further debate ensued.

Senator McDonald 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 Bottiger.

ROLL CALL

The Secretary called the roll and the motion by Senator Bottiger carried and the amendment was adopted by the following vote: Yeas, 24; nays, 23; excused, 2.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Hansen, Kiskaddon, Kreidler, McDermott, McManus, Moore, Peterson, Rinehart, Talmadge, Thompson, Vogndil, Warnke, Williams, Wojahn - 24.

Voting nay: Senators Bailey, Barr, Benitz, Cantu, Craswell, Deccio, Guess, Halsan, Hayner, Johnson, Lee, McCaslin, McDonald, Metcalf, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, Zimmerman - 23.

Excused: Senators Garrett, Stratton - 2.

MOTION

Senator Pullen moved that the following amendment be adopted:

On page 14, after line 19, insert the following:

*Sec. 13. Section 12, chapter 232, Laws of 1983 and RCW 9.41.290 are each amended to read as follows:

The state of Washington hereby fully occupies and preempts the entire field of firearms regulation within the boundaries of the state, including the registration, licensing, possession, purchase, sale, acquisition, transfer, discharge, and transportation of firearms, or any other element relating to firearms or parts thereof, including ammunition and reloader components. Cities, towns, and counties or other municipalities may enact only those laws and ordinances relating to firearms that are specifically authorized by state law and are consistent with this chapter. Such local ordinances shall have the same or lesser penalty as provided for by state law. Local laws and ordinances that are inconsistent with, more restrictive than, or exceed the

requirements of state law shall not be enacted and are preempted and repealed, regardless of the nature of the code, charter, or home rule status of such city, town, county, or municipality."

Renumber the sections consecutively.

Debate ensued.

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

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

MOTION

Senator Pullen moved that the following amendment be adopted:

On page 14, after line 19, insert the following new sections and renumber any other sections as may be necessary:

NEW SECTION, Sec. 13. The Washington state legislature finds that the constitutional right to keep and bear arms is a fundamental freedom which should be protected, nurtured, and expanded. The legislature also finds that the founding fathers of our state and country very much wanted to have firearms in the hands of ordinary citizens as a means of protecting freedom and deterring potential despots from undermining our constitutional republic by force.

Quotes from the founding fathers clearly support these legislative findings. For example, George Washington said, "Firearms stand next in importance to the constitution itself . . . From the hour the pilgrims landed to the present day, events, occurrences and tendencies prove that to ensure peace, security and happiness, the rifle and pistol are equally indispensable . . . The very atmosphere of firearms anywhere and everywhere restrains evil influence—they deserve a place of honor with all that's good . . ." Thomas Jefferson said, "No free man shall ever be debarred the use of arms." Patrick Henry stated, "The great object is that every man be armed . . . Everyone who is able may have a gun."

Clearly, the founding fathers realized that firearms in the hands of ordinary citizens would on occasion result in sad consequences, such as the death of an innocent person through criminal behavior or a tragic accident. However, they also knew that these relatively few deaths would be far more than offset by the many lives saved as a result of the right to bear arms helping to preserve freedom. They knew that the few lives lost through criminal behavior or accidents would be negligible compared to the large number of lives lost whenever freedom is destroyed and a tyrannical government is established. History has shown our founding fathers to be very wise indeed. While citizens in the United States have experienced unprecedented freedom, the rest of the world has witnessed six million Jews murdered by Adolf Hitler, fifteen million Russians slaughtered by Joseph Stalin, and an estimated sixty million Chinese murdered in communist China, none of whom were allowed to possess firearms.

As a result of these lessons from history, it is the intent of the legislature to promote freedom and protect public safety by enacting the "Firearm Civil Rights Act of 1985" and imposing stiff civil and criminal penalties on any person or public official who unlawfully or unconstitutionally interferes with the right of a citizen to keep and bear arms.

NEW SECTION, Sec. 14. Sections 13 through 17 of this act shall be known and may be cited as the "Firearms Civil Rights Act of 1985."

NEW SECTION, Sec. 15. (1) A person shall be guilty of denial of firearms civil rights if he or she is a public official and:

(a) Denies or causes the denial of the issuance or renewal of a concealed pistol license to an applicant who is qualified under this chapter or other state laws; or

(b) Requests the applicant to provide additional information beyond that required by RCW 9.41.070 or causes the request to be made; or

(c) Confiscates or orders forfeiture of a citizen's firearms without authority under state statutes or without due process of law or sets the policy for such confiscation or forfeiture; or

(d) Prohibits a commercial seller from delivering a firearm to a purchaser without good cause, lawful authority under state statutes, or due process of law or causes such prohibition to be made; or

(e) Orders a commercial seller to delay delivery of a firearm to a purchaser beyond the usual five-day limit specified in RCW 9.41.090 without good cause, lawful authority under state statutes, or due process of law or causes the order to be made.

(2) The fact or claim that a public official was acting under the direction of a superior is not a defense to an action under subsection (1) of this section.

(3) This section applies both to employees who violate a provision of this section and to any employers or supervisors who require or order an employee to violate a provision of this section.

(4) Denial of firearm civil rights is a gross misdemeanor.

For the purposes of this section, public official means any person employed by any state or local governmental entity and includes local government elected officials.

NEW SECTION, Sec. 16. A person whose firearms civil rights have been denied under section 15 of this act shall be awarded civil damages equal to five thousand dollars for each violation plus attorney fees and compensation for loss of income, loss of wages, loss of fringe

benefits, transportation expenses, communication expenses, and all other costs associated with efforts to regain the person's firearms civil rights and seek civil remedies. The civil remedies may be sought regardless of whether or not criminal charges are filed pursuant to section 3 of this act; and the petitioner's case shall not be prejudiced by the fact that criminal charges were not filed. The civil action may be brought in the county where the violation occurred or in Thurston county at the discretion of the petitioner.

NEW SECTION. Sec. 17. The attorney general may bring a civil or criminal action for violation of section 15 of this act.

NEW SECTION. Sec. 18. Sections 13 through 17 of this act are added to chapter 9.41 RCW."

POINT OF ORDER

Senator Bottiger: "Mr. President, a point of order. I raise the point of order that the amendment expands the scope and object to the act. In his very comment, Senator Pullen told us why. It creates a new set of standards applying to public officials under the granting of the denial of the Firearms Registration Act. It creates a civil action the attorney general may bring. It imposes new civil penalties that have not previously been identified and which do not appear anywhere in the subject statute."

Debate ensued.

MOTION

On motion of Senator Vognild, further consideration of Substitute Senate Bill No. 3450 was deferred.

There being no objection, the Senate resumed consideration of Senate Bill No. 3323, deferred earlier today.

MOTIONS

On motion of Senator von Reichbauer, Senator Newhouse was excused.

Senator Owen moved that the following amendment be adopted:

On page 1, line 8, after "factors" insert ", including an allowance for a "survival income," and including the parent's direct cost-sharing contribution to the children's support."

Debate ensued.

Senator Owen 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 Owen.

ROLL CALL

The Secretary called the roll and the motion by Senator Owen failed and the amendment was not adopted by the following vote: Yeas, 21; nays, 22; absent, 3; excused, 3.

Voting yea: Senators Barr, Bender, Benitz, Craswell, Deccio, Hansen, Johnson, Lee, McCaslin, McManus, Metcalf, Owen, Patterson, Peterson, Pullen, Rasmussen, Thompson, Vognild, von Reichbauer, Warnke, Williams - 21.

Voting nay: Senators Bailey, Bluechel, Cantu, DeJamatt, Fleming, Gaspard, Goltz, Granlund, Guess, Halsan, Hayner, Kiskaddon, Kreidler, McDermott, McDonald, Moore, Rinehart, Saling, Sellar, Talmadge, Wojahn, Zimmerman - 22.

Absent: Senators Bauer, Bottiger, Conner - 3.

Excused: Senators Garrett, Newhouse, Stratton - 3.

MOTION

Senator Owen moved that the following amendment be adopted:

On page 1, line 17, after "inconsistency," insert "The support order shall state the percentage of direct cost-sharing contribution credit based on the percentage of visitation or custody, without regard to legal or physical custody of the children."

Debate ensued.

The President 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 on a rising vote.

MOTION

On motion of Senator Talmadge, further consideration of Senate Bill No. 3323 was deferred.

SECOND READING

SENATE BILL NO. 3762, by Senators McDermott, Goltz, Bluechel, Warnke, McDonald, Fleming and Bender

Modifying administrative provisions on the convention and trade center.

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 2, beginning on line 17, strike subsection (4).

On motion of Senator McDermott, the following Committee on Ways and Means amendment was adopted:

On page 2, line 35, after "corporation" insert "subject to approval of the office of financial management"

Senator McDermott moved that the following amendment be adopted:

On page 1, line 22 after "appropriation," strike all of the remainder of the bill.

Debate ensued.

Senator McDonald 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 McDermott.

ROLL CALL

The Secretary called the roll and the motion by Senator McDermott failed and the amendment was not adopted by the following vote: Yeas, 21; nays, 26; excused, 2.

Voting yea: Senators Barr, Bauer, Craswell, Granlund, Hansen, Johnson, Kreidler, McCaslin, McDermott, Metcalf, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Talmadge, Thompson, Williams, Wojahn - 21.

Voting nay: Senators Bailey, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hayner, Kiskaddon, Lee, McDonald, McManus, Patterson, Saling, Vognild, von Reichbauer, Warnke, Zimmerman - 26.

Excused: Senators Newhouse, Stratton - 2.

MOTION

Senator McDermott moved that the following amendment be adopted:

On page 1, beginning on line 25, strike all material through and including "RCW 67.40-020." on page 2, line 8 and renumber the remaining subsections consecutively.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator McDonald: "Mr. President, we just voted down an amendment which would have struck all these sections and now Senator McDermott is going back perfecting and striking them one by one. I wonder if you would rule whether this is in order of not?"

REPLY BY THE PRESIDENT

President Cherberg: "It appears to the President that Senator McDermott is endeavoring to strike certain portions and I believe that the amendments are in order."

Further debate ensued.

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 on a rising vote.

MOTIONS

Senator McDermott moved that the following amendment be adopted:

On page 2, line 9, in new section 2, strike subsection (2) and renumber the remaining subsections consecutively.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator McDermott, line 9, is that the one you are striking in subsection 2?"

Senator McDermott: "Yes, sir."

Senator Rasmussen: "In which it says 'not withstanding RCW 43.84.090?' What is RCW 43.090?"

Senator McDermott: "If you look in the bill, subsection 6 of the bill says, 'twenty percent of all income received from such investment shall be deposited in the state general fund.' So, what they're doing here is exempting the convention center from the requirement that twenty percent of the interest goes into the general fund. They're saying 'we're going to put you in a special category--you only have to put in five percent.' Everybody else has to put in twenty percent. It doesn't seem fair to me, does it to you?"

Senator Rasmussen: "No. Thank you, Senator McDermott. Speaking in favor of the amendment, I always become curious when I see a law that says 'notwithstanding.' A law that everybody else has to abide by--we're excusing some group from abiding by the law that has been general law and has stood on the books and we've never had any objection to it. I think we should support the amendment and Senator McDermott is fighting very valiantly to protect the state and the general fund and I would urge that you give him a little support."

Further debate ensued.

Senator McDonald 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 McDermott.

ROLL CALL

The Secretary called the roll and the motion by Senator McDermott failed and the amendment was not adopted by the following vote: Yeas, 21; nays, 27; absent, 1.

Voting yea: Senators Barr, Bauer, Craswell, Gaspard, Hansen, Kreidler, McCaslin, McDermott, Metcalf, Moore, Owen, Peterson, Pullen, Rasmussen, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 21.

Voting nay: Senators Bailey, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Goltz, Guess, Halsan, Hayner, Johnson, Kiskaddon, Lee, McDonald, McManus, Newhouse, Patterson, Rinehart, Saling, Sellar, von Reichbauer, Zimmerman - 27.

Absent: Senator Granlund - 1.

MOTION

Senator McDermott moved that the following amendment be adopted:
On page 2, line 14, strike "before and"

Debate ensued.

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.

MOTIONS

Senator Moore moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) There is hereby created the special joint legislative committee on review of the state convention and trade center to conduct a comprehensive examination of the state convention and trade center created under chapter 67.40 RCW. The committee shall be composed of three members appointed by the president of the senate and three members appointed by the speaker of the house of representatives. Not more than two members from each house may be members of the same political party.

(2) In conducting its study, the committee shall consider, but not be limited to, the following areas:

(a) The financial solvency of the state convention and trade center project and project participants;

(b) The effects of pending lawsuits;

(c) The impact of the bankruptcy of CHG International, Inc. on the state convention and trade center;

(d) The site selection;

(e) The total cost of the project including contributions, either cash or in-kind, from other state agencies or private interests;

(f) The size of the facility; and

(g) The cost per square foot.

(3) The committee shall hold meetings and hearings at the times and places it designates to accomplish the purposes of this section. It shall make use of existing legislative facilities and the staff of the senate and house of representatives pursuant to joint rule No. 26 of the senate and house of representatives. The committee may contract for legal and expert services and opinions relevant to its study. Members of the committee shall be reimbursed for travel expenses as provided in RCW 44.04.120.

(4) The study shall be completed by July 31, 1985. The committee shall submit its report to the legislature no later than August 15, 1985, or the next committee weekend following such date.

(5) The committee shall cease to exist on August 15, 1985, unless extended by the president of the senate or the speaker of the house of representatives for an additional fixed period of time.

(6) No construction materials, supply purchases, or construction contracts may be awarded, nor any construction commenced or continued on the state convention and trade center from the effective date of this act until September 1, 1985.

NEW SECTION, Sec. 2. There is appropriated twenty-five thousand dollars to the senate and twenty-five thousand dollars to the house of representatives, or so much thereof as may be necessary, from the general fund for the biennium ending June 30, 1987, for the purposes of this act.

NEW SECTION, Sec. 3. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Debate ensued.

POINT OF INQUIRY

Senator Goltz: "Senator Moore, which August are you referring to?"

Senator Moore: "August of this year, 1985--August 15."

POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, is it illegal to transfer assets when you're in bankruptcy without the approval of the bankruptcy court?"

Senator Talmadge: "There's something in bankruptcy, and I'm not a bankruptcy lawyer, but there's something in bankruptcy called a preference and when one transfers certain selected assets to certain selected collectors or preferred creditors, and I believe it is a three months' time period prior to the filing of the bankruptcy--the court will void the transfer of the preference in bankruptcy."

Senator Rasmussen: "The other question I have, I keep hearing about the border case. What was the border case? How did the court rule on that?"

Senator Talmadge: "Senator Bauer--"

Senator Rasmussen: "The reason I'm asking is that, obviously, there is a difference in tax in the local areas. Some motels, with less than sixty units, will pay a certain tax and the other motels, with more than sixty units will pay a tax. Under the border case, would that be illegal? I think they ruled that all taxes would be equal."

Senator Talmadge: "Senator I'm not going to hazard a guess as to what the Supreme Court will do, having practiced before the Supreme Court myself on many occasions. The first thing I learned about our state Supreme Court is never to predict an outcome of any case."

Senator Rasmussen: "What did they do on the border case?"

Senator Talmadge: "My understanding of the border case was the courts struck down the provisions of the bill that this legislature enacted that dealt with giving a break on the sales tax to certain border counties and increasing the B & O tax to offset the amount lost from the border counties. The court said you had to apply the excise taxes on a uniform basis."

Senator Rasmussen: "Is a sales tax an excise tax?"

Senator Talmadge: "It certainly is."

Further debate ensued.

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

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

ROLL CALL

The Secretary called the roll and the motion by Senator Moore failed and the amendment was not adopted by the following vote: Yeas, 18; nays, 30; absent, 1.

Voting yea: Senators Barr, Bauer, Hansen, McCaslin, McDermott, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Stratton, Talmadge, Thompson, Vognild, Warnke, Wojahn - 18.

Voting nay: Senators Bailey, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDonald, McManus, Newhouse, Rinehart, Saling, Sellar, von Reichbauer, Williams, Zimmerman - 30.

Absent: Senator Deccio - 1.

MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed Senate Bill No. 3762 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Talmadge: "Senator Bottiger, since the time of the passage of the first bill on the convention center, we've had the convention center people come and ask us for various modifications of that statute, virtually each and every session of the legislature. Can you give us some kind of assurance that this is the last time we're going to modify anything relating to the Washington Convention and Trade Center?"

Senator Bottiger: "Senator Talmadge, when they first introduced this bill back in '79, I said, 'you guys are making a terrible mistake--you don't understand the legislature--you don't understand our credit rating--you don't understand the extra interest you are going to be paying; why don't you go to King County and do it?' They had no answer for that, but they came down and did it anyhow. They rolled over me in '79, in '81 and '83. Now, they've got the dammed thing so far down the road that somebody has got to change the statute so that they are operational under a state budget system."

Senator Talmadge: "I only wish that you had given the same response that Senator Bauer gave to a question on the floor with respect to the issue of a window for state employees getting back into the pension system."

Further debate ensued.

POINT OF INQUIRY

Senator Rinehart: "Senator Bottiger, Section 2 of the bill on page 2, subsection (1) contains language which is fairly unusual. It suggests that the corporation may expend money for purposes in excess of the amount appropriated to the extent that the corporation receives or will receive additional operating revenue. Could you explain, in particular, the interpretation of the revenues they will receive?"

Senator Bottiger: "The legislature will continue to appropriate the convention center budget which will be based on the estimated level of business and the expenditures and revenue associated with it. If business is better--and I underscore better--than expected, either through the booking of more conventions--the greater number of delegates--the demand for ancillary services, such as food or telephones--the convention center has to be able to spend money in order to make money. There will be occasions when the expenditure must be made prior to the receipt of revenue. The language has been worked out with OFM, which believes that it will have sufficient control over expenditures of this nature. I call your attention to the language on line 7--'or will receive additional operating revenues notwithstanding.'"

Senator Rinehart: "A further question for Senator Bottiger. The words that you used in relationship to those monies that were anticipated did not suggest there was a contract involved. Am I to understand, that if there is an order placed for some kind of ancillary service that that order is, then, to be interpreted--funds that will be received--or will there be a contract involved?"

Senator Bottiger: "Senator, I don't understand the difference between a valid order and a contract. A valid order is a contract. If there is an obligation for the convention center to supply material with a promise that they will be paid by the

convention people, this language allows them to order the extra telephones or the extra dinner with the understanding that they will be paid for."

PARLIAMENTARY INQUIRY

Senator Rasmussen: "Does this measure require a sixty percent vote?"

REPLY BY THE PRESIDENT

President Cherberg: "Yes, Senator."

POINT OF INQUIRY

Senator Rasmussen: "Senator Bottiger, your answer to Senator Rinehart indicated that if they did not receive enough revenue, that then the state would fill in the amount that they were short. Is this correct?"

Senator Bottiger: "Senator, I didn't say anything like that. I don't know where you got that."

Senator Rasmussen: "Well, I just heard you explain it--'The corporation may spend money for operational purposes in excess of the amount appropriated for such purposes, to the extent that the corporation received or will receive'--they're hoping they will receive additional operating revenue and if they don't the state is going to make it up. Is this correct?"

Senator Bottiger: "Senator, it says, 'to the extent the corporations receives or will receive additional operational revenue.' That's the example of the delegates at the convention having ordered, initially, 4,000 dinners and now want to change their order to 4,500. When that occurs--and we've all been to conventions where that occurs--the convention center would have the authority to order the extra dinners on the obligation of the people to pay for them."

Senator Rasmussen: "And if they didn't?"

Senator Bottiger: "Senator, if they didn't pay for the 500, they probably wouldn't pay for the 4,000 either, so we've got that problem."

Senator Rasmussen: "Senator Bottiger, in the event that lawsuits are throwing out the sale tax financing, who will be required to pay for the bonds?"

Senator Bottiger: "If the hotel/motel tax was declared unconstitutional, we would have ninety-nine million dollars in state bonds out there which would become general obligation requirements. Unless we could pick up another way to pay for them, they would also apply to our debt service limitation. We would come up some place with, approximately, twenty million a biennium."

Senator Rasmussen: "And being general obligation, they are direct in line of attack for any revenues that the state has?"

Senator Bottiger: "At this time, they are bonds dedicated to be paid from a specific tax and, therefore, not general obligation. If the specific tax were declared unconstitutional, they would become general obligation bonds."

Senator Rasmussen: "WPPSS."

POINT OF INQUIRY

Senator McDermott: "Senator Bottiger, my question is--are you assuming that in subsection (1) on page 2, lines 5 through 8, that the money that the legislature will appropriate is only money received from conventions--that is, conventions--let's say the American Dental Society comes in and they have a convention and they pay a lease and they buy a couple of dinners, is that the money, or are you thinking that there is any possibility that there will be general fund money for operation of this center?"

Senator Bottiger: "Senator McDermott, because of the amendment that Senator Shinpoch and I put on this bill, which took out the pure revolving account, this state agency must be subject to appropriation. They will come in with estimated revenues and estimated expenditures and the legislature will go over that and make the appropriate appropriation. As I understand the long-term debt service and the operation of the convention center, they do perceive there'll be a time--and I believe it's six to seven years from now--because of the debt load and their estimate at this time of how many conventions they will attract, they have acknowledged that they will probably have to borrow money from the general fund to pay in--that period of time a deficit--which will be made up later, when the debt service begins to go down. It's just a typical debt service curve and they're looking

at the hotel/motel tax on a fairly steady, if not because of inflation, increasing amount. There is a period of space of time in the charts I've seen where the lines do go into a small deficit for a period of about four years."

Senator McDermott: "As I understand then, that you're saying that there will be a deficit in bond redemption money or in operational money? The hotel/motel tax is dedicated to paying off the bonds. Now, they're trying to get interest here to be used as operational money. Are you assuming that there will be general fund money for operation or general fund money for paying off the bonds?"

Senator Bottiger: "Senator, I'm sorry, I can't answer that question. I've seen the chart and it was filed with your committee, so that no one could claim surprise in the future that there is acknowledged to be a period of time where there will have to be some financial assistance from the state general fund for which purpose I can't recall."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3762.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3762 and the bill passed the Senate by the following vote: Yeas, 37; nays, 12.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Newhouse, Peterson, Rinehart, Saling, Sellar, Stratton, Talmadge, Vognlid, von Reichbauer, Warnke, Zimmerman - 37.

Voting nay: Senators Bauer, Craswell, McCaslin, Metcalf, Moore, Owen, Patterson, Pullen, Rasmussen, Thompson, Williams, Wojahn - 12.

ENGROSSED SENATE BILL NO. 3762, 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.

At 5:54 p.m., there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 5:58 p.m. by President Cherberg.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 3450 and the pending amendment by Senator Pullen on page 14, line 19, deferred earlier today.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Bottiger, the President finds that Substitute Senate Bill No. 3450 is a measure revising numerous statutes relating to firearms including provisions regarding wrongful denial of concealed pistol licenses.

"The amendment proposed by Senator Pullen establishes the "Firearms Civil Rights Act of 1985" and provides penalties for the denial of firearms civil rights, including among many other things, the denial of concealed pistol licenses.

"The President, therefore, finds that the proposed amendment does not expand the scope and object of the bill and that the point of order is not well taken."

The amendment by Senator Pullen was ruled in order.

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 adoption of the amendment by Senator Pullen.

ROLL CALL

The Secretary called the roll and the motion by Senator Pullen carried and the amendment was adopted by the following vote: Yeas, 25; nays, 22; absent, 2.

Voting yea: Senators Barr, Benitz, Cantu, Conner, Craswell, Deccio, Garrett, Hansen, Hayner, Johnson, Lee, McCaslin, McDonald, Metcalf, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Vognlid, von Reichbauer, Warnke - 25.

Voting nay: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Halsan, Kiskaddon, Kreidler, McDermott, McManus, Moore, Peterson, Rinehart, Talmadge, Thompson, Williams, Zimmerman - 22.

Absent: Senators Newhouse, Wojahn - 2.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Conner served notice that he would move to reconsider the vote by which the amendment by Senator Bottiger on page 14, line 19, to Substitute Senate Bill No. 3450 was adopted by the Senate earlier today.

MOTION

On motion of Senator Vognild, further consideration of Substitute Senate Bill No. 3450 was deferred.

SECOND READING

SENATE BILL NO. 3066, by Senators Moore, Sellar, Warnke, Barr, Vognild, Bottiger, Deccio, Peterson, Conner, Newhouse and Hansen

Modifying provisions relating to gambling.

MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 3066 was substituted for Senate Bill No. 3066 and the substitute bill was advanced to second reading and read the second time.

Senator Wojahn moved that the following amendment be adopted:

On page 4, line 23, after "premises," strike all new language down to and including "However, the" and insert "The" on line 28

Debate ensued.

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

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

MOTION

Senator Wojahn moved that the following amendments be considered simultaneously and adopted:

On page 11, line 31, after "advance" strike all new language down to and including "commission"

On page 11, line 34, after "dollars" strike all new language down to and including "commission" on line 34

Debate ensued.

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

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senator Wojahn.

ROLL CALL

The Secretary called the roll and the motion by Senator Wojahn failed and the amendments were not adopted by the following vote: Yeas, 22; nays, 27.

Voting yea: Senators Bailey, Bluechel, Cantu, Craswell, Fleming, Garrett, Granlund, Guess, Hayner, Johnson, Kreidler, Lee, McDonald, Metcalf, Pullen, Rasmussen, Rinehart, Sailing, Thompson, Williams, Wojahn, Zimmerman - 22.

Voting nay: Senators Barr, Bauer, Bender, Benitz, Bottiger, Conner, Deccio, DeJamatt, Gaspard, Goltz, Halsan, Hansen, Kiskaddon, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Sellar, Stratton, Talmadge, Vognild, von Reichbauer, Warnke - 27.

MOTIONS

Senator Wojahn moved that the following amendments be considered simultaneously and adopted:

On page 14, line 19, after "thereon" strike all new language down to and including "commission" on line 20.

On page 14, line 21, after "receipts" strike "less payouts"

On motion of Senator Goltz, the question was divided.

The President declared the question before the Senate to be adoption of the first amendment by Senator Wojahn on page 14, line 19.

Debate ensued.

The motion by Senator Wojahn failed and the amendment on page 14, line 19, was not adopted on a rising vote.

The President declared the question before the Senate to be adoption of the second amendment by Senator Wojahn on page 14, line 21.

Debate ensued.

The motion by Senator Wojahn carried and the amendment on page 14, line 21, was adopted.

MOTIONS

On motion of Senator Vognild the following amendment was adopted:

On page 14, beginning on line 21, strike all material down to and including line 17 on page 15 and insert "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 organization has no paid operating or management personnel and has gross income from bingo, raffles or amusement games, or any combination thereof, not exceeding five thousand dollars per year less the amount paid for as prizes. 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."

MOTIONS

Senator Vognild moved that the following amendment be adopted:

On page 15, after line 17, insert the following:

"Sec. 3. Section 11, chapter 166, Laws of 1975 1st ex. sess. and RCW 9.46.113 are each amended to read as follows:

Any county, city or town which collects a tax on gambling activities authorized pursuant to RCW 9.46.110 shall use eighty percent of the revenue from such tax (~~(primarily)~~) for the purpose of enforcement of the provisions of this chapter by the county, city or town law enforcement agency."

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

On line 10 of the amendment, after "use" insert "at least"

On motion of Senator Wojahn, the following amendments to the amendment were considered and adopted simultaneously:

On page 3, line 10 of the amendment, after "use" strike "eighty" and insert "seventy"

On page 3, line 14 of the Vognild amendment, after "town" strike "law enforcement agency" and insert "~~(law enforcement agency)~~ criminal justice agencies"

The President declared the question before the Senate to be adoption of the amendment by Senator Vognild, as amended.

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

MOTIONS

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

On page 1, line 2 of the title, strike "and 9.46.110" and insert ", 9.46.110, and 9.46.113"

On motion of Senator Warnke, the rules were suspended, Engrossed Substitute Senate Bill No. 3066 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 Barr, the amendments that we put on and took off in there--and I didn't know in the first place how this was going to affect local government--could you kind of give us an estimate comparing where local governments were on their income as to where they are, now, if this bill passes?"

Senator Vognild: "I would make, I think, a fairly reasonable estimate here that revenue to local government is likely to go up slightly. Under the bill, in its present form--had the amendment not passed which curtailed the trade stimulants--local government's revenue would probably have gone up fairly well, but as it is, it should go up slightly."

Further debate ensued.

POINT OF INQUIRY

Senator McCaslin: "Senator Zimmerman, can you give me the total investment of those folks to earn that money?"

Senator Zimmerman: "Certainly, I cannot give that investment. I know there is a big one out there. I'm not trying to say they shouldn't get a return. I'm just saying it seems to me it's quite adequate."

Further debate ensued.

PARLIAMENTARY INQUIRY

Senator Bluechel: "Mr. President, in the past, to expand gambling activities, you ruled to the sixty percent of the constitutionally elected Senators. Is this true in this particular bill?"

REPLY BY THE PRESIDENT

President Cherberg: "This bill will take twenty-five votes. It's a sad person who is not willing to admit a mistake. It could be that this bill would even reduce gambling and I would be foolish to say it would require a sixty percent. I don't think this expands gambling. Therefore, it will take a constitutional majority of a minimum of twenty-five votes of the members elected."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3066.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3066 and the bill passed the Senate by the following vote: Yeas, 27; nays, 22.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Gaspard, Halsan, Hansen, Kiskaddon, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Saling, Sellar, Stratton, Talmadge, Vognild, von Reichbauer, Warnke - 27.

Voting nay: Senators Bailey, Benitz, Bluechel, Cantu, Craswell, Garrett, Goltz, Granlund, Guess, Hayner, Johnson, Kreidler, Lee, McDonald, Metcalf, Pullen, Rasmussen, Rinehart, Thompson, Williams, Wojahn, Zimmerman - 22.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3066, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Warnke served notice that he would moved to reconsider the vote by which the amendment by Senator Pullen on page 14, line 19, to Substitute Senate Bill No. 3450, was adopted earlier today.

SECOND READING

SENATE BILL NO. 3014, by Senator Williams

Modifying provisions relating to validity of voter registrations.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 3014 was substituted for Senate Bill No. 3014 and the substitute bill was advanced to second reading and read the second time.

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

On page 1, line 18, after "registration" strike "will" and insert "may"

On page 1, line 25, after "auditor" strike "shall" and insert "may"

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute Senate Bill No. 3014 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 Talmadge, this subsection (3)--'any person protected by Article VI, Section 4 of the registration is cancelled may vote by absentee ballot.' Will you explain what that is all about?"

Senator Talmadge: "These people, under Article VI, Section 4 of the state constitution, I believe, if I recall, Senator Kiskaddon, are people who are residents outside of the state of Washington."

POINT OF INQUIRY

Senator Bottiger: "Senator Williams, before I ask you the question I've got to tell you a little story. My uncle, who is since deceased and in his last years lived at the same address as my parents. My uncle's initials were B. H. Bottiger and my father's initials were A. H. Bottiger. My uncle died. Somebody on the poll booth turned in a slip saying my father had died. My uncle never voted, I don't think, in his life, but they turned in a slip saying my father had died and my father was very much disturbed when he arrived at the polling place to find out that he was no longer a registered voter. Since he is occasionally out of town for more than twenty days, can that happen to other people when they show up at the polling place and there is nothing they can do?"

Senator Williams: "Well, I assume, in that particular case, that you would receive a letter. Now, if you were out for longer than twenty days, certainly the letter would still be there when he got back and he could make the inquiry that would correct that situation."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3014.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3014 and the bill failed to pass the Senate by the following vote: Yeas, 13; nays, 36.

Voting yea: Senators Craswell, Guess, Hayner, Kreidler, Lee, Metcalf, Pullen, Sellar, Stratton, Talmadge, Vognild, Warnke, Williams - 13.

Voting nay: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kiskaddon, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Thompson, von Reichbauer, Wojahn, Zimmerman - 36.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3014, having failed to receive the constitutional majority, was declared lost.

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

MESSAGE FROM THE HOUSE

March 16, 1985

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 223,

HOUSE BILL NO. 268,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 317,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 323,

SUBSTITUTE HOUSE BILL NO. 406,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 494,

SUBSTITUTE HOUSE BILL NO. 546,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 550,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 577,

SECOND SUBSTITUTE HOUSE BILL NO. 738,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 760,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 804,

SUBSTITUTE HOUSE BILL NO. 831,

SUBSTITUTE HOUSE BILL NO. 890,

ENGROSSED HOUSE BILL NO. 943,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 957,

SUBSTITUTE HOUSE BILL NO. 1046,

SUBSTITUTE HOUSE BILL NO. 1080,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1106,

SUBSTITUTE HOUSE BILL NO. 1169,

HOUSE JOINT MEMORIAL NO. 12,

SUBSTITUTE HOUSE JOINT RESOLUTION NO. 30,

ENGROSSED HOUSE JOINT RESOLUTION NO. 42, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 223 by Committee on Agriculture (originally sponsored by Representatives Nealey, Baugher, Chandler, Rayburn, Doty, Bristow, Vekich, Ballard, Tilly, Madsen, C. Smith, Lewis, Bond and Isaacson)

Establishing a study committee on the regulation of hydraulic projects.

Referred to Committee on Agriculture.

HB 268 by Representatives Tanner, B. Williams, Brekke, Lewis and Ebersole (by Department of Corrections request)

Allowing institutional industries to purchase products and services for resale.

Referred to Committee on Human Services and Corrections.

ESHB 317 by Committee on State Government (originally sponsored by Representatives Niemi, Belcher, Hankins, B. Williams and Isaacson)

Changing provisions relating to personal services contracts.

Referred to Committee on Governmental Operations.

ESHB 323 by Committee on Environmental Affairs (originally sponsored by Representatives Belcher, Unsoeld, Allen, Rust, Dellwo, Locke, P. King, Jacobsen, Fisher, Brekke and Day)

Requiring a management program for the Nisqually river system.

Referred to Committee on Parks and Ecology.

SHB 406 by Committee on Transportation (originally sponsored by Representatives Baugher, Walk, Lewis, Rayburn, Lundquist, Vekich, Brooks, Bristow, McMullen, Haugen, Sanders, Smitherman, Zellinsky, Gallagher, Fisher, Prince, Fisch, Kremen, Tilly, Hastings, Todd, Doty,

B. Williams, Ballard, Sutherland, Taylor, Schmidt, Chandler and Hankins)

Regulating tourist and agricultural directional signs along state highway.

Referred to Committee on Transportation.

ESHB 494 by Committee on Higher Education (originally sponsored by Representatives Sommers, G. Nelson, Grimm, Niemi, Vander Stoep, Hastings, Braddock, Miller and K. Wilson)

Creating a board of regents to govern Washington state and Eastern Washington Universities and establishing a joint center on higher education.

Referred to Committee on Education.

SHB 546 by Committee on Agriculture (originally sponsored by Representatives Kremen, Vekich, McMullen, Lundquist, Haugen, S. Wilson, K. Wilson, Betrozoff, Ebersole, Zellinsky, C. Smith, Bristow, Ballard, Doty, Peery, Baugher, Nealey, Madsen, Brooks and O'Brien)

Modifying provisions on agricultural commodity assessments.

Referred to Committee on Agriculture.

ESHB 550 by Committee on Judiciary (originally sponsored by Representatives P. King, D. Nelson, Isaacson, Armstrong, Addison, Lewis, Fisch, Barrett, Niemi, Zellinsky, Taylor, C. Smith, Hastings, Sanders and Long)

Penalizing the theft of cable television services.

Referred to Committee on Judiciary.

ESHB 577 by Committee on Trade and Economic Development (originally sponsored by Representatives Fisch and Barnes)

Studying employee stock ownership plans.

Referred to Committee on Commerce and Labor.

2SHB 738 by Committee on Ways and Means (originally sponsored by Representatives Vekich, J. King, McMullen, Tanner, Ebersole and Sayan)

Establishing a community revitalization team.

Referred to Committee on Commerce and Labor.

ESHB 760 by Committee on Trade and Economic Development (originally sponsored by Representatives Sayan, McMullen, Tanner, Gallagher, Ebersole, Lux, B. Williams, Jacobsen, P. King, Wineberry and Unsoeld)

Establishing the youth conservation corps.

Referred to Committee on Commerce and Labor.

ESHB 804 by Committee on Environmental Affairs (originally sponsored by Representatives Scott, Allen, Rust, S. Wilson, Lux, Unsoeld and Haugen)

Establishing a program to recycle auto and truck tires.

Referred to Committee on Parks and Ecology.

SHB 831 by Committee on Local Government (originally sponsored by Representatives Kremen, Isaacson, Smitherman, Crane, McMullen, Brekke, Allen, Lux, Wineberry and Ebersole)

Publicizing local government bond information.

Referred to Committee on Governmental Operations.

- SHB 890 by Committee on Agriculture (originally sponsored by Representatives Nealey and Baugher)
Reestablishing procedures for certain agricultural liens.
Referred to Committee on Agriculture.
- EHB 943 by Representatives Scott, Appelwick and Crane
Establishing a Washington technology exchange.
Referred to Committee on Commerce and Labor.
- ESHB 957 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Winsley, Crane, Barrett, West, Zellinsky, P. King and Holland)
Revising coverage requirements on underinsured motor vehicles.
Referred to Committee on Financial Institutions.
- SHB 1046 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Lux, Ebersole, Patrick, Hankins, Lewis, Thomas, McMullen, Sutherland, Day, Leonard, Holland, P. King and Addison)
Expanding authority for disapproval of health maintenance contracts.
Referred to Committee on Financial Institutions.
- SHB 1080 by Committee on State Government (originally sponsored by Representatives J. King, G. Nelson, Cole, Haugen, Basich, Silver, B. Williams, Taylor, Lundquist and Ballard (by Governor Gardner request)
Increasing the number of certain positions exempt from state civil service law.
Referred to Committee on Governmental Operations.
- ESHB 1106 by Committee on Education (originally sponsored by Representatives Long, Rayburn, Holland, Ebersole, Berozoff, Walk, Walker, Isaacson, May and Todd)
Providing grants to schools using parents, teachers aides, and volunteers for certain instructional purposes.
Referred to Committee on Education.
- SHB 1169 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Lux, Winsley, J. King, Wineberry, D. Nelson, Sayan, Todd and Niemi)
Enacting the Community Reinvestment Act.
Referred to Committee on Financial Institutions.
- HJM 12 by Representatives Thomas, Smitherman, Cole, Madsen, Walker, Scott, Lundquist, Basich, Leonard, Dobbs, Bristow, Brooks, S. Wilson, Taylor, Schmidt, J. Williams, Grimm, Vekich, Allen, Kremen, Van Luven, Todd, Winsley, P. King, Tanner, C. Smith and Silver
Requesting Congress to retain the small business administration.
Referred to Committee on Commerce and Labor.
- SHJR 30 by Committee on Ways and Means (originally sponsored by Representatives Grimm, Tilly, Sommers, B. Williams, Unsoeld, Schoon, Isaacson, May and Walker)
Providing for state funding of pension liabilities.
Referred to Committee on Ways and Means.

EHJR 42 by Representatives Baugher, Nealey, Peery and Vekich

Permitting agricultural assessments for agricultural development or trade promotion as a public use.

Referred to Committee on Agriculture.

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

REPORTS OF STANDING COMMITTEES

March 14, 1985

HB 107 Prime Sponsor, Representative Crane: Expanding and clarifying the crime of interference with official proceedings. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, McCaslin, Moore, Newhouse, Owen, Thompson, Williams.

Passed to Committee on Rules for second reading.

March 14, 1985

SHB 155 Prime Sponsor, Representative P. King: Changing requirements relating to notaries. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Hayner, Moore, Newhouse, Owen, Pullen, Thompson, Williams.

Passed to Committee on Rules for second reading.

March 18, 1985

EHB 409 Prime Sponsor, Representative Sayan: Regulating the practice of architecture. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Cantu, Halsan, McDonald, Moore, Newhouse, Williams, Wojahn.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

March 18, 1985

GA 68 CURTIS P. ESCHELS, to the position of Chairman of the Energy Facility Site Evaluation Council appointed by the Governor on February 7, 1985, for the term co-extensive with the the term of the Governor, succeeding Nicholas Lewis. Reported by Committee on Rules

MAJORITY recommendation: That said appointment be referred to the Committee on Energy and Utilities. Signed by Senators Bauer, Bender, Benitz, Bluechel, Boltiger, Conner, DeJarnatt, Fleming, Goltz, Guess, Hayner, McDonald, Metcalf, Rasmussen, Rinehart, Sellar, Vognilid, von Reichbauer, Wojahn, Zimmerman.

Referred to Committee on Energy and Utilities.

March 18, 1985

GA 82 FRANK FENNERTY, to the position of Member of the Industrial Insurance Appeals Board reappointed by the Governor on February 19, 1985, for the term ending June 17, 1989. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Warnke, Chairman; Cantu, Halsan, McDonald, Moore, Newhouse, Williams.

Passed to Committee on Rules.

March 14, 1985

GA 91 NORM MALENG, to the position of Member of the Sentencing Guidelines Commission reappointed by the Governor on February 19, 1985, for the term ending August 2, 1987. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Hayner, McCaslin, Moore, Newhouse, Owen, Thompson, Williams.

Passed to Committee on Rules.

March 14, 1985

GA 92 JUDGE ROSSELLE PEKELIS, to the position of Member of the Sentencing Guidelines Commission reappointed by the Governor on February 19, 1985, for the term ending August 2, 1987. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Hayner, McCaslin, Newhouse, Owen, Thompson, Williams.

Passed to Committee on Rules.

MOTION

At 7:20 p.m., on motion of Senator Vognild, the Senate adjourned until 9:00 a.m., Tuesday, March 19, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

SIXTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 19, 1985

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 McDermott, Owen, Pullen, Thompson and Wojahn. On motion of Senator Bender, Senators McDermott, Thompson and Wojahn were excused.

The Sergeant at Arms Color Guard, consisting of Amy Caviezel and James Caviezel, presented the Colors. Reverend Stephen Hanning, pastor of the Richland Beach Community Church of Seattle, and a guest of Senator Bill Kiskaddon, offered the prayer.

MOTION

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

SECOND READING

SENATE BILL NO. 4209, by Senators Warnke, Bauer, McManus, Owen and Thompson

Regulating persons removing or encapsulating asbestos.

MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 4209 was substituted for Senate Bill No. 4209 and the substitute bill was advanced to second reading and read the second time.

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

On page 1, line 24, after "department" insert "except, in the case of an asbestos project undertaken by any partnership, firm, corporation or sole proprietorship in its own facility and by its own employees under the direct, on-site supervision of a qualified asbestos worker"

On page 2, line 17, after "worker" insert "except, in the case of an asbestos project undertaken by any partnership, firm, corporation or sole proprietorship in its own facility and by its own employees under the direct, on-site supervision of a qualified asbestos worker"

On motion of Senator Warnke, the rules were suspended, Engrossed Substitute Senate Bill No. 4209 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. 4209.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4209 and the bill passed the Senate by the following vote: Yeas, 43; absent, 3; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Boltiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Vogt, von Reichbauer, Warnke, Williams, Zimmerman - 43.

Absent: Senators Hayner, Owen, Pullen - 3.

Excused: Senators McDermott, Thompson, Wojahn - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4209, having received the constitutional majority, 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. 4059, by Senator Talmadge

Relating to juveniles.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 4059 was substituted for Senate Bill No. 4059 and the substitute bill was advanced to second reading and read the second time.

Senator Granlund moved that the following amendment be adopted:

On page 5, after line 7, insert the following:

"Sec. 6. Section 17, chapter 155, Laws of 1979 and RCW 13.32A.030 are each amended to read as follows:

As used in this chapter the following terms have the meanings indicated unless the context clearly requires otherwise:

(1) "Department" means the department of social and health services;
 (2) "Child," "juvenile," and "youth" mean any individual who is under the chronological age of eighteen years;

(3) "Parent" means the legal custodian(s) or guardian(s) of a child;

(4) "Semi-secure facility" means any facility, including but not limited to crisis residential centers or specialized foster family homes, operated in a manner to reasonably assure that youth placed there will not run away; PROVIDED, That such facility shall not be a secure institution or facility as defined by the federal juvenile justice and delinquency prevention act of 1974 (P.L. 93-415; 42 U.S.C. Sec. 5634 et seq.) and regulations and clarifying instructions promulgated thereunder. Pursuant to rules established by the department, the facility administrator shall establish reasonable hours for residents to come and go from the facility such that no residents are free to come and go at all hours of the day and night. To prevent residents from taking unreasonable actions, the facility administrator, where appropriate, may condition a resident's leaving the facility upon the resident being accompanied by the administrator or the administrator's designee and the resident may be required to notify the administrator or the administrator's designee of any intent to leave, his or her intended destination, and the probable time of his or her return to the center. The facility administrator shall notify a parent and the appropriate law enforcement agency within four hours of all unauthorized leaves.

Sec. 7. Section 19, chapter 155, Laws of 1979 as amended by section 2, chapter 298, Laws of 1981 and RCW 13.32A.050 are each amended to read as follows:

A law enforcement officer shall take a child into custody:

(1) If a law enforcement agency has been contacted by the parent of the child that the child is absent from parental custody without consent; or

(2) If a law enforcement officer reasonably believes that a child is in circumstances which constitute a danger to the child's physical safety; or

(3) If an agency legally charged with the supervision of a child has notified a law enforcement agency that the child has run away from placement; or

(4) If a law enforcement agency has been notified by the juvenile court that the court finds probable cause exists to believe that the child has violated a court placement order issued pursuant to chapter 13.32A RCW.

Law enforcement custody shall not extend beyond the amount of time reasonably necessary to transport the child to a destination authorized by law and to place the child at that destination.

An officer who takes a child into custody under this section and places the child in a designated crisis residential center shall inform the department of such placement within twenty-four hours.

Sec. 8. Section 20, chapter 155, Laws of 1979 as amended by section 3, chapter 298, Laws of 1981 and RCW 13.32A.060 are each amended to read as follows:

(1) An officer taking a child into custody under RCW 13.32A.050 (1) or (2) shall inform the child of the reason for such custody and shall either:

(a) Transport the child to his or her home. The officer releasing a child into the custody of the parent shall inform the parent of the reason for the taking of the child into custody and ~~((may))~~ shall inform the child and the parent of the nature and location of appropriate services available in their community; or

(b) Take the child to a designated crisis residential center or the home of a responsible adult:

(i) If the child evinces fear or distress at the prospect of being returned to his or her home; or

(ii) If the officer believes there is a possibility that the child is experiencing in the home some type of child abuse or neglect, as defined in RCW 26.44.020, as now law or hereafter amended; or

(iii) If it is not practical to transport the child to his or her home; or

(iv) If there is no parent available to accept custody of the child.

The officer releasing a child into the custody of a responsible adult shall inform the child and the responsible adult of the nature and location of appropriate services available in the community.

(2) An officer taking a child into custody under RCW 13.32A.050 (3) or (4) shall inform the child of the reason for custody, and shall take the child to a designated crisis residential center licensed by the department and established pursuant to chapter 74.13 RCW. However, an officer taking a child into custody under RCW 13.32A.050(4) may place the child in a juvenile detention facility as provided in RCW 13.32A.065. The department shall ensure that all the enforcement authorities are informed on a regular basis as to the location of the designated crisis residential center or centers in their judicial district, where children taken into custody under RCW 13.32A.050 may be taken.

Sec. 9. Section 27, chapter 155, Laws of 1979 as amended by section 9, chapter 298, Laws of 1981 and RCW 13.32A.130 are each amended to read as follows:

A child admitted to a crisis residential center under this chapter who is not returned to the home of his or her parent or who is not placed in an alternative residential placement under an agreement between the parent and child, shall, except as provided for by RCW 13.32A.140 and 13.32A.160(2), reside in such placement under the rules and regulations established for the center for a period not to exceed ~~((seventy-two))~~ one hundred twenty hours, excluding Saturdays, Sundays, and holidays, from the time of intake, except as otherwise provided by this chapter. Crisis residential center staff shall make a concerted effort to achieve a reconciliation of the family. If a reconciliation and voluntary return of the child has not been achieved within ~~((forty-eight))~~ eighty hours, excluding Saturdays, Sundays and holidays, from the time of intake, and if the person in charge of the center does not consider it likely that reconciliation will be achieved within the ~~((seventy-two))~~ one hundred twenty hour period, then the person in charge shall inform the parent and child of (1) the availability of counseling services; (2) the right to file a petition for an alternative residential placement and to obtain assistance in filing the petition; and (3) the right to request a review of such a placement: PROVIDED, That at no time shall information regarding a parent's or child's rights be withheld if requested; PROVIDED FURTHER, That the department shall develop and distribute to all law enforcement agencies and to each crisis residential center administrator a written statement delineating such services and rights. Every officer taking a child into custody shall provide the child and his or her parent(s) or responsible adult with whom the child is placed with a copy of such statement. In addition, the administrator of the facility or his or her designee shall provide every resident and parent with a copy of such statement.

Sec. 10. Section 28, chapter 155, Laws of 1979 as amended by section 10, chapter 298, Laws of 1981 and RCW 13.32A.140 are each amended to read as follows:

The department shall file a petition to approve an alternative residential placement on behalf of a child under any of the following sets of circumstances:

(1) The child has been admitted to a crisis residential center or has been placed with a responsible person other than his or her parent, and:

(a) The parent has been notified that the child was so admitted or placed;

(b) ~~((Seventy-two))~~ One hundred twenty hours, including Saturdays, Sundays, and holidays, have passed since such notification;

(c) No agreement between the parent and the child as to where the child shall live has been reached;

(d) No petition requesting approval of an alternative residential placement has been filed by either the child or parent or legal custodian; and

(e) The child has no suitable place to live other than the home of his or her parent.

(2) The child has been admitted to a crisis residential center and:

(a) ~~((Seventy-two))~~ One hundred twenty hours, including Saturdays, Sundays, and holidays, have passed since such placement;

(b) The staff, after searching with due diligence, have been unable to contact the parent of such child; and

(c) The child has no suitable place to live other than the home of his or her parent.

(3) An agreement between parent and child made pursuant to RCW 13.32A.090(2)(e) or pursuant to RCW 13.32A.120(1) is no longer acceptable to parent or child, and:

(a) The party to whom the arrangement is no longer acceptable has so notified the department;

(b) ~~((Seventy-two))~~ One hundred twenty hours, including Saturdays, Sundays, and holidays, have passed since such notification;

(c) No new agreement between parent and child as to where the child shall live has been reached;

(d) No petition requesting approval of an alternative residential placement has been filed by either the child or the parent; and

(e) The child has no suitable place to live other than the home of his or her parent.

Under the circumstances of subsections (1), (2), or (3) of this section, the child shall remain in a licensed child care facility, including but not limited to a crisis residential center, or in any

other suitable residence to be determined by the department until an alternative residential placement petition filed by the department on behalf of the child is reviewed by the juvenile court and is resolved by such court. The department may authorize emergency medical or dental care for a child placed under this section. The state, when the department files a petition for alternative residential placement under this section, shall be represented as provided for in RCW 13.04.093.

Sec. 11. Section 31, chapter 155, Laws of 1979 as last amended by section 1, chapter 188, Laws of 1984 and RCW 13.32A.170 are each amended to read as follows:

(1) The court shall hold a fact-finding hearing to consider a proper petition and may approve or deny alternative residential placement giving due weight to the intent of the legislature that families, absent compelling reasons to the contrary, shall remain together and that parents have the right to place reasonable rules and restrictions upon their children. The court may appoint legal counsel and/or a guardian ad litem to represent the child and advise parents of their right to be represented by legal counsel. The court may approve an order stating that the child shall be placed in a residence other than the home of his or her parent only if it is established by a preponderance of the evidence that:

(a) The petition is not capricious;

(b) The petitioner, if a parent or the child, has made a reasonable effort to resolve the conflict;

(c) The conflict which exists cannot be resolved by delivery of services to the family during continued placement of the child in the parental home; and

(d) Reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home.

The court may not grant a petition filed by the child or the department if it is established that the petition is based only upon a dislike of reasonable rules or reasonable discipline established by the parent.

(2) The order approving out-of-home placement shall direct the department to submit a disposition plan for a three-month placement of the child that is designed to reunite the family and resolve the family conflict. Such plan shall delineate any conditions or limitations on parental involvement. In making the order, the court shall further direct the department to make recommendations, as to which agency or person should have physical custody of the child, as to which parental powers should be awarded to such agency or person, and as to parental visitation rights. The court may direct the department to consider the cultural heritage of the child in making its recommendations.

(3) The hearing to consider the recommendations of the department for a three-month disposition plan shall be set no later than fourteen days after the approval of the court of a petition to approve alternative residential placement. Each party shall be notified of the time and place of such disposition hearing.

(4) If the court approves or denies a petition for an alternative residential placement, a written statement of the reasons shall be filed. If the court denies a petition requesting that a child be placed in a residence other than the home of his or her parent, the court shall enter an order requiring the child to remain at or return to the home of his or her parent.

(5) If the court denies the petition, the court shall impress upon the party filing the petition of the legislative intent to restrict the proceedings to situations where a family conflict is so great that it cannot be resolved by the provision of in-home services.

(6) A child who fails to comply with a court order directing that the child remain at or return to the home of his or her parent shall be subject to contempt proceedings, as provided in this chapter, but only if the noncompliance occurs within ninety calendar days after the day of the order.

Sec. 12. Section 82, chapter 155, Laws of 1979 as amended by section 18, chapter 298, Laws of 1981 and RCW 74.13.036 are each amended to read as follows:

(1) The department of social and health services shall oversee implementation of chapter 13.34 RCW and chapter 13.32A RCW. The oversight shall be comprised of working with affected parts of the criminal justice and child care systems as well as with local government, legislative, and executive authorities to effectively carry out these chapters. The department shall work with all such entities to ensure that chapters 13.32A and 13.34 RCW are implemented in a uniform manner throughout the state. ~~((The department shall make reports at least quarterly to the governor and to the legislature regarding implementation of the chapters cited in this section and shall report any violations and misunderstandings regarding the implementation thereof.))~~

(2) The department shall, by January 1, 1986, develop a plan and procedures, in cooperation with the state-wide advisory committee, to insure the full implementation of the provisions of chapter 13.32A RCW. Such plan and procedures shall include but are not limited to:

(a) Procedures defining and delineating the role of the department and juvenile court with regard to the execution of the alternative residential placement process;

(b) Procedures for designating department staff responsible for family reconciliation services;

(c) Procedures assuring enforcement of contempt proceedings in accordance with RCW 13.32A.170 and 13.32A.250; and

(d) Procedures for the continued education of all individuals in the criminal juvenile justice and child care systems who are affected by chapter 13.32A RCW, as well as members of the legislative and executive branches of government.

The plan and procedures required under this subsection shall be submitted to the appropriate standing committees of the legislature by January 1, 1986.

There shall be uniform application of the procedures developed by the department and juvenile court personnel, to the extent practicable. Local and regional differences shall be taken into consideration in the development of procedures required under this subsection.

(3) In addition to its other oversight duties, the department shall:

(a) Identify and evaluate resource needs in each region of the state;

(b) Disseminate information collected as part of the oversight process to affected groups and the general public;

(c) Educate affected entities within the juvenile justice and child care systems, local government, and the legislative branch regarding the implementation of chapters 13.32A and 13.34 RCW;

(d) Review complaints concerning the services, policies, and procedures of those entities charged with implementing chapters 13.32A and 13.34 RCW; and

(e) Report any violations and misunderstandings regarding the implementation of chapters 13.32A and 13.34 RCW.

(4) The secretary shall develop procedures in accordance with chapter 34.04 RCW for addressing violations and misunderstandings concerning the implementation of chapters 13.32A and 13.34 RCW.

(5) The secretary shall submit a quarterly report to the appropriate standing committee of the house of representatives and the senate of the state of Washington and to appropriate local government entities.

(6) Where appropriate, the department shall request opinions from the attorney general regarding correct construction of these laws.

NEW SECTION. Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

MOTIONS

On motion of Senator von Reichbauer, Senator Pullen was excused.

Senator Talmadge moved the following amendments to the amendment be considered simultaneously and adopted:

On page 5, line 37, delete "~~((seventy-two))~~ one hundred twenty" and insert "seventy-two"

On page 6, lines 9 and 10, delete "~~((forty-eight))~~ eighty" and insert "forty-eight"

On page 6, lines 16 and 17, delete "~~((seventy-two))~~ one hundred twenty" and insert "seventy-two"

Delete section 10 and renumber accordingly

Debate ensued.

POINT OF INQUIRY

Senator Stratton: "Senator Granlund, do you have any information from the Governor's office as to the funding in the budget for the group homes and the crisis residential centers?"

Senator Granlund: "Senator Stratton, I talked to the Governor yesterday on that very subject and told him that I was going to fight as hard as I could to get the funding for those group homes which--actually the budget shows, right now, that there is money there for catch up, which by no means takes care of problems that those group homes have had--that are closing across the state."

Further debate ensued.

POINT OF INQUIRY

Senator Lee: "Senator Granlund it has already been alluded to that the reason for this amendment to your amendment is a cost factor. What is the cost difference for a child in a crisis center as opposed to a residential treatment center?"

Senator Granlund: "I'm not sure what the rate is, Senator Lee, and if that is important for you to have in order to vote for this, I can get you those figures. I would like to say the point of this amendment is--originally, when we asked for the additional time we were doing it, because of practice, because they were not able to get the paperwork done. It seemed they were staying longer than the seventy-two hours, so we thought it prudent to give them extra time. On checking, we found

that areas, such as Spokane do go along with the law. They do get their paperwork done; they do get them out in seventy-two hours.

"I think your question is a good question, but I don't know that it is particularly timely to this amendment, but I can certainly ask staff to do a little research for you."

Senator Lee: "One of the reasons I asked the question is because it sometimes may not be inappropriate to have a five-day period as opposed to a three-day period, particularly if there is difficulty in finding residential placements, which, as already has been mentioned in Senator Stratton's question, a bit of a problem. We don't want to find ourselves in the kind of position where these children, indeed, have to be, shall we say, kicked out of the crisis center and not have an appropriate place to go. I think that is what is concerning most of us and is behind my question as far as the costs were concerned."

Senator Granlund: "When Senator Talmadge and I discussed this, the problem that he has--and I concur--is that whenever we started spending the time, it seems that there's slippage. There's more and more time and it's more appropriate that those youngsters go on to perhaps get the kind of counseling that will return them to their families, because after all, that is the state's primary aim. Senator Lee, I will try to get that information for you on the funds."

The President declared the question before the Senate to be adoption of the amendments by Senator Talmadge to the amendment by Senator Granlund.

The motion by Senator Talmadge carried and the amendments to the amendment were adopted.

The President declared the question before the Senate to be adoption of the amendment by Senator Granlund, as amended.

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

MOTIONS

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

On page 1, after line 1 of the title, strike the remainder of the title and insert ", 13.04.450, 13.32A.030, 13.32A.050, 13.32A.060, 13.32A.130, 13.32A.140, 13.32A.170, and 74.13.036; adding a new section to chapter 13.34 RCW; creating a new section; and prescribing penalties."

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute Senate Bill No. 4059 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 Bailey: "Senator Talmadge, I will support this bill, but with the juvenile offender problems--and DSHS closing facilities in Snohomish County and other counties around the state--and with the time limitations that this bill creates on the juvenile problem, aren't we, unless we really begin to fund some of these activities, aren't we really cutting down on the effects of helping our children that are in distress?"

Senator Talmadge: "Senator Bailey, first the time limits that are contained in this bill are simply the time limits for crisis residential centers that are presently in the law. We're not altering that fact at all. Certainly, to the rest of your question, I would agree. We need to be more aggressive about providing funding for juvenile facilities--particularly for those juveniles who are in a run-away situation--so that we can provide appropriate services to them and, hopefully, reconcile them to their families and bring families together.

"There is absolutely no question in my mind that some of the concerns you have been experiencing in Snohomish County--with the appropriate funding of group homes and some of your very excellent facilities in that county--require the attention of the legislature and I'm going to make sure--and I think that Senator Granlund has indicated she will--that we provide adequate funding for group homes and other facilities for children in our state."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4059.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4059 and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams - 44.

Voting nay: Senators Craswell, Pullen, Zimmerman - 3.

Excused: Senators Thompson, Wojahn - 2.

ENGROSSED 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. 4288, by Senator Lee

Modifying provisions relating to experience rating of employers for purposes of on the job training programs.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, Senate Bill No. 4288 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. 4288.

Debate ensued.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4288 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 48.

Excused: Senator Wojahn - 1.

SENATE BILL NO. 4288, having received the constitutional majority, 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. 3436, by Senators Talmadge, Pullen and Rasmussen

Revising provisions relating to ballot titles.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 3436 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 Talmadge, I assume the intent of the bill is still to limit the ballot title to a single question. In other words, now that we've expanded the number of words that would not allow, say, an explanation followed by a question or a dual question with it? The intent is still to phrase the ballot title as just one single question?"

Senator Talmadge: "That is my understanding, Senator Pullen."

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3436.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3436 and the bill passed the Senate by the following vote: Yeas, 43; nays, 5; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 43.

Voting nay: Senators Craswell, Hayner, Metcalf, Newhouse, Patterson - 5.

Excused: Senator Wojahn - 1.

SENATE BILL NO. 3436, having received the constitutional majority, 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. 3794, by Senators Granlund and Bottiger

Permitting schools or institutions of higher education to purchase certain public land.

The bill was read the second time.

MOTION

On motion of Senator Gaspard, the rules were suspended, Senate Bill No. 3794 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. 3794.

Debate ensued.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3794 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 48.

Excused: Senator Wojahn - 1.

SENATE BILL NO. 3794, having received the constitutional 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, Senate Bill No. 3471, Senate Bill No. 3517, Senate Bill No. 3843, Senate Bill No. 4144, Senate Bill No. 4181, Senate Bill No. 4214 and Senate Bill No. 4420, which were on the second reading calendar, were referred to the Committee on Rules.

MOTION

At 9:50 a.m., on motion of Senator Vognild, the Senate recessed until 10:50 a.m.

SECOND MORNING SESSION

The Senate was called to order at 11:31 a.m. by President Cherberg.

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

MOTION

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

SENATE RESOLUTION 1985-34

by Senator Halsan

WHEREAS, The development of a fit body and mind are essential to the well-being of the youth of this state and nation; and

WHEREAS, Youth who are able to combine excellence in sports with academic achievement should be highly commended; and

WHEREAS, The members of the Centralia High School boys' varsity basketball team have earned distinction for being both superior athletes and students, with a team grade point average of 3.44, the highest in the state for basketball teams in the "AA" classification; and

WHEREAS, The perseverance and dedication of the members of this team, Paul Dean, Mark Dyce, Kevin O'Connell, Steve Saari, Jim Schaible, Ryan Toso, Gary Viggers, Kevin Wasson, and Neil White have been recognized by the Washington Interscholastic Activities Association which has awarded the team the Shuck's Auto "Academic All-Star Award" for 1985 in their classification;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, that the members of the Centralia Tigers' boys' varsity basketball team be commended for their superlative achievements; and

BE IT FURTHER RESOLVED, That the families of these student-athletes, and their coaches, and the faculty and staff of Centralia High School should be applauded for their support and encouragement; and

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to Coach Ron Brown, Assistant Coach Ed Rothlin, and to all of the members of the boys' varsity basketball team of Centralia High School.

The President introduced Coach Ron Brown, Assistant Coach Ed Rothlin and the members of the boys' varsity basketball team of Centralia High School who were seated in the gallery.

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

SECOND READING

SENATE BILL NO. 4315, by Senators Halsan and Owen

Delaying imposition of the compensating tax on certain forest land transferred to open space classification.

MOTIONS

On motion of Senator Halsan, Substitute Senate Bill No. 4315 was substituted for Senate Bill No. 4315 and the substitute bill was advanced to second reading and read the second time.

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

On page 1, line 29, after "under" delete "RCW 84.34.100" and insert "RCW 84.33.100"

On motion of Senator Kreidler, the rules were suspended, Engrossed Substitute Senate Bill No. 4315 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator McDonald: "Senator Halsan, I wasn't quick enough on your amendment. Tell me what that does--which RCW citation?"

Senator Halsan: "It was brought to my attention by representatives of the Farm Forestry Association that the substitute bill that was passed out of committee referred to the wrong citation of RCWs. I conferred with Senator McDermott and staff and the amendment clarifies the appropriate section that it should have referred to for the definition of forest lands."

POINT OF INQUIRY

Senator Newhouse: "Senator Halsan, this land was previously in what classification?"

Senator Halsan: "Forest land."

Senator Newhouse: "Then, would it not be subject to the Forest Practices Act? Should it have been reforested--replanted?"

Senator Halsan: "That's, basically, the issue. If it's taken out of forest land, then it would have to pay the back taxes unless it was complied with forest practices and been reforested. This changes it from one category of forest land to open space, either ag or timber."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4315.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4315 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; absent, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senator Rinehart - 1.

Absent: Senator Deccio - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4315, having received the constitutional majority, 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. 3353, by Senators Owen and Lee

Revising the powers of the department of ecology under the federal clean water act.

The bill was read the second time.

MOTIONS

On motion of Senator Kreidler, the following Committee on Parks and Ecology amendments were considered simultaneously and adopted:

On page 2, line 18, after "to" strike "grant" and insert "concur in"

On page 2, line 21, after "Puget Sound" and before the period insert "after February 1, 1985"

Senator Goltz moved that the following amendment by Senators Goltz and Deccio be adopted:

On page 2, line 21, strike the period and insert ", except that the department may grant a waiver in accordance with RCW 90.52.040 and 90.54.020(3)(b)."

Debate ensued.

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

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

MOTION

Senator Talmadge moved that the following amendment be adopted:

On page 2, after line 23, add the following:

"NEW SECTION. Sec. 2. No local jurisdiction continuing to request a waiver from the uniform national requirements of secondary treatment, as specified in sec. 301(h) of the 1977 amendments to the federal clean water act, shall be eligible for state grants for secondary treatment plant construction."

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.

MOTIONS

On motion of Senator Kreidler, the rules were suspended, Substitute Senate Bill No. 3353 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

At 12:19 p.m., on motion of Senator Vognild, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Cherberg.

SECOND READING

SENATE BILL NO. 3447, by Senators Granlund, Deccio, Kreidler and Talmadge (by Lieutenant Governor request)

Requiring a cancer registry program.

MOTIONS

On motion of Senator Granlund, Substitute Senate Bill No. 3447 was substituted for Senate Bill No. 3447 and the substitute bill was advanced to second reading and read the second time.

Senator Pullen moved that the following amendment be adopted:

On page 1, line 14, after "research," insert "No information on any cancer victim shall be included in any cancer report unless such victim has voluntarily given his or her written permission."

MOTION

On motion of Senator Vognild, further consideration of Substitute Senate Bill No. 3447 was deferred.

SECOND READING

SENATE BILL NO. 4206, by Senators Gaspard, Hayner and Johnson

Changing certain school bidding procedures.

The bill was read the second time.

MOTIONS

On motion of Senator Gaspard, the following Committee on Education amendments were considered simultaneously and adopted:

On page 1, line 10, after "the sum of" strike "ten" and insert "~~((ten))~~ fifteen"

On page 1, line 20, after "the sum of" strike "forty-five" and insert "~~((forty-five))~~ seventy-five"

On page 1, line 29, after "in excess of" strike "forty-five" and insert "~~((forty-five))~~ seventy-five"

On page 2, line 4, after "from" strike "forty-five" and insert "~~((forty-five))~~ seventy-five", and after "up to" strike "ten" and insert "~~((ten))~~ twenty"

On page 2, line 7, after "in excess of" strike "ten" and insert "~~((ten))~~ twenty"

On page 2, line 11, after "in excess of" strike "forty-five" and insert "~~((forty-five))~~ seventy-five"

On page 2, line 13, after "less than" strike "ten" and insert "~~((ten))~~ twenty"

On page 2, line 30, after "is" strike "ten" and insert "~~((ten))~~ twenty"

On motion of Senator Gaspard, the rules were suspended, Engrossed Senate Bill No. 4206 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 von Reichbauer was excused.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4206.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4206 and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore,

Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Kiskaddon, McCaslin - 2.

Excused: Senator von Reichbauer - 1.

ENGROSSED SENATE BILL NO. 4206, having received the 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.

There being no objection, the Senate resumed consideration of Engrossed Senate Bill No. 3353, deferred on third reading and final passage earlier today.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3353.

Debate ensued.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3353 and the bill failed to pass the Senate by the following vote: Yeas, 22; nays, 25; excused, 2.

Voting yea: Senators Bauer, Bender, DeJarnatt, Fleming, Garrett, Gaspard, Granlund, Kiskaddon, Kreidler, Lee, McDermott, McManus, Moore, Owen, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Warnke, Williams, Zimmerman - 22.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, Goltz, Guess, Halsan, Hayner, Johnson, McCaslin, McDonald, Metcalf, Newhouse, Peterson, Pullen, Rasmussen, Saling, Sellar, Vognild, Wojahn - 25.

Excused: Senators Hansen, von Reichbauer - 2.

ENGROSSED SENATE BILL NO. 3353, having failed to receive the constitutional majority, was declared lost.

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

SECOND READING

SENATE BILL NO. 3571, by Senators Warnke, Hayner, Vognild, Barr and Garrett
Modifying provisions relating to wholesalers of cigarettes

MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 3571 was substituted for Senate Bill No. 3571 and the substitute bill was advanced to second reading and read the second time.

Senator Wojahn moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 3, chapter 2, Laws of 1983 as amended by section 1, chapter 173, Laws of 1984 and RCW 19.91.010 are each amended to read as follows:

When used in this chapter, the following words and phrases shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) "Person" means and includes any individual, firm, association, company, partnership, corporation, joint stock company, club, agency, syndicate, municipal corporation, or other political subdivision of this state, trust, receiver, trustee, fiduciary and conservator.

(2) ("~~Wholesaler~~" includes any person who:

(a) ~~Purchases cigarettes directly from the manufacturer; or~~

(b) ~~Purchases cigarettes from any other person who purchases from or through the manufacturer, for the purpose of bona fide resale to retail dealers or to other persons for the purpose of resale only; or~~

(c) ~~Serves retail outlets by the maintenance of an established place of business for the purchase of cigarettes, including, but not limited to, the maintenance of warehousing facilities for the storage and distribution of cigarettes;~~

~~Nothing contained herein shall prevent a person from qualifying in different capacities as both a "wholesaler" and "retailer" under the applicable provisions of this chapter.~~

(3) "Retailer" means and includes any person who operates a store, stand, booth, concession, or vending machine for the purpose of making sales of cigarettes at retail.

(4) (3) "Cigarettes" means any roll for smoking made wholly or in part of tobacco, irrespective of size or shape and whether or not such tobacco is flavored, adulterated, or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material except tobacco.

~~((5))~~ (4) "Sale" means any transfer for a consideration, exchange, barter, gift, offer for sale and distribution, in any manner, or by any means whatsoever.

~~((6))~~ "Sell at wholesale", "sale at wholesale" and "wholesale" sales mean and include any bona fide transfer of title to cigarettes for a valuable consideration, made in the ordinary course of trade or in the usual conduct of the wholesaler's business, to a retailer for the purpose of resale.

(7)) (5) "Sell at retail", "sale at retail" and "retail sales" mean and include any transfer of title to cigarettes for a valuable consideration, made in the ordinary course of trade or usual conduct of the seller's business, to the purchaser for consumption or use.

~~((8))~~ (6) "Basic cost of cigarettes" means the invoice cost of cigarettes to the retailer ~~((or wholesaler, as the case may be;))~~ or the replacement cost of cigarettes to the retailer ~~((or wholesaler, as the case may be;))~~ in the quantity last purchased, whichever is lower, to which shall be added the full face value of any stamps which may be required by any cigarette tax act of this state and by ordinance of any municipality thereof, now in effect or hereafter enacted, if not already included by the manufacturer in his list price. ~~((The disposition of the manufacturers' cash discount is at the discretion of the wholesaler. Any retailer or wholesaler who actually receives and sells cigarettes with trade or cash discounts shall execute a sworn affidavit and obtain a sworn affidavit from the person granting the discount, whether a manufacturer or wholesaler, which shows: (a) Amount or rate of the discount, (b) date the discount was granted, (c) names of the persons granting and receiving the discount, and (d) whether the discount is for cash or trade purposes. Sworn affidavits under this section are maintained for five years and available for inspection by the department of revenue's request. The department of revenue may impose a civil penalty not to exceed two hundred fifty dollars for each failure to maintain affidavits under this section.~~

Nothing in this section may be construed to require any retailer to obtain affidavits from retail purchasers of cigarettes.

(9) (a) The term "cost to the wholesaler" means the "basic cost of cigarettes" to the wholesaler plus the "cost of doing business by the wholesaler" which said cost of doing business amount shall be expressed percentage-wise in the ratio that said wholesalers' "cost of doing business" bears to said wholesalers dollar volume for all products sold by the wholesaler per annum, and said "cost of doing business by the wholesaler" shall be evidenced and determined by the standards and methods of accounting regularly employed by him for the purpose of federal income tax reporting for the total operation of his establishment in his allocation of overhead costs and expenses, paid or incurred, and must include, without limitation, labor costs (including reasonable salaries for partners, executives, and officers), rent, depreciation, selling cost, maintenance of equipment, delivery costs, all types of licenses, taxes, insurance and advertising, expressed as a percentage and applied to the "basic cost of cigarettes". Any fractional part of a cent amounting to one-tenth of one cent or more in cost to the wholesaler per carton of ten packages of cigarettes shall be rounded off to the next higher cent.

(b) For the purposes of this chapter the "cost of doing business" may not be computed using a percentage less than the overall percentage shown in subsection (9)(a) of this section or in the absence of the filing with the department of revenue of satisfactory proof of a lesser or higher cost of doing business by the wholesaler making the sale, the "cost of doing business by the wholesaler" shall be presumed to be four percent of the "basic cost of cigarettes" to the wholesaler, plus cartage to the retail outlet, if performed or paid for by the wholesaler, which cartage cost, in the absence of the filing with the department of revenue of satisfactory proof of a lesser or higher cost, shall be deemed to be one-half of one percent of the "basic cost of cigarettes" to the wholesaler.

~~((10))~~ (a) The term "cost to the retailer" means the "basic cost of cigarettes" to the retailer plus the "cost of doing business by the retailer" which said cost of doing business amount shall be expressed percentage-wise in the ratio that said retailers' "cost of doing business" bears to said retailers dollar volume per annum, and said "cost of doing business by the retailer" shall be evidenced and determined by the standards and methods of accounting regularly employed by him for the purpose of federal income tax reporting for the total operation of his establishment in his allocation of overhead costs and expenses, paid or incurred, and must include, without limitation, labor (including reasonable salaries for partners, executives, and officers), rent, depreciation, selling costs, maintenance of equipment, delivery costs, all types of licenses, taxes, insurance and advertising, expressed as a percentage and applied to the "basic cost of cigarettes" ~~((: PROVIDED, That any retailer who, in connection with the retailer's purchase, receives not only the discounts ordinarily allowed upon purchases by a retailer but also, in whole or in part, discounts ordinarily allowed upon purchases by a wholesaler shall, in determining "cost to the retailer", pursuant to this subdivision, add the "cost of doing business by the wholesaler," as defined in subdivision (9) of this section, to the "basic cost of cigarettes" to said retailer, as well as the "cost of doing business by the retailer"))~~. Any fractional part of a cent amounting to one-tenth of one cent or more in cost to the retailer per carton of ten packages of cigarettes shall be rounded off to the next higher cent.

(b) In the absence of the filing with the department of revenue of satisfactory proof of a lesser or higher cost of doing business by the retailer making the sale, the "cost of doing business by the retailer" shall be presumed to be twelve and five-tenths percent of the "basic cost of cigarettes" to the retailer.

~~((c) In the absence of the filing with the department of revenue of satisfactory proof of a lesser or higher cost of doing business, the "cost of doing business by the retailer" who, in connection with the retailer's purchase, receives not only the discounts ordinarily allowed upon purchases by a retailer but also, in whole or in part, the discounts ordinarily allowed upon purchases by a wholesaler, shall be presumed to be twelve and five-tenths percent of the sum of the "basic cost of cigarettes" and the "cost of doing business by the wholesaler":~~

~~((1)) (7) "Business day" means any day other than a Sunday or a legal holiday.~~

~~((12) "Master license system" means the mechanism established by chapter 19.02 RCW by which master licenses, endorsed for individual state-issued licenses, are issued and renewed utilizing a master application and a master license expiration date common to each renewable license endorsement:))~~

Sec. 2. Section 2, chapter 286, Laws of 1957 and RCW 19.91.020 are each amended to read as follows:

It shall be unlawful and a violation of this chapter:

(1) For any retailer ~~((or wholesaler))~~ with intent to injure competitors or destroy or substantially lessen competition:

(a) To advertise, offer to sell, or sell, at retail ~~((or wholesale))~~, cigarettes at less than cost to such a retailer ~~((or wholesaler))~~, as said cost is defined in this chapter ~~((as the case may be))~~;

(b) To offer a rebate in price, to give a rebate in price, to offer a concession of any kind, or to give a concession of any kind or nature whatsoever in connection with the sale of cigarettes.

(2) For any retailer, with intent to injure competitors or destroy or substantially lessen competition (:

~~(a) To induce or attempt to induce or to procure or attempt to procure the purchase of cigarettes at a price less than "cost to wholesalers" as defined in this chapter;~~

~~(b))~~ to induce or attempt to induce or to procure or attempt to procure any rebate or concession of any kind or nature whatsoever in connection with the purchase of cigarettes.

(3) Any retailer ~~((or wholesaler))~~ who violates the provisions of this section shall be guilty of a misdemeanor and shall be prosecuted and punished by a fine of not more than five hundred dollars for each such offense. Any individual who as a director, officer, partner, member, or agent of any person violating the provisions of this act assists or aids, directly or indirectly in such violation, shall equally with the person for whom he acts, be responsible therefor and subject to the punishment and penalties set forth herein.

(4) Evidence of advertisement, offering to sell, or sale of cigarettes by any retailer ~~((or wholesaler))~~ at less than cost to him, or evidence of any offer of a rebate in price, or the giving of a rebate in price or an offer of a concession, or the inducing, or attempt to induce, or the procuring, or the attempt to procure the purchase of cigarettes at a price less than cost to ~~((the wholesaler or))~~ the retailer, shall be prima facie evidence of intent to injure competitors and to destroy or substantially lessen competition.

Sec. 3. Section 4, chapter 286, Laws of 1957 and RCW 19.91.040 are each amended to read as follows:

(1) In all advertisements, offers for sale or sales involving two or more items, at least one of which items is cigarettes, at a combined price, and in all advertisements, offers for sale, or sales, involving the giving of any gift or concession of any kind whatsoever (whether it be coupons or otherwise), the retailer's ~~((or wholesaler's))~~ combined selling price shall not be below the "cost to the retailer" ~~((or the "cost to the wholesaler", respectively))~~ of the total costs of all articles, products, commodities, gifts and concessions included in such transactions.

(2) In all advertisements, offers for sale, or sales wherein there is accepted as part of the purchase price any coupon, discount slip, trading stamp, or similar device, the net purchase price after deducting the value of said coupon, discount slip, or trading stamp, shall be not less than the retailers, ~~((or the wholesalers, as the case may be))~~ as defined by this chapter, as being "cost of the retailer" ~~((or "cost of the wholesaler", respectively))~~.

Sec. 4. Section 6, chapter 286, Laws of 1957 and RCW 19.91.060 are each amended to read as follows:

(1) Any retailer may advertise, offer to sell, or sell cigarettes at a price made in good faith to meet the legal price, as defined in this chapter, of a competitor who is selling the same article at cost to him as a retailer as prescribed in this chapter. ~~((Any wholesaler may advertise, offer to sell, or sell cigarettes at a price made in good faith to meet the legal price, as defined in this chapter, of a competitor who is rendering the same type of service and is selling the same article at cost to him as a wholesaler as prescribed in this chapter:))~~ The price of cigarettes advertised, offered for sale, or sold under the exceptions specified in RCW 19.91.050 shall not be considered the price of a competitor and shall not be used as a basis for establishing prices below cost, nor shall the price established at a bankrupt sale be considered the price of a competitor within the purview of this section.

(2) In the absence of proof of the "price of a competitor", under this section, the "lowest cost to the retailer", (~~or the "lowest cost to the wholesaler", as the case may be;~~) determined by any "cost survey", made pursuant to RCW 19.91.100, may be deemed the "legal price of a competitor", within the meaning of this section. If the plaintiff elect not to seek injunctive relief, but does prove actual damages, plaintiff shall be entitled to the entry of a judgment in plaintiff's favor in the amount of said damages proven, together with his costs of suit and a reasonable attorney's fee to be fixed by the court.

Sec. 5. Section 8, chapter 286, Laws of 1957 as amended by section 13, chapter 278, Laws of 1975 1st ex. sess. and RCW 19.91.080 are each amended to read as follows:

(1) In determining "cost to the retailer" (~~and "cost to the wholesaler"~~) the department of revenue or a court shall receive and consider as bearing on the bona fides of the cost, evidence tending to show that any person complained against under any of the provisions of this chapter purchased cigarettes, with respect to the sale of which complaint is made, at a fictitious price, or upon terms, or in such a manner, or under such invoices, as to conceal the true cost, discounts or terms of purchase, and shall also receive and consider as bearing on the bona fides of such cost, evidence of the normal, customary and prevailing terms and discounts in connection with other sales of a similar nature in the trade area or state.

(2) Merchandise given gratis or payment made to a retailer (~~or wholesaler~~) by the manufacturer thereof for display, or advertising, or promotion purposes, or otherwise, shall not be considered in determining the cost of cigarettes to the retailer (~~or wholesaler~~).

Sec. 6. Section 9, chapter 286, Laws of 1957 and RCW 19.91.090 are each amended to read as follows:

In establishing the cost of cigarettes to the retailer (~~or wholesaler~~), the invoice cost of said cigarettes purchased at a forced, bankrupt, or close-out sale, or other sale outside of the ordinary channels of trade, may not be used as a basis for justifying a price lower than one based upon the replacement cost of the cigarettes to the retailer (~~or wholesaler~~) in the quantity last purchased, through the ordinary channels of trade.

Sec. 7. Section 10, chapter 286, Laws of 1957 and RCW 19.91.100 are each amended to read as follows:

Where a cost survey, pursuant to recognized statistical and cost accounting practices, has been made for the trading area in which the offense is committed, to establish the lowest "cost to the retailer" (~~and the lowest "cost to the wholesaler"~~), said cost survey shall be deemed competent evidence to be used in proving the cost to the person complained against within the provisions of this chapter.

Sec. 8. Section 13, chapter 286, Laws of 1957 as last amended by section 35, chapter 182, Laws of 1982 and RCW 19.91.130 are each amended to read as follows:

The licenses issuable under this chapter shall be as follows:

~~((1)) Wholesalers license.~~

~~((2)) Retailers license.~~

Application for the licenses shall be made through the master license system. The department of revenue shall make rules regarding the regulation of the licenses. The department of revenue may refrain from the issuance of any license under this chapter, where it has reasonable cause to believe that the applicant has willfully withheld information requested of him for the purpose of determining the eligibility of the applicant to receive a license, or where it has reasonable cause to believe that information submitted in the application is false or misleading or is not made in good faith. Each such license shall expire on the master license expiration date, and each such license shall be continued annually upon the conditions that the licensee shall have paid the required fee and complied with all the provisions of this chapter and the rules and regulations of the department of revenue made pursuant thereto.

Sec. 9. Section 16, chapter 286, Laws of 1957 and RCW 19.91.160 are each amended to read as follows:

Any person licensed only (~~as a wholesaler, or~~) as a retail dealer, shall not operate in any other capacity except under that for which he is licensed herein, unless the additional appropriate license or licenses are first secured.

NEW SECTION. Sec. 10. The following acts or parts of acts are each repealed:

(1) Section 3, chapter 286, Laws of 1957 and RCW 19.91.030; and

(2) Section 4, chapter 2, Laws of 1983 and RCW 19.91.140."

Debate ensued.

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

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

ROLL CALL

The Secretary called the roll and the motion by Senator Wojahn failed and the amendment was not adopted by the following vote: Yeas, 18; nays, 28; absent, 2; excused, 1.

Voting yea: Senators Bottiger, Cantu, Conner, Craswell, Fleming, Gaspard, Granlund, Johnson, Kiskaddon, Kreidler, McDonald, Moore, Peterson, Rasmussen, Talmadge, von Reichbauer, Williams, Wojahn - 18.

Voting nay: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Deccio, DeJarnatt, Garrett, Goltz, Guess, Halsan, Hayner, Lee, McCaslin, McManus, Metcalf, Newhouse, Owen, Patterson, Pullen, Rinehart, Saling, Sellar, Stratton, Vognild, Warnke, Zimmerman - 28.

Absent: Senators McDermott, Thompson - 2.

Excused: Senator Hansen - 1.

MOTION

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 3571 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3571.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3571 and the bill passed the Senate by the following vote: Yeas, 36; nays, 10; absent, 2; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Garrett, Goltz, Guess, Halsan, Hayner, Johnson, Kreidler, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Zimmerman - 36.

Voting nay: Senators Cantu, Craswell, Fleming, Gaspard, Kiskaddon, McDonald, Pullen, Rasmussen, von Reichbauer, Wojahn - 10.

Absent: Senators Granlund, McDermott - 2.

Excused: Senator Hansen - 1.

SUBSTITUTE SENATE BILL NO. 3571, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

March 19, 1985

It was my intention to vote 'aye' on Substitute Senate Bill No. 3571.

Barbara Granlund,
Twenty-sixth District

There being no objection, the Senate resumed consideration of Senate Bill No. 3323, deferred on second reading March 18, 1985.

MOTION

Senator Owen moved that the following amendment be adopted:

On page 2, line 4, after "only," insert "However, the court may, upon a showing of hardship by a noncustodial parent, reduce the amount of the judgments for child support that has accrued during the six months prior to the filing of the modification petition. "Hardship," as used in this section, means a substantial reduction in the financial position of a party resulting in the inability to perform the terms of the child support order."

Debate ensued.

POINT OF INQUIRY

Senator Kiskaddon: "Senator Talmadge, if I were a divorced father and all of a sudden I lost my job and I went to my attorney that day and we went to court, how long would it take me to get to where I would have some resolution to the situation?"

Senator Talmadge: "It depends on the courts in which you're filing. In the King County Superior Court, it might be a time period if you had to go to a full-blown trial--as long as a year. If it's simply a modification, it can be done on a motion--a shorter period of time in some of the other courts across the state, you know--a matter of several weeks, perhaps."

Senator Kiskaddon: "Would that mean that if I went to court and it took a year, that I would still be having to have that judgment for a full year?"

Senator Talmadge: "Under those circumstances, the court that enters judgment or order that would reduce child support obligations from the time that you filed your petition, it would be retroactive to that extent back to the time of the filing of the petition. What Senator Owen's amendment proposes to do is to go back prior to the time of the filing of the petition--back as long as six months before that where the order has become a valid judgment and there's no petition pending."

Further debate ensued.

Senator Owen 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 Owen.

ROLL CALL

The Secretary called the roll and the motion by Senator Owen carried and the amendment was adopted by the following vote: Yeas, 26; nays, 21; absent, 2.

Voting yea: Senators Conner, Deccio, DeJarnatt, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Johnson, McCaslin, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Thompson, Vognild, Warnke, Williams - 26.

Voting nay: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Craswell, Fleming, Granlund, Hayner, Kiskaddon, Kreidler, Lee, McDermott, McDonald, Newhouse, Rinehart, Talmadge, Wojahn, Zimmerman - 21.

Absent: Senators Bauer, von Reichbauer - 2.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Moore moved that the Senate reconsider the vote by which the amendment by Senator Owen on page 1, line 17, to Senate Bill No. 3323, was adopted March 18, 1985.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Owen: "Mr. President, we're trying to figure out which amendment it is. The procedure is to vote on the motion to reconsider first and then on the amendment again after that?"

REPLY BY THE PRESIDENT

President Cherberg: "Senator Owen, the answer is 'yes.'"

PARLIAMENTARY INQUIRY

Senator McDonald: "Mr. President, there has been intervening business, is the reconsideration in order?"

REPLY BY THE PRESIDENT

President Cherberg: "The bill was held over, Senator McDonald, and it carries over on the same status as it was formerly."

MOTION

On motion of Senator Vognild, further consideration of Senate Bill No. 3323 was deferred.

SECOND READING

SENATE BILL NO. 3317, by Senators Fleming, McDermott, Gaspard and Patterson

Revising the powers and duties of the athletic health care and training council.

MOTIONS

On motion of Senator Fleming, Substitute Senate Bill No. 3317 was substituted for Senate Bill No. 3317 and the substitute bill was advanced to second reading and read the second time.

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

On page 2, line 28, after "and the state" strike "parks and recreation commission" and insert "board of health"

On page 3, line 11, after "state" strike "parks and recreation commission" and insert "board of health"

On page 3, line 21, after "state" strike "parks and recreation commission" and insert "board of health"

On motion of Senator Fleming, the following amendment was adopted:
On page 4, beginning on line 2, strike all material through "state." on line 16
Renumber the remaining sections consecutively

Senator Fleming moved that the following amendment be adopted:

On page 4, line 19, after "state" strike "parks and recreation commission" and insert "board of health"

Debate ensued.

POINT OF INQUIRY

Senator Newhouse: "Senator Fleming, I can't quite understand why all this goes on. Who does all this, now, under the present set up?"

Senator Fleming: "Senator Newhouse, at the present time, what happened was we established the athletic training council last time out and when the bill went down to the Governor, there were those who, now--we will be putting on the board who will be more involved in this. There has been a little turf problem and as a result the Governor vetoed out the proposed rule making and so forth--left the study and the money in--there is a study being done."

Senator Newhouse: "Who sets those standards now, that's my question?"

Senator Fleming: "The point is that the State Board itself--they have the authority to do that at the present time. All these many years, they've never taken the initiative to do that. That was one of the reasons that we established the council to make a study--to make recommendations so we could indicate to them that, yes, indeed, we want them to do this. As far as the organized sports, little league and so forth, there's no set group that would do this at this point in time and so that's why for the Board of Health--that's talking about little league and other activities-non-profit activities."

Senator Newhouse: "I'm not sure that it fits under this amendment, but doesn't the Washington Interscholastic Association do that type of thing?"

Senator Fleming: "They are involved with the State Board. The problem you had was the people who were supposed to do this had not done it all these years and so what we're telling them is we want them to do this. These rules and regulations would be established and what we did was we set up this council to do a study and they will come back and propose these recommended rules to the State Board, which is a part of the structure that you're talking about and then they will establish rules and regulations for the six to eighteen year olds that are in our public schools. There was no agency or entity dealing with those young people we have out there in organized little leagues--and that's why we had to try and find an agency to deal with that. We felt as though that's the part that originally we said parks and recreation--because a lot of that activity takes place on our parks and then there was some concern that that's not the kind of thing they do, so we tried to find an agency that is involved in that kind of rule-making authority and the Department of Health is that kind of agency."

POINT OF INQUIRY

Senator Patterson: "Senator Fleming, in your amendment, you make reference to rules in one place and standards in another place and I'm somewhat concerned about using both of them. My understanding was that the State Board would--working with the Interscholastic Association--would establish some recommended standards. I would be quite reluctant to suggest that they are going to set up rules. Now, if there are standards that they can recommend that they be followed by the various little league groups and what have you, that I could concur with, but not rules."

Senator Fleming: "Senator Patterson, if you will look at Section 5--'the council shall develop and recommend to the State Board of Education proposed rules to establish standards for the health and safety of students between the ages of six and eighteen.' Those are standards. They are proposing rules by which the standards will be set by the State Board."

Senator Patterson: "And that would be working with the people that are involved in all the time and that's your coaches, the people in the K-12 system--"

Senator Fleming: "If the WIA can't have an input with these people that they are involved with--that are putting on the sports--they've got problems, but we have been working with them, and, as you well know, we expanded the Board and put, which we originally didn't have--a member of the Board of Education on the Council."

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

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

MOTIONS

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

On page 4, line 27, following "procedures," insert "The state board of health shall seek the assistance of the association of Washington cities and the Washington state association of counties in disseminating the rules to appropriate city and county governmental officials. The state board of health shall encourage city and county governmental officials to adopt the recommended standards in their local ordinances."

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

On page 5, beginning on line 16, strike all material through "act" on line 19. Renumber the remaining sections consecutively.

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

On page 1, line 5 of the title, after "RCW;" strike "making an appropriation."

On motion of Senator Fleming, the rules were suspended, Engrossed Substitute Senate Bill No. 3317 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Patterson: "Senator Talmadge, I want to follow up on the comment that was made by Senator Fleming and that is--'that if they don't do it, we'll come back and we'll require that they do it.' Now, if the state requires that they do this, whose responsibility is it, then, and who will be charged with the liability in the case of a major injury that occurs on little league fields?"

Senator Talmadge: "Senator Patterson, I give you my usual admonition and that is to remember what the intrinsic value of free legal advice is. With respect to your question, I have not done any research on the subject, but my sense of it is that the entity--the state in establishing rules and regulations about a particular conduct does not necessarily bear liability simply in setting of those standards for conduct. The primary responsibility rests with the parties that are operating the particular system. In this case, the little league association or whatever it might be. If, in fact, they violate the normal standard that we use in the tort law, which is the reasonable person standard--a person owes a duty to another person--the duty is determined on the basis of what a reasonable prudent person would do if that duty is breached and the breach of the duty is the approximate result of damages to another person.

"The state can set standards and we do that all the time. For example, in the area of work place injuries--work place safety requirements. The state in establishing those work place safety requirements is not liable, then, if someone violates those work place safety standards"

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3317.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3317 and the bill passed the Senate by the following vote: Yeas, 25; nays, 22; absent, 1; excused, 1.

Voting yea: Senators Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, McDermott, McManus, Moore, Patterson, Peterson, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 25.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Newhouse, Owen, Pullen, Saling, Sellar, von Reichbauer, Zimmerman - 22.

Absent: Senator Guess - 1.
Excused: Senator Bauer - 1.

INGROSSED SUBSTITUTE SENATE BILL NO. 3317, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3434, by Senators Halsan, Bottiger, Hansen, Kreidler, McDermott, Peterson, Vognild, Thompson, Talmadge, Williams and DeJarnatt

Requiring disclosure of financial decision-making members of political committees.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 1, beginning on line 24 after "(d)" strike all material through "propositions" on line 28 and insert "The name, mailing address, occupation, employment position title, if any, and employer of every individual who participates in a determination of the allocation of the political committee's funds"

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 2, after line 22, insert a new section as follows:

"NEW SECTION, Sec. 2. A new section is added to chapter 42.17 RCW to read as follows:

(1) Every group, organization, or association that rates candidates or the qualifications of candidates, within two weeks after its organization or, within two weeks after the date when it first has the expectation of rating candidates or the qualifications of candidates in any election campaign, whichever is earlier, shall file a statement of organization with the commission and with the county auditor or elections officer of the county in which the group, organization, or association resides. This section shall not apply to newspapers making endorsements of candidates.

(2) The statement of organization shall include but not be limited to:

(a) The name and address of the group, organization, or association;

(b) The names, addresses, and titles of its officers; or if it has no officers, the names, addresses, and titles of its responsible leaders;

(c) The name, mailing address, occupation, employment position title, if any, and employer of every individual who takes part in a determination as to rating candidates or the qualifications of candidates;

(d) A statement whether the group, organization, or association is a continuing one;

(e) The name, office sought, and party affiliation of each candidate being rated by the group, organization, or association;

(f) Such other information as the commission may prescribe by rule, in keeping with the policies and purposes of this chapter."

Senator Zimmerman moved that the following amendment by Senators Zimmerman and Metcalf be adopted:

On page 2, line 15, after the semicolon, insert the following and reletter the remaining subsection accordingly:

"(k) the information contained in (d), (e), (f), (g), (h) and (i) of this subsection shall be forwarded to each contributor within forty-eight hours of each receipt or expenditure, including in-kind contributions to a candidate, political party or political committee or in support or opposition to a ballot proposition."

Debate ensued.

Senator von Reichbauer demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Zimmerman and Metcalf.

ROLL CALL

The Secretary called the roll and the motion by Senator Zimmerman failed and the amendment was not adopted by the following vote: Yeas, 20; nays, 28; absent, 1.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Saling, Sellar, von Reichbauer, Zimmerman - 20.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 28.

Absent: Senator Guess - 1.

MOTIONS

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

On page 2, after line 22, insert the following:

"NEW SECTION. Sec. 3. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

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

In line 1 of the title, after "political committees;" strike "and"

In line 2 of the title, after "42.17.040" and before the period, insert "; and adding a new section to chapter 42.17 RCW"

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 3434 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 Senate Bill No. 3434.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3434 and the bill passed the Senate by the following vote: Yeas, 27; nays, 22.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 27.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Saling, Sellar, von Reichbauer, Zimmerman - 22.

ENGROSSED SENATE BILL NO. 3434, having received the constitutional majority, 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. 3590, by Senators Thompson, Zimmerman, Newhouse, Benitz and Hayner (by Attorney General request)

Prohibiting private benefit due to public employment.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 3590 was substituted for Senate Bill No. 3590 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Fleming, further consideration of Substitute Senate Bill No. 3590 was deferred.

SECOND READING

SENATE BILL NO. 4259, by Senators Fleming, Bender, Talmadge, Wojahn, Goltz, Warnke, Williams, McManus, Vognild and Gaspard

Prohibiting discrimination on the basis of sex in places of public resort, accommodation, assemblage or amusement.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 1, after line 22, insert the following:

*Sec. 2. Section 3, chapter 183, Laws of 1949 as last amended by section 3, chapter 127, Laws of 1979 and RCW 49.60.040 are each amended to read as follows:

As used in this chapter:

"Person" includes one or more individuals, partnerships, associations, organizations, corporations, cooperatives, legal representatives, trustees and receivers, or any group of persons; it includes any owner, lessee, proprietor, manager, agent, or employee, whether one or more natural persons; and further includes any political or civil subdivisions of the state and any agency or instrumentality of the state or of any political or civil subdivision thereof;

"Employer" includes any person acting in the interest of an employer, directly or indirectly, who employs eight or more persons, and does not include any religious or sectarian organization not organized for private profit;

"Employee" does not include any individual employed by his or her parents, spouse, or child, or in the domestic service of any person;

"Labor organization" includes any organization which exists for the purpose, in whole or in part, of dealing with employers concerning grievances or terms or conditions of employment, or for other mutual aid or protection in connection with employment;

"Employment agency" includes any person undertaking with or without compensation to recruit, procure, refer, or place employees for an employer;

"National origin" includes "ancestry";

"Full enjoyment of" includes the right to purchase any service, commodity, or article of personal property offered or sold on, or by, any establishment to the public, and the admission of any person to accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement, without acts directly or indirectly causing persons of any particular race, creed, color, sex, or with any sensory, mental, or physical handicap, or a blind or deaf person using a trained dog guide, to be treated as not welcome, accepted, desired, or solicited;

"Any place of public resort, accommodation, assemblage, or amusement" includes, but is not limited to, any place, licensed or unlicensed, kept for gain, hire, or reward, or where charges are made for admission, service, occupancy, or use of any property or facilities, whether conducted for the entertainment, housing, or lodging of transient guests, or for the benefit, use, or accommodation of those seeking health, recreation, or rest, or for the burial or other disposition of human remains, or for the sale of goods, merchandise, services, or personal property, or for the rendering of personal services, or for public conveyance or transportation on land, water, or in the air, including the stations and terminals thereof and the garaging of vehicles, or where food or beverages of any kind are sold for consumption on the premises, or where public amusement, entertainment, sports, or recreation of any kind is offered with or without charge, or where medical service or care is made available, or where the public gathers, congregates, or assembles for amusement, recreation, or public purposes, or public halls, public elevators, and public washrooms of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants, or any public library or educational institution, or schools of special instruction, or nursery schools, or day care centers or children's camps: PROVIDED, That nothing contained in this definition shall be construed to include or apply to any institute, bona fide club, or place of accommodation, which is by its nature distinctly private, including fraternal organizations, though where public use is permitted that use shall be covered by this chapter; nor shall anything contained in this definition apply to any educational facility, columbarium, crematory, mausoleum, or cemetery operated or maintained by a bona fide religious or sectarian institution;

"Real property" includes buildings, structures, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein;

"Real estate transaction" includes the sale, exchange, purchase, rental, or lease of real property.

"Sex" means gender.

"Credit transaction" includes any open or closed end credit transaction, whether d.376.377 otherwise, and whether for personal or for business purposes, in which a service, finance, or interest charge is imposed, or which provides for repayment in scheduled payments, when such credit is extended in the regular course of any trade or commerce, including but not limited to transactions by banks, savings and loan associations or other financial lending institutions of whatever nature, stock brokers, or by a merchant or mercantile establishment which as part of its ordinary business permits or provides that payment for purchases of property or service therefrom may be deferred."

POINT OF INQUIRY

Senator Deccio: "Senator Talmadge, is this a consent bill?"

Senator Talmadge: "I believe it is, Senator Deccio, or close to it."

MOTIONS

On motion of Senator Talmadge, the following title amendment was adopted:
On page 1, line 1 of the title, after "49.60.215" and before the period insert "and 49.60.040"

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 4259 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. 4259.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4259 and the bill passed the Senate by the following vote: Yeas, 47; absent, 2.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senators Bauer, Deccio - 2.

ENGROSSED SENATE BILL NO. 4259, having received the 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. 3590, deferred on second reading earlier today.

MOTION

On motion of Senator Thompson, the rules were suspended, Substitute Senate Bill No. 3590 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. 3590.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3590 and the bill passed the Senate by the following vote: Yeas, 47; absent, 2.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senators Bauer, Hayner - 2.

SUBSTITUTE SENATE BILL NO. 3590, having received the constitutional majority, 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. 4308, by Senators Kreidler and Zimmerman

Transferring certain responsibilities from the department of social and health services to the department of ecology.

MOTIONS

On motion of Senator Kreidler, Substitute Senate Bill No. 4308 was substituted for Senate Bill No. 4308 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Kreidler, the rules were suspended, Substitute Senate Bill No. 4308 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. 4308.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4308 and the bill passed the Senate by the following vote: Yeas, 47; absent, 2.

Voting yeas: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senators Bauer, McDermott - 2.

SUBSTITUTE SENATE BILL NO. 4308, having received the constitutional majority, 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. 4320, by Senators McManus, Newhouse, Owen, Conner and Moore

Establishing procedure for submission by state agencies of capital project proposals.

MOTIONS

On motion of Senator McManus, Substitute Senate Bill No. 4320 was substituted for Senate Bill No. 4320 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Bottiger, further consideration of Substitute Senate Bill No. 4320 was deferred.

SECOND READING

SENATE BILL NO. 3290, by Senators Fleming, Talmadge and Bauer

Revising provisions relating to the use of deadly force.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 3290 was substituted for Senate Bill No. 3290 and the substitute bill was advanced to second reading and read the second time.

Senator Pullen moved that the following amendment by Senators Pullen, Rasmussen, Craswell, McCaslin, Sellar, Metcalf, Stratton, Hayner, Owen, Guess, Lee, Zimmerman and Saling be adopted:

On page 1, line 23, after "second degree," and before "any" insert "rape in the third degree."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Pullen, Rasmussen, Craswell, McCaslin, Sellar, Metcalf, Stratton, Hayner, Owen, Guess, Lee, Zimmerman and Saling.

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

MOTION

Senator Pullen moved that the following amendment be adopted:

On page 1, line 25, after "third degree," insert "theft in the first degree."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, that fellow might be running out down the street with a hundred dollar television set—a small one—how does that officer know that he hasn't left behind some older person laying on the floor there? We have plenty of instances where they have killed for less than five dollars. Now, he has no knowledge, but he would stop this person, use his gun, shoot him in the leg or the arm or whatever and then find out—or he would hold his gun and let the fellow get away and later find out that there had been a murder committed in there where the theft was. Now, you're telling that officer, unless we adopt this amendment, that he can't attempt to stop him?"

Senator Talmadge: "Senator Rasmussen, what this particular bill is designed to do is to give some guidance to law enforcement officers across the state--for the circumstances for which they can use deadly force and that is force sufficient to kill somebody. Under the circumstances that you've mentioned, there would be some question in the officer's mind. The bill provides that you can use deadly force to prevent a robbery situation, a burglary situation, but we're talking about theft here and the problem, I think, is equally great if the officer were to use deadly force and shoot somebody who was innocent that happened to be running by in jogging clothes, for example, and ran under some circumstances, or if the officer made some incorrect assessment of who was at fault and shot somebody. I think we want to be very, very cautious and I think that is the point that the whole bill is designed to get at and why the sheriffs and police chiefs have been concerned. Use deadly force under circumstances that merit its use. The crimes have to be sufficiently dangerous or people have to be under sufficient threat of danger to exercise that use of deadly force."

Further debate ensued.

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

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

MOTION

Senator Pullen moved that the following amendments by Senators Pullen and Rasmussen be considered simultaneously and adopted:

On page 3, line 9, strike "9A.16.020" and insert "9.01.200, 9A.16.020."

On page 3, line 1, strike "9A.16.020" and insert "9.01.200, 9A.16.020,"

Debate ensued.

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

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

MOTION

Senator Halsan moved that the following amendment be adopted:

On page 1, line 24, after "assault in the second degree," delete "assault in the third degree,"

Debate ensued.

POINT OF INQUIRY

Senator Metcalf: "Senator Halsan and Senator Pullen, what about the case of someone who wants to run and he strikes the officer, say in the throat or maybe a kick in the groin, in order to render the officer unable to apprehend, or whatever, would that be assault in the third degree? Maybe each of you could comment on that, because that would make a big difference, I think, under those circumstances. I think the policeman should certainly have the right to use deadly force."

Senator Halsan: "The definitions used in regard to assault in the second degree or what constitutes assault in the second degree is with intent to cause grievous bodily harm. Grievous bodily harm is defined as bodily harm that is hard to bear. Bruises, broken bones, obviously, or the injuries that you described could easily escalate it to the assault in the second degree."

Senator Pullen: "To answer Senator Metcalf's question, it could go either way. It could be charged as assault in the second degree or it could be charged as assault in the third degree and for that reason, I feel that the Halsan amendment is objectionable and should be defeated."

Further debate ensued.

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

The motion by Senator Halsan carried and the amendment was adopted on a rising vote, the President voting 'aye.'

MOTIONS

On motion of Senator Zimmerman, Senator Deccio and Bluechel were excused.

On motion of Senator Talmadge, the rules were suspended, Engrossed 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 declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3290.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3290 and the bill failed to pass the Senate by the following vote: Yeas, 21; nays, 25; absent, 1; excused, 2.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Gaspard, Granlund, Kiskaddon, Kreidler, McDermott, McManus, Moore, Peterson, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 21.

Voting nay: Senators Bailey, Barr, Benitz, Cantu, Craswell, Fleming, Garrett, Guess, Halsan, Hansen, Hayner, Johnson, Lee, McCaslin, McDonald, Metcalf, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, von Reichbauer - 25.

Absent: Senator Goltz - 1.

Excused: Senators Bluechel, Deccio - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3290, having failed to receive the constitutional majority, was declared lost.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Fleming served notice that he would move to reconsider the vote by which Engrossed Substitute Senate Bill No. 3290 failed to pass the Senate.

MOTION

At 4:44 p.m., on motion of Senator Vognild, the Senate recessed until 5:15 p.m.

SECOND AFTERNOON SESSION

The Senate was called to order at 5:40 p.m. by President Cherberg.

MOTIONS

On motion of Senator von Reichbauer, Senator McDonald was excused.

On motion of Senator Bender, Senator Fleming was excused.

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 Senate Bill No. 4141, deferred on third reading March 15, 1985.

MOTIONS

On motion of Senator Thompson, the rules were suspended and Substitute Senate Bill No. 4141 was returned to second reading and read the second time.

On motion of Senator Zimmerman, the following amendment by Senators Zimmerman and Thompson was adopted:

On page 2, line 33 and 34, strike "compatibility" and insert "interchange"

MOTION

On motion of Senator Thompson, the rules were suspended, Engrossed Substitute Senate Bill No. 4141 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 Thompson, do we have an idea--on page 3, line 8, the words that are called 'application portfolio'--that term sounds like a state-of-the-art term. Is that anything that we know what that specifically deals with?"

Senator Thompson: "Well, the term 'application' is commonly used in this technology, as I understand it--a computer application to a certain process task. I suppose a portfolio would be a grouping or collection of these applications."

Senator Zimmerman: "When it says 'systems application portfolio,' I guess I thought that might be some specific kind of item. Perhaps we will get some more information as this moves along. I guess that one is just sort of a peculiarity."

Senator Thompson: "Senator Zimmerman, you should have more confidence in this legislation. This is going to improve things around here."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4141.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4141 and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent, 2; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Williams, Wojahn - 44.

Voting nay: Senator Zimmerman - 1.

Absent: Senators Hayner, Sellar - 2.

Excused: Senators Fleming, McDonald - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4141, having received the 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 Substitute Senate Bill No. 4320, deferred on second reading earlier today.

MOTION

Senator Bottiger moved that the following amendment by Senators Bottiger and Cantu be adopted:

On page 1, after line 15, insert the following:

"The supporting material shall include a projection of future operating costs and the number of employees necessary for the operation of the proposed capital project or capital improvement."

Debate ensued.

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

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

MOTION

On motion of Senator Bottiger, the rules were suspended, Engrossed Substitute Senate Bill No. 4320 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. 4320.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4320 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Sellar - 1.

Excused: Senators Fleming, McDonald - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4320, having received the constitutional majority, 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. 3534, by Senators DeJarnatt, Bender and Thompson

Relating to political advertising.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Senate Bill No. 3534 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 Senate Bill No. 3534.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3534 and the bill passed the Senate by the following vote: Yeas, 26; nays, 22; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 26.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Saing, Sellar, von Reichbauer, Zimmerman - 22.

Excused: Senator McDonald - 1.

SENATE BILL NO. 3534, having received the constitutional majority, 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. 4361, by Senator Williams

Relating to the centennial commission.

MOTIONS

On motion of Senator Williams, Substitute Senate Bill No. 4361 was substituted for Senate Bill No. 4361 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Williams, the rules were suspended, Substitute Senate Bill No. 4361 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Stratton: "Senator Williams, are these members appointed geographically around the state?"

Senator Williams: "There is no stipulation that they be appointed geographically, however, the present membership on the commission does come from geographic areas of the state."

Senator Stratton: "When these members attend the commission meetings, are they allocated travel expenses and their regular per diem rates?"

Senator Williams: "Yes. I don't know if that particular section is in the draft that is here, but they do have expenses paid and travel expenses paid, yes."

Senator Stratton: "So, there is a small fiscal note?"

Senator Williams: "Yes."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4361.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4361 and the bill passed the Senate by the following vote: Yeas, 43; nays, 4; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore,

Newhouse, Owen, Patterson, Peterson, Rasmussen, Saling, Sellar, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senators Pullen, Rinehart, Stratton, Talmadge - 4.

Absent: Senator Hayner - 1.

Excused: Senator McDonald - 1.

SUBSTITUTE SENATE BILL NO. 4361, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3282, by Senators Williams and Kreidler

Requiring the director of general administration to give preference to historic properties for use by state agencies.

The bill was read the second time.

MOTIONS

On motion of Senator Williams, the following Committee on Parks and Ecology amendment was adopted:

Beginning on page 1, line 24, strike subsection (3) and renumber the remaining subsection consecutively.

On motion of Senator Williams, the rules were suspended, Engrossed Senate Bill No. 3282 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3282.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3282 and the bill passed the Senate by the following vote: Yeas, 41; nays, 4; absent 3, excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McManus, Melcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senators Craswell, McCaslin, Pullen, Rasmussen - 4.

Absent: Senator Benitz, Granlund, Sellar - 3.

Excused: Senator McDonald - 1.

ENGROSSED SENATE BILL NO. 3282, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3283, by Senator Williams

Establishing procedures for declaring and preserving historic properties.

MOTIONS

On motion of Senator Williams, Substitute Senate Bill No. 3283 was substituted for Senate Bill No. 3283 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Williams, the rules were suspended, Substitute Senate Bill No. 3283 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 Moore: "Senator Williams, in your closing statement, I think you suggested that this legislation would allow certain improvements on historic properties. What do we mean by that?"

Senator Williams: "It could be actually anything, but basically to maintain and reuse or whatever to use the building. In other words, you could have historic property in Pioneer Square. Basically, the exterior of the building is what is historic."

The whole interior might be remodeled totally, the front could be restored to its historic character and maintained and so forth. There are no particular limits other than the historic character of the building must be maintained."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Williams, I'm for restored property. We sold city hall for seventeen thousand dollars when I was mayor of Tacoma and we had to preserve the outside of the building. As you said, they couldn't change it, however, then when they are restored, usually the rents jump up to nine, ten, twelve dollars and a half a square foot. Is there any way in this bill that you recover against the rent, which because of the improvement, they go higher?"

Senator Williams: "The assessor, once the building is improved--the assessor will assess it at whatever its new value is and tax it at that rate, less the tax on the improvements only. So, in other words, over a period of time the property may continue to rise and the taxes will continue to rise, but the exemption in the bill is only for the tax on the improvement that was made and that applies for the ten-year period."

Senator Rasmussen: "If they bought this property and then put two million dollars improvements in it, they would not be taxed on that portion?"

Senator Williams: "Just the two million, but the rest will increase in value over the years and they will pay that increase--"

Senator Rasmussen: "Then, they're getting a double bite, because they're getting the depreciation on the two million plus they're getting a tax exemption, plus they're getting the additional square foot rent, because of the improved condition. It kind of looks like Santa Claus."

Senator Williams: "Well, the square footage rent, of course, on a business property is how the assessor's valuation is based, so if that rent goes up the valuation goes up and their taxes go up. So, it's only the dollar amount at the time of the improvement that is ever not assessed over that--"

Senator Rasmussen: "Isn't there a federal credit, also?"

Senator Williams: "There is, presently, twenty-five percent tax credit on historic properties to the owners of historic property, however, there is a danger that that may disappear."

Further debate ensued.

MOTION

On motion of Senator Zimmerman, Senators Benitz and Patterson were excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3283.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3283 and the bill passed the Senate by the following vote: Yeas, 31; nays, 13; absent, 2; excused, 3.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Johnson, Kreidler, Lee, McDermott, McManus, Owen, Peterson, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 31.

Voting nay: Senators Bailey, Barr, Cantu, Craswell, Deccio, Hansen, Kiskaddon, McCaslin, Metcalf, Moore, Newhouse, Pullen, Rasmussen - 13.

Absent: Senators Hayner, Sellar - 2.

Excused: Senators Benitz, McDonald, Patterson - 3.

SUBSTITUTE SENATE BILL NO. 3283, having received the constitutional majority, 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. 3112, by Senators Williams, Benitz, Halsan, Stratton, Owen, Kreidler and Bailey

Revising provisions relating to cogeneration facilities.

MOTIONS

On motion of Senator Williams, Substitute Senate Bill No. 3112 was substituted for Senate Bill No. 3112 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Williams, the rules were suspended. Substitute Senate Bill No. 3112 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 Williams, there's a high pressure boiler mentioned in here to preserve a yet-to-be completed cogeneration unit. Where is it? What is it?"

Senator Williams: "This is, I think, the Simpson Timber Company plant in Shelton and the reason for the amendment is that the Shelton plant wants to put a high pressure boiler in now, which will be a part of a plan for a cogeneration facility later on. They do not get the tax credit until the full cogeneration plant is in place and operating, so it simply allows for that to happen, now, in a planning sense, but they get the credit when the cogeneration facility is in operation."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3112.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3112 and the bill passed the Senate by the following vote: Yeas, 44; absent, 2; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Decclo, Guess - 2.

Excused: Senators Benitz, McDonald, Patterson - 3.

SUBSTITUTE SENATE BILL NO. 3112, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3261, by Senators Thompson and Zimmerman

Modifying the state building code.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 3261 was substituted for Senate Bill No. 3261 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator McDermott, the following amendment by Senators McDermott and Thompson was adopted:

On page 2, after line 26, strike all material down through line 2, page 3 and insert the following:

NEW SECTION. Sec. 3. There is appropriated from the general fund to the department of community development for the biennium ending June 30, 1987, the sum of one hundred thousand dollars, or so much thereof as may be necessary, to carry out the purposes of this act. The general fund shall be reimbursed for all moneys expended under this section by January 1, 1987, pursuant to section 4 of this act.

NEW SECTION. Sec. 4. A new section is added to chapter 19.27 RCW to read as follows: The department of community development shall develop and implement a method of funding the building code council by counties and cities by January 1, 1986."

Renumber the sections consecutively and correct internal references accordingly.

Senator Rasmussen moved that the following amendments be considered simultaneously and adopted:

On page 3, line 22, strike "and"

On page 3, line 26, after "70.92.160" insert the following:

": and

(6) Regulations which shall be adopted by the pertinent legislative authority permitting the conversion of single family residences to include separate, code-approved units within existing space to promote energy efficiency and reduce resource waste. The regulations required under this subsection shall be adopted by ordinance or resolution"

POINT OF ORDER

Senator Talmadge: "A point of order, Mr. President. I raise the question of scope and object with respect to the amendment. I believe the bill is designed to deal with the Uniform Building Code and updates the state building code to conform to the requirements of the most recent version of the building code. What Senator Rasmussen's amendment does is to attempt to preempt local decision making with respect to the issue of so-called mother-in-law apartments and I believe that that proposal which is not reflected in the Uniform Building Code would expand the scope and object of the bill."

Further debate ensued.

MOTION

On motion of Senator Vognild, further consideration of Substitute Senate Bill No. 3261 was deferred.

SECOND READING

SENATE BILL NO. 3305, by Senators Williams, Benitz, McManus, Kreidler and Garrett

Permitting regulation of certain telecommunications companies and services.

MOTIONS

On motion of Senator Williams, Substitute Senate Bill No. 3305 was substituted for Senate Bill No. 3305 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Williams, the rules were suspended. Substitute Senate Bill No. 3305 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. 3305.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3305 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senator Pullen - 1.

Excused: Senators Benitz, McDonald, Patterson - 3.

SUBSTITUTE SENATE BILL NO. 3305, having received the constitutional majority, 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. 4107, by Senators Talmadge, Zimmerman, Moore, Pullen, Kreidler, Williams, McManus and Johnson

Establishing privileged communications between registered nurses and patients.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 4107 was substituted for Senate Bill No. 4107 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 4107 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. 4107.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4107 and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senators Hayner, Metcalf - 2.

Excused: Senators Benitz, McDonald, Patterson - 3.

SUBSTITUTE SENATE BILL NO. 4107, having received the 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. 3261 and the pending amendments by Senator Rasmussen on page 3, lines 22 and 26, deferred earlier today.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Talmadge, the President finds that Substitute Senate Bill No. 3261 is a measure which renames the State Building Code Advisory Council, updates the state building code and preempts local governments from excluding single family or multi-family residences from the state building code.

"The amendments proposed by Senators Rasmussen authorize within the state building code, local government regulations which allow the conversion of single-family residences to include separate units within existing space.

"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 amendments by Senator Rasmussen were ruled in order.

Debate ensued.

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

MOTION

On motion of Senator Bender, Senator Warnke was excused.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senator Rasmussen.

ROLL CALL

The Secretary called the roll and the motion by Senator Rasmussen carried, the President voting 'aye', and the amendments were adopted by the following vote: Yeas, 23; nays, 23; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Cantu, Conner, Craswell, Deccio, Goltz, Guess, Hansen, Johnson, Kiskaddon, McCaslin, Metcalf, Patterson, Peterson, Pullen, Rasmussen, Stratton, Vognild, von Reichbauer, Wojahn - 23.

Voting nay: Senators Bluechel, Bottiger, DeJarnatt, Fleming, Garrett, Gaspard, Granlund, Halsan, Hayner, Kreidler, Lee, McDermott, McManus, Moore, Newhouse, Owen, Rinehart, Saling, Sellar, Talmadge, Thompson, Williams, Zimmerman - 23.

Excused: Senators Benitz, McDonald, Warnke - 3.

MOTIONS

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

On page 1, line 4 of the title, strike "and" and on line 9, after "19,27,905" insert "; and making an appropriation"

On motion of Senator Thompson, the rules were suspended, Engrossed Substitute Senate Bill No. 3261 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. 3261.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3261 and the bill passed the Senate by the following vote: Yeas, 33; nays, 13; excused, 3.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Garrett, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McManus, Metcalf, Owen, Patterson, Peterson, Rasmussen, Saling, Stratton, Thompson, Vognild, Williams, Wojahn, Zimmerman - 33.

Voting nay: Senators Barr, Craswell, Fleming, Gaspard, Hayner, McDermott, Moore, Newhouse, Pullen, Rinehart, Sellar, Talmadge, von Reichbauer - 13.

Excused: Senators Benitz, McDonald, Warnke - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3261, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bottiger, the Senate reverted to the third order of business.

MESSAGE FROM THE GOVERNOR

March 12, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I am requesting the withdrawal of the following appointment which is pending before you:

Anthony J. Pardini, nominated as a member of the State Utility and Transportation Commission.

Sincerely,
BOOTH GARDNER, Governor

MOTIONS

Senator Bottiger moved that the request of the Governor to return the gubernatorial appointment of Anthony J. Pardini as a member of the State Utility and Transportation Commission be granted.

Senator Newhouse moved that the appointment of Anthony J. Pardini as a member of the State Utility and Transportation Commission be confirmed.

PARLIAMENTARY INQUIRY

Senator Bottiger: "A parliamentary inquiry, Mr. President. The appointment is not before us. The report is still in the committee. This is simply a request for the return."

Senator Newhouse: "Mr. President, I, respectfully, would contend that when the motion was made to return that the appointment is before us and the motion to confirm is proper."

REPLY BY THE PRESIDENT

President Cherberg: "The President believes that the record will show that he has ruled otherwise in the past."

Further debate ensued.

Senator von Reichbauer demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Bottiger to grant the request of the Governor to return the gubernatorial appointment of Anthony J. Pardini.

ROLL CALL

The Secretary called the roll and the motion by Senator Bottiger carried by the following vote: Yeas, 25; nays, 21; excused, 3.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Talmadge, Thompson, Vognild, Williams, Wojahn - 25.

Voting nay: Senators Bailey, Barr, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Saling, Sellar, Stratton, von Reichbauer Zimmerman - 21.

Excused: Senators Benitz, McDonald, Warnke - 3.

The gubernatorial appointment of Anthony J. Pardini was returned to the Governor.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENT

March 12, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Richard D. Casad, appointed March 12, 1985, for a term ending January 1, 1989, as a member of the Utilities and Transportation Commission, succeeding A. J. "Bud" Pardini.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Energy and Utilities.

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

MESSAGE FROM THE HOUSE

March 18, 1985

Mr. President:

The House has passed:

REENGROSSED SUBSTITUTE HOUSE BILL NO. 23,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 133,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 174,

HOUSE BILL NO. 183,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 435,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 587,

ENGROSSED HOUSE BILL NO. 830,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 849,

SECOND SUBSTITUTE HOUSE BILL NO. 1056,

SECOND SUBSTITUTE HOUSE BILL NO. 1065,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1207,

ENGROSSED SUBSTITUTE HOUSE JOINT RESOLUTION NO. 6, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ReESHB 23 by Committee on Local Government (originally sponsored by Representatives Haugen, Allen, Miller and Rayburn)

Providing regulations for compensation for members of special district governing bodies.

Referred to Committee on Governmental Operations.

ESHB 133 by Committee on Transportation (originally sponsored by Representatives Dellwo, Taylor, Padden, Day, Silver, Barrett and Kremen)

Revising placement restrictions and listing requirements on highway information panels.

Referred to Committee on Transportation.

E2SHB 174 by Committee on Ways and Means (originally sponsored by Representatives Valle, Barrett, Winsley, P. King, Ebersole, Rayburn, Appelwick, Allen, Armstrong and Wang)

Establishing the beginning teachers assistance pilot program.

Referred to Committee on Education.

HB 183 by Representatives Day, Padden, Appelwick, Madsen, Lewis, Taylor, D. Nelson, Winsley, S. Wilson, Schoon, Bond, Van Luven, Sanders, Long, R. King, G. Nelson, Isaacson, Patrick, Ballard, Hastings, Dellwo, Walker, C. Smith, May, Addison, Holland, Hankins, Doty, Tanner, Miller, Silver, Wang, Tilly and J. Williams

Expanding the sales and use tax exemption for meals furnished to senior citizens.

Referred to Committee on Human Services and Corrections.

ESHB 435 by Committee on Commerce and Labor (originally sponsored by Representatives Wang, Barrett, R. King, Patrick, Sayan, Winsley, Fisch, Vekich, Madsen, Fisher, P. King, Basich and Isaacson)

Revising provisions relating to law enforcement officers and fire fighters.

Referred to Committee on Commerce and Labor.

E2SHB 587 by Committee on Ways and Means (originally sponsored by Representatives Grimm, Betzoff, Ebersole, Sommers, S. Wilson, May, Schoon, Brough, Patrick, C. Smith, Miller, Walker, Barnes and Long) (by Temporary Committee on Educational Policies, Structure and Management request)

Establishing additional requirements for teacher preparation and certification.

Referred to Committee on Education.

EHB 830 by Representatives Kremen, Braddock, McMullen, Haugen, Tanner, Day and Sayan

Facilitating the siting and expansion of business.

Referred to Committee on Commerce and Labor.

E2SHB 849 by Committee on Ways and Means (originally sponsored by Representatives Wang, Schoon, Appelwick, Todd, Ebersole, Valle, Haugen, Peery, Rayburn, Long, Tanner, Zellinsky, Brough and Walker)

Providing for teacher evaluation.

Referred to Committee on Education.

2SHB 1056 by Committee on Ways and Means (originally sponsored by Representatives Peery, Ebersole, Appelwick, Wang, Todd, Jacobsen, G. Nelson, Holland, J. Williams, Allen and May)

Establishing school-based management pilot projects.

Referred to Committee on Education.

2SHB 1065 by Committee on Ways and Means (originally sponsored by Representatives Rayburn, Long, Cole, McMullen, Betzoff, K. Wilson, Haugen and Todd)

Providing funds for an in-service program on academic efficiency and classroom management.

Referred to Committee on Education.

ESHB 1207 by Committee on Trade and Economic Development (originally sponsored by Representative McMullen)

Establishing an emergency pilot vocational training program.

Referred to Committee on Commerce and Labor.

ESHJR 6 by Committee on State Government (originally sponsored by Representatives Ehlers, S. Wilson, J. King, Ballard, Hine, G. Nelson, Belcher, Barrett, Grimm, Crane, Armstrong, Allen, Gallagher, Hankins, Leonard, May, D. Nelson, Holland, O'Brien, Winsley, Lewis, Silver, Day, B. Williams, Miller and Isaacson)

Providing for the organization of state government.

Referred to Committee on Governmental Operations.

MOTION

At 7:37 p.m., on motion of Senator Vognild, the Senate adjourned until 9:00 a.m., Wednesday, March 20, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

SIXTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 20, 1985

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 Bailey, Craswell, Goltz, Halsan, Lee, McDermott, Metcalf, Moore, Rinehart, Talmadge and Zimmerman. On motion of Senator Bender, Senator McDermott was excused.

The Sergeant at Arms Color Guard, consisting of Shannon Stapleton and Kevin Wright, presented the Colors. Reverend Dan Secrist, pastor of the Faith Assembly Church of Lacey, offered the prayer.

MOTION

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

SECOND READING

SENATE BILL NO. 4358, by Senator Warnke

Relating to revising the administrative structure of the department of labor and industries.

MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 4358 was substituted for Senate Bill No. 4358 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 4358 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. 4358.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4358 and the bill passed the Senate by the following vote: Yeas, 37; nays, 1; absent, 10; excused, 1.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDonald, McManus, Newhouse, Owen, Peterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 37.

Voting nay: Senator Patterson - 1.

Absent: Senators Bailey, Conner, Craswell, Goltz, Lee, Metcalf, Moore, Rinehart, Talmadge, Zimmerman - 10.

Excused: Senator McDermott - 1.

SUBSTITUTE SENATE BILL NO. 4358, having received the 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 McDonald, Senator Bailey was excused.

On motion of Senator Vognild, Senator Bender was excused.

SECOND READING

SENATE BILL NO. 4399, by Senators Thompson and Zimmerman

Relating to local government.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 4399 was substituted for Senate Bill No. 4399 and the substitute bill was advanced to second reading and read the second time.

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

On page 2, on line 32, after "(1)" strike "Nineteen" and insert "Twenty"

On page 3, on line 12, after "districts" strike "," and insert "; and (g) One member nominated by the Washington public utility districts association."

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

On page 4, beginning on line 22, strike all of section 8 and renumber the remaining sections consecutively.

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

On page 1, line 3, strike "making an appropriation."

On motion of Senator Thompson, the rules were suspended, Engrossed Substitute Senate Bill No. 4399 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 McDonald: "Senator Thompson, we just struck the appropriation. Are we limiting the duties at all?"

Senator Thompson: "We're not limiting the duties. I'm hopeful that we can obtain some funding through the appropriations process. But should that not occur, this effort could be funded by the legislature, itself, to the extent it participates as provided by this bill, and by the counties and cities from their fund sources. We have an opportunity, following the passage of this, before the end of the session to examine those options."

Further debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Thompson, is there a Washington Association of Counties? Do the county commissioners and other elected county officials have an association?"

Senator Thompson: "They certainly do, Senator."

Senator Rasmussen: "And have they combined? Has the legislature directed?"

Senator Thompson: "Are you asking--have they combined with the elected officials association?"

Senator Rasmussen: "Yes."

Senator Thompson: "That has not occurred. They have a closer working relationship and they plan to join together in the housing of their executive offices."

Senator Rasmussen: "What about the Association of Washington Cities? Is that still functioning?"

Senator Thompson: "That's still functioning."

Senator Rasmussen: "Are all of these outfits financed with tax money?"

Senator Thompson: "They are, indeed."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4399.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4399 and the bill passed the Senate by the following vote: Yeas, 27; nays, 20; excused, 2.

Voting yea: Senators Barr, Bauer, Bluechel, Bottiger, DeJarnatt, Fleming, Garrett, Granlund, Halsan, Kiskaddon, Kreidler, McCaslin, McDermott, McManus, Moore, Peterson, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 27.

Voting nay: Senators Benitz, Cantu, Conner, Craswell, Deccio, Gaspard, Goltz, Guess, Hansen, Hayner, Johnson, Lee, McDonald, Metcalfe, Newhouse, Owen, Patterson, Pullen, Rasmussen, von Reichbauer - 20.

Excused: Senators Bailey, Bender - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4399, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3775, by Senators Deccio, Moore, Metcalf, McCaslin, Bender, Warnke, McDermott, Craswell, Sellar, Newhouse, Vognild, Lee, Johnson, Zimmerman, Saling, Wojahn, Bottiger, Fleming and Bailey

Modifying provisions on the cancellation or nonrenewal notices for insurance.

MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 3775 was substituted for Senate Bill No. 3775 and the substitute bill was advanced to second reading and read the second time.

Senator McDermott moved that the following amendment be adopted:

On page 5, after line 21, insert the following:

*NEW SECTION. Sec. 5. A new section is added to chapter 48.21 RCW to read as follows:

(1) Any group disability insurance policy issued, renewed, or amended on or after October 1, 1985, that provides coverage for hospital or medical expenses shall contain a provision granting the person covered by the policy the right to continue coverage under the group policy for one hundred eighty days from the date the person's eligibility for coverage under the policy is terminated.

(2) Continuation of coverage under this section need not be offered to:

(a) A person who was not covered under the group policy for at least three continuous months before termination of employment or membership; or

(b) A person whose employment or membership was terminated for misconduct.

(3) Upon termination of a person's eligibility for coverage, the insurer shall provide written notice to the person of the continuation rights under this section. If the person applies for unemployment insurance benefits in connection with termination of employment, the employment security department shall provide written notice to the person of the continuation rights. A person who wishes to continue coverage under this section must request continuation in writing not later than ten days after the later of the date on which eligibility for coverage ended and the date on which the person was first notified in writing of the right to continue coverage. However, a person may not make a request for continuation of coverage more than thirty-one days after the date of termination of group coverage.

(4) A person who requests continuation of coverage may be required to pay the contribution required by the employer or group policyholder, on a monthly basis and in advance, as provided in this subsection. The person shall pay the contribution to the insurer, employer, or policyholder, whichever the group policy provides. The required contribution may not exceed the group premium rate for the insurance being continued under the group policy as of the date the contribution is due. The person must pay the first contribution not later than thirty-one days after the date on which the person's coverage under the group policy would otherwise end.

(5) Continuation of coverage shall end before the one hundred eighty-day period if:

(a) The person fails to make timely payment of a required contribution; or

(b) The group policy is terminated or the employer or other group terminates participation under the policy. However, if the employer or other group replaces the group coverage with similar coverage under another group policy a person may continue coverage as provided in subsection (6) of this section.

(6) A person may obtain coverage under the replacement group policy for the balance of the period that remained under the replaced group policy. The replacement policy shall not duplicate benefits still payable under the replaced policy. The replaced policy shall continue to provide benefits to a person to the extent of that policy's accrued liabilities and extension of benefits as if the replacement had not occurred.

Sec. 6. Section 2, chapter 190, Laws of 1984 and RCW 48.21.250 are each amended to read as follows:

Every insurer that issues policies providing group coverage for hospital or medical expense shall offer the policyholder an option to include a policy provision granting a person who becomes ineligible for coverage under the group policy and whose right to continuation of coverage under section 5 of this act has expired, the right to continue the group benefits for a period of time and at a rate agreed upon. The policy provision shall provide that when such coverage terminates, the covered person may convert to a policy as provided in RCW 48.21.260.

NEW SECTION. Sec. 7. A new section is added to chapter 48.44 RCW to read as follows:

(1) Any group health care service contract issued, renewed, or amended on or after October 1, 1985, that provides coverage for hospital or medical expenses shall contain a provision granting the person covered by the contract the right to continue coverage under the group contract for one hundred eighty days from the date the person's eligibility for coverage under the contract is terminated.

(2) Continuation of coverage under this section need not be offered to:

(a) A person who was not covered under the group contract for at least three continuous months before termination of employment or membership; or

(b) A person whose employment or membership was terminated for misconduct.

(3) Upon termination of a person's eligibility for coverage, the health care service contractor shall provide written notice to the person of the continuation rights under this section. If the person applies for unemployment insurance benefits in connection with termination of employment, the employment security department shall provide written notice to the person of the continuation rights. A person who wishes to continue coverage under this section must request continuation in writing not later than ten days after the later of the date on which employment or membership ended and the date on which the person was first notified in writing of the right to continue coverage. However, a person may not make a request for continuation of coverage more than thirty-one days after the date of termination of group coverage.

(4) A person who requests continuation of coverage may be required to pay the contribution required by the employer or group contract holder, on a monthly basis and in advance, as provided in this subsection. The person shall pay the contribution to the contractor, employer, or contract holder, whichever the group contract provides. The required contribution may not exceed the group premium rate for the coverage being continued under the group contract as of the date the contribution is due. The person must pay the first contribution not later than thirty-one days after the date on which the person's coverage under the group contract would otherwise end.

(5) Continuation of coverage shall end before the one hundred eighty-day period if:

(a) The person fails to make timely payment of a required contribution; or

(b) The group contract is terminated or the employer or other group terminates participation under the contract. However, if the employer or other group replaces the group coverage with similar coverage under another group contract a person may continue coverage as provided in subsection (6) of this section.

(6) A person may obtain coverage under the replacement group contract for the balance of the period that remained under the replaced group contract. The replacement contract shall not duplicate benefits still payable under the replaced contract. The replaced contract shall continue to provide benefits to a person to the extent of that contract's accrued liabilities and extension of benefits as if the replacement had not occurred.

Sec. 8. Section 5, chapter 190, Laws of 1984 and RCW 48.44.360 are each amended to read as follows:

Every health care service contractor that issues group contracts providing group coverage for hospital or medical expense shall offer the contract holder an option to include a contract provision granting a person who becomes ineligible for coverage under the group contract and whose right to continuation of coverage under section 7 of this act has expired, the right to continue the group benefits for a period of time and at a rate agreed upon. The contract provision shall provide that when such coverage terminates, the covered person may convert to a contract as provided in RCW 48.44.370.

NEW SECTION. Sec. 9. A new section is added to chapter 48.46 RCW to read as follows:

(1) Any group health maintenance agreement issued, renewed, or amended on or after October 1, 1985, that provides coverage for hospital or medical expenses shall contain a provision granting the person covered by the agreement the right to continue coverage under the group agreement for one hundred eighty days from the date the person's eligibility for coverage under the agreement is terminated.

(2) Continuation of coverage under this section need not be offered

(a) A person who was not covered under the group agreement for at least three continuous months before termination of employment or membership; or

(b) A person whose employment or membership was terminated for misconduct.

(3) Upon termination of a person's eligibility for coverage, the health maintenance organization shall provide written notice to the person of the continuation rights under this section. If the person applies for unemployment insurance benefits in connection with termination of employment, the employment security department shall provide written notice to the person of the continuation rights. A person who wishes to continue coverage under this section must request continuation in writing not later than ten days after the later of the date on which employment or membership ended and the date on which the person was first notified in writing of the right to continue coverage. However, a person may not make a request for continuation of coverage more than thirty-one days after the date of termination of group coverage.

(4) A person who requests continuation of coverage may be required to pay the contribution required by the employer or group agreement holder, on a monthly basis and in advance, as provided in this subsection. The person shall pay the contribution to the health

maintenance organization, employer, or agreement holder, whichever the group agreement provides. The required contribution may not exceed the group premium rate for the coverage being continued under the group agreement as of the date the contribution is due. The person must pay the first contribution not later than thirty-one days after the date on which the person's coverage under the group agreement would otherwise end.

(5) Continuation of coverage shall end before the one hundred eighty-day period if:

(a) The person fails to make timely payment of a required contribution; or

(b) The group agreement is terminated or the employer or other group terminates participation under the agreement. However, if the employer or other group replaces the group coverage with similar coverage under another group agreement a person may continue coverage as provided in subsection (6) of this section.

(6) A person may obtain coverage under the replacement group agreement for the balance of the period that remained under the replaced group agreement. The replacement agreement shall not duplicate benefits still payable under the replaced agreement. The replaced agreement shall continue to provide benefits to a person to the extent of that agreement's accrued liabilities and extension of benefits as if the replacement had not occurred.

Sec. 10. Section 8, chapter 190, Laws of 1984 and RCW 48.46.440 are each amended to read as follows:

Every health maintenance organization that issues agreements providing group coverage for hospital or medical care shall offer the agreement holder an option to include an agreement provision granting a person who becomes ineligible for coverage under the group agreement and whose right to continuation of coverage under section 9 of this act has expired, the right to continue the group benefits for a period of time and at a rate agreed upon. The agreement provision shall provide that when such coverage terminates the covered person may convert to an agreement as provided in RCW 48.46.450.

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."

POINT OF ORDER

Senator McDonald: "Mr. President, a point of order. I would like to raise the question of scope and object on this amendment. Notwithstanding the good arguments raised on this, it seems to me that this is a bill that deals with the notice for cancellation of insurance policies, whereas Senator McDermott's rather comprehensive amendment deals with people who are leaving employment and their ability then to continue their health care costs. While it may be within the title, it is clearly outside the object of the bill before us."

Further debate ensued.

MOTION

On motion of Senator Vognild, further consideration of Substitute Senate Bill No. 3775 was deferred.

SECOND READING

SENATE BILL NO. 3800, by Senators Granlund, Bailey and Garrett

Establishing uniformity in the publication of certain legal notices.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Senate Bill No. 3800 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 Senate Bill No. 3800.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3800 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent, 1; excused, 1.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore,

Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senator Barr - 1.

Absent: Senator Newhouse - 1.

Excused: Senator Bailey - 1.

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.

SECOND READING

SENATE BILL NO. 3478, by Senators Kreidler, Kiskaddon and Vognild

Excluding certain capital expenditures for hospitals from the certificate of need program.

MOTIONS

On motion of Senator Granlund, Substitute Senate Bill No. 3478 was substituted for Senate Bill No. 3478 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Granlund, the rules were suspended, Substitute Senate Bill No. 3478 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Guess: "Senator Kreidler, we have two hospitals in our area that are running about 55 percent occupancy. Would this enable the board of directors of that hospital to dedicate a wing, say, that this would now be a nursing home area, rather than a hospital area?"

Senator Kreidler: "It would if they met a certain criteria. This bill specifies small hospitals, and the second would be the criteria that there couldn't be a lot of vacant nursing home beds in that particular area already. This is how they would qualify for this program right now. If they meet that criteria, they would be able to come under the bill."

Senator Guess: "Well, there are not many nursing home beds available. In fact, there is a scarcity--a waiting list in certain parts of town, but they are not small hospitals. They just don't have the capacities now to keep them going and I was wondering what you call a small hospital?"

Senator Kreidler: "Deer Park would be an example of a small hospital, as opposed to one of the larger urban hospitals."

Senator Guess: "St. Lukes and the Valley General Hospital are both running at 55 percent occupancy."

Senator Kreidler: "They would not come under this bill. One possibility is that in the future, this bill would be expanded to include large hospitals like this, so they could use those beds in a swing bed type of role. But I think when that comes up, there's going to be the policy issue we're all going to have to wrestle with, as to how many beds do we want to have out there for nursing home beds. Obviously, they are kind of like prison beds--they tend to all get filled and we wind up having to pay for them in some way or another. It's going to be one of those things the committee is going to have to judge very carefully before the decision is made."

Further debate ensued.

POINT OF INQUIRY

Senator McDermott: "Senator Kreidler, what is the fiscal note on this bill?"

Senator Kreidler: "I don't have the fiscal note in front of me, but it was a negligible cost. Obviously, this cost would be something to be determined by the Department of Social and Health Services in making a decision as to whether a small rural hospital would qualify to come under the swing bed provisions. It's going to be a nominal cost."

MOTION

On motion of Senator McDermott, further consideration of Substitute Senate Bill No. 3478 was deferred.

SECOND READING

SENATE BILL NO. 3082, by Senators McDermott, Zimmerman, Deccio, Warnke and Bluechel

Modifying the measure of B & O tax for artistic or cultural organizations.

The bill was read the second time.

MOTION

On motion of Senator McDermott, the rules were suspended, Senate Bill No. 3082 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator McDermott, further consideration of Senate Bill No. 3082 was deferred.

SECOND READING

SENATE BILL NO. 3356, by Senators Peterson, Patterson, Hansen and Conner (by County Road Administration Board request)

Revising county road administrative procedures.

MOTIONS

On motion of Senator Peterson, Substitute Senate Bill No. 3356 was substituted for Senate Bill No. 3356 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Peterson, the rules were suspended, Substitute Senate Bill No. 3356 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Bender, Senator Garrett was excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3356.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3356 and the bill passed the Senate by the following vote: Yeas, 42; nays, 2; absent, 3; excused, 2.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Rinehart, Saling, Stratton, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Voting nay: Senators Pullen, Rasmussen - 2.

Absent: Senators Newhouse, Sellar, Vognild - 3.

Excused: Senators Bailey, Garrett - 2.

SUBSTITUTE SENATE BILL NO. 3356, having received the constitutional majority, 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. 3516, by Senators Bauer, Gaspard, Benitz, Moore, Bender, Rinehart, Lee and Johnson (by Temporary Committee on Educational Policies request)

Providing for instruction in Spanish and Japanese in grades one through six.

MOTIONS

On motion of Senator Gaspard, Substitute Senate Bill No. 3516 was substituted for Senate Bill No. 3516 and the substitute bill was advanced to second reading and read the second time.

Senator DeJarnatt moved that the following amendments by Senators DeJarnatt, Thompson and Gaspard be considered simultaneously and adopted:

On page 2, after line 10, insert the following:

"Sec. 5. Section 28A.67.020, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 340, Laws of 1977 ex. sess. and RCW 28A.67.020 are each amended to read as follows:

No person, who is not a citizen of the United States of America, shall be permitted to teach in the common schools in this state: PROVIDED, That the superintendent of public instruction may grant to an alien a permit to teach in the common schools of this state if such teacher has all the other qualifications required by law, and has declared his intention of becoming a citizen of the United States of America: PROVIDED FURTHER, That after a one year probationary period the superintendent of public instruction, at the request of the school district which employed such teacher on a permit, may grant to an alien whose qualifications have been approved by the state board of education a standard certificate to teach in the common schools of this state: PROVIDED FURTHER, That the superintendent of public instruction may grant to a nonimmigrant alien whose qualifications have been approved by the state board of education a temporary permit which is renewable for no more than one year to teach (~~as an exchange teacher~~) in the common schools of this state.

Before such alien shall be granted a temporary permit he shall be required to subscribe to an oath or affirmation in writing as follows: I do solemnly swear (or affirm) that I will support the Constitution and laws of the United States and the Constitution and laws of the state of Washington; that I do not advocate the overthrow, destruction, or alteration of the constitutional form of government of the United States or of the state of Washington or any political subdivision of either of them. All oaths or affirmations subscribed as herein provided shall be filed in the office of the superintendent of public instruction and shall be there retained for a period of five years. Such permits shall at all times be subject to revocation by the superintendent of public instruction."

Renumber the remaining section consecutively.

On page 2, on line 11, after "of" insert "sections 1 through 4 of"

Debate ensued.

POINT OF INQUIRY

Senator Pullen: "Senator DeJarnatt, how long is the temporary permit issued for now? In other words, your amendment, as I read it, deals with the renewal of the permit."

Senator DeJarnatt: "It permits a temporary certificate which is not permissible under present law, as I understand it. This temporary certificate could be renewed once."

Senator Pullen: "Present law says that the Superintendent of Public Instruction may grant to a non-immigrant alien whose qualifications have been approved by the State Board of Education, a temporary permit to teach as an exchange teacher."

Senator DeJarnatt: "'Exchange teacher' is another special category. Also, as I understand present law, they can be granted a permit to teach if they intend to become a citizen. In this case, and I suspect in others, they would be graduate students here who do not intend to become citizens. I would defer to Senator Gaspard who is more authoritative on this subject."

Senator Pullen: "Mr. President, could we move this bill down one bill, so we could discuss this?"

POINT OF ORDER

Senator Pullen: "Mr. President, I would like to challenge the amendment on scope and object. I won't explain why it expands the scope and object. It clearly does and the President invariably does such an outstanding and fair job of ruling in this area, it usually doesn't do much good to make any comments anyway. I am sure the President will rule correctly, as he always does."

Debate ensued.

There being no objection, further consideration of Substitute Senate Bill No. 3516 was deferred.

SECOND READING

SENATE BILL NO. 3535, by Senators Wojahn, Johnson, Peterson, and Granlund

Changing provisions relating to city taxation of motor vehicle and special fuel

The bill was read the second time.

MOTION

Senator Talmadge moved that the following amendment by Senators Talmadge, Fleming, Garrett and Lee be adopted:

On page 2, line 11, after "navigation" insert: ", or which includes a crossing of a navigable river within the city limits of a city having a population of more than 400,000"

Debate ensued.

POINT OF INQUIRY

Senator Patterson: "Senator Talmadge, I'm trying to recall when we authorized legislation for the local gas tax option. Do you recall what the jurisdiction was and the procedures that had to be followed in order to implement that?"

Senator Talmadge: "In reply to your question, it was for the city of Seattle. My recollection was, and I'll confirm it in the bill, the city of Seattle, pursuant to its local legislative authority--the city council--could authorize the imposition of a gas tax within its limits in one-half cent increments up to two cents. The ironic thing, in this case, was they never had to impose the gas tax because of the fortuity of a particularly bad pilot of a vessel who ran into the bridge. We can't all be lucky enough to have a bad pilot like that who will give us the opportunity to get federal money to deal with an emergency as we did in the case of the West Seattle bridge. But the city council, as I understand it, would have been able to impose this had they needed to."

Senator Patterson: "The city council has the authority to levy it? It does not have to go to a vote of the people of the city of Seattle?"

Senator Talmadge: "No, that is my understanding."

The President declared the question before the Senate to be adoption of the amendment by Senators Talmadge, Fleming, Garrett and Lee.

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

MOTION

On motion of Senator Wojahn, the rules were suspended, Engrossed Senate Bill No. 3535 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 Talmadge, I joined you in this particular amendment, but after a bill that we were working on the other day that related to the question about whether an additional tax--we were talking about hotel/motel tax in relation to the convention center and whether it would be jeopardized by the border tax ruling--would you feel that there might be some possibility of jeopardy in this particular tax for that reason?"

Senator Talmadge: "I think not. Of course, you cannot always predict the ultimate disposition of a case by the Supreme Court. My best guess is that a local option tax that would be subject to the approval of the appropriate legislative jurisdiction in that area, would not fall within the uniformity provisions of the State Constitution that the Supreme Court found to be of concern in the border tax case."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3535.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3535 and the bill passed the Senate by the following vote: Yeas, 36; nays, 9; absent, 3; excused, 1.

Voting yea: Senators Barr, Bauer, Benitz, Bluechel, Bottiger, Conner, Deccio, DeJamatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDonald, McManus, Metcalf, Owen, Patterson, Peterson, Rinehart, Stratton, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 36.

Voting nay: Senators Bender, Cantu, Craswell, McCaslin, McDermott, Moore, Pullen, Rasmussen, Sellar - 9.

Absent: Senators Newhouse, Saling, Vognild - 3.

Excused: Senator Bailey - 1.

ENGROSSED SENATE BILL NO. 3535, having received the constitutional majority, 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. 3951, by Senator Peterson

Relating to northern state hospital.

MOTIONS

On motion of Senator Granlund, Substitute Senate Bill No. 3951 was substituted for Senate Bill No. 3951 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Granlund, the rules were suspended, Substitute Senate Bill No. 3951 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. 3951.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3951 and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; excused, 2.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senators Hayner, McDonald - 2.

Excused: Senators Bailey, Vognild - 2.

SUBSTITUTE SENATE BILL NO. 3951, having received the constitutional majority, 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. 4270, by Senators Vognild, Lee, Wojahn, Zimmerman and Johnson

Modifying the business and occupation tax on wholesalers.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 4270 was substituted for Senate Bill No. 4270 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Bottiger, further consideration of Substitute Senate Bill No. 4270 was deferred.

SECOND READING

SENATE BILL NO. 3157, by Senators Moore, Johnson, Bottiger, McDonald, Thompson, Cantu, Conner, Bluechel and McManus

Establishing registration fees for watercraft.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 3157 was substituted for Senate Bill No. 3157 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Bottiger, the following amendment by Senators Bottiger and Cantu was adopted:

On page 2, after line 13, insert the following:

*NEW SECTION, Sec. 2. A new section is added to chapter 82.49 RCW to read as follows:

(1) Any vessel which is not less than forty years old and whose hull is substantially unmodified shall be considered to be a classic vessel for the purposes of this chapter.

(2) Owners of classic vessels as described in subsection (1) of this section may, as an alternative to paying the vessel excise tax imposed in RCW 82.49.010, have the vessel appraised by the county assessor of the county in which the vessel is moored or stored. The appraised value

of the vessel shall be reported to the department on a form prescribed by the department and the excise tax due and payable each year shall be paid at the rate of one-half of one percent of the appraised value of the vessel as certified by the county assessor.

(3) The fee for such appraisal shall be twenty-five dollars, payable to the county treasurer for deposit in the county current expense fund."

Renumber the sections consecutively.

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

On page 2, after line 13, insert the following:

"Sec. 2. Section 10, chapter 7, Laws of 1983 and RCW 82.49.030 are each amended to read as follows:

The excise taxes imposed under ~~((this chapter is))~~ RCW 82.49.010 and 82.49.070 are due and payable to the department of licensing or its agents at the time of registration of a vessel. The department of licensing shall not issue or renew a registration for a vessel until ~~((the tax is))~~ these taxes are paid in full.

The excise taxes collected under ~~((this chapter))~~ RCW 82.49.010 shall be deposited in the general fund. The excise taxes collected under RCW 82.49.070 shall be deposited in the vessel local excise tax account hereby created in the general fund. Moneys in the vessel local excise tax account may be spent only for distribution to counties imposing the local tax. Distribution to the counties shall occur on a monthly basis, not later than the fifteenth day of the succeeding month after collection."

Renumber the remaining sections.

Senator Halsan moved that the following amendment be adopted:

On page 2, after line 13, insert the following:

"Sec. 2. Section 16, chapter 7, Laws of 1983 as last amended by section 2, chapter 250, Laws of 1984 and RCW 88.02.030 are each amended to read as follows:

Vessel registration is required under this chapter except for the following:

- (1) Military or public vessels of the United States, except recreational-type public vessels;
- (2) Vessels owned 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 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 if the vessel is registered in accordance with the laws of the state in which the owner resides, but only to the extent that a similar exemption or privilege is granted under the laws of that state for vessels registered in this state: PROVIDED, That any vessel which is validly registered in another state 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 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 which have no propulsion machinery of any type or which are not used on waters subject to the jurisdiction of the United States or on the high seas beyond the territorial seas for vessels owned in the United States and are powered by propulsion machinery of less than ten horsepower;
- (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;
- (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
- (11) Vessels primarily engaged in commerce which are owned by a resident of a country other than the United States."

Renumber the sections consecutively.

MOTION

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

On page 2, line 30 of the amendment, strike "ten" and insert "twenty"

Debated ensued.

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

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

MOTION

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

On page 2, line 30 of the amendment, strike "of less than ten" and insert "of ten or less"

POINT OF INQUIRY

Senator Cantu: "Senator Bottiger, there's always a question and we had them when we discussed this in caucus. With this amendment of the exemptions, is a registration fee required for these boats that are exempted?"

Senator Bottiger: "No, Senator, the registration fee you're talking about for under sixteen feet is six dollars. It pays for a title. Boats under sixteen feet with less than ten or less horsepower engines will not have to pay six dollars, nor will they get a title. Now, there may be somebody that has a ten horsepower boat that would like to have a title to that boat so he can get bank financing. I'm sure he would be able to go down and do it by saying he wants to be licensed for an eleven horsepower, in case he bought one. There is an advantage in being registered and that is you can get financing for your boat and if it's stolen you've got some proof as to who owned it."

The President declared the question before the Senate to be adoption of the amendment by Senator Halsan, as amended.

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

MOTIONS

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

On page 1, line 1 of the title, after "82.49.010" insert "and 82.49.030"

On page 1, line 1 of the title, after "82.49.010" insert "and 88.02.030"

On page 1, line 1 of the title, after "82.49.010;" insert "adding a new section to chapter 82.49 RCW;"

On motion of Senator Bottiger, the rules were suspended. Engrossed Substitute Senate Bill No. 3157 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 Newhouse: "I may have missed this, Senator Bottiger, but does this bill, as drafted now, comply with Coast Guard requirements?"

Senator Bottiger: "Ed Wilson, who has been a staff member for many years--working for both caucuses--has told me he has gone all the way to Washington, D.C. to make sure that this is Coast Guard approved and would qualify us for any federal money, if there is still such a thing in existence."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3157.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3157 and the bill passed the Senate by the following vote: Yeas, 45; nays, 3; excused, 1.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senators Garrett, McDermott, Rinehart - 3.

Excused: Senator Bailey - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3157, having received the 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 eighth order of business.

MOTION

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

SENATE RESOLUTION 1985-35

by Senators DeJarnatt and Thompson

WHEREAS, Thousands of young people in all of our schools work exceptionally hard in striving for a reward much beyond that which is normally expected; and

WHEREAS, Men and women still not quite yet adults call upon themselves the substantial sacrifice of athletic preparation; and

WHEREAS, This same group of competitive basketball players and coaches overcame the adversity of few but stinging defeats to qualify for the state tournament challenge; and

WHEREAS, Only this squad of Mark Morris High School athletes could pin defeat on the record of a worthy Seattle opponent; and

WHEREAS, Mark Morris High School basketball players Craig Blume, Scott Brownrigg, Brian Frederickson, Scott Johnson, John Morrill, Mike Petersen, Mike Roberts, Mike Smith, Dan Stansbery, Dave Walling and Jeff Wright; head coach Dave Denny, assistant coaches Jon Fountain and Steve McCallum, and managers Bill Bird, Robin Haulk and Jim Struthers; cheerleaders, Laura Anderson, Karie Castleberry, Vickie Coplen, Michelle Madison, Susan Stronach; and mascot Catherine Crook won for their school the honor of the Washington State High School Boys' AA Basketball Championship;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate assembled in session, that we dedicate our esteem for not just the championship crown itself, but also, just as importantly, for the work behind the reward; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate is hereby directed to send copies of this Resolution to the members, coaches, managers, cheerleaders, and mascot of the championship team here named.

MOTION

At 11:15 a.m., on motion of Senator Vognild, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order at 2:14 p.m. by President Cherberg.

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

SECOND READING

SENATE JOINT MEMORIAL NO. 117, by Senators McDermott, Williams, Moore, Lee, Kreidler and Talmadge (by 1989 Washington Centennial Commission request)

Requesting the Federal government transfer ownership of the South Lake Union Naval Reserve Base.

MOTIONS

On motion of Senator Thompson, Substitute Senate Joint Memorial No. 117 was substituted for Senate Joint Memorial No. 117 and the substitute memorial was advanced to second reading and read the second time.

On motion of Senator Thompson, the rules were suspended, Substitute Senate Joint Memorial No. 117 was advanced to third reading, the second reading considered the third, and the memorial 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 Joint Memorial No. 117.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Joint Memorial No. 117 and the memorial passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner,

Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Benitz, Guess - 2.

Excused: Senator Bailey - 1.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 117, having received the constitutional majority, was declared passed.

SECOND READING

SENATE JOINT MEMORIAL NO. 122, by Senators Bottiger, McDonald, Bauer, Hayner, Zimmerman, McManus and Vognild

Asking Congress to grant state jurisdiction to regulate fireworks on federal enclaves.

The memorial was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, Senate Joint Memorial No. 122 was advanced to third reading, the second reading considered the third, and the memorial 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 Joint Memorial No. 122.

ROLL CALL

The Secretary called the roll on final passage of Senate Joint Memorial No. 122 and the memorial passed the Senate by the following vote: Yeas, 42; nays, 5; absent, 1; excused, 1.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Wojahn, Zimmerman - 42.

Voting nay: Senators Halsan, Owen, Stratton, Warnke, Williams - 5.

Absent: Senator Benitz - 1.

Excused: Senator Bailey - 1.

SENATE JOINT MEMORIAL NO. 122, having received the constitutional majority, was declared passed.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 114, by Senators Warnke, Newhouse, Vognild, Conner, Barr, Lee, Deccio, Cantu and Johnson (by Joint Select Committee on Workers' Compensation request)

Establishing the joint select committee on industrial insurance.

The resolution was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, Senate Concurrent Resolution No. 114 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. 114.

ROLL CALL

The Secretary called the roll on final passage of Senate Concurrent Resolution No. 114 and the resolution passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Benitz - 1.

Excused: Senator Bailey - 1.

SENATE CONCURRENT RESOLUTION NO. 114, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 3346, by Senators Fleming, McDermott, and Wojahn

Requiring affirmative action programs for in-state employment.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 3346 was substituted for Senate Bill No. 3346 and the substitute bill was advanced to second reading and read the second time.

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

On page 4, line 28, after "rules" insert "consistent with federal guidelines"

On motion of Senator Pullen, the following amendment by Senators Pullen, Zimmerman and Thompson was adopted:

On page 4, after line 31, insert the following:

"Sec. 2. Section 2, chapter 36, Laws of 1969 ex. sess. as last amended by section 1, chapter 75, Laws of 1983 1st ex. sess. and RCW 28B.16.020 are each amended to read as follows:

Unless the context clearly indicates otherwise, the words used in this chapter have the meaning given in this section.

(1) "Institutions of higher education" are the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges;

(2) "Board" means the higher education personnel board established under the provisions of RCW 28B.16.060;

(3) "Related boards" means the state board for community college education and the higher education personnel board; and such other boards, councils and commissions related to higher education as may be established;

(4) "Classified service" means all positions at the institutions of higher education subject to the provisions of this chapter;

(5) "Comparable worth" means the provision of similar salaries for positions that require or impose similar responsibilities, judgments, knowledge, skills, and working conditions;

(6) "Competitive service" means all positions in the classified service for which a competitive examination is required as a condition precedent to appointment;

(7) "Noncompetitive service" means all positions in the classified service for which a competitive examination is not required;

(8) "Management employees" mean those classified employees under this chapter specified as management by the higher education personnel board, but the board shall not go below range 49, as established in the October 1981 higher education personnel board compensation plan, or its equivalent range in a subsequent compensation plan publication;

(9) "Affirmative action" means a procedure by which racial minorities, women, persons in the protected age category, persons with disabilities, Vietnam-era veterans, and disabled veterans are provided with increased employment opportunities. It shall not mean any sort of quota system.

Sec. 3. Section 1, chapter 12, Laws of 1970 ex. sess. as last amended by section 4, chapter 75, Laws of 1983 1st ex. sess. and RCW 41.06.020 are each amended to read as follows:

Unless the context clearly indicates otherwise, the words used in this chapter have the meaning given in this section.

(1) "Agency" means an office, department, board, commission, or other separate unit or division, however designated, of the state government and all personnel thereof; it includes any unit of state government established by law, the executive officer or members of which are either elected or appointed, upon which the statutes confer powers and impose duties in connection with operations of either a governmental or proprietary nature.

(2) "Board" means the state personnel board established under the provisions of RCW 41.06.110, except that this definition does not apply to the words "board" or "boards" when used in RCW 41.06.070.

(3) "Classified service" means all positions in the state service subject to the provisions of this chapter.

(4) "Competitive service" means all positions in the classified service for which a competitive examination is required as a condition precedent to appointment.

(5) "Comparable worth" means the provision of similar salaries for positions that require or impose similar responsibilities, judgments, knowledge, skills, and working conditions.

(6) "Management employees" means those employees:

(a) Who are classified under this chapter and who are exempt employees under this chapter and have their salary and fringe benefits determined under RCW 41.06.070; and

(b) Who are specified as management by the state personnel board; but the board shall not go below range 49, as established in the October 1981 state personnel board compensation plan, or its equivalent range in a subsequent compensation plan publication.

(7) "Noncompetitive service" means all positions in the classified service for which a competitive examination is not required.

(8) "Department" means an agency of government that has as its governing officer a person, or combination of persons such as a commission, board, or council, by law empowered to operate the agency responsible either to (a) no other public officer or (b) the governor.

(9) "Career development" means the progressive development of employee capabilities to facilitate productivity, job satisfaction, and upward mobility through work assignments as well as education and training that are both state-sponsored and are achieved by individual employee efforts, all of which shall be consistent with the needs and obligations of the state and its agencies.

(10) "Training" means activities designed to develop job-related knowledge and skills of employees.

(11) "Director" means the director of personnel appointed under the provisions of RCW 41.06.130.

(12) "Affirmative action" means a procedure by which racial minorities, women, persons in the protected age category, persons with disabilities, Vietnam-era veterans, and disabled veterans are provided with increased employment opportunities. It shall not mean any sort of quota system.

NEW SECTION. Sec. 4. A new section is added to chapter 43.43 RCW to read as follows:

For the purposes of this chapter, "affirmative action" means a procedure by which racial minorities, women, persons in the protected age category, persons with disabilities, Vietnam-era veterans, and disabled veterans are provided with increased employment opportunities. It shall not mean any sort of quota system."

Renumber the sections consecutively and correct internal references accordingly.

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

On page 10, beginning on line 16, strike all of Section 7 and insert the following:

"NEW SECTION. Sec. 7. The commission in conjunction with the department of personnel, the higher education personnel board, or the state patrol, whichever is appropriate, shall attempt to resolve the noncompliance through conciliation. If an agreement is reached for the elimination of noncompliance, the agreement shall be reduced to writing and an order shall be issued by the commission setting forth the terms of the agreement. The noncomplying state agency, institution of higher education, or state patrol shall make a good faith effort to conciliate and make a full commitment to correct the noncompliance in accordance with sections (1)(20), 2(21), and 3(5) of this act."

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

On page 1, line 2 of the title, after "employment;" strike the remainder of the title and insert "amending RCW 28B.16.100, 28B.16.020, 41.06.020, 41.06.150, and 43.43.340; adding a new section to chapter 43.43 RCW; and adding a new chapter to Title 49 RCW."

MOTION

On motion of Senator Thompson, the rules were suspended, Engrossed Substitute Senate Bill No. 3346 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. 3346.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3346 and the bill passed the Senate by the following vote: Yeas, 40; nays, 7; absent, 1; excused, 1.

Voting yea: Senators Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Graniund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McDermott, McManus, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 40.

Voting nay: Senators Craswell, Johnson, McCaslin, McDonald, Metcalf, Newhouse, von Reichbauer - 7.

Absent: Senator Bender - 1.

Excused: Senator Bailey - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3346, having received the constitutional majority, 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. 3345, by Senators Fleming and McDermott

Requiring affirmative action plans for certain state contractors.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 3345 was substituted for Senate Bill No. 3345 and the substitute bill was advanced to second reading and read the second time.

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

On page 1, after line 19, add a new subsection as follows:

(1) "Affirmative action" means a procedure by which racial minorities, women, persons in the protected age category, persons with disabilities, Vietnam-era veterans, and disabled veterans are provided with increased employment opportunities. It shall not mean any sort of quota system.

Re-number the other subsections accordingly.

On motion of Senator Thompson, the rules were suspended, Engrossed Substitute Senate Bill No. 3345 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. 3345.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3345 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent, 1; excused, 1.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vogt, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senator McCaslin - 1.

Absent: Senator Newhouse - 1.

Excused: Senator Bailey - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3345, having received the 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. 3775 and the pending amendment by Senator McDermott on page 5, line 21, deferred earlier today.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator McDonald, the President finds that Substitute Senate Bill No. 3775 is a measure which extends from twenty days to ninety days the notice requirement for cancellation or nonrenewal of various insurance policies.

"The amendment proposed by Senator McDermott allows a person who becomes unemployed to continue to be covered by an existing group policy for 180 days if the unemployed person chooses to continue to pay for such a policy.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment was ruled out of order.

MOTION

Senator Deccio moved that the following amendment by Senators Deccio, Wojahn, Johnson, McCaslin, Moore, Bottiger, Vogt, Saling, Metcalf, McDermott and Warnke be adopted:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section .18.29, chapter 79, Laws of 1947 as last amended by section 7, chapter 110, Laws of 1982 and RCW 48.18.290 are each amended to read as follows:

(1) Cancellation by the insurer of any policy which by its terms is cancellable at the option of the insurer, or of any binder based on such policy, may be effected as to any interest only upon compliance with either or both of the following:

(a) Written notice of such cancellation must be actually delivered or mailed to the insured or to his or her representative in charge of the subject of the insurance not less than ((twenty)) forty-five days prior to the effective date of the cancellation except for cancellation of insurance policies for nonpayment of premiums, which notice shall be not less than ten days prior to such date and except for cancellation of fire insurance policies under chapter 48.53 RCW, which notice shall not be less than five days prior to such date:

(b) Like notice of not less than ((twenty)) forty-five days must also be so delivered or mailed to each mortgagee, pledgee, or other person shown by the policy to have an interest in any loss which may occur thereunder.

(2) The mailing of any such notice shall be effected by depositing it in a sealed envelope, directed to the addressee at his or her last address as known to the insurer or as shown by the insurer's records, with proper prepaid postage affixed, in a letter depository of the United States post office. The insurer shall retain in its records any such item so mailed, together with its envelope, which was returned by the post office upon failure to find, or deliver the mailing to, the addressee.

(3) The affidavit of the individual making or supervising such a mailing, shall constitute prima facie evidence of such facts of the mailing as are therein affirmed.

(4) The portion of any premium paid to the insurer on account of the policy, unearned because of the cancellation and in amount as computed on the pro rata basis, must be actually paid to the insured or other person entitled thereto as shown by the policy or by any endorsement thereon, or be mailed to the insured or such person as soon as possible, and no later than ((thirty)) forty-five days after the date of notice of cancellation to the insured for homeowners', dwelling fire, and private passenger auto. Any such payment may be made by cash, or by check, bank draft, or money order.

(5) This section shall not apply to contracts of life or disability insurance without provision for cancellation prior to the date to which premiums have been paid.

Sec. 2. Section 19, chapter 241, Laws of 1969 ex. sess. as amended by section 6, chapter 199, Laws of 1979 ex. sess. and RCW 48.18.291 are each amended to read as follows:

(1) No contract of insurance predicated wholly or in part upon the use of a private passenger automobile shall be terminated by cancellation by the insurer until at least twenty days after mailing written notice of cancellation to the named insured at the latest address filed with the insurer by or on behalf of the named insured, accompanied by the reason therefor: PROVIDED, That where cancellation is for nonpayment of premium, or is within the first thirty days after the contract has been in effect, at least ten days notice of cancellation, accompanied by the reason therefor, shall be given: PROVIDED HOWEVER, That in case of a contract evidenced by a written binder which has been delivered to the insured, if such binder contains a clearly stated expiration date, no additional notice of cancellation or nonrenewal shall be required.

(2) (a) No notice of cancellation by the insurer as to a contract of insurance to which subsection (1) applies shall be valid if sent more than sixty days after the contract has been in effect unless:

(i) The named insured fails to discharge when due any of his or her obligations in connection with the payment of premium for the policy or any installment thereof, whether payable directly to the insurer or to its agent or indirectly under any premium finance plan or extension of credit.

(ii) The driver's license of the named insured, or of any other operator who customarily operates an automobile insured under the policy, has been under suspension or revocation during the policy period or, if the policy is a renewal, during its policy period or the one hundred eighty days immediately preceding the effective date of the renewal policy.

(b) Modification by the insurer of automobile physical damage coverage by the inclusion of a deductible not exceeding one hundred dollars shall not be deemed a cancellation of the coverage or of the policy.

(3) The substance of subsections (1) and (2)(a) of this section must be set forth in each contract of insurance subject to the provisions of subsection (1) above, and may be in the form of an attached endorsement.

(4) No notice of cancellation of a policy which can be canceled only pursuant to subsection (2) shall be effective unless the reason therefor accompanies or is included in the notice of cancellation.

Sec. 3. Section 20, chapter 241, Laws of 1969 ex. sess. as last amended by section 17, chapter 339, Laws of 1981 and RCW 48.18.292 are each amended to read as follows:

(1) Each insurer shall be required to renew any contract of insurance subject to RCW 48.18.291 unless one of the following situations exists:

(a) The insurer gives the named insured at least ~~((twenty))~~ forty-five days' notice in writing as provided for in RCW 48.18.291(1), that it proposes to refuse to renew the insurance contract upon its expiration date; and sets forth therein the actual reason for refusing to renew; or

(b) At least ~~((twenty))~~ forty-five days prior to its expiration date, the insurer has communicated its willingness to renew in writing to the named insured, and has included therein a statement of the amount of the premium or portion thereof required to be paid by the insured to renew the policy, including the amount by which the premium or deductibles have changed from the previous policy period, and the date by which such payment must be made, and the insured fails to discharge when due his obligation in connection with the payment of such premium or portion thereof; or

(c) The insured's agent or broker has procured other coverage acceptable to the insured prior to the expiration of the policy period.

(2) Renewal of a policy shall not constitute a waiver or estoppel with respect to grounds for cancellation which existed before the effective date of such renewal.

(3) "Renewal" or "to renew" means the issuance and delivery by an insurer of a contract of insurance replacing at the end of the contract period a contract of insurance previously issued and delivered by the same insurer, or the issuance and delivery of a certificate or notice extending the term of a contract beyond its policy period or term: PROVIDED, HOWEVER, That any contract of insurance with a policy period or term of six months or less whether or not made continuous for successive terms upon the payment of additional premiums shall for the purpose of RCW 48.18.291 through 48.18.297 be considered as if written for a policy period or term of six months: PROVIDED, FURTHER, That any policy written for a term longer than one year or any policy with no fixed expiration date, shall, for the purpose of RCW 48.18.291 through 48.18.297, be considered as if written for successive policy periods or terms of one year.

(4) On and after January 1, 1980, no policy of insurance subject to RCW 48.18.291 shall be issued for a policy period or term of less than six months.

(5) No insurer shall refuse to renew the liability and/or collision coverage of an automobile insurance policy on the basis that an insured covered by the policy of the insurer has submitted one or more claims under the comprehensive, road service, or towing coverage of the policy. Nothing in this subsection shall prohibit the nonrenewal of comprehensive, road service, or towing coverage on the basis of one or more claims submitted by an insured.

NEW SECTION. Sec. 4. A new section is added to chapter 48.18 RCW, to be codified as RCW 48.18.290, to read as follows:

(1) Each insurer shall be required to renew any contract of insurance subject to RCW 48.18.290 unless one of the following situations exists:

(a) The insurer gives the named insured at least forty-five days' notice in writing as provided for in RCW 48.18.290, that it proposes to refuse to renew the insurance contract upon its expiration date; and sets forth therein the actual reason for refusing to renew; or

(b) At least forty-five days prior to its expiration date, the insurer has communicated its willingness to renew in writing to the named insured, and has included therein a statement of the amount of the premium or portion thereof required to be paid by the insured to renew the policy, including the amount by which the premium or deductibles have changed from the previous policy period, and the date by which such payment must be made, and the insured fails to discharge when due his obligation in connection with the payment of such premium or portion thereof; or

(c) The insured's agent or broker has procured other coverage acceptable to the insured prior to the expiration of the policy period.

(2) Renewal of a policy shall not constitute a waiver or estoppel with respect to grounds for cancellation which existed before the effective date of such renewal, or with respect to cancellation of fire policies under chapter 48.53 RCW.

(3) "Renewal" or "to renew" means the issuance and delivery by an insurer of a contract of insurance replacing at the end of the contract period a contract of insurance previously issued and delivered by the same insurer, or the issuance and delivery of a certificate or notice extending the term of a contract beyond its policy period or term: PROVIDED, HOWEVER, That any contract of insurance with a policy period or term of six months or less whether or not made continuous for successive terms upon the payment of additional premiums shall for the purpose of RCW 48.18.290 and 48.18.293 through 48.18.295 be considered as if written for a policy period or term of six months: PROVIDED, FURTHER, That any policy written for a term longer than one year or any policy with no fixed expiration date, shall, for the purpose of RCW 48.18.290 and 48.18.293 through 48.18.295, be considered as if written for successive policy periods or terms of one year.

Sec. 5. Section 2, chapter 95, Laws of 1967 ex. sess. as amended by section 22, chapter 241, Laws of 1969 ex. sess. and RCW 48.18.295 are each amended to read as follows:

Nothing in RCW ~~((48.18.291))~~ 48.18.290 through 48.18.297 shall be construed to prevent the cancellation or nonrenewal of any such insurance where:

(1) Such cancellation or nonrenewal is ordered by the commissioner under a statutory delinquency proceeding commenced under the provisions of chapter 48.31 RCW, or

(2) Permission for such cancellation or nonrenewal has been given by the commissioner on a showing that the continuation of such coverage can reasonably be expected to create a condition in the company hazardous to its policyholder, or to its creditors, or to its members, subscribers, or stockholders, or to the public.

Sec. 6. Section 23, chapter 241, Laws of 1969 ex. sess. as amended by section 6, chapter 32, Laws of 1983 1st ex. sess. and RCW 48.18.296 are each amended to read as follows:

~~((+))~~ The provisions of RCW 48.18.291 through 48.18.297 shall not apply to:

~~((a))~~ (1) Contracts of insurance issued under the assigned risk plan; and

~~((b))~~ ~~Contracts of insurance, other than combination homeowners and vehicle insurance policies, providing principally general casualty or property insurance with only incidental additional vehicle insurance; and~~

~~(c)~~ ~~Contracts of insurance insuring more than four motor vehicles; and~~

~~((d))~~ (2) Any policy covering garage, automobile sales agency, repair shop, service station, or public parking place operation hazards.

NEW SECTION. Sec. 7. This act applies to all new or renewal policies issued or renewed after the effective date of this act. This act shall not apply to or affect the validity of any notice of cancellation mailed or delivered prior to the effective date of this act. This act shall not be construed to affect cancellation of a renewal policy, if notice of cancellation is mailed or delivered within forty-five days after the effective date of this act. This act shall not be construed to require notice, other than that already required, of intention not to renew any policy which expires less than forty-five days after the effective date of this act.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

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

On page 11, line 29 of the amendment, after "institutions", strike all language after "and" and add the following: "shall take effect July 1, 1985."

POINT OF INQUIRY

Senator Rasmussen: "Senator Deccio, on my automobile, I have liability insurance and on my homeowners I have some coverage, but on my property I have other liability insurance. Why can't I buy one umbrella policy that would carry my liability?"

Senator Deccio: "You can buy an auto policy, you can buy a homeowners, you can buy another liability and you can, also, buy an umbrella liability policy."

Senator Rasmussen: "Oh, you can?"

Senator Deccio: "The companies have not presented policies which deal with all of those coverages, because they are different in what they do and I don't think you would really want to buy your homeowners, your auto and everything together, because if they cancelled one, then you have the whole thing cancelled and I don't think you would want that to happen."

Senator Rasmussen: "I wish you would give me a sample umbrella policy. I want to see what's under the umbrella. Thank you."

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

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

The President declared the question before the Senate to be adoption of the amendment by Senator Deccio, Wojahn, Johnson, McCaslin, Moore, Bottiger, Vognil, Saling, Metcalf, McDermott and Warnke, as amended.

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

MOTION

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

On page 1, line 1 of the title, after "notices," strike the remainder of the title and insert "amending RCW 48.18.290, 48.18.291, 48.18.292, 48.18.295, and 48.18.296; adding a new section to chapter 48.18 RCW; creating a new section; and declaring an emergency."

On page 1, line 2, after "48.18.296" insert "and creating an effective date"

MOTION

On motion of Senator Deccio, the rules were suspended. Engrossed Substitute Senate Bill No. 3775 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. 3775.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3775 and the bill passed the Senate by the following vote: Yeas, 44; absent, 4; excused, 1.

Voting yea: Senators Barr, Bauer, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vogtild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Bender, Benitz, Guess, Sellar - 4.

Excused: Senator Bailey - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3775, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4109, by Senators Moore, Williams and Goltz

Regulating the interception of telephone communications.

MOTIONS

On motion of Senator McDonald, Senators Benitz and Kiskaddon were excused.

On motion of Senator Williams, Substitute Senate Bill No. 4109 was substituted for Senate Bill No. 4109 and the substitute bill was advanced to second reading and read the second time.

Senator McManus moved that the following amendments by Senators McManus and Moore be considered simultaneously and adopted:

On page 1, line 12, after "corporation" strike everything down to and including "(2)" on line 20

On page 1, line 25, strike all of subsection (3)

Debate ensued.

POINT OF INQUIRY

Senator Pullen: "Senator McManus, I'm a little concerned about striking subsection (3). I guess my concern is that subsection (3), presently, says 'that nothing contained in this bill will require the utilization of an automated tone warning device, in the case of a wire tap or other form of monitoring that is used by law enforcement and is otherwise lawful.' I'm a little concerned that by striking this subsection the courts may read some particular action into that striking and with that language then being omitted from the bill, it's possible that someone could interpret the action as meaning that you have to have an automated beeper when we're listening in to some organized crime official with a court order and otherwise through lawful means.

"I can understand what you're trying to do in the first part of the amendment, but now that you've combined the first part and the second part as one amendment, I'm a little worried that there's going to be an adverse impact on law enforcement with respect to the second part of your amendment."

Senator McManus: "Senator Pullen, I anticipated that question and I checked with Marty Brown, our caucus attorney, and he told me that in no way is that amendment interfering with any law enforcement procedure. In fact, it is desirable and necessary to put that amendment into this bill just to make sure that we're not interfering with law enforcement and their law enforcement procedures. As I see it, it's a technical matter."

Further debate ensued.

PARLIAMENTARY INQUIRY

Senator Newhouse: "Mr. President, are we still addressing the amendment or are we on final passage?"

REPLY BY THE PRESIDENT

President Cherberg: "It addresses the two amendments."

Senator Newhouse: "That's what I thought and I wanted to say that I think it's a bad bill, but maybe these two amendments will improve it a little bit."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senators McManus and Moore.

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

MOTION

On motion of Senator Williams, the rules were suspended, Engrossed Substitute Senate Bill No. 4109 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. 4109.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4109 and the bill passed the Senate by the following vote: Yeas, 26; nays, 19; absent, 1; excused, 3.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarmatt, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 26.

Voting nay: Senators Barr, Bluechel, Cantu, Craswell, Deccio, Fleming, Guess, Hayner, Johnson, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Saling, Sellar, Stratton, Zimmerman - 19.

Absent: Senator Garrett - 1.

Excused: Senators Bailey, Benitz, Kiskaddon - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4109, having received the constitutional majority, 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. 3418, by Senators Peterson, Guess, Bottiger, Benitz, Kreidler, Johnson, Hansen, Talmadge, Vognild, Goltz, Wojahn, Warnke and Conner

Modifying provisions on the retail sale of motor vehicle fuels.

The bill was read the second time.

MOTIONS

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

On page 2, beginning on line 29, strike all of New Section 5 and renumber the remaining sections accordingly and correct internal references.

Senator Peterson moved that the following amendment be adopted:

On page 1, line 18, after "corporation," strike all material down to and including "outlets" on line 20 and insert: "who or which is engaged in the refining of crude oil into fuels, lubricants, petro-chemicals, or other products, and who or which supplies motor fuel for sale, consignment, or distribution through retail outlets. For purposes of this chapter, 'motor fuel supplier' does not include any person, firm or corporation, including an affiliate of the person, firm, or corporation, who or which has less than three hundred twenty-five thousand barrels of operating capacity per calendar day, as reported to the federal department of energy."

Debate ensued.

POINT OF INQUIRY

Senator Sellar: "Senator Peterson, do I understand this amendment right then-- that a company-owned station would not be allowed to sell gas, but a 7-11 would? Is that what this amendment does?"

Senator Peterson: "That's not exactly right. It takes them out from under the umbrella of what the ultimate effect of the bill would do."

Senator Sellar: "7-11 will continue to do just what they're doing now, but the service station across the street could not, if they were company owned?"

Senator Peterson: "That's right, if they were company owned as of the effective date of the act."

Senator Sellar: "And if they both have refineries, one can do it and one can't?"

Senator Peterson: "The capacity is listed in the bill--two hundred and twenty-five thousand gallons, which covers Centex, which covers Southland and covers Time and those that have had the major concern with the bill."

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

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

PARLIAMENTARY INQUIRY

Senator Guess: "Mr. President were you going to bump the bill? I have some amendments for the bill and I just received them. If you don't mind, I'd like to put this down for at least one bill."

REMARKS BY SENATOR PETERSON

Senator Peterson: "The bill has been on the calendar for a week, Senator. I object to putting it down. If there are amendments, you can offer them in the House. I think the time to move it through here is now."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, we've tried to use the rule of fairness. We're going to use it one more time, Senator Guess, but that should have been circulated and turned in so that everybody had a chance to look at it."

Senator Guess: "I thought there was going to be a meeting at 1:00 o'clock and I would have an opportunity to talk about it at that time and then there was a Rules Committee meeting, so I didn't get a chance to receive the amendments."

MOTION

On motion of Senator Vognild, further consideration of Senate Bill No. 3418 was deferred.

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 Senate Bill No. 3478, deferred on third reading earlier today.

MOTIONS

On motion of Senator Kreidler, the rules were suspended, Substitute Senate Bill No. 3478 was returned to second reading and read the second time.

On motion of Senator Kreidler, the following amendment by Senators Kreidler and Deccio was adopted:

On page 2, beginning on line 34, after "days." strike all material down to and including "review." on page 3, line 1

MOTION

On motion of Senator Granlund, the rules were suspended, Engrossed Substitute Senate Bill No. 3478 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. 3478.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3478 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Decchio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalfe, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senator Pullen - 1.

Excused: Senators Bailey, Benitz, Kiskaddon - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3478, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

There being no objection, the Senate resumed consideration of Senate Bill No. 3418, deferred on second reading earlier today.

MOTION

Senator Guess moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Motor fuel franchise" means any oral or written contract, either expressed or implied, between a motor fuel supplier and motor fuel retailer under which the motor fuel retailer is supplied motor fuel for sale to the public, and includes any agreements between a motor fuel supplier and motor fuel retailer under which the retailer is permitted to occupy premises owned, leased or controlled by the supplier for the purpose of engaging in the retail sale of motor fuel supplied by the motor fuel supplier.

(2) "Motor fuel supplier" means any person, firm or corporation, including any affiliate of the person, firm or corporation, (a) engaged in the refining of crude oil into motor fuel, or (b) who sells motor fuel to any motor fuel retailer for resale.

(3) "Motor fuel retailer" means a person, firm or corporation engaged in the sale of motor fuel at retail outlets.

(4) "Motor fuel" means gasoline, gasohol or diesel fuel or other fuels of a type distributed for use in self-propelled motor vehicles.

(5) "Affiliate" means any person, firm or corporation who controls or is controlled by any motor fuel supplier, and includes any subsidiary or affiliated corporation in which the motor fuel supplier or its shareholders, officers, agents or employees hold or control more than twenty-five percent of the voting shares.

(6) "Retail outlet" means any service station or similar location where motor fuel is sold and delivered into vehicles.

(7) "Controlled outlet" means a retail outlet operated by a motor fuel supplier for the motor fuel supplier's own account utilizing employees or agents of the motor fuel supplier or an affiliate, or under a contract with any person, firm or corporation managing any such retail outlet pursuant to a fee or other arrangement with the motor fuel supplier.

NEW SECTION. Sec. 2. (a) A motor fuel supplier shall not offer changes or additions to a motor fuel franchise for the purpose of preventing the renewal of the franchise with the motor fuel retailer.

(b) A motor fuel supplier shall not terminate or fail to renew a motor fuel franchise for the purpose of converting the premises occupied by the motor fuel retailer to a controlled outlet.

(c) If the motor fuel supplier decides to sell its interest in the service station premises leased to a motor fuel retailer, the motor fuel supplier must either make a bona fide offer to sell its interest in the premises to the motor fuel retailer or, if applicable, offer the motor fuel retailer a right of first refusal of at least 45 days' duration. This provision shall not apply in the case of withdrawal from a market area, i.e., an area no smaller than a standard metropolitan statistical area (SMSA).

NEW SECTION. Sec. 3. (a) No marketer of motor fuel with the intent and effect of injuring or destroying competition shall advertise, offer to sell or sell motor fuel at retail at less than the cost to such marketers.

(b) No marketer of motor fuel shall discriminate in price between different purchasers of motor fuel of like grade and quality at the same level of distribution where the effect of such discrimination is to injure or destroy competition; provided, however, that nothing contained herein shall prevent price differentials based on differences in the cost of transportation or marketing, or in the quantities of motor fuel sold.

(c) It is not a violation of this Act where any price below cost or any discriminatory price is established in good faith to meet the equally low price of a competitor or is charged to any federal, state or local government or subdivision or department thereof.

NEW SECTION. Sec. 4. Following the death of a motor fuel retailer and notwithstanding the terms of any motor fuel franchise, the motor fuel supplier, in the case of leased marketing premises, shall enter into a new motor fuel franchise with the designee of the motor fuel retailer on the terms and conditions then generally being extended by the motor fuel supplier to similarly situated motor fuel retailers if:

(a) prior to his or her death, the motor fuel retailer notifies the motor fuel supplier in writing of his or her designee, who must be the surviving spouse or adult child of the motor fuel retailer;

(b) at the time of the motor fuel retailer's death, the designated surviving spouse or adult child meets the qualification then required by the motor fuel supplier for its motor fuel retailers; and

(c) within fourteen (14) days following the motor fuel retailer's death, the designee enters into a new motor fuel franchise with the motor fuel supplier on the terms and conditions then generally being extended by the motor fuel supplier to similarly situated motor fuel retailers.

Until the designee enters into a new motor fuel franchise as provided in subsection (c) of this section, the motor fuel supplier shall be entitled to possession of the marketing premises.

NEW SECTION. Sec. 5. (a) Any person found in an action brought in the courts of this state to have been injured or damaged as a result of a violation of this Act shall be entitled to actual or compensatory damages.

(b) Except as provided in subsection (c) of this section, in any action alleging a violation of section 2 or 4 of this Act, the court shall grant a preliminary injunction if:

(1) the motor fuel retailer shows -

(a) the motor fuel franchise to which he is a party has been terminated and not renewed, and

(b) there exists sufficiently serious questions going to the merits to make such questions a fair ground for litigation; and

(2) the court determines that, on balance, the hardships imposed upon the motor fuel supplier by the issuance of such preliminary injunctive relief will be less than the hardship which would be imposed upon the motor fuel retailer if such preliminary injunctive relief were not granted.

(c) Nothing in this subsection shall prevent any court from requiring the motor fuel retailer in any action under subsection (b) of this section to post a bond, in an amount established by the court, prior to the issuance or continuation of any equitable relief.

(d) The court need not grant an injunction under subsection (b) of this section if it determines that such relief has not been sought in a timely and expeditious manner.

(e) The court, in making a award under this section, may also award court costs and reasonable attorneys' fees to the prevailing party.

NEW SECTION. Sec. 6. No suit shall be brought under this Act unless commenced within one year after the cause of action accrued.

NEW SECTION. Sec. 7. The Senate Transportation Committee and the House Trade and Economic Development Committee, jointly shall study and prepare a report, with recommendations, on the practices in the motor fuel supply business in respect to pricing, distribution processes, unfair business practices on leases and accessories, and any other aspects of the motor fuel supply business within the state. The committees shall have provided its report to the governor and the legislature prior to the convening of the 1986 regular session of the legislature.

NEW SECTION. Sec. 8. If any provision of this Act or its application to any person or circumstance is held invalid, the remainder of the Act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 9. Sections 1 through 6 of this Act shall constitute a new chapter in Title 19 RCW.

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 July 1, 1985.

Debate ensued.

POINT OF ORDER

Senator Talmadge: "Mr. President, a point of order. I believe the amendment offered by Senator Guess expands the scope and object of the bill. I believe that Senate Bill 3418, as it is before us, is a bill of divorcement dealing with the prohibition on manufacturer-owned service stations. The proposed amendment by Senator Guess deals with the regulation of the relationship between motor fuel suppliers and sellers and I believe, for that reason, the amendment expands the scope and object of the bill."

Further debate ensued.

MOTION

On motion of Senator Vognild, further consideration of Senate Bill No. 3418 was deferred.

President Pro Tempore Goltz assumed the chair.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 3516 and the pending amendment by Senators DeJarnatt, Gaspard and Thompson on page 2, line 10, deferred earlier today.

MOTION

On motion of Senator Pullen, and there being no objection, the point of order on the amendment to page 2, line 10, to Substitute Senate Bill No. 3516 was withdrawn.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senators DeJarnatt, Gaspard and Thompson.

MOTIONS

On motion of Senator Pullen, the following amendments by Senators Pullen, Gaspard and DeJarnatt to the amendment were considered simultaneously and adopted:

On line 4 of the amendment, after "a", insert "one year" and after "renewable" on line 5, insert "only once"

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

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

MOTION

Senator Craswell moved that the following amendment by Senators Craswell and Gaspard be adopted:

On page 2, line 13, after "act" insert: "and any program or programs which may be implemented pursuant to this act shall not be interpreted as part of the state's responsibility of basic education."

Debate ensued.

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

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

MOTIONS

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

On page 1, on line 1 of the title, after "languages:" insert "amending RCW 28A.67.020:"

On motion of Senator Gaspard, the rules were suspended, Engrossed Substitute Senate Bill No. 3516 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 Bauer, I'm kind of curious as to why Spanish and Japanese were selected? Maybe some of the proponents could speak to that. That wasn't mentioned in any of the remarks we just heard. I assume Japanese is selected because it's one of our far east trading partners, but we don't trade much with Spain or Mexico—at least not out of this state, yet, one out of every four citizens in the world is from China. We've just gotten a delegation here recently that showed our trade with China was starting to expand dramatically. If the idea is to make us more of a Pacific Rim country, it seems to me the languages we ought to be including in here are Chinese and Japanese, not Japanese and Spanish. I'm a little puzzled by that. Maybe some of the proponents could shed some light on that."

Senator Bauer: "Senator Pullen, the committee made up of thirteen citizens and four legislators debated it considerably and felt that Chinese would be great--which of the dialects do we teach? Japanese was a little bit more, probably, teachable or understandable language. We are doing a lot of business with Japan right now. We may do more with China in the future and at that time, this legislature will be back every year. It can put on another pilot program--work those other languages.

"Spanish is the language of the Philippines and some of the other Pacific Rim countries and all of our neighbors to the south--so those two languages were picked. There's one other spot that the SPI can pick other than Spanish and Japanese--one pilot program--if it's the desire to use Chinese, that will be up to the SPI, but they report back to us and then, at that time, we'll decide whether it's a worthwhile program to start these programs in the elementary school and that's what this is targeted for."

POINT OF INQUIRY

Senator Stratton: "Senator Bauer, I guess my question to you--I've asked before. If we pass this bill which says 'the Superintendent may grant funds.' It goes on to say 'that they shall establish a procedure and they shall evaluate and that they shall report back to the legislature before January 1988.' Just what do we have if we pass this bill with no money attached to it?"

Senator Bauer: "We have implementation subject to appropriation of funds and I think that before we leave here in a few weeks that we're going to pick high priority areas that are not too expensive that may have a long reach in terms of improving our total educational program in this state. I think this is one of them. It isn't expensive and it will yield great returns in the future, but is something that we can intelligently look at in a couple three years in terms of a priority that we might want to pursue on a more consistent long-term uniform base in the schools. It gives us a little education in a couple two, three years on what is the potential we have out there and what the cost might be and then we can set that priority later.

"I think you could ask the same question, Senator Stratton, of every education bill we passed, every water bond bill we passed, every social and health service bill, every prison or corrections bill--we could ask that this session of all of those bills. We believe from the Education Committee, and you are on it and support it--and from the study committees that education should have a high priority and we're making our pitch for that priority among the other priorities that we will be pitching, also."

Senator Stratton: "Thank you very much, Senator Bauer. I agree with most everything that you said, however, in the Governor's press conference statement of March 19, he states that we have made a decision not to drive the cost forward, so I'm wondering if you are taking that into consideration?"

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3516.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3516 and the bill passed the Senate by the following vote: Yeas, 33; nays, 12; absent, 1; excused, 3.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kreidler, Lee, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 33.

Voting nay: Senators Barr, Cantu, Craswell, Deccio, Guess, Hayner, McCaslin, Metcalf, Pullen, Saling, Sellar, Stratton - 12.

Absent: Senator Wojahn - 1.

Excused: Senators Bailey, Benitz, Kiskaddon - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3516, having received the 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. 3418 and the pending striking amendment by Senator Guess, deferred earlier today.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Talmadge, the President finds that Senate Bill No. 3418 is a measure dealing with practices in the motor fuel supply business including pricing, distribution, leases and other aspects of the business within our state.

"The amendment proposed by Senator Guess also deals with essentially the same business practices of motor fuel supply in our state.

"The President, therefore, finds that the proposed amendment does not change 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.

Senator Peterson 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 Guess.

ROLL CALL

The Secretary called the roll and the motion by Senator Guess failed and the amendment was not adopted by the following vote: Yeas, 8; nays, 36; absent, 2; excused, 3.

Voting yea: Senators Bluechel, Cantu, Guess, McCaslin, McDonald, Patterson, Sellar, Zimmerman - 8.

Voting nay: Senators Barr, Bauer, Bender, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McDermott, McManus, Metcalf, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vogtild, von Reichbauer, Warnke, Williams, Wojahn - 36.

Absent: Senators Garrett, Newhouse - 2.

Excused: Senators Bailey, Benitz, Kiskaddon - 3.

MOTION

On motion of Senator Peterson, the rules were suspended, Engrossed Senate Bill No. 3418 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 Sellar: "Senator Peterson, in my previous question, I asked about the Southland Corporation and Senator Bottiger said we had to take care of the little people. I'm not sure that Southland is really little. As I understand it, if I was driving out Martin Way, now, and I went by the 7-11 Store--under this bill, the way it's amended--they would continue to sell gas just like they are. A couple of blocks up the road, there's an ARCO PM-AM--I deal with an independent dealer, because I prefer that--but under this bill, what would happen to that gas station?"

Senator Peterson: "By 1988, ARCO would have to divest their interest in that station. They would no longer be in competition with the independent retailer."

Senator Sellar: "Aren't the two stores quite similar?"

Senator Peterson: "They probably are, but they are certainly not both large refineries."

Senator Sellar: "But one's in and one's out?"

Senator Peterson: "Well, the large refinery is out."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3418.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3418 and the bill passed the Senate by the following vote: Yeas, 34; nays, 11; absent, 1; excused, 3.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kreidler, Lee, McDermott, McManus,

Metcalfe, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 34.

Voting nay: Senators Bluechel, Cantu, Craswell, Guess, Hayner, McCaslin, McDonald, Pullen, Saling, Sellar, Zimmerman - 11.

Absent: Senator Garrett - 1.

Excused: Senators Bailey, Benitz, Kiskaddon - 3.

ENGROSSED SENATE BILL NO. 3418, having received the constitutional majority, 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. 3234, by Senators Hansen, Barr, Bauer, Bailey, Goltz, Newhouse, Benitz and Patterson

Providing funds for noxious weed control.

The bill was read the second time.

MOTIONS

Senator Hansen moved that the following Committee on Ways and Means amendment be adopted:

On page 2, line 14, after "created" strike " a fund outside the general fund" and insert "an account outside the treasury"

On motion of Senator Bottiger, the following amendment to the committee amendment was adopted:

On line 3 of the amendment before "the treasury" strike "outside" and insert "in"

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 Hansen carried and the committee amendment, as amended, was adopted.

MOTIONS

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

On page 2, line 16, after "are" strike "not"

Senator Bottiger moved that the following amendment be adopted:

On page 2, line 33, after "director" insert ": PROVIDED, That the first \$50,000 collected in each county pursuant to this 1985 amendatory act shall remain in the county from which it was collected"

Debate ensued.

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

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

MOTION

On motion of Senator Hansen, the rules were suspended, Engrossed Senate Bill No. 3234 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued. The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3234.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3234 and the bill passed the Senate by the following vote: Yeas, 28; nays, 19; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Goltz, Granlund, Guess, Hansen, Hayner, Johnson, McDermott, McDonald, McManus, Metcalfe, Newhouse, Patterson, Peterson, Rinehart, Sellar, Thompson, Vognild, Warnke, Zimmerman - 28.

Voting nay: Senators Bender, Cantu, Craswell, Garrett, Gaspard, Halsan, Kreidler, Lee, McCaslin, Moore, Owen, Pullen, Rasmussen, Saling, Stratton, Talmadge, von Reichbauer, Williams, Wojahn - 19.

Excused: Senators Benitz, Kiskaddon - 2.

ENGROSSED SENATE BILL NO. 3234, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3723, by Senator McDermott

Relating to local government.

MOTIONS

On motion of Senator Lee, Substitute Senate Bill No. 3723 was substituted for Senate Bill No. 3723 and the substitute bill was advanced to second reading and read the second time.

Senator Lee moved the following amendment be adopted:

On page 2, line 11, following "equipping" delete all underlined material through line 22 and insert "stadium capital improvement projects to include, but not limited to a stadium restaurant facility, restroom facilities, artificial turf system, seating facilities, parking facilities and scoreboard and information system adjacent to or within a county owned stadium, together with equipment, utilities, accessories and appurtenances necessary thereto, and to pay for any engineering, planning, financial, legal and professional services incident to the development and operation of such stadium capital improvement projects. The stadium restaurant authorized by this subsection (2)(b) shall be operated by a private concessionaire under a contract with the county."

POINT OF INQUIRY

Senator Talmadge: "Senator Lee, is it your intention, by your amendment, to exclude the possibility that King County will use this state tax money for the purpose of constructing certain facilities known as sky loges in the King Dome?"

Senator Lee: "It is not my intention to exclude any kind of additional improvements that might be beyond those that are listed here."

Further debate ensued.

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

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

PARLIAMENTARY INQUIRY

Senator Talmadge: "Mr. President, I believe that the amendment that Senator Rinehart and I would like to offer is more restrictive than the amendment offered by Senator Lee and, therefore, its consideration would be in order, notwithstanding the adopting of the Lee amendment."

REPLY BY THE PRESIDENT

President Cherberg: "Senator Talmadge, the President believes that the Senate has already made its decision. If you want to introduce the amendment, they can vote it up or down."

MOTION

Senator Talmadge moved that the following amendment by Senators Talmadge and Rinehart be adopted:

On page 2, line 11, following "equipping" delete all underlined material through line 22 and insert "stadium capital improvement projects to include stadium restaurant facility, restroom facilities, artificial turf system, seating facilities, parking facilities and scoreboard and information system adjacent to or within a county owned stadium, together with equipment, utilities, accessories and appurtenances necessary thereto, and to pay for any engineering, planning, financial, legal and professional services incident to the development and operation of such stadium capital improvement projects. The stadium restaurant authorized by this subsection (2)(b) shall be operated by a private concessionaire under a contract with the county."

PARLIAMENTARY INQUIRY

Senator Newhouse: "Mr. President, I would contend that Senators Talmadge and Rinehart should have put up an amendment to the amendment striking, but not limited to, if they wanted to accomplish the purpose and they are precluded now, by the adoption of the Lee amendment."

REPLY BY THE PRESIDENT

President Cherberg: "Senator Talmadge and members of the Senate, the President believes that Senator Newhouse has a good point."

Further debate ensued.

MOTIONS

On motion of Senator Talmadge, and there being no objection, the amendment was withdrawn.

On motion of Senator Zimmerman, Senator Craswell was excused.

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute Senate Bill No. 3723 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. 3723.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3723 and the bill passed the Senate by the following vote: Yeas, 34; nays, 9; absent, 3; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Decchio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Lee, McDermott, McDonald, McManus, Newhouse, Owen, Patterson, Peterson, Saling, Stratton, Thompson, Vognild, Warnke, Zimmerman - 34.

Voting nay: Senators Kreidler, McCaslin, Metcalf, Pullen, Rasmussen, Rinehart, Sellar, Talmadge, Williams - 9.

Absent: Senators Moore, von Reichbauer, Wojahn - 3.

Excused: Senators Benitz, Craswell, Kiskaddon - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3723, having received the constitutional 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 5:28 p.m. on motion of Senator Vognild, the Senate recessed until 6:25 p.m.

EVENING SESSION

The Senate was called to order at 6:25 p.m. by President Cherberg.

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

MESSAGES FROM THE HOUSE

March 19, 1985

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 379,

SUBSTITUTE HOUSE BILL NO. 1003,

HOUSE BILL NO. 1004,

HOUSE BILL NO. 1009,

SUBSTITUTE HOUSE BILL NO. 1012,

SUBSTITUTE HOUSE BILL NO. 1013,

SUBSTITUTE HOUSE BILL NO. 1102,

SUBSTITUTE HOUSE BILL NO. 1122,

SUBSTITUTE HOUSE BILL NO. 1143,

SUBSTITUTE HOUSE BILL NO. 1153,

SUBSTITUTE HOUSE BILL NO. 1190,

SUBSTITUTE HOUSE BILL NO. 1232,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1234,

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 16, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

March 19, 1985

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 808,
 SUBSTITUTE HOUSE BILL NO. 843,
 SUBSTITUTE HOUSE BILL NO. 848,
 SUBSTITUTE HOUSE BILL NO. 877,
 ENGROSSED HOUSE BILL NO. 914,
 HOUSE BILL NO. 949,
 SUBSTITUTE HOUSE BILL NO. 956,
 HOUSE BILL NO. 1000,
 HOUSE BILL NO. 1002,
 SUBSTITUTE HOUSE BILL NO. 1060,
 HOUSE JOINT RESOLUTION NO. 23, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

March 19, 1985

Mr. President:

The House has passed:

HOUSE BILL NO. 10,
 SUBSTITUTE HOUSE BILL NO. 39,
 SUBSTITUTE HOUSE BILL NO. 84,
 SUBSTITUTE HOUSE BILL NO. 103,
 SECOND SUBSTITUTE HOUSE BILL NO. 141,
 SUBSTITUTE HOUSE BILL NO. 163,
 SUBSTITUTE HOUSE BILL NO. 187,
 SUBSTITUTE HOUSE BILL NO. 190,
 SUBSTITUTE HOUSE BILL NO. 197,
 SUBSTITUTE HOUSE BILL NO. 205,
 SUBSTITUTE HOUSE BILL NO. 270,
 SUBSTITUTE HOUSE BILL NO. 297,
 SECOND SUBSTITUTE HOUSE BILL NO. 356,
 SUBSTITUTE HOUSE BILL NO. 380,
 HOUSE BILL NO. 392,
 HOUSE BILL NO. 405,
 HOUSE BILL NO. 419,
 SUBSTITUTE HOUSE BILL NO. 469,
 SUBSTITUTE HOUSE BILL NO. 481,
 SUBSTITUTE HOUSE BILL NO. 482,
 SUBSTITUTE HOUSE BILL NO. 545,
 SUBSTITUTE HOUSE BILL NO. 566,
 SUBSTITUTE HOUSE BILL NO. 594,
 SUBSTITUTE HOUSE BILL NO. 612,
 HOUSE BILL NO. 643,
 HOUSE BILL 670,
 SUBSTITUTE HOUSE BILL NO. 712,
 ENGROSSED HOUSE BILL NO. 718,
 ENGROSSED HOUSE BILL NO. 723,
 SUBSTITUTE HOUSE BILL NO. 732,
 SUBSTITUTE HOUSE BILL NO. 744,
 HOUSE BILL NO. 747, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

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

SECOND READING

SENATE BILL NO. 4110, by Senator Talmadge (by Superintendent of Public Instruction request)

Authorizing the superintendent of public instruction to contract with the office of administrative hearings.

The bill was read the second time.

MOTION

On motion of Senator Gaspard, the rules were suspended, Senate Bill No. 4110 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. 4110.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4110 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Benitz, Craswell, Kiskaddon - 3.

SENATE BILL NO. 4110, having received the constitutional majority, 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. 4142, by Senator Gaspard (by State Board of Education request)

Revising laws regulating the organization of school districts.

The bill was read the second time.

MOTION

On motion of Senator Gaspard, the rules were suspended, Senate Bill No. 4142 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: "At the present time, Senator Gaspard, it is a committee formed in the local county? Is that correct?"

Senator Gaspard: "That's correct."

Senator Rasmussen: "Then when you vote a regional, you're going to deprive the local people, who know the situation, of their input and really take away somebody that's not even in the school district who would be making decisions on the boundary lines and I think it's important you keep that at the local level."

Senator Gaspard: "The bill, currently reads that 'the regional committee shall consist of no fewer than seven or no more than nine members' and they are elected by the majority of the votes cast by the school board members of the school districts in that ESD district. So, you're still going to have local people within that ESD making that decision."

POINT OF INQUIRY

Senator Lee: "Senator Gaspard, I notice our digest shows there's a fiscal note available. I just wondered if you could tell us what kind of fiscal impact that this will have since the ESDs themselves are financed--some directly by the state and some by contributions from the school districts, but in either case, now, with most of the funding for schools coming from the state, I'm just curious as to what kind of effect that's going to have, even though it may be minimal?"

Senator Gaspard: "The fiscal note points out that there is actually an overall savings in the bill, because of the reduced meetings of all the county reorganization committees."

Senator Lee: "I expected that, but do you have any kind of figure or estimates of the amount?"

Senator Gaspard: "All they have is a note down here that I can share with you. They don't identify any costs involved but they do have a note that indicates what I

just mentioned that there would be a savings among all the meetings of the county."

Senator Lee: "I think we're just as interested in savings as we are in the other. Thank you for your response."

POINT OF INQUIRY

Senator Barr: "Senator Gaspard, my question is--I notice in the explanation of it here where they talk about district organization, what was the testimony in committee? What are they talking about on district organization? Immediately after that, they talk about new school districts. That kind of language kind of makes you wonder? Would you explain that?"

Senator Gaspard: "Primarily, you're dealing with school district disputes on boundary lines and petitions among neighborhoods to petition to leave one school district and go into another school district."

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4142.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4142 and the bill passed the Senate by the following vote: Yeas, 39; nays, 7; excused, 3.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Saling, Stratton, Talmadge, Thompson, Vogndild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 39.

Voting nay: Senators Barr, Cantu, McDonald, Metcalf, Pullen, Rasmussen, Sellar - 7.

Excused: Senators Benitz, Craswell, Kiskaddon - 3.

SENATE BILL NO. 4142, having received the constitutional majority, 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. 4119, by Senator Barr

Modifying provisions relating to weed control.

MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 4119 was substituted for Senate Bill No. 4119 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Bender, Senator Wojahn was excused.

Senator McCaslin moved that the following amendment be adopted:

On page 11, after line 29, insert a new subsection as follows:

"(6) The enforcement provisions of this section shall not apply to non-agricultural property or to property zoned other than agricultural."

Debate ensued.

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

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

On motion of Senator Hansen, the rules were suspended, Substitute Senate Bill No. 4119 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 Hansen, I'm looking at page 5 which says, 'provided further that the land owners owning more than one parcel are entitled to one vote, corporations, partnerships, associations, communes.' Communes--do you have communes over there in eastern Washington?"

Senator Hansen: "Yes, we've got a few of them up there in the brush."

Senator Rasmussen: "Well, it's nice that you give them a vote. My question is--doesn't this violate the one-man one-vote provision of the Constitution?"

Senator Hansen: "I really don't think so. In the irrigation districts, we have different modes, so acreage is figured in--taking an urban area where it's a county weed board and the weed board can be controlled strictly with urban voters. We have to have the ability of people that know what insecticides, pesticides, hoeing or plowing is. To get rid of these weeds, we have to pretty much be sure that there are people on that board that have the ability to know the best way to handle it."

Senator Rasmussen: "Thank you. Your answer convinces me, yes, you're trying to maintain the control where you want it, which is your business. The other question I have is--'within sixty day from initial employment, the weed coordinator shall obtain a pest control consultant's license.' Is this the fellow that is going to be doing the spraying?"

Senator Hansen: "As a rule, the weed board hires a coordinator and an applicator and he has to be dual licensed to be able to handle the insecticides, pesticides--"

Senator Rasmussen: "That's why I'm wondering, Senator. You're going to give them sixty days to get a license and up to the time he gets his license he can be making applications and you don't know if he should be licensed."

Senator Hansen: "No, that's not so. When they hire him, they hire him far enough ahead that he has sixty days to get his license to prove that he is qualified. In our area, any farmer, himself, that uses these materials has to have an applicator's license and the man that sells the material to him has to have a consultant license."

Senator Rasmussen: "You're sure he doesn't do anything for sixty days?"

Senator Hansen: "That's right."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4119.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4119 and the bill passed the Senate by the following vote: Yeas, 42; nays, 3; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 42.

Voting nay: Senators Cantu, Pullen, Rasmussen - 3.

Excused: Senators Benitz, Craswell, Kiskaddon, Wojahn - 4.

SUBSTITUTE SENATE BILL NO. 4119, having received the constitutional majority, 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. 3911, by Senators Fleming, McDermott, Bailey, Vognild, McManus and Kreidler

Providing for increased opportunity for affordable housing for low and moderate income persons.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 3911 was substituted for Senate Bill No. 3911 and the substitute bill was advanced to second reading and read the second time.

Senator Deccio moved that the following amendment be adopted:

On page 1, line 11 after "granted" insert "except that the governing body under which the authority has been established shall retain the ultimate right to grant the authority any of the powers listed herein"

Debate ensued.

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

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

MOTIONS

On motion of Senator Bender, Senator Warnke was excused.

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

On page 6, after line 1, insert

"(18) Within the geographic boundaries of a public development authority a housing authority shall use the public development authority as the developer for new construction and for development of existing buildings."

On motion of Senator Thompson, the rules were suspended, Engrossed Substitute Senate Bill No. 3911 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. 3911.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3911 and the bill passed the Senate by the following vote: Yeas, 39; nays, 5; excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McManus, Melcalif, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Zimmerman - 39.

Voting nay: Senators Cantu, McDonald, Pullen, Saling, Sellar - 5.

Excused: Senators Benitz, Craswell, Kiskaddon, Warnke, Wojahn - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3911, having received the 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 Vognild, Senate Bill No. 3003, Senate Bill No. 3137 and Senate Joint Resolution No. 105, which were on the second reading calendar, were referred to the Committee on Rules.

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

MOTION

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

SENATE RESOLUTION 1985-39

by Senators Hansen, Barr, Fleming, Bailey and Zimmerman

WHEREAS, Agriculture is the number one industry in Washington State; and
WHEREAS, 350,000 citizens are employed by the agriculture industry; and
WHEREAS, Of the 38,000 farms in Washington State, 25,000 have sales less than \$20,000 per year; and

WHEREAS, \$1.2 billion worth of Washington agricultural products are exported each year; and

WHEREAS, Washington State agriculture is worth more than \$3 billion before it ever leaves the farm, \$5 billion in processing and another \$6 billion in forest products; and

WHEREAS, Washington State ranks first in the nation in the production of apples, sweet cherries, hops, spearmint oil, lentils, red raspberries and dry edible peas; and

WHEREAS, The diversity of the Washington State agriculture industry must be promoted through world wide marketing; and

WHEREAS, Farmers across the state and across the nation are facing hard economic times; and

WHEREAS, The business of agriculture affects every living person; and

WHEREAS, Governor Booth Gardner has proclaimed March 20, 1985 as AG DAY;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate salutes the Agriculture industry, from producer to consumer, and encourages every citizen to recognize the strength and excellence of farming in Washington.

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 10 by Representative Dellwo

Returning a regular driver's license to certain persons.

Referred to Committee on Transportation.

SHB 39 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Lux, Winsley, Zellinsky, Prince and P. King)

Making miscellaneous changes to the insurance code.

Referred to Committee on Financial Institutions.

SHB 84 by Committee on Ways and Means (originally sponsored by Representative Grimm)

Authorizing school districts to self-fund their employees' loss of time and health benefits.

Referred to Committee on Ways and Means.

SHB 103 by Committee on State Government (originally sponsored by Representatives Sommers, Belcher, Hankins, Braddock, Zellinsky, Smitherman, Kremen, B. Williams, Schoon, Long, Jacobsen, Winsley, Ballard, Fisch, Hastings, Isaacson, Basich, Taylor, Dellwo, van Dyke, Doty, May, Crane, Betrozoff, Silver and Unsoeld)

Requiring compensation of public employees to be established in open public meetings.

Referred to Committee on Governmental Operations.

2SHB 141 by Committee on Ways and Means (originally sponsored by Representatives Ebersole, Betrozoff, Cole, Holland, Valle, Schoon, Walker, Long, Hastings, P. King, Tanner, Isaacson, van Dyke, Dobbs, May and Crane) (by Superintendent of Public Instruction request)

Providing for a tenth grade achievement test.

Referred to Committee on Education.

SHB 163 by Committee on Social and Health Services (originally sponsored by Representatives Leonard, Allen, Walk, Brekke, Barrett, Jacobsen, Cole, R. King, Walker, Valle, Fisch, Winsley, Braddock, Kremen, Bond, Van Loven, K. Wilson, G. Nelson, Ballard, May, Holland, Hankins, Tanner, Miller, Brough, Silver, Tilly, Basich and Taylor)

Restricting the issuance of drivers' licenses to persons evaluated as alcohol or drug abusers.

Referred to Committee on Human Services and Corrections.

SHB 187 by Committee on Transportation (originally sponsored by Representatives Madsen, Sommers and Walk)

Allowing counties to make state-authorized improvements to state highways.

Referred to Committee on Transportation.

SHB 190 by Committee on Commerce and Labor (originally sponsored by Representatives Wang, Patrick and Ballard) (by Department of Licensing request)

Revising provisions relating to escrow agents.

Referred to Committee on Commerce and Labor.

SHB 197 by Committee on Social and Health Services (originally sponsored by Representatives Brekke, Lewis, Braddock, Sanders, Sayan and Isaacson) (by Department of Social and Health Services request)

Providing for adjustment of nursing home rates for energy retrofiting.

Referred to Committee on Human Services and Corrections.

SHB 205 by Committee on Ways and Means (originally sponsored by Representatives Lux, Winsley and Zellinsky) (by Department of Licensing request)

Authorizing a limited offering exemption to the securities act.

Referred to Committee on Financial Institutions.

SHB 270 by Committee on Social and Health Services (originally sponsored by Representatives Locke, Brooks, Lux, Allen, Fisch, Niemi, Wang, Appelwick, Brough, Belcher and D. Nelson)

Certifying the practice of acupuncture.

Referred to Committee on Human Services and Corrections.

SHB 297 by Committee on Agriculture (originally sponsored by Representatives Jacobsen, Appelwick, Niemi, Vekich, Prince, Ballard, Todd, Unsoeld, Locke, D. Nelson, Baugher, Rayburn, Isaacson, Fisher and Lux)

Establishing standards for organic food products.

Referred to Committee on Agriculture.

2SHB 356 by Committee on Ways and Means (originally sponsored by Representatives Brekke, Lewis, B. Williams, Braddock, Brooks and Armstrong) (by Department of Social and Health Services request)

Changing provisions relating to reimbursement for social and health services.

Referred to Committee on Human Services and Corrections.

ESHB 379 by Committee on Local Government (originally sponsored by Representatives O'Brien, Smitherman, Jacobsen, Patrick, Haugen and Tilly)

Revising LID laws.

Referred to Committee on Governmental Operations.

SHB 380 by Committee on Environmental Affairs (originally sponsored by Representative Grimm)

Requiring the department of ecology to adopt rules and regulations to preclude flood damage.

Referred to Committee on Parks and Ecology.

HB 392 by Representatives Baugher, Belcher, O'Brien and Hankins (by Department of General Administration request)

Repealing the laws requiring the purchase by the state of fuel produced in this state.

Referred to Committee on Governmental Operations.

HB 405 by Representatives Baugher and Belcher (by Department of General Administration request)

Repealing provisions relating to state purchases of foreign-made items.

Referred to Committee on Governmental Operations.

HB 419 by Representatives Leonard, Miller and P. King (by Secretary of State request)

Establishing custody and access to voter registration records.

Referred to Committee on Judiciary.

SHB 469 by Committee on Social and Health Services (originally sponsored by Representatives Lux, Lewis, Leonard, Armstrong, Hine, Barrett and Unsoeld)

Updating definitions used in naturopathic medicine.

Referred to Committee on Human Services and Corrections.

SHB 481 by Committee on Social and Health Services (originally sponsored by Representatives Brekke, Ballard and Lewis) (by Department of Licensing request)

Authorizing the director of licensing to appoint temporary members of licensing boards.

Referred to Committee on Human Services and Corrections.

SHB 482 by Committee on Social and Health Services (originally sponsored by Representatives Brekke, Ballard and Lewis) (by Department of Licensing request)

Revising provisions relating to licensing of health care assistants.

Referred to Committee on Human Services and Corrections.

SHB 545 by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Fisher, Barnes, Fisch, Locke, Miller, Sanders and P. King) (by Secretary of State request)

Permitting voters to deposit their own ballots in the ballot box.

Referred to Committee on Judiciary.

SHB 566 by Committee on Higher Education (originally sponsored by Representative Sommers)

Changing provisions relating to higher education tuition and fees.

Referred to Committee on Education.

SHB 594 by Committee on Social and Health Services (originally sponsored by Representatives Tanner, Long and Sayan)

Establishing plans for institutional industries and requiring purchase of products from institutional industries.

Referred to Committee on Human Services and Corrections.

SHB 612 by Committee on State Government (originally sponsored by Representatives Belcher, Hankins and Unsoeld) (by Secretary of State request)

Adding an appointee of the director of financial management to the records committee.

Referred to Committee on Governmental Operations.

HB 643 by Representative Grimm (by Office of Financial Management request)

Permitting direct billing of employers for payments to the public employees' retirement system.

Referred to Committee on Ways and Means.

HB 670 by Representatives Basich and Hargrove

Changing salmon troll license provisions.

Referred to Committee on Natural Resources.

SHB 712 by Committee on Commerce and Labor (originally sponsored by Representative Sutherland)

Permitting claimants to review their industrial insurance files.

Referred to Committee on Commerce and Labor.

EHB 718 by Representatives Todd, Barnes, Crane, Allen, Vekich, Nutley and Winsley

Clarifying taxation and assessments provisions pertaining to mobile homes.

Referred to Committee on Ways and Means.

EHB 723 by Representatives Armstrong and D. Nelson

Modifying provisions relating to B & O tax on persons disposing of radioactive waste.

Referred to Committee on Ways and Means.

SHB 732 by Committee on Social and Health Services (originally sponsored by Representatives Leonard, Appelwick, Allen, D. Nelson, Walker, Scott, Patrick, Basich, Jacobsen, Lux, Winsley, Wineberry and Holland) (by Pharmacy Board request)

Revising the controlled substances act.

Referred to Committee on Human Services and Corrections.

SHB 744 by Committee on Energy and Utilities (originally sponsored by Representatives Isaacson, D. Nelson, Todd, Barnes, Sutherland and Long)

Authorizing the Pacific Northwest Electric Power and Conservation Planning Council to implement the Northwest Conservation and Electric Power Plan.

Referred to Committee on Energy and Utilities.

HB 747 by Representatives Locke, Dellwo, Crane, Tilly, Padden, Scott, Sanders, Niemi, McMullen and Appelwick) (by Attorney General request)

Extending the attorney general's authority to investigate crimes.

Referred to Committee on Judiciary.

EHB 808 by Representatives Appelwick, Rust and Sommers

Providing for the property tax valuation of destroyed property which is replaced.

Referred to Committee on Ways and Means.

SHB 843 by Committee on Agriculture (originally sponsored by Representatives Bristow, Nealey, Fuhrman and Bond)

Modifying provisions relating to livestock.

Referred to Committee on Agriculture.

SHB 848 by Committee on Judiciary (originally sponsored by Representatives K. Wilson, Armstrong, Scott, P. King, Lewis, Allen, Leonard, S. Wilson, Tanner, Ebersole, J. Williams and Long)

Requiring the department of corrections to notify certain people of the disposition of inmates convicted of violent offenses.

Referred to Committee on Judiciary.

SHB 877 by Committee on Judiciary (originally sponsored by Representative Dellwo)

Changing provisions relating to adoptions.

Referred to Committee on Judiciary.

- EHB 914 by Representatives Appelwick and Grimm
 Modifying the distribution of timber taxes.
 Referred to Committee on Ways and Means.
- HB 949 by Representatives D. Nelson, Unsoeld and Isaacson (by Washington State Energy Office request)
 Establishing alternative procedures for municipalities to enter into performance-based contracts for energy equipment and services.
 Referred to Committee on Energy and Utilities.
- SHB 956 by Committee on Local Government (originally sponsored by Representatives Locke and Hine)
 Relating to the powers of local government in relation to federal grants and programs.
 Referred to Committee on Governmental Operations.
- HB 1000 by Representatives Appelwick, Hastings, Prince, Zellinsky, G. Nelson, Bond, J. Williams, Sanders, Isaacson and May (by Department of Revenue request)
 Exempting trade-in property of like kind from use taxation.
 Referred to Committee on Ways and Means.
- HB 1002 by Representatives Appelwick and Hastings (by Department of Revenue request)
 Modifying the business and occupation tax exemption for persons selling through direct seller's representatives.
 Referred to Committee on Ways and Means.
- SHB 1003 by Committee on Ways and Means (originally sponsored by Representative Appelwick) (by Department of Revenue request)
 Modifying administrative provisions on excise taxes.
 Referred to Committee on Ways and Means.
- HB 1004 by Representatives Appelwick and Hastings (by Department of Revenue request)
 Authorizing the director of revenue to administer certain estates having escheat property.
 Referred to Committee on Ways and Means.
- HB 1009 by Representatives Appelwick and Hastings (by Department of Revenue request)
 Modifying excise tax provisions.
 Referred to Committee on Ways and Means.
- SHB 1012 by Committee on Financial Institutions and Insurance (originally sponsored by Representative Lux) (by Department of Licensing request)
 Regulating commodities investments.
 Referred to Committee on Financial Institutions.
- SHB 1013 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives P. King, Addison and Prince) (by Insurance Commissioner request)
 Revising procedures governing acquisition of domestic insurers.
 Referred to Committee on Financial Institutions.

SHB 1060 by Committee on Ways and Means (originally sponsored by Representatives Appelwick, Hastings, Sommers and Tilly)

Modifying provisions on the taxation of food fish and shellfish.

Referred to Committee on Ways and Means.

SHB 1102 by Committee on Energy and Utilities (originally sponsored by Representatives Long, D. Nelson, Sutherland and Miller)

Changing provisions relating to utility deposits.

Referred to Committee on Energy and Utilities.

SHB 1122 by Committee on Agriculture (originally sponsored by Representatives Padden, Taylor and Bond)

Establishing an additional grass burning fee to fund smoke management.

Referred to Committee on Agriculture.

SHB 1143 by Committee on Education (originally sponsored by Representatives Cole, Betrozoff and Holland)

Changing certain requirements regarding public schools needs assessments.

Referred to Committee on Education.

SHB 1153 by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Fisher, Madsen, Barrett, Barnes, Miller, Vander Stoep, Betrozoff, Sanders, Hargrove, Wineberry and Brough) (by Secretary of State request)

Facilitating registration and voting by handicapped persons.

Referred to Committee on Judiciary.

SHB 1190 by Committee on Higher Education (originally sponsored by Representatives Peery, L. Smith, J. King and Tanner)

Changing provisions relating to the joint center for education.

Referred to Committee on Education.

SHB 1232 by Committee on Local Government (originally sponsored by Representatives Haugen and May)

Changing provisions relating to sewer and water district annexations.

Referred to Committee on Governmental Operations.

ESHB 1234 by Committee on Agriculture (originally sponsored by Representative Vekich)

Designating state agency responsibilities for agricultural market development programs and activities.

Referred to Committee on Agriculture.

SHJM 16 by Committee on Local Government (originally sponsored by Representatives Niemi, Armstrong, Valle, Brekke, Betrozoff, Rust, Unsoeld, Vekich, Wineberry, Miller, J. Williams and D. Nelson) (by Washington Centennial Commission request)

Requesting the federal government transfer ownership of the South Lake Union Naval Reserve Base.

Referred to Committee on Parks and Ecology.

HJR 23 by Representative Tanner

Authorizing ad valorem taxing districts for public improvements.

Referred to Committee on Governmental Operations.

MOTION

At 7:15 p.m., on motion of Senator Vognild, the Senate adjourned until 9:30 a.m., Thursday, March 21, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

SIXTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, March 21, 1985

The Senate was called to order at 9:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Benitz, Deccio, Goltz, Granlund and Williams. On motion of Senator Bender, Senator Granlund was excused. On motion of Senator von Reichbauer, Senator Benitz was excused.

The Sergeant at Arms Color Guard, consisting of Kelli Skeels and Matt Hilgendore, presented the Colors. Reverend Dan Secrist, pastor of the Faith Assembly Church of Lacey, offered the prayer.

MOTION

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

MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

March 12, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Lyle Smith, appointed March 12, 1985, for a term ending January 14, 1991, as a member of the Horse Racing Commission, succeeding Robert L. Mead.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

March 12, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Barbara Black, appointed March 12, 1985, for a term ending January 12, 1987, as a member of the Horse Racing Commission, succeeding Will Bachofner.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

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

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 4105 and the pending amendment by Senators Granlund, Johnson and Pullen on page 3, line 28, deferred March 18, 1985.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Talmadge, the President finds that Substitute Senate Bill No. 4105 is a measure dealing with the disclosure of information and records of mental patients who might pose a danger to other persons.

"The amendment proposed by Senators Granlund, Johnson and Pullen deals with confinement orders of sexual offenders.

"The President, therefore, finds that the proposed amendment does change 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 Talmadge, the following amendment by Senators Talmadge and Newhouse was adopted:

On page 3, beginning on line 9, strike all material down to and including line 16 and insert the following:

"(9) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure shall be made by the professional person in charge of the public or private agency or his or her designee and shall include the dates of admission, discharge, authorized or unauthorized absence from the agency's facility, and only such other information that is pertinent to the threat or harassment. The decision to disclose or not shall not result in civil liability for the agency or its employees so long as the decision was reached in good faith and without gross negligence."

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute Senate Bill No. 4105 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. 4105.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4105 and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vogmild, von Reichbauer, Warnke, Wojahn, Zimmerman - 45.

Absent: Senators Deccio, Williams - 2.

Excused: Senators Benitz, Granlund - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4105, having received the constitutional majority, 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. 3448, by Senators Gaspard, Bender, Kiskaddon, Stratton, Talmadge, Garrett, Fleming, Bauer, Rinehart, Warnke, Lee and Goltz

Providing for seismic safety in school buildings.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 3448 was substituted for Senate Bill No. 3448 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 3448 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. 3448.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3448 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vogmild, von Reichbauer, Warnke, Wojahn, Zimmerman - 46.

Absent: Senator Williams - 1.

Excused: Senators Benitz, Granlund - 2.

SUBSTITUTE SENATE BILL NO. 3448, having received the constitutional majority, 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. 3514, by Senators Bauer, Benitz, Goltz, Rasmussen, Peterson, Vognild, Bender, Saling, Zimmerman, Bailey, Lee and Johnson (by Temporary Committee on Educational Policies request)

Providing for cooperation among school districts and other entities for improved program opportunities and for exploration of new technologies.

MOTIONS

On motion of Senator Gaspard, Substitute Senate Bill No. 3514 was substituted for Senate Bill No. 3514 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Gaspard, the rules were suspended, Substitute Senate Bill No. 3514 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Guess: "Senator Bauer, I notice that this has got a five million, seven hundred thousand dollar cost to it."

Senator Bauer: "Forty-nine thousand dollars."

Senator Guess: "But, the appropriation has got to be the five million, seven hundred thousand dollars. Is the footnote wrong?"

Senator Bauer: "Apparently it is, forty-nine thousand, five hundred is still in the substitute bill."

Senator Guess: "I'm not as concerned, but I would like to know, does this bill, also, have the null and void clause in it?"

Senator Bauer: "These are just pilot programs and after those pilot programs are accomplished, there will be a report back to their effectiveness. The fiscal note--Senator Gaspard tells me is from the original bill and if you put in a full pledged program with almost no restrictions to it, that would be the impact. I, also, question the kinds of fiscal notes we get from the SPI anyway, because I have a little feeling that somehow or another certain agencies of this government tend to want to wag our dog's tail and by using fiscal notes, they help engineer philosophy around here and I resent that. I think some things we can do and we can do realistically with a lot less money and we should do those. I would certainly support your concern there, but the forty-nine thousand dollars is a way for us to field test this program."

Further debate ensued.

POINT OF INQUIRY

Senator Patterson: "Senator Bauer, I am not going to ask you a specific question, but I do want to talk about the philosophy that's expressed in that 5.7 million dollar appropriation and the reason why we would have to reimburse any school district if the coupon was used to go to some other school district? Why is it necessary to reimburse a school district that would be having several students that would use the coupon to go to another school district that offered a special program? I don't quite understand that. Don't they receive an appropriation at the beginning of the school year to conduct their programs? I don't know why we have to reimburse them. Could you explain that to me?"

Senator Bauer: "Yes, Senator Patterson, our notes indicate that receiving institutions--the facility in which the course is being taken--are authorized to redeem the coupon for the share of the state's per pupil cost at the student's own high school for that amount of time the student spent in class at the receiving institution. So, in other words, what we're hoping to do is--if another institution provides a program for that student, we will be able to assess--back at the institution where the student will not be attending then, because they have couponed themselves over into another institution. So, a student who has gone half a day to--like in your school district

there—let's say they're in a language program in one of the larger high schools or even community college, that student could be gone half a day for that program and that would be leveraged against the home-based institution."

Senator Patterson: "Is that because of the attendance requirement?"

Senator Bauer: "Yes. The money would follow the kids then, so to speak. Ultimately, that philosophy is one that I am sure you support. Senator--that we ought to look at developing programs for kids at wherever they are and let the kids attend those and don't let the barriers--buildings and district and grade levels and all--impede that student's opportunity to articulate through the program."

Senator Patterson: "Do we still reimburse a school district based upon the daily attendance?"

Senator Bauer: "Yes."

POINT OF INQUIRY

Senator Rasmussen: "Senator Guess, have you lost your camel? You were always telling me about that camel who got his nose in the tent and pretty soon he had the whole tent. I thought maybe you had lost it."

No answer.

POINT OF INQUIRY

Senator Rasmussen: "Senator Bauer, do they have any idea what school districts they are talking about where these students are going to take the electives? You've got forty-nine thousand dollars for programs in five school districts. How is that going to be spread around?"

Senator Bauer: "On limited pilot programs, Senator Rasmussen."

Senator Rasmussen: "So, if I've got ten kids in my school district and they want to go over to the the Seattle School District and they would say 'no, we can only take one,' so I'm depriving the other nine of their opportunity to move."

Senator Bauer: "Up to the utilization. We think, someday, this will prove itself to be a departure from our traditional, very expensive and restrictive ways--that boys and girls have opportunities and that some day someone might report back to us that we need more latitude in this area and we need more opportunity to give those other nine kids that opportunity. It's an experiment that's going on to some degree now, Senator Rasmussen--cooperation between community colleges and common schools. That's going on to a certain degree."

Senator Rasmussen: "I know community colleges have a big remedial program."

Senator Bauer: "Right, and what we're trying to do is to expand that. We have small school districts and the 3609 committee looked at consolidation and a number of things and backed off of that, of course. The idea that in small communities where programs are not quite offered in the high school like they are somewhere else--maybe that student could get that opportunity in one of the larger high schools or somewhere else and that's the opportunity we ought to explore."

MOTION

On motion of Senator von Reichbauer, Senator McCaslin was excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3514.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3514 and the bill passed the Senate by the following vote: Yeas, 36; nays, 10; excused, 3.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Conner, Decchio, DeJamat, Fleming, Garrett, Gaspard, Goltz, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 36.

Voting nay: Senators Barr, Cantu, Craswell, Guess, Hayner, Owen, Pullen, Rasmussen, Stratton, Wojahn - 10.

Excused: Senators Benitz, Granlund, McCaslin - 3.

SUBSTITUTE SENATE BILL NO. 3514, having received the constitutional majority, 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. 3782, by Senators Gaspard, Bender, Johnson, Stratton, Goltz and Conner (by Superintendent of Public Instruction request)

Establishing the Washington state honors award program.

The bill was read the second time.

MOTIONS

On motion of Senator Gaspard, the following Committee on Education amendment was adopted:

On page 2, line 8, after "The sum of" insert "forty-one thousand"

On motion of Senator Gaspard, the rules were suspended, Engrossed Senate Bill No. 3782 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 Gaspard, the description for the background for this bill says that this honors program would provide the means to recognize additional students, in other words, additional for the Washington State Scholars Program, who have achieved high levels of academic performance, and then of course, it is clearly to core subjects. In other words, it might, in fact, be someone who was very good in one of those core subjects, but not necessarily the overall high grade point average that is honored in the Washington Scholars Program. Is it your intent that Washington Scholars could also qualify for this or that this be an additional program?"

Senator Gaspard: "This is an additional program to the Washington Scholars Program. However, the students that are recognized as part of the Washington Scholars Program can also be recognized by this program. The difference between the two programs, of course, is the tuition and fee waiver for the Washington Scholars Program and this has no such waiver. It's basically a recognition from the State of Washington and the encouragement from the local communities that they have done outstanding academic work."

Senator Lee: "The reason I've raised this question is because it concerns me that even with the Washington Scholars, many of these young people truly are multiple awards and I just kind of like to see some of these awards spread a little bit more. Because of that--I'm not going to propose any kind of amendment now--but I think I might be talking to some people in the House under the Section 3 to have the Superintendent of Public Instruction to, at least, consider the degree and, at least, keep track of that, because if we find we are just presenting another award to somebody--in other words--the majority of these, in fact, also turn out to be Washington Scholars. I don't think we have really accomplished what you wished to accomplish with the bill."

Senator Gaspard: "Senator Lee, please keep in mind that the Washington Scholars program only affects three students in every legislative district and we're trying to recognize the top ten academic students, so even if we included all of the Washington Scholars, it would be a very small percentage of the students we're trying to recognize."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3782.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3782 and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vogtild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senator Stratton - 1.

Absent: Senator Deccio - 1.

Excused: Senators Benitz, Granlund, McCaslin - 3.

ENGROSSED SENATE BILL NO. 3782, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY THE PRESIDENT

The President announced the arrival of a new grandson for Senator Cantu on March 19, 1985.

PERSONAL PRIVILEGE

Senator Cantu: "A point of personal privilege, Mr. President. We were expecting a call any minute and I had left word with our office to send a message in as soon as the call came through as I wanted to know. I felt that it's important that I get down there. Without any fanfare or any notice, Senator Hayner came by and handed me a blank, blue piece of paper and I knew the event was here. Everybody's fine and I thank you very kindly. I appreciate the opportunity. Thank you, Mr. President."

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

REPORTS OF STANDING COMMITTEES

March 20, 1985

HB 12 Prime Sponsor, Representative Tilly: Expanding television reception improvement districts to include FM radio. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Benitz, Halsan, Kiskaddon, Kreidler, McCaslin, Saling, Stratton.

Passed to Committee on Rules for second reading.

March 20, 1985

HB 34 Prime Sponsor, Representative Smitherman: Modifying the regulation of water heater temperatures. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Benitz, Halsan, Kiskaddon, Kreidler, McCaslin, Saling, Stratton.

Passed to Committee on Rules for second reading.

March 20, 1985

EHB 281 Prime Sponsor, Representative Jacobsen: Authorizing limited regulation by the state of radio communications service companies. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Benitz, Halsan, Kiskaddon, Kreidler, McCaslin, Saling, Stratton.

Passed to Committee on Rules for second reading.

March 20, 1985

SHB 303 Prime Sponsor, Representative Gallagher: Redefining water company for purposes of utilities regulations. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Benitz, Halsan, Kiskaddon, Kreidler, McCaslin, Saling, Stratton.

Passed to Committee on Rules for second reading.

March 20, 1985

HB 310 Prime Sponsor, Representative Fisch: Permitting wagering under certain circumstances. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, Moore, Newhouse, Williams.

Passed to Committee on Rules for second reading.

March 20, 1985

HB 402 Prime Sponsor, Representative R. King: Authorizing nonprofit organizations to increase price of raffle tickets. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Moore, Newhouse.

Passed to Committee on Rules for second reading.

March 20, 1985

EHB 601 Prime Sponsor, Representative Nutley: Authorizing the advertisement of prices as including sales tax. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, Moore, Newhouse, Williams.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENT

March 19, 1985

GA 90 JANET L. RICE, to the position of Member of the Sentencing Guidelines Commission reappointed by the Governor on February 19, 1985, for the term ending August 2, 1987.
Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, McCaslin, Metcalf, Newhouse, Thompson, Williams.

Passed to Committee on Rules.

MOTION

At 10:24 a.m., on motion of Senator Bender, the Senate was declared to be at ease.

The President called the Senate to order at 11:35 a.m.

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

SECOND READING

SENATE BILL NO. 3619, by Senators Bauer, Benitz, Gaspard, Rasmussen, Lee, Bender, Guess and Sellar (by Temporary Committee on Educational Policies, Structure and Management request)

Providing data on costs of bilingual and remedial programs.

MOTIONS

On motion of Senator Gaspard, Substitute Senate Bill No. 3619 was substituted for Senate Bill No. 3619 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Gaspard, the rules were suspended, Substitute Senate Bill No. 3619 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. 3619.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3619 and the bill passed the Senate by the following vote: Yeas, 43; nays, 4; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vogt, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senators Barr, Craswell, McCaslin, Pullen - 4.

Excused: Senators Benitz, Granlund - 2.

SUBSTITUTE SENATE BILL NO. 3619, having received the 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 first order of business.

REPORT OF STANDING COMMITTEE

March 21, 1985

ESHB 386 Prime Sponsor, Representative Grimm: Adopting the supplemental budget. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Deccio, Fleming, Goltz, Moore, Rasmussen, Talmadge, Thompson, Warnke, Wojahn.

Hold.

MOTION

On motion of Senator Bottiger, the rules were suspended, Engrossed Substitute House Bill No. 386 was advanced to second reading and read the second time.

MOTIONS

Senator McDermott moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A supplemental budget as set forth in this act is hereby adopted and, subject to the provisions set forth in this act, the several amounts specified in this act, 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 designated 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, and making other appropriations.

PART I

GENERAL GOVERNMENT

Sec. 101. Section 2, chapter 76, Laws of 1983 1st ex. sess. as amended by section 101, chapter 285, Laws of 1984 (uncodified) is amended to read as follows:

FOR THE HOUSE OF REPRESENTATIVES

General Fund Appropriation \$ ~~((22,367,000))~~
27,035,000

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.

Sec. 102. Section 3, chapter 76, Laws of 1983 1st ex. sess. as amended by section 102, chapter 285, Laws of 1984 (uncodified) is amended to read as follows:

FOR THE SENATE

General Fund Appropriation \$ ~~((20,644,000))~~
23,044,000

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.

Sec. 103. Section 15, chapter 76, Laws of 1983 1st ex. sess. as amended by section 114, chapter 285, Laws of 1984 (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

General Fund Appropriation	\$	((6,685,000)) 6,734,000
General Fund—Archives and Records Management Account		
Appropriation	\$	1,310,000
Total Appropriation	\$	((7,995,000)) 8,044,000

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

(1) \$789,000 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: PROVIDED, That the secretary of state review, audit and approve as accurate the costs incurred by the counties.

(2) \$1,912,000 is provided solely to reimburse counties for the state's share of election costs attributable under RCW 29.13.045 to the 1983 special primary and vacancy election for the office of United States Senator: PROVIDED, That the secretary of state review, audit, and approve as accurate the costs incurred by the counties.

(3) \$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.

Sec. 104, Section 17, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS

General Fund Appropriation	\$	((124,000)) 133,000
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NEW SECTION, Sec. 105. FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund Appropriation	\$	20,939,000
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The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for deposit by the state treasurer in the common school construction fund at the direction of the director of financial management if and to the extent that the office of financial management determines that sufficient revenue is available to ensure that the state general fund ending balance is positive.

Sec. 106, Section 24, chapter 76, Laws of 1983 1st ex. sess. as amended by section 118, chapter 285, Laws of 1984 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF PERSONNEL

General Fund Appropriation	\$	60,000
Department of Personnel Service Fund Appropriation	\$	((8,753,000)) 8,813,000
State Employees' Insurance Fund Appropriation	\$	1,542,000
Total Appropriation	\$	((10,355,000)) 10,415,000

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

(1) \$45,000 from the department of personnel service fund is provided solely for a comparative study, jointly funded with the department of retirement systems and the higher education personnel board, of part-time employee policy and benefits. This study shall be directed to other states and representative private colleges and universities and private sector service-related enterprises as to their practices and policies for shared work, phased retirement, health care benefits, retirement allowances, and other related issues. A report shall be made to the legislature not later than December 21, 1984, containing findings and recommendations.

(2) \$60,000 of the general fund appropriation is provided solely for the department of personnel to conduct a study for the purpose of reviewing and formulating ways to implement comparable worth in accordance with chapter 75, Laws of 1983 1st ex. sess. The department shall coordinate the study with the higher education personnel board and its study on comparable worth implementation. During the course of the study, the department shall report to the joint select committee on comparable worth on the study's progress. The department shall report back to the legislature no later than January 1, 1985, with potential implementation alternatives.

(3) \$60,000 of the department of personnel service fund appropriation is provided solely for legal services for comparable worth litigation.

Sec. 107, Section 27, chapter 76, Laws of 1983 1st ex. sess. as amended by section 119, chapter 285, Laws of 1984 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

General Fund Appropriation	\$	((43,054,000)) 43,573,000
General Fund—State Timber Tax Reserve Account Appropriation	\$	2,851,000
Motor Vehicle Fund Appropriation	\$	115,000
Total Appropriation	\$	((46,020,000)) 46,539,000

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.

Sec. 108. Section 36, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE CEMETERY BOARD

General Fund—Cemetery Account Appropriation	\$	((74,000))
		86,000

Sec. 109. Section 37, chapter 76, Laws of 1983 1st ex. sess. as amended by section 126, chapter 285, Laws of 1984 (uncodified) is amended to read as follows:

FOR THE HORSE RACING COMMISSION

Horse Racing Commission Fund Appropriation	\$	((3,400,000))
		3,063,000

The appropriation in this section is subject to the following conditions and limitations:

(1) 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.

(2) \$15,076 is provided solely for special audit of Yakima Meadows costs.

PART II

HUMAN SERVICES

NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF CORRECTIONS

General Fund Appropriation—State	\$	277,601,000
General Fund—Institutional Impact Account Appropriation	\$	865,000
General Fund Appropriation—Federal	\$	700,000
General Fund—Charitable, Educational Penal and Reformatory Institutions Account Appropriation	\$	1,053,000
Total Appropriation	\$	280,219,000

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

(1) \$2,153,000 from the general fund appropriation is provided solely for the treatment alternatives to street crime programs in King, Pierce, Snohomish, Spokane, Clark, and Yakima counties.

(2) \$1,053,000 from the general fund charitable, educational penal and reformatory institutions account appropriation is provided solely for an environmental impact statement and design work for the McNeil Island ferry slip.

(3) It is the intent of the legislature that the appropriations in this section be spent as provided in this subsection. The department may spend money appropriated in this section in a manner other than as provided in this subsection only after notifying the ways and means committees of the senate and house of representatives of the planned deviation from this subsection. The amounts appropriated by this section and specified in this subsection represent the total spending authority for the department for the 1983-85 biennium and reflect the amounts previously appropriated to the department by the section repealed by section 202 of this act.

GENERAL FUND—

	STATE	TOTAL
COMMUNITY SERVICES		
Treatment Alternatives to Street Crime	2,153,000	2,153,000
Community Diversion	236,000	236,000
Crime Victims and Witness Notification	175,000	175,000
Probation and Parole	25,216,000	25,216,000
Intensive Parole	3,985,000	3,985,000
Work Release Facilities	20,612,000	20,612,000
State Directors Office	873,000	873,000
Subtotal	53,250,000	53,250,000
INSTITUTIONAL SERVICES		
Correctional Facilities Operations	205,571,000	206,271,000
McNeil Island Ferry Slip		1,053,000
Subtotal	205,571,000	207,324,000
ADMINISTRATION		
Headquarters	13,850,000	13,850,000
One Time Institutional Impact Claims		865,000
Subtotal	13,850,000	14,715,000
INSTITUTIONAL INDUSTRIES		
State Subsidy	4,930,000	4,930,000
Subtotal	4,930,000	4,930,000
Total	\$ 277,601,000	\$ 280,219,000

NEW SECTION, Sec. 202. Section 51, chapter 76, Laws of 1983 1st ex. sess., section 201, chapter 285, Laws of 1984 (uncodified) is repealed.

NEW SECTION, Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

General Fund Appropriation—State	\$	1,731,230,000
General Fund Appropriation—Federal	\$	1,250,585,000
General Fund Appropriation—Local	\$	5,394,000
General Fund Appropriation—State and Local Improvements Revolving Account—Water supply facilities: Appropriated pur- suant 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)	\$	20,000,000
General Fund Appropriation—State and Local Improvements Revolving Account—Water supply facilities: Appropriated pur- suant 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)—Reap- propriation	\$	21,826,000
General Fund—Institutional Impact Account Appropriation	\$	75,000
Total Appropriation	\$	3,029,110,000

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

(1) Up to \$992,000 of the juvenile rehabilitation institutional services funds may be expended to erect fences at Green Hill and Maple Lane schools.

(2) 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.

(a) The process implementing such medical criteria shall involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontradicted medical opinion must set forth clear and convincing reasons for doing so.

(b) Recipients of general assistance who remain otherwise eligible shall not have their benefits terminated absent a clear showing of material improvement in their medical or mental condition or specific error in the prior determination that found the recipient eligible by reason of incapacitation.

(3) The department of social and health services shall continue the program of aid to families with dependent children for two-parent families through June 30, 1985.

(4) \$289,000, of which \$261,000 is from the general fund—state appropriation, is provided solely to increase the safety and quality of care of children in level 2 and level 3 children's group homes.

(5) It is the intent of the legislature that the appropriations in this section be spent as provided in this subsection. The department may spend money appropriated in this section in a manner other than as provided in this subsection only after notifying the ways and means committees of the senate and house of representatives of the planned deviation from this subsection. The amounts appropriated by this section and specified in this subsection represent the total spending authority for the department for the 1983-85 biennium and reflect the amounts previously appropriated to the department by the sections repealed by section 204 of this act.

GENERAL FUND—

	STATE	TOTAL
JUVENILE REHABILITATION		
Community Services	25,210,000	25,264,000
Institutional Services	39,871,000	40,659,000
Program Support	2,395,000	2,395,000
Subtotal	67,476,000	68,318,000
MENTAL HEALTH		
Community Services	82,670,000	114,317,000
Institutional Services	107,981,000	112,311,000
Program Support	2,845,000	3,443,000
Special Projects	0	38,000
Subtotal	193,496,000	230,109,000
DEVELOPMENTAL DISABILITIES		
Community Services	51,318,000	96,862,000
Institutional Services	93,871,000	161,780,000
Program Support	3,857,000	4,441,000
Special Projects	315,000	1,506,000
Subtotal	149,361,000	264,589,000
LONG TERM CARE SERVICES		
Nursing Homes	162,484,000	322,831,000
Senior Citizens Services Act	14,112,000	14,112,000

	GENERAL FUND— STATE	TOTAL
Chore Services	18,977,000	46,695,000
Community Options Program	5,000,000	10,000,000
Older Americans Act	0	20,303,000
Adult Day Health	322,000	633,000
Nursing Home Discharge	31,000	31,000
Congregate Care	7,054,000	7,054,000
Adult Family Homes	2,663,000	2,663,000
Administration	5,930,000	10,714,000
Subtotal	216,573,000	435,036,000
INCOME ASSISTANCE		
Refugee Assistance	0	18,133,000
Aid to Families with Dependent Children—Regular	235,435,000	494,292,000
Aid to Families with Dependent Children—Employable	23,199,000	46,398,000
Supplemental Security Income Payments	39,721,000	39,721,000
General Assistance—Unemployable	65,227,000	65,683,000
General Assistance—Pregnant Women	3,425,000	3,425,000
Consolidated Emergency Assistance	4,424,000	8,848,000
Burial Assistance	2,768,000	2,768,000
Employment and Training Services	990,000	1,871,000
Work Incentive Program	279,000	2,788,000
Subtotal	375,468,000	683,927,000
COMMUNITY SOCIAL SERVICES		
Domestic Violence Program	1,128,000	1,128,000
Foster Care Payments	35,557,000	40,917,000
Child Care Payments	11,047,000	13,805,000
Adoption Support Services	4,309,000	5,388,000
Family Reconciliation Services	1,925,000	2,970,000
Interim Care	8,553,000	9,749,000
Alcoholism Grants	11,299,000	14,927,000
Detoxification	5,749,000	6,268,000
Substance Abuse Grants	3,892,000	9,072,000
Congregate Care	8,554,000	8,554,000
Refugee Services	0	3,800,000
Subtotal	92,013,000	116,578,000
MEDICAL ASSISTANCE		
	384,991,000	643,017,000
PUBLIC HEALTH		
	38,588,000	139,191,000
VOCATIONAL REHABILITATION		
	11,228,000	39,630,000
ADMINISTRATION & SUPPORT		
	55,318,000	93,153,000
COMMUNITY SERVICES ADMIN.		
	135,117,000	278,867,000
REVENUE COLLECTIONS		
	11,601,000	36,695,000
Total	\$ 1,731,230,000	\$ 3,029,110,000

NEW SECTION. Sec. 204. The following acts or parts of acts are each repealed:

- (1) Section 53, chapter 76, Laws of 1983 1st ex. sess., section 203, chapter 285, Laws of 1984 (uncodified);
- (2) Section 54, chapter 76, Laws of 1983 1st ex. sess., section 204, chapter 285, Laws of 1984 (uncodified);
- (3) Section 55, chapter 76, Laws of 1983 1st ex. sess., section 205, chapter 285, Laws of 1984 (uncodified);
- (4) Section 56, chapter 76, Laws of 1983 1st ex. sess., section 206, chapter 285, Laws of 1984 (uncodified);
- (5) Section 57, chapter 76, Laws of 1983 1st ex. sess., section 207, chapter 285, Laws of 1984 (uncodified);
- (6) Section 58, chapter 76, Laws of 1983 1st ex. sess. (uncodified);
- (7) Section 59, chapter 76, Laws of 1983 1st ex. sess., section 208, chapter 285, Laws of 1984 (uncodified);
- (8) Section 60, chapter 76, Laws of 1983 1st ex. sess., section 209, chapter 285, Laws of 1984 (uncodified);
- (9) Section 61, chapter 76, Laws of 1983 1st ex. sess., section 210, chapter 285, Laws of 1984 (uncodified);
- (10) Section 62, chapter 76, Laws of 1983 1st ex. sess., section 211, chapter 285, Laws of 1984 (uncodified);
- (11) Section 63, chapter 76, Laws of 1983 1st ex. sess., section 212, chapter 285, Laws of 1984 (uncodified); and

(12) Section 64, chapter 76, Laws of 1983 1st ex. sess., section 213, chapter 285, Laws of 1984 (uncodified).

Sec. 205. Section 65, chapter 76, Laws of 1983 1st ex. sess. as amended by section 214, chapter 285, Laws of 1984 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—REAPPROPRIATIONS

General Fund Appropriation—State	\$	((31,857,000))
		34,057,000
General Fund Appropriation—Federal	\$	21,875,000
General Fund Appropriation—Local	\$	66,000
Total Appropriation	\$	((53,798,000))
		55,998,000

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.

Sec. 206. Section 71, chapter 76, Laws of 1983 1st ex. sess. as amended by section 219, chapter 285, Laws of 1984 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation—State	\$	5,749,000
General Fund—Crime Victims Compensation Account Appropriation	\$	7,345,000
Accident Fund Appropriation—State	\$	((50,539,000))
		50,579,000
Accident Fund Appropriation—Federal	\$	51,000
Electrical License Fund Appropriation	\$	5,347,000
Medical Aid Fund Appropriation	\$	((40,354,000))
		49,394,000
Plumbing Certificate Fund Appropriation	\$	255,000
Pressure Systems Safety Fund Appropriation	\$	((750,000))
		858,000
Worker and Community Right to Know Fund Appropriation	\$	56,000
Total Appropriation	\$	((110,390,000))
		119,634,000

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.

(3) \$41,822 of the worker and community right to know fund appropriation is provided solely to reimburse the governor's emergency fund allocation.

(4) \$40,000 of the accident fund appropriation and \$40,000 of the medical aid fund appropriation are provided solely for planning services in connection with the expected development in the 1985-87 biennium of a medical services utilization analysis system.

PART III
NATURAL RESOURCES

Sec. 301. Section 89, chapter 76, Laws of 1983 1st ex. sess. as amended by section 307, chapter 285, Laws of 1984 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund Appropriation—State	\$	((27,665,000))
		27,395,000
General Fund Appropriation—Federal	\$	451,000
General Fund—ORV (Off-Road Vehicle) Account Appropriation	\$	2,311,000
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	\$	60,692,000
General Fund—Geothermal Account Appropriation	\$	76,000
Total Appropriation	\$	((103,170,000))
		103,508,000

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

(1) \$1,100,000 of the general fund—state appropriation is provided solely to carry out the purposes of chapter 40, Laws of 1983 1st ex. sess.: PROVIDED, That for that enrollment period which begins after March 1, 1984, the average cost per enrollee shall not be greater than \$8,300, inclusive of wages and administration, equipment, transportation, and residence costs:

PROVIDED FURTHER. That, if this amount is exceeded, the remaining funds of the amount specified in this subsection shall revert to the general fund.

(2) \$50,000 of the general fund—state appropriation is provided solely to conduct a study of the continuous transfer of material and products across state lands.

(3) ~~\$(498,000)~~ 475,000 of the general fund—state appropriation shall be used solely for the department of natural resources to move from the ~~((house office and))~~ public lands building~~((s))~~ and vacate the house office building.

(4) Not more than \$843,000 of the general fund—state appropriation shall be used to fund ten additional honor camp teams.

(5) \$196,000 of the general fund—state appropriation is provided solely for costs incurred by Skamania county in Skamania v. State, 102 Wn.2d 127 (1984).

(6) \$62,000 of the general fund—state appropriation is provided solely for costs incurred by the department in Skamania v. State, 102 Wn.2d 127 (1984).

(7) \$50,000 of the resource management cost account appropriation is provided solely for a feasibility study of trust acquisition and leasing of winter recreation sites.

Sec. 302. Section 90, chapter 76, Laws of 1983 1st ex. sess. as amended by section 308, chapter 285, Laws of 1984 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

General Fund Appropriation—State	\$	((11,271,000))
		11,496,000
General Fund Appropriation—Federal	\$	626,000
General Fund—Feed and Fertilizer Account Appropriation	\$	17,000
Fertilizer, Agricultural, Mineral and Lime Fund Appropriation	\$	360,000
Commercial Feed Fund Appropriation—State	\$	361,000
Commercial Feed Fund Appropriation—Federal	\$	13,000
Seed Fund Appropriation	\$	1,011,000
Nursery Inspection Fund Appropriation	\$	449,000
Total Appropriation	\$	((14,108,000))
		14,333,000

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 40, Laws of 1983 1st ex. sess.: PROVIDED, That for that enrollment period which begins after March 1, 1984, the average cost per enrollee shall not be greater than \$8,300, inclusive of wages and administration, equipment, transportation, and residence costs: PROVIDED FURTHER, That, if this amount is exceeded, the remaining funds of the amount specified in this subsection shall revert to the general fund.

(5) \$104,000 is provided solely for a food bank coordinator and related costs.

(6) ~~\$(475,000)~~ 700,000 of the general fund—state appropriation is provided solely for the gypsy moth and apple maggot detection and control program. Aerial gypsy moth eradication shall be limited to biological control agents.

Sec. 303. Section 310, chapter 285, Laws of 1984 (uncodified) is amended to read as follows:

FOR THE EXPO '86 COMMISSION

General Fund—State Appropriation	\$	((320,000))
		573,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$130,000 is provided solely for operational purposes.

(2) \$190,000 of the appropriation is provided solely for the initial planning and design for exhibition space and facilities for Washington state participation in the exposition, provided that not more than \$10,000 of this amount shall be spent on studies and specifications relating to the use of a ferry-type vessel as a part of the exhibition space.

PART IV
TRANSPORTATION

Sec. 401. Section 94, chapter 76, Laws of 1983 1st ex. sess. as amended by section 402, chapter 285, Laws of 1984 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

General Fund Appropriation	\$	12,798,000
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 Approp- riation	\$	66,000
General Fund—Medical Disciplinary Account Appropriation	\$	172,000
Game Fund Appropriation	\$	187,000
Highway Safety Fund Appropriation	\$	38,415,000
Highway Safety Fund—Motorcycle Safety Education Account Appropriation	\$	237,000
Motor Vehicle Fund Appropriation	\$	35,233,000
Total Appropriation	\$	((92,621,000)) 92,793,000

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

(1) \$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.

(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.

(3) If House Bill No. 1698 or similar legislation delaying the implementation of chapter 72, Laws of 1983, is enacted prior to July 1, 1984, the motor vehicle fund state appropriation shall be reduced by \$510,000.

(4) \$1,833,000 of the highway safety fund appropriation is provided solely for the purposes of chapter 165, Laws of 1983, and is subject to the following conditions and limitations:

(a) \$478,000 of the amount in this subsection (4) is provided solely for attorney general services. No other moneys may be spent for this purpose.

(b) The department of licensing shall maintain complete and separate accounting and reporting systems for expenditures under this subsection (4).

(c) If Substitute House Bill No. 977, or other legislation delaying the effective date of section 47, chapter 165, Laws of 1983, is enacted before July 1, 1984, the amounts provided in this subsection (4) shall lapse. The appropriation contained in this subsection (4) shall be reduced to \$180,000 if legislation is enacted which delays the effective date of section 47, chapter 165, Laws of 1983 and establishes a program that requires the following:

(i) Confiscation of a driver's license at the time of arrest for a violation of RCW 46.61.402 or 46.61.405; and

(ii) Issuance of a temporary license by the arresting officer.

PART V EDUCATION

Sec. 501. Section 97, chapter 76, Laws of 1983 1st ex. sess. as amended by section 502, chapter 285, Laws of 1984 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION FORMULA FOR FISCAL YEARS 1984 AND 1985

General Fund Appropriation	\$	((2,917,618,000)) 2,897,381,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) As a condition to the allocation of funds to school districts appropriated pursuant to this section, the superintendent of public instruction shall require school districts to ensure that no salary and compensation increases for the 1984-85 school year from any fund source whatsoever are in excess of those amounts for state recognized increments, insurance benefit increases, and/or for those identified salary increases as specified in this act: PROVIDED, That any state recognized increment increase, insurance benefit increase, and/or salary increase found to be greater than that specified in this act shall be in violation of the conditions to the receipt of funds appropriated in this act for school districts; therefore, the superintendent of public instruction shall withhold an amount equal to the level of the violation when applied to the district's respective basic education allocation, unless or until such time as the school district comes into compliance: PROVIDED FURTHER, That the superintendent of public instruction shall additionally require school districts to ensure that no recognized group of employees as identified in RCW 28A.58.095 shall increase their relative total salary or insurance benefit position at the expense of any other recognized group of employees using the district's authorized total salary and benefit increase allocation for the 1984-85 school year. Any such group of employees which has clear and convincing evidence that its district is in violation of this proviso may present such clear and convincing evidence in a challenge to the superintendent of public instruction, who shall determine the validity of the group's challenge. If sustained, the district shall be deemed in violation of the conditions to the receipt of funds appropriated in this act for

school districts and the superintendent of public instruction shall withhold an amount in addition to any funds withheld pursuant to the preceding provision equal to the level of the violation when applied to the district's respective basic education allocation, unless or 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 and excluding full time equivalent handicapped enrollment calculated in accordance with LEAP Document 6.

(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 \$5,462 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 \$10,408 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; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(5) The superintendent shall distribute a maximum of ~~\$(17,000,000))~~ 15,629,000 outside the basic education formula as follows:

(a) A maximum of ~~\$(630,000))~~ 601,000 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))~~ 1,120,000 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))~~ 141,000 may be distributed for school district emergencies.

(d) A maximum of ~~\$(3,613,000))~~ 2,901,000 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 \$7,197,000 in fiscal year 1985)~~ 10,866,000 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 for 1983-84 and \$250 per year for 1984-85.

(6) 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.

(7) Notwithstanding the limitations contained in subsection (1) of this section, any superintendent's position and salary and compensation shall be eliminated for the purpose of determining compliance with the provisions set forth in this section if any two school districts jointly employ a single superintendent and reduce their respective superintendent positions in 1984-85 from full-time to half-time. For 1984-85, the superintendent of public instruction shall modify LEAP Document 5 to reflect the change in each superintendent's position in the two school districts from full-time to half-time but only to the extent such adjustment does not recognize a 1984-85 salary level that exceeds the combined total of the two superintendents' salaries in 1983-84.

Sec. 502. Section 103, chapter 76, Laws of 1983 1st ex. sess. as amended by section 505, chapter 285, Laws of 1984 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—SALARY AND COMPENSATION INCREASES

General Fund Appropriation \$ 77,328,000

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 \$26,311,000 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 maximum of \$4,286,000 shall be distributed in the 1984-85 ((school)) fiscal year for insurance benefit increases for full time equivalent state-supported staff as defined in section 98(1) of this act at a rate of \$8 per month per full time equivalent staff unit.

(5) (a) A maximum of \$10,185,000 is provided, effective January 1, 1985, for incremental fringe benefits in section 98(2) of this act and 7.0% 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 7.0% salary increase using the pertinent program state-wide average salary 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.

(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 (5)(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)) fiscal year, allocate \$400,000 of the funds allocated by subsection (5)(a) of this section to each district in accordance with its particular 1983-84 complement of staff.

(e) 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.

(f) A district shall not be in violation of RCW 28A.58.095 as a result of reporting revised staff mix data for the 1983-84 school year in accordance with the revised S-275 staff mix reporting instructions promulgated by the superintendent of public instruction. For 1984-85, the superintendent of public instruction shall modify LEAP Document 5 to assure that the average certificated salary for a district shall neither increase nor decrease for apportionment purposes as a result of this subsection (5)(f).

(g) A school district that is operating with a preexisting contract that did not include all of its classified staff in the 1981-82 and 1982-83 school year and, as a result of implementing this preexisting contract, did not provide a salary increase to those classified staff excluded from the contract for the period of the preexisting contract, the district shall be allowed to provide to such excluded classified staff a salary increase equivalent to that provided under the preexisting contract and such increase shall not be in violation of RCW 28A.58.095 as specified in sections 502(1) and 505 of chapter 285, Laws of 1984.

(6) (a) A maximum of \$36,540,000 is provided effective January 1, 1985, for incremental fringe benefits in section 98(2) of this act and 7.0% 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 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 7.0% 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 (6)(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.

(7) 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 nonstate-supported staff shall not exceed those specified for state-supported staff of a district.

(b) Increments granted by school districts to certificated staff in the year in which the increments are given by a district 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.

(c) Salary increases provided by this section shall be applied to the respective district base salaries for certificated staff and the respective district average salaries for classified staff, each as specified in LEAP Document 5 as revised in accordance with this act.

(d) During the 1984-85 school year, districts may grant increases in insurance benefits to achieve a rate of \$179.00 per month per full time equivalent staff unit.

(e) For the 1984-85 school year, for the purpose of insurance benefit increases for classified employees, a full time equivalent employee is an employee contracted to work 1,440 hours per year or more. ~~((The superintendent shall perform a study of the number of eligible employees to be classified as full time equivalent employees for insurance benefits, and shall prepare a recommended funding method to present to the 1985 session of the legislature. It is intended that the superintendent of public instruction shall distribute funds during July and August, 1985 to support such increases for classified entitlement in state-funded programs as defined in section 98(1) of this act.))~~

(8) Part-time classified insurance benefits as authorized in subsection (7)(e) of this section shall be allocated by multiplying the number of state-supported full time equivalent staff units, as defined in section 98(1), chapter 76, Laws of 1983 1st ex. sess., excluding therefrom educational service districts and transportation program staff, times \$304.61; PROVIDED, That funds for this subsection are provided in the 1985-87 omnibus appropriations act. With respect to the transportation program, the superintendent of public instruction may increase the 1984-85 standard student mile rate by a maximum of 35.2 cents.

Sec. 503. Section 104, chapter 76, Laws of 1983 1st ex. sess. as amended by section 506, chapter 285, Laws of 1984 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION

General Fund Appropriation \$ ~~((171,057,000))~~
165,974,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) A maximum of \$75,110,400 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.

(4) (a) A maximum of \$1,746,400 shall be allocated as specified in subsection (4)(b) of this section in the 1983-84 fiscal year to only those school districts that, assuming the 1983-84 formula operating allocation was funded at one hundred percent, would receive less than sixty-five percent of their respective 1982-83 transportation operating expenditures. This one-time appropriation shall be for transition purposes to give these districts time to eliminate operating inefficiencies.

(b) An eligible district shall receive money sufficient to either restore its preliminary allocation specified by bulletin 24-83 or the difference between its 1982-83 operating expenditures at sixty-five percent and the 1983-84 formula operating allocation calculated at one hundred percent, whichever is less.

(5) The superintendent of public instruction is directed to report to the ways and means committees of both houses no later than September 1, 1984, identifying:

(a) The specific problems associated with the implementation of chapter 61, Laws of 1983 1st ex. sess. (Substitute House Bill No. 296) which resulted in a transportation funding shortfall in many school districts during the 1983-84 school year.

(b) The steps which the superintendent is following to alleviate all such shortfalls in 1983-84 transportation allocations and to prevent similar problems from occurring in future school years.

(c) A plan to retroactively reimburse in the 1985 supplemental budget those districts whose transportation programs were underfunded in the 1983-84 school year due to the problems of implementing chapter 61, Laws of 1983 1st ex. sess. (Substitute House Bill No. 296).

Sec. 504. Section 126, chapter 76, Laws of 1983 1st ex. sess. as amended by section 524, chapter 285, Laws of 1984 (uncodified) is amended to read as follows:

FOR THE HIGHER EDUCATION PERSONNEL BOARD

General Fund Appropriation	\$	40,000
Higher Education Personnel Board Service Fund Appropriation	\$	((1,370,000))
		1,400,000
Total Appropriation	\$	((1,410,000))
		1,440,000

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

(1) \$19,000 shall be used to join with the department of personnel in conducting a study of part-time employee policy and benefits.

(2) \$40,000 of the general fund appropriation is provided solely for the higher education personnel board to conduct a study for the purpose of reviewing and formulating ways to implement comparable worth in accordance with chapter 75, Laws of 1983 1st ex. sess. The board shall coordinate the study with the department of personnel and its study on comparable worth implementation. During the course of the study, the board shall report to the joint select committee on comparable worth on the study's progress. The board shall report back to the legislature no later than January 1, 1985 with potential implementation alternatives.

(3) \$30,000 of the higher education personnel board service fund appropriation is provided solely for legal services for comparable worth litigation.

PART VI

SPECIAL APPROPRIATIONS

Sec. 601. Section 134, chapter 76, Laws of 1983 1st ex. sess. as amended by section 601, chapter 285, Laws of 1984 (uncodified) is amended to read as follows:

FOR THE GOVERNOR—SALARY AND INSURANCE CONTRIBUTION INCREASES

(1) There is appropriated for the four-year institutions of higher education from the General Fund

\$ 17,187,000

(2) There is appropriated for the community college system from the General Fund

\$ 9,760,000

(3) There is appropriated for the department of corrections from the General Fund

\$ 5,841,000

(4) There is appropriated for the department of social and health services from the:

General Fund—State

\$ 12,220,000

General Fund—Federal

\$ 7,419,000

(5) There is appropriated for other state agencies from the:

General Fund—State

\$ 8,341,000

General Fund—Federal

\$ 1,842,000

(6) There is appropriated for all state agencies from the Special Fund Salary and Insurance Contribution Increase Revolving Fund

\$ 21,652,000

(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 ((53,140,000 (of which 53,120,000 is from the general fund)) an average of 3.1% 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 through June 30, 1984.

(d) Increases in the state's maximum contribution for employee insurance benefits effective July 1, 1984, from \$159.00 per month to \$167.00 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 \$179.00 per eligible employee effective July 1, 1984.

(e) The state employees insurance board's authority and practice of expending funds in the state employees insurance revolving fund generated by dividends or refunds is recognized, and the average contribution per eligible employee in subsections (c) and (d) of this section shall not be construed as a restriction on such expenditures: PROVIDED, That any moneys resulting from a dividend or refund shall not be used to increase employee insurance benefits over the level of services provided on the effective date of this 1984 act and in no case may the maximum premium paid be more than \$179.00 per month per eligible employee. Contributions by any county, municipal, or other political subdivision to which coverage is extended after the effective date of this 1984 act shall not receive the benefit of any surplus funds attributable to premiums paid prior to the date upon which coverage is extended.

(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) 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 treasury and insurance contribution increase revolving fund hereby created in accordance with schedules provided by the office of financial management.

Sec. 602. Section 141, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premiums tax distribution	\$	((4,672,212)) 3,852,000
General Fund Appropriation for refund of deferred property tax	\$	((313,666)) 515,500
General Fund Appropriation for public utility district excise tax distribution	\$	((22,638,408)) 18,415,000
General Fund Appropriation for prosecuting attorneys' salaries	\$	((1,681,453)) 1,627,000
General Fund Appropriation for motor vehicle excise tax distribution	\$	((37,458,638)) 37,628,000
General Fund Appropriation for local mass transit assistance	\$	((24,194,643)) 118,738,000
General Fund Appropriation for camper and travel trailer excise tax distribution	\$	((1,569,671)) 1,364,000
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	\$	(526,484,866) 516,758,481

NEW SECTION, Sec. 603. FOR SUNDRY CLAIMS

The following sums, or so much thereof as are necessary, are appropriated from the general fund 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 as follows:

- (1) Sullivan Realty, Inc., payment of judgment in State v. Black, Superior Court for Spokane County, Cause No. 247104
- (2) Hege Co., Inc., payment of judgment in State v. Black, Superior Court for Spokane County, Cause No. 247104
- (3) Tupper Realty, Inc., payment of judgment in State v. Black, Superior Court for Spokane County, Cause No. 247104

NEW SECTION, Sec. 604. 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. 605. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Lee, the following amendment to the Committee on Ways and Means amendment was adopted:

On page 16, line 19, of the committee amendment, after "program," insert: "The additional \$225,000 of the General Fund—State appropriation is provided solely for the apple maggot detection and control program."

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.

MOTIONS

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

On page 1, line 1 of the title, after "state agencies;" strike the remainder of the title and insert "amending section 2, chapter 76, Laws of 1983 1st ex. sess. as amended by section 101, chapter 285, Laws of 1984 (uncodified); amending section 3, chapter 76, Laws of 1983 1st ex. sess. as amended by section 102, chapter 285, Laws of 1984 (uncodified); amending section 15, chapter 76, Laws of 1983 1st ex. sess. as amended by section 114, chapter 285, Laws of 1984 (uncodified); amending section 17, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 24, chapter 76, Laws of 1983 1st ex. sess. as amended by section 118, chapter 285, Laws of 1984 (uncodified); amending section 27, chapter 76, Laws of 1983 1st ex. sess. as amended by section 119, chapter 285, Laws of 1984 (uncodified); amending section 36, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 37, chapter 76, Laws of 1983 1st ex. sess. as amended by section 126, chapter 285, Laws of 1984 (uncodified); amending section 65, chapter 76, Laws of 1983 1st ex. sess. as amended by section 214, chapter 285, Laws of 1984 (uncodified); amending section 71, chapter 76, Laws of 1983 1st ex. sess. as amended by section 219, chapter 285, Laws of 1984 285, Laws of 1984 (uncodified); amending section 65, chapter 76, Laws of 1983 1st ex. sess. as amended by section 214, chapter 285, Laws of 1984 (uncodified); amending section 71, chapter 76, Laws of 1983 1st ex. sess. as amended by section 219, chapter 285, Laws of 1984 (uncodified); amending section 89, chapter 76, Laws of 1983 1st ex. sess. as amended by section 307, chapter 285, Laws of 1984 (uncodified); amending section 90, chapter 76, Laws of 1983 1st ex. sess. as amended by section 308, chapter 285, Laws of 1984 (uncodified); amending section 310, chapter 285, Laws of 1984 (uncodified); amending section 94, chapter 76, Laws of 1983 1st ex. sess. as amended by section 402, chapter 285, Laws of 1984 (uncodified); amending section 97, chapter 76, Laws of 1983 1st ex. sess. as amended by section 502, chapter 285, Laws of 1984 (uncodified); amending section 103, chapter 76, Laws of 1983 1st ex. sess. as amended by section 505, chapter 285, Laws of 1984 (uncodified); amending section 104, chapter 76, Laws of 1983 1st ex. sess. as amended by section 506, chapter 285, Laws of 1984 (uncodified); amending section 126, chapter 76, Laws of 1983 1st ex. sess. as amended by section 524, chapter 285, Laws of 1984 (uncodified); amending section 134, chapter 76, Laws of 1983 1st ex. sess. as amended by section 601, chapter 285, Laws of 1984 (uncodified); amending section 141, chapter 76, Laws of 1983 1st ex. sess. (uncodified); creating new sections; repealing

section 51, chapter 76, Laws of 1983 1st ex. sess., section 201, chapter 285, Laws of 1984 (uncodified); repealing section 53, chapter 76, Laws of 1983 1st ex. sess., section 203, chapter 285, Laws of 1984 (uncodified); repealing section 54, chapter 76, Laws of 1983 1st ex. sess., section 204, chapter 285, Laws of 1984 (uncodified); repealing section 55, chapter 76, Laws of 1983 1st ex. sess., section 205, chapter 285, Laws of 1984 (uncodified); repealing section 56, chapter 76, Laws of 1983 1st ex. sess., section 206, chapter 285, Laws of 1984 (uncodified); repealing section 57, chapter 76, Laws of 1983 1st ex. sess., section 207, chapter 285, Laws of 1984 (uncodified); repealing section 58, chapter 76, Laws of 1983 1st ex. sess. (uncodified); repealing section 59, chapter 76, Laws of 1983 1st ex. sess., section 208, chapter 285, Laws of 1984 (uncodified); repealing section 60, chapter 76, Laws of 1983 1st ex. sess., section 209, chapter 285, Laws of 1984 (uncodified); repealing section 61, chapter 76, Laws of 1983 1st ex. sess., section 210, chapter 285, Laws of 1984 (uncodified); repealing section 62, chapter 76, Laws of 1983 1st ex. sess., section 211, chapter 285, Laws of 1984 (uncodified); repealing section 63, chapter 76, Laws of 1983 1st ex. sess., section 212, chapter 285, Laws of 1984 (uncodified); repealing section 64, chapter 76, Laws of 1983 1st ex. sess., section 213, chapter 285, Laws of 1984 (uncodified); making appropriations; and declaring an emergency."

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute House Bill No. 386, 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 Barr: "I have a little question to ask Senator McDermott if I may. I want to, also express our appreciation to Senator McDermott for coming into our caucus and explaining what he thought was the direction that this would go, but this thing has popped out here on our desks and I don't feel comfortable voting for something like this with only five minutes. I appreciate the rhetoric. It, at least, gives me a little time to look at the bill. It may not be worth anything else, but it's worth that.

"On page 26, Senator McDermott, where you're talking about school transportation, and, of course, when you say school transportation you're talking about the seventh legislative district in spades. What does that mean there--sub eight and on down--'provided that funds for this subsection are provided in the Appropriations Act with respect to the transportation programs--The Superintendent of Public Instruction may increase standard student mile?' If that's not asking too much, we're not going to change our vote up or down all that much on this point, but if you could tell me what that means very briefly, maybe some of our other members could be looking at it while you tell me this."

Senator McDermott: "I wanted to check--this language in sub eight on page 26--has to do with the classified insurance and the language you're reading there has to do with the provision for money for classified employees to buy insurance benefits. Most of the transportation people, that is, people who drive buses are part time and they have not previously had benefits. So, in this budget, we were setting up the new program for them to have insurance benefits and this allocates 35.2 cents per person, per day, for their insurance. It's the technical language to implement the giving of insurance benefits to classified employees that drive buses."

Senator Barr: "Thank you. I appreciate that."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 386, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 386, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; nays, 11; excused, 2.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Seilar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 36.

Voting nay: Senators Bailey, Barr, Craswell, Guess, Johnson, McCaslin, Metcalf, Pullen, Rinehart, Saling, von Reichbauer - 11.

Excused: Senators Benitz, Granlund - 2.

ENGROSSED SUBSTITUTE BILL NO. 386, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator McDermott, Engrossed Substitute House Bill No. 386, as amended by the Senate, was ordered immediately transmitted to the House.

MOTION

At 12:10 p.m., on motion of Senator Vognild, 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 1:30 p.m., the Senate was declared to be at ease.

The Senate was called to order at 1:46 p.m. by President Cherberg.

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

ESHB 500 by Committee on Ways and Means (Originally sponsored by Representatives Brekke, Lewis, Braddock and Ballard) (by Department of Social and Health Services request)

Revising certain coverages of medical care programs.

Hold.

MOTION

On motion of Senator Bottiger, the rules were suspended, Engrossed Substitute House Bill No. 500 was advanced to second reading and placed on the second reading calendar.

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

SECOND READING

SENATE BILL NO. 3981, by Senator Vognild

Relating to exemption from industrial insurance premiums.

MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 3981 was substituted for Senate Bill No. 3981 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 3981 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. 3981.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3981 and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Loe, McCaslin, McDermott, McDonald, McManus, Melcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 45.

Voting nay: Senators Bottiger, Wojahn - 2.

Excused: Senators Benitz, Granlund - 2.

SUBSTITUTE SENATE BILL NO. 3981, having received the constitutional majority, 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. 4143, by Senator Gaspard (by Superintendent of Public Instruction request)

Changing provisions relating to student transportation allocations.

The bill was read the second time.

MOTION

Senator Gaspard moved that the following Committee on Education amendment not be adopted:

On page 1, following line 24, add a new subsection to read as follows:

"(3) The superintendent of public instruction shall annually calculate allocation rate(s), which shall include vehicle amortization, for determining transportation allocation for transporting students in district-owned passenger cars, as defined in RCW 46.04.382, pursuant to RCW 28A.24.055 for services provided for in RCW 28A.41.505 if a school district deems it advisable to use such vehicles after the school district board of directors has considered the safety of the students being transported as well as the economy of utilizing a district-owned passenger car in lieu of a school bus."

Renumber the remaining subsections consecutively.

The President declared the question before the Senate to be the motion by Senator Gaspard to not adopt the Committee on Education amendment.

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

MOTIONS

On motion of Senator Gaspard, the following Committee on Education amendment was adopted:

On page 2, line 7, after "district", strike "within a differential rate"

On motion of Senator Gaspard, the following amendment by Senators Gaspard and Patterson was adopted:

On page 1, after line 3, strike all the material down to and including "year." on page 2, line 1, and insert the following:

"Sec. 1. Section 4, chapter 265, Laws of 1981 as last amended by section 5, chapter 61, Laws of 1983 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 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 be adjusted to include such additional differential factors as distance; restricted passenger load; circumstances that require use of special types of transportation vehicles; handicapped student load; and small fleet maintenance.

(2) The superintendent of public instruction shall annually calculate allocation rate(s), which shall include vehicle amortization, for determining the transportation allocation for transporting students in district-owned passenger cars, as defined in RCW 46.04.382, pursuant to RCW 28A.24.055 for services provided for in RCW 28A.41.505 if a school district deems it advisable to use such vehicles after the school district board of directors has considered the safety of the students being transported as well as the economy of utilizing a district-owned passenger car in lieu of a school bus.

(3) Prior to June 1st of each year the superintendent shall submit to the office of financial management, and the committees on education and ways and means of the senate and house of representatives a report outlining the methodology and rationale used in determining the ((student mile)) allocation rates to be used the following year."

On motion of Senator Gaspard, the rules were suspended, Engrossed Senate Bill No. 4143 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. 4143.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4143 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vogniild, von Reichbauer, Warnke, Williams, Wojahn - 46.

Absent: Senator Zimmerman - 1.

Excused: Senators Benitz, Granlund - 2.

ENGROSSED SENATE BILL NO. 4143, having received the constitutional majority, 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. 3874, by Senators Kiskaddon, McDonald and Barr

Exempting certain life-care retirement centers from the certificate of need requirement of health care facilities.

The bill was read the second time.

MOTION

On motion of Senator Kiskaddon, the rules were suspended, Senate Bill No. 3874 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 Moore: "Senator Kiskaddon, what is your definition of 'actuarially sound?'"

Senator Kiskaddon: "I'm not an insurance man. I guess it would mean that you would have enough solid investments that you would be able to be sure that within the investment you have that the payout would be able to continue to make sure that it covers the project and with a large number of people, that it would be assuming the life expectations and adding all those factors into it. I have a friend who is an actuary who does this for a living and I guess what he does is what I say is 'actuarially sound.'"

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3874.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3874 and the bill failed to pass the Senate by the following vote: Yeas, 20; nays, 27; excused, 2.

Voting yea: Senators Bailey, Barr, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Saling, Stratton, von Reichbauer, Zimmerman - 20.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Talmadge, Thompson, Vogniild, Warnke, Williams, Wojahn - 27.

Excused: Senators Benitz, Granlund - 2.

SENATE BILL NO. 3874, having failed to receive the constitutional majority, was declared lost.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 500, by Committee on Ways and Means (originally sponsored by Representatives Brekke, Lewis, Braddock and Ballard) (by Department of Social and Health Services request)

Revising certain coverages of medical care programs.

The bill was read the second time.

MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute House Bill No. 500 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. 500.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 500 and the bill passed the Senate by the following vote: Yeas, 42; nays, 4; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Voting nay: Senators McCaslin, Metcalf, Pullen, Stratton - 4.

Absent: Senator Johnson - 1.

Excused: Senators Benitz, Granlund - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 500, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

POINT OF INQUIRY

Senator Deccio: "Mr. President, is it too late for me to ask Senator McDermott a question on Engrossed Substitute House Bill No. 500?"

"Senator McDermott, on line 17 on page 1, it says, 'The Department may include a prohibition against the voluntary assignment of the property for cash for the purpose of qualifying for assistance.' Does this, in any way, interfere with the so-called Deccio amendment which Senator Talmadge and I hung on a bill a couple years ago?"

Senator McDermott: "It is not the intention, Senator Deccio, to change the purpose of that provision."

MOTION

On motion of Senator McDermott, Engrossed Substitute House Bill No. 500 was ordered immediately transmitted to the House.

SECOND READING

SENATE BILL NO. 3390, by Senators Granlund, Kiskaddon and Kreidler (by Department of Social and Health Services request)

Changing nursing home auditing standards.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 3390 was substituted for Senate Bill No. 3390 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator McDonald, the rules were suspended, Substitute Senate Bill No. 3390 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Deccio: "Senator McDermott, the new language in Section 18 of this bill includes a legislative finding that rates set under Chapter 74.46 in the RCWs meet the federal cost-reimbursement requirements that are a condition for fifty percent federal match funding in the Medicaid Program. As you know, the Federal Deficit Reduction Act of 1984 may be interpreted to prohibit states from reimbursing increases in ownership costs due to sales of facilities, and to require states to recapture depreciation previously reimbursed when facilities are sold.

"Although DSHS is asking the Federal Department of Health and Human Services to continue federal funding under our current property reimbursement system,

there is some chance that they will refuse to do so. Does the new language in Section 18 affect the state's ability to continue receiving federal matching funds for the nursing home program?"

Senator McDermott: "The new language in Section 18 is not intended to affect the availability of federal matching funds. Another section of our existing Cost Reimbursement Law, RCW 74.46.840, specifically provides that any part of our law which conflicts with federal matching requirements is declared inoperative, solely to the extent of that conflict. It also authorizes the Secretary of DSHS in such a situation, to adopt such rules as to resolve a specific conflict and which do meet minimum federal requirements and requires her to notify the legislature of any rule change and to recommend legislation to resolve the conflict. Nothing in the bill before us changes those provisions of current state law.

"The purpose of Section 18 of this bill is not to create any conflict between state and federal law. The purpose is to make clear that the rates set under Chapter 74.46--our Cost Reimbursement Statute--are to be considered 'reasonable and adequate to meet the costs that must be incurred by economically and efficiently operated facilities.' Some judges have treated this existing language as a separate state standard for evaluating rates, ignoring the rest of our statute and the fact that the federal government has approved our system as conforming to federal requirements. In Section 18, we are simply making clear that the 'reasonable and adequate' standard is a federal standard. We cannot and should not try to prevent any nursing home from appealing or litigating its rates, but under this language any challenge must be based either on the Department's non-compliance with particular provisions of Chapter 74.46 or on non-compliance with the federal 'reasonable and adequate' standard on which our state law is based."

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3390.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3390 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Benitz, Granlund - 2.

SUBSTITUTE 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.

SECOND READING

SENATE BILL NO. 3569, by Senators Talmadge, Thompson and Zimmerman

Modifying provisions on the risk management office.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Senate Bill No. 3569 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. 3569.

Debate ensued.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3569 and the bill passed the Senate by the following vote: Yeas, 42; nays, 4; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Peterson,

Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Voting nay: Senators Kiskaddon, Metcalf, Patterson, Pullen - 4.

Absent: Senator Bluechel - 1.

Excused: Senators Benitz, Granlund - 2.

SENATE BILL NO. 3569, having received the constitutional majority, 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. 4208, by Senators Warnke, Bottiger, McManus, Bender, Rasmussen and Owen

Providing for development of a state mine rescue plan and providing civil immunity for rescue activities under the plan.

MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 4208 was substituted for Senate Bill No. 4208 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 4208 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. 4208.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4208 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senator Patterson - 1.

Excused: Senators Bender, Granlund - 2.

SUBSTITUTE SENATE BILL NO. 4208, having received the constitutional majority, 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. 4241, by Senators McDermott, Lee, Rasmussen, Bender, Bauer, Garrett and Conner (by Office of the Governor request)

Authorizing the state employees' insurance board to disapprove certain panel medicine group plans.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 4241 was substituted for Senate Bill No. 4241 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 4241 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. 4241.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4241 and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent, 2; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse,

Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senator Sellar - 1.

Absent: Senators Guess, Kiskaddon - 2.

Excused: Senators Benitz, Granlund - 2.

SUBSTITUTE SENATE BILL NO. 4241, having received the constitutional majority, 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. 3120, by Senators Conner, Hansen and Garrett (by Department of Transportation request)

Modifying certain motor vehicle standards.

MOTION

Senator Peterson moved that Senate Bill No. 3120 not be substituted.

The President declared the question before the Senate to be the motion by Senator Peterson that Senate Bill No. 3120 not be substituted.

The motion by Senator Peterson carried and Senate Bill No. 3120 was not substituted.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended, Senate Bill No. 3120 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. 3120.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3120 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Haisan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Benitz, Granlund - 2.

SENATE BILL NO. 3120, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 2:55 p.m., on motion of Senator Vognild, the Senate recessed until 3:30 p.m.

SECOND AFTERNOON SESSION

The Senate was called to order at 4:02 p.m. by President Cherberg.

SECOND READING

SENATE BILL NO. 4100, by Senator Warnke

Relating to economic development.

MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 4100 was substituted for Senate Bill No. 4100 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 4100 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 Wojahn: "Senator Bottiger, under the terms of this legislation--as you understand it--could construction money be extracted from the Department of Commerce and Economic Development to build a destination tourist attraction?"

Senator Bottiger: "Senator Wojahn, my understanding of the bill and my intent of voting for it is--to answer your question, 'no'--if there is any future construction, it would have to be as a result of an appropriation approved by this legislature. The intent of this section of the bill is to allow private contributions to be solicited to do things in the Centennial Convention, but no commitment of any state money is being made here."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4100.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4100 and the bill passed the Senate by the following vote: Yeas, 43; nays, 5; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 43.

Voting nay: Senators McCaslin, Moore, Pullen, Talmadge, Wojahn - 5.

Excused: Senator Benitz - 1.

SUBSTITUTE SENATE BILL NO. 4100, having received the constitutional majority, 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. 3827, by Senators Kreidler, Talmadge, Bluechel, Moore, McManus, Stratton, Warnke, Bender, Fleming, Rasmussen, Williams, Vognild, Cantu, Saling, Granlund, Goltz, Kiskaddon, Gaspard, Johnson, Conner, Bailey, Lee, Garrett, von Reichbauer, Zimmerman and Bauer (by Governor Gardner request)

Authorizing bonds for water pollution control facilities.

MOTIONS

On motion of Senator Kreidler, Second Substitute Senate Bill No. 3827 was substituted for Senate Bill No. 3827 and the second substitute bill was advanced to second reading and read the second time.

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

On page 1, line 19, strike "fifty"

On page 3, line 13, strike "two hundred seventy-five million" and insert "two hundred forty-three million five hundred thousand"

On page 3, line 16, strike "twenty-five" and insert "twenty-two million five hundred thousand"

On page 3, line 19, strike "ten" and insert "nine"

On page 3, line 22, strike "seventy-five" and insert "sixty-seven"

On page 3, line 27, strike "sixty-five" and insert "fifty-eight"

MOTION

Senator McDermott moved that the following amendment be adopted:

On page 2, line 1, after "within" strike "thirty" and insert "ten"

Debate ensued.

POINT OF INQUIRY

Senator Lee: "Senator McDermott, I had passed out to the members one of the cash flow charts we had and that, of course, showed the amount of total money that we would have to pay out of taxes, one way or another, if they were done on the thirty-five year basis. It showed that the cash flow at its maximum was about fifty-one million dollars a year during the middle part of that repayment period. With a ten year repayment period, what kind of average demand are we going to

have on the general fund? This one shows the highest to be fifty-one million a year. What would be the highest demand we might have?"

Senator McDermott: "Senator Lee, I don't know because, in part, you don't know the interest rate, but, obviously, you would pay more over a short period of time than you would spread out over a thirty-five year period. I don't have the particular runouts for ten percent bonds or eleven percent or twelve percent or anything else."

Senator Lee: "Senator McDermott, would it seem to you that even if the interest rate were cut in half, but yet we were reducing the time we were paying them back by a third, that it might be a hundred million per year?"

Senator McDermott: "We could speculate all over the place, but I think you have to know--if you give a set of figures, I think I could crank up a set of assumptions pretty quickly, but I don't know whether a hundred million is a reasonable figure. I suspect that that isn't too far off, but it's hard to know."

Senator Lee: "All right, let's say that it's going to happen to come out that--do you think the general fund and the tax base that we now have can sustain a hundred million per year debt from what you know of what's the present revenue base?"

Senator McDermott: "I suspect that Senator Moore would have a better answer than I would to this whole question. He and I talked about this issue and it seemed to me that the less interest we could pay, the better off we would be in the long run. That's why I shortened the period."

Senator Lee: "I just wanted to be sure we could pay for it without a tax increase."

REMARKS BY SENATOR MOORE

Senator Moore: "Without being absolutely positive, it is obvious that if we borrow four hundred and fifty million and we paid ten percent, we are paying forty-five million a year in interest and if we amortize that over ten years, we're looking at about ninety million payment the first year and the last year it will be down to forty-five million or a little more than that--maybe fifty million--so the minimum amount would be the maximum amount under the thirty-five year plan. We will get it out of the way and the only use in prolonging the agony, really is if we have tremendous inflation."

Further debate ensued.

POINT OF INQUIRY

Senator Moore: "Senator Kreidler, are you predicating your figures on all of the bonds being sold now or in the very near future or are you predicating it on selling them, maybe, fifty million as needed?"

Senator Kreidler: "It would be spread out over approximately a twelve-year period in which these bonds would be sold, and--it certainly--the results depended on the amount of the debt capacity that exists in any one given year in order for the bonds to be sold, but it's going to be spread out over a period of time."

Further debate ensued.

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 on a rising vote.

MOTION

Senator Lee moved that the following amendment be adopted:

Strike everything after the word "resources" on page 1, line 13, and insert the following:

NEW SECTION. Sec. 2. The proceeds from the funds authorized by this chapter shall be deposited in the water quality improvement revolving account--waste disposal facilities hereby created in the general fund and shall be used exclusively for the purpose specified in this chapter.

NEW SECTION. Sec. 3. The department may use or permit the use of funds authorized under this chapter to accomplish the purpose of this chapter by direct expenditures and by grants or loans to public bodies, including grants to public bodies as cost-sharing funds in any case where federal, local, or other funds are made available on a cost-sharing basis for improvements within the purpose of this chapter.

The department shall ensure that funds authorized under this chapter do not constitute more than fifty percent of the total eligible cost of any liquid waste disposal or management facility. The department shall also ensure that any combination of grants and loans of funds authorized under this chapter or by a federal agency shall not exceed seventy-five percent of the eligible cost of any liquid waste disposal or management facility. Not more than two percent of the funds may be used by the department of ecology in relation to the administration of the expenditures, grants, and loans.

NEW SECTION. Sec. 4. Nothing in this chapter prohibits the department from requesting legislative approval to obtain short-term financing for those periods during the construction of facilities provided for by this chapter when the cash balance in the water quality improvement revolving account—waste disposal facilities is insufficient to cover anticipated project outlays.

NEW SECTION. Sec. 5. The department shall allocate from those funds authorized by this chapter in the following manner:

(1) No more than two hundred seventy-five million dollars for construction of pollution control facilities that discharge directly into Puget Sound;

(2) No more than twenty-five million dollars for projects involving direct discharge into the straits of Juan De Fuca, Georgia, and Rosario;

(3) No more than ten million dollars for projects involving direct discharges into other marine estuaries within Washington state;

(4) No more than seventy-five million dollars for construction of facilities that will protect from contamination sole source aquifers as designated under the federal safe drinking water act, and other groundwater bodies as designated by the department, including but not limited to the Spokane-Rathdrum Prairie Aquifer; and

(5) No more than sixty-five million dollars and such sums that may be remaining in the categories specified in subsections (1) through (4) of this section, for construction of waste disposal and management facilities that result in water quality improvement of fresh and marine waters.

NEW SECTION. Sec. 6. When allocating funds appropriated by the legislature to the projects within the categories described in section 5 of this act, the department of ecology shall follow the recommendations established by the Puget Sound water quality authority and any other board, council, commission, or group established by the legislature to study water pollution control issues around the state.

One-half of one percent of the total authorized by the legislature each biennium may be used to provide funds to local bodies to prepare feasibility studies on joint development and other alternative methods of financing waste water treatment facilities. Public bodies receiving funds for investigating the feasibility of alternative waste water financing methods shall not have their standing on the department of ecology grant funding priority list jeopardized.

NEW SECTION. Sec. 7. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Waste disposal and management facilities" means any facilities or systems owned or operated by a public body for the control, collection, storage, treatment, disposal, recycling, or recovery of nonradioactive liquid wastes, including but not limited to sanitary sewage, storm water, residential, industrial, commercial, and agricultural wastes, and concentrations of organic sediments, inorganic nutrients, and toxic materials which are causing environmental degradation and loss of the beneficial use of the environment. Waste disposal and management facilities may include all equipment, utilities, structures, real property, and interest in and improvements on real property necessary for or incidental to such purpose. As used in this chapter, the phrase "waste disposal and management facilities" shall not include the acquisition of equipment used to collect residential or commercial garbage.

(2) "Public body" means the state of Washington or any agency, political subdivision, taxing district, or municipal corporation thereof, an agency of the federal government, and those Indian tribes now or hereafter recognized as such by the federal government.

(3) "Control" means those measures necessary to maintain and/or restore the beneficial uses of critical state water resources including, but not limited to, the diversion, sedimentation, flocculation, dredge and disposal, or containment or treatment of nutrients, organic waste, and toxic material to restore the beneficial use of the state's critical water resources and prevent the continued pollution of these resources.

(4) "Planning" means the development of comprehensive plans for the purpose of identifying critical water resource needs for specific waste disposal facilities as well as the development of plans specific to a particular project.

(5) "Critical water resource" means those significant water bodies in jeopardy of further degradation causing irreparable deterioration.

(6) "Department" means the department of ecology.

Sec. 8. Section 82.08.020, chapter 15, Laws of 1961 as last amended by section 41, chapter 3, Laws of 1983 2nd ex. sess. and by section 62, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.08.020 are each reenacted and 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.

(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.

(4) Beginning August 1, 1987, moneys collected under this section which result from a rate of one-tenth of one percent of the selling price shall be deposited monthly in the water quality improvement revolving account--waste disposal facilities until four hundred fifty million dollars has been deposited in the account.

Sec. 9. Section 82.12.020, chapter 15, Laws of 1961 as last amended by section 7, chapter 7, Laws of 1983 and RCW 82.12.020 are each amended to read as follows:

There is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using within this state as a consumer any article of tangible personal property purchased at retail, or acquired by lease, gift, repossession, or bailment, or extracted or produced or manufactured by the person so using the same, or otherwise furnished to a person engaged in any business taxable under RCW 82.04.280, subsections (2) or (7). This tax will not apply with respect to the use of any article of tangible personal property purchased, extracted, produced or manufactured outside this state until the transportation of such article has finally ended or until such article has become commingled with the general mass of property in this state. This tax shall apply to the use of every article of tangible personal property, including property acquired at a casual or isolated sale, and including byproducts used by the manufacturer thereof, except as hereinafter provided, irrespective of whether the article or similar articles are manufactured or are available for purchase within this state. Except as provided in RCW 82.12.0252, payment by one purchaser or user of tangible personal property of the tax imposed by chapter 82.08 or 82.12 RCW shall not have the effect of exempting any other purchaser or user of the same property from the taxes imposed by such chapters. The tax shall be levied and collected in an amount equal to the value of the article used by the taxpayer multiplied by the rate in effect for the retail sales tax under RCW 82.08.020, as now or hereafter amended, in the county in which the article is used.

Beginning August 1, 1987, the moneys collected under this section which result from a rate of one-tenth of one percent of the value of the article used shall be deposited in the water quality improvement revolving account--waste disposal facilities until four hundred fifty million dollars has been deposited in the account.

Sec. 10. Section 82.12.045, chapter 15, Laws of 1961 as last amended by section 2, chapter 77, Laws of 1983 and RCW 82.12.045 are each amended to read as follows:

In the collection of the use tax on motor vehicles, the department of revenue may designate the county auditors of the several counties of the state as its collecting agents. Upon such designation, it shall be the duty of each county auditor to collect the tax at the time an applicant applies for the registration of, and transfer of title to, the motor vehicle, except in the following instances: (1) Where the applicant exhibits a dealer's report of sale showing that the retail sales tax has been collected by the dealer; (2) where the application is for the renewal of registration; (3) where the applicant presents a written statement signed by the department of revenue, or its duly authorized agent showing that no use tax is legally due; or (4) where the applicant presents satisfactory evidence showing that the retail sales tax or the use tax has been paid by him on the vehicle in question. The term "motor vehicle," as used in this section means and includes all motor vehicles, trailers and semitrailers used, or of a type designed primarily to be used, upon the public streets and highways, for the convenience or pleasure of the owner, or for the conveyance, for hire or otherwise, of persons or property, including fixed loads, facilities for human habitation, and vehicles carrying exempt licenses. It shall be the duty of every applicant for registration and transfer of certificate of title who is subject to payment of tax under this section to declare upon his application the value of the vehicle for which application is made, which shall consist of the consideration paid or contracted to be paid therefor. Any person wilfully misrepresenting, or failing or refusing to declare upon his application, such value shall be guilty of a gross misdemeanor.

Each county auditor who acts as agent of the department of revenue shall at the time of remitting license fee receipts on motor vehicles subject to the provisions of this section pay over and account to the state treasurer for all use tax revenue collected under this section, after first deducting as his collection fee the sum of two dollars for each motor vehicle upon which the tax has been collected. Except as provided in RCW 82.12.020, all revenue received by the state treasurer under this section shall be credited to the general fund. The auditor's collection fee shall be deposited in the county current expense fund. A duplicate of the county auditor's transmittal report to the state treasurer shall be forwarded forthwith to the department of revenue.

Any applicant who has paid use tax to a county auditor under this section may apply to the department of revenue for refund thereof if he has reason to believe that such tax was not legally due and owing. No refund shall be allowed unless application therefor is received by the department of revenue within two years after payment of the tax. Upon receipt of an

application for refund the department of revenue shall consider the same and issue its order either granting or denying it and if refund is denied the taxpayer shall have the right of appeal as provided in RCW 82.32.170, 82.32.180 and 82.32.190.

The provisions of this section shall be construed as cumulative of other methods prescribed in chapters 82.04 to 82.32 RCW, inclusive, for the collection of the tax imposed by this chapter. The department of revenue shall have power to promulgate such rules and regulations as may be necessary to administer the provisions of this section. Any duties required by this section to be performed by the county auditor may be performed by the director of licensing but no collection fee shall be deductible by said director in remitting use tax revenue to the state treasurer.

NEW SECTION, Sec. 11. Sections 1 through 7 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION, Sec. 12. This act shall take effect July 1, 1987.*

Debate ensued.

Senator Metcalf demands 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.

ROLL CALL

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

Voting yea: Senators Bailey, Barr, Bluechel, Cantu, Craswell, Deccio, Goltz, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer, Williams, Zimmerman - 23.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognlid, Warnke, Wojahn - 25.

Excused: Senator Benitz - 1.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Bauer moved that the Senate reconsider the vote by which the amendment by Senator McDermott on page 2, line 1, to Second Substitute Senate Bill No. 3827 was adopted earlier today.

Debate ensued.

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

POINT OF INQUIRY

Senator Fleming: "Senator Talmadge, would you yield to a question, to further elaborate on it? Mr. President and members of the body, recognizing that Senator McDermott is one of my good friends and Senator Talmadge is one of my good friends, I'm a little confused about who's telling the truth."

Senator Talmadge: "I suspect, Senator Fleming, that we're both seeing the truth as we see it, but the fact of the matter is if we only dealt with 3265, which Senator McDermott has suggested, a lot of local governments would be in a severe quandary of whether or not they should proceed with the construction of needed facilities and, in fact, they would be almost compelled to raise sewer rates in order to accomplish a secondary treatment and other water quality projects."

The President declared the question before the Senate to be the roll call on the motion of Senator Bauer to reconsider the vote by which the amendment by Senator McDermott on page 2, line 1, was adopted.

ROLL CALL

The Secretary called the roll and the motion by Senator Bauer failed by the following vote: Yeas, 22; nays, 26; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McManus, Moore, Peterson, Rinehart, Stratton, Talmadge, Thompson, Vognlid, Warnke, Wojahn - 22.

Voting nay: Senators Bailey, Barr, Bluechel, Cantu, Conner, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDermott, McDonald, Metcalf, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, Williams, Zimmerman - 26.

Excused: Senator Benitz - 1.

MOTION

Senator Metcalf moved that the following amendment by Senators Metcalf, Lee, Zimmerman and Cantu be adopted:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. A new section is added to chapter 43 RCW to read as follows:

The water protection assistance account is hereby established in the general fund. Each biennium after June 30, 1985, the state treasurer shall transfer, in equal payments each quarter, ninety million dollars from the unrestricted general fund to the water protection assistance account. Moneys in the water protection assistance account may be spent only after appropriation for grants or loans to eligible projects, and for related administrative purposes as provided in section 2 of this act.

NEW SECTION. Sec. 2. A new section is added to chapter 43 RCW to read as follows:

The department of ecology shall make grants or loans from the water protection assistance account to local governments to finance up to fifty percent of the costs of eligible projects, or in conjunction with any other combination of grants and loans which do not exceed seventy-five percent of the costs of eligible projects. Up to one percent of the moneys in the water protection assistance account may be used by the department of ecology in relation to the administration of the grants and loans."

Debate ensued.

POINT OF INQUIRY

Senator Metcalf: "Senator Kreidler, where would the funds to pay the bonds come from if we do not adopt my amendment and go with the amendment that's presently there?"

Senator Kreidler: "Senator Metcalf, my proposal would be the one that's on the table that's sponsored by Goltz and Lee and I think that's the method that I would urge the body to accept as a pay-as-you-go approach."

Senator Metcalf: "Is that amendment then a dedicated fund? Does that raise taxes or just dedicate one-tenth of one percent?"

Senator Kreidler: "It gives the people that option here as to whether they want to have the typical or usual funding mechanism of funding bonds, that being one where we have an ongoing benefit over a number of years, and, therefore, the people over a number of years should pay for the benefits that accrue from those capitol projects or they could go with the pay-as-you-go approach and that would be a referendum to the people to make the decision. They would make the choice as to what approach they prefer."

Further 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 Senators Metcalf, Lee, Zimmerman and Cantu.

ROLL CALL

The Secretary called the roll and the motion by Senator Metcalf failed and the amendment was not adopted by the following vote: Yeas, 20; nays, 28; excused, 1.

Voting yea: Senators Bailey, Barr, Cantu, Craswell, Deccio, Garrett, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Sating, Sellar, von Reichbauer, Zimmerman - 20.

Voting nay: Senators Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McDonald, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vogndild, Warnke, Williams, Wojahn - 28.

Excused: Senator Benitz - 1.

MOTION

Senator Goltz moved that the following amendment by Senators Goltz and Lee be adopted:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. The long-range environmental goals for the state of Washington must include the protection of the state's most critical water bodies for the health, safety, and enjoyment of its people, and the economic use of water by providing facilities and systems among others, for the general control, collection, treatment, or disposal of nonradioactive liquid waste materials. The purpose of this chapter is to provide financial assistance to the state and local governments in the achievement of federal and state water pollution control requirements for the protection and utilization of the state's most critical water resources.

NEW SECTION. Sec. 2. For the purpose of providing funds for the planning, design, acquisition, construction, and improvement of public waste disposal and management facilities in this state, the state finance committee is authorized to issue as specified herein general obligation bonds of the state of Washington in the sum of four hundred million dollars, or so much thereof as may be required to finance the improvements defined in this chapter and all costs incidental thereto. Bond proceeds may be used to pay administrative costs and other costs incidental to such projects and to the issuance of such bonds including, but not limited to, salaries and costs of officials and employees of the state and costs of insurance or credit enhancement agreements. The department may not use or permit the use of any funds derived from the sale of bonds authorized by this chapter for the support of increased capacity for development or growth.

These bonds shall be paid and discharged within thirty years of the date of issuance. Bonds authorized in this section shall be sold in such manner, at such time or times, in such amounts and at such price as the state finance committee shall determine. No such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds and the total amount of bonds authorized to be issued by this chapter shall be reduced by an amount equal to the amount of moneys placed in the account under RCW 82.08.020 and 82.12.020 and income from the investment of this amount. The state finance committee may obtain insurance or letters of credit and may authorize the execution and delivery of agreements, promissory notes, and other obligations for the purpose of insuring the payment or enhancing the marketability of bonds authorized in this section. Promissory notes or other obligations issued pursuant to this section shall not constitute a debt or the contracting of indebtedness under any constitutional or statutory indebtedness limitation if their payment is conditioned upon the failure of the state to pay the principal of or interest on the bonds with respect to which the same relate.

NEW SECTION. Sec. 3. The proceeds from the sale of bonds authorized by this chapter shall be deposited in the 1985 water pollution control account hereby created in the state treasury and shall be used exclusively for the purpose specified in this chapter and for payment of the expenses incurred in the issuance and sale of the bonds.

NEW SECTION. Sec. 4. The proceeds from the sale of the bonds deposited in the 1985 water pollution control account under the terms of this chapter shall be administered by the state department of ecology subject to legislative appropriation. The department may use or permit the use of any funds derived from the sale of bonds authorized under this chapter to accomplish the purpose for which the bonds are issued by direct expenditures and by grants or loans to public bodies, including grants to public bodies as cost-sharing funds in any case where federal, local, or other funds are made available on a cost-sharing basis for improvements within the purposes of this chapter. The department shall ensure that grants of funds authorized under this chapter do not constitute more than fifty percent of the total eligible cost of any liquid waste disposal or management facility. The department shall also ensure that any combination of grants and loans of funds authorized under this chapter or by a federal agency shall not exceed seventy-five percent of the eligible cost of any liquid waste disposal or management facility. Not more than two percent of the proceeds of the bond issue may be used by the department of ecology in relation to the administration of the expenditures, grants, and loans.

The department of ecology shall present a progress report on use of bond proceeds to the legislature no later than November 30th of each year.

NEW SECTION. Sec. 5. The department shall allocate from those funds authorized by this chapter in the following manner:

- (1) No more than two hundred forty-three million five hundred thousand dollars for construction of pollution control facilities that discharge directly into Puget Sound;
- (2) No more than twenty-two million five hundred thousand dollars for projects involving direct discharge into the straits of Juan De Fuca, Georgia, and Rosario;
- (3) No more than nine million dollars for projects involving direct discharges into other marine estuaries within Washington state;
- (4) No more than sixty-seven million dollars for construction of facilities that will protect from contamination sole source aquifers as designated under the federal safe drinking water act, and other groundwater bodies as designated by the department, including but not limited to the Spokane-Rathdrum Prairie Aquifer; and
- (5) No more than fifty-eight million dollars and such sums that may be remaining in the categories specified in subsections (1) through (4) of this section, for construction of waste disposal and management facilities that result in water quality improvement of fresh and marine waters.

NEW SECTION. Sec. 6. When allocating funds appropriated by the legislature to the projects within the categories described in section 5 of this act, the department of ecology shall take into consideration the following:

- (1) The protection of water quality and public health;
- (2) The level of local fiscal effort calculated per capita since 1972 in financing water quality improvements;
- (3) Regulatory actions established in federal and state compliance orders;

(4) The cost of improvements mandated by federal and state agencies;

(5) The amount of state general fund revenue collected in the area served by a local project sponsor;

(6) The recommendations of the Puget Sound water quality authority and any other board, council, commission, or group established by the legislature to study water pollution control issues around the state; and

(7) Geographical distribution.

One-half of one percent of the total authorized by the legislature each biennium may be used to provide funds to local bodies to prepare feasibility studies on joint development and other alternative methods of financing waste water treatment facilities. Public bodies receiving funds for investigating the feasibility of alternative waste water financing methods shall not have their standing on the department of ecology grant funding priority list jeopardized.

NEW SECTION. Sec. 7. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Waste disposal and management facilities" means any facilities or systems owned or operated by a public body for the control, collection, storage, treatment, disposal, recycling, or recovery of nonradioactive liquid wastes, including but not limited to sanitary sewage, storm water, residential, industrial, commercial, and agricultural wastes, and concentrations of organic sediments, inorganic nutrients, and toxic materials which are causing environmental degradation and loss of the beneficial use of the environment. Waste disposal and management facilities may include all equipment, utilities, structures, real property, and interest in and improvements on real property necessary for or incidental to such purpose. As used in this chapter, the phrase "waste disposal and management facilities" shall not include the acquisition of equipment used to collect residential or commercial garbage.

(2) "Public body" means the state of Washington or any agency, political subdivision, taxing district, or municipal corporation thereof, an agency of the federal government, and those Indian tribes now or hereafter recognized as such by the federal government.

(3) "Control" means those measures necessary to maintain and/or restore the beneficial uses of critical state water resources including, but not limited to, the diversion, sedimentation, flocculation, dredge and disposal, or containment or treatment of nutrients, organic waste, and toxic material to restore the beneficial use of the state's critical water resources and prevent the continued pollution of these resources.

(4) "Planning" means the development of comprehensive plans for the purpose of identifying critical water resource needs for specific waste disposal facilities as well as the development of plans specific to a particular project.

(5) "Critical water resource" means those significant water bodies in jeopardy of further degradation causing irreparable deterioration.

(6) "Department" means the department of ecology.

NEW SECTION. Sec. 8. Both principal of and interest on the bonds authorized by section 2 of this act shall be payable from the waste disposal facilities bond redemption fund. The state finance committee may provide that a special account be created in such fund to facilitate payment of such principal and interest.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required for principal and interest on such bonds in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the waste disposal facilities bond redemption fund, or a special account in such fund, such amounts and at such times as are required by the bond proceedings. The owner of each of the bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this chapter.

NEW SECTION. Sec. 9. The legislature may provide additional means for raising moneys for the payment of the principal and interest of the bonds authorized in this chapter, and this chapter shall not be deemed to provide an exclusive method for such payment.

NEW SECTION. Sec. 10. The bonds authorized in this chapter shall be a legal investment for all state funds or for funds under state control and for all funds of any other public body.

NEW SECTION. Sec. 11. The total authorization of this chapter shall be reduced by such sums as specifically appropriated in lieu of bond sales authorized by this chapter.

Sec. 12. Section 82.08.020, chapter 15, Laws of 1961 as last amended by section 41, chapter 3, Laws of 1983 2nd ex. sess. and by section 62, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.08.020 are each reenacted and 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.

(2) In addition to the tax imposed under subsection (1) of this section, there is levied and shall be collected on each retail sale in this state an additional tax equal to one-tenth of one percent of the selling price. Moneys collected under this subsection shall be deposited in the 1985 water pollution control account.

(3) The tax imposed under this chapter shall apply to successive retail sales of the same property.

~~((3))~~ (4) The rates provided in this section (~~applies~~) apply to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

Sec. 13. Section 82.12.020, chapter 15, Laws of 1961 as last amended by section 7, chapter 7, Laws of 1983 and RCW 82.12.020 are each amended to read as follows:

There is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using within this state as a consumer any article of tangible personal property purchased at retail, or acquired by lease, gift, repossession, or bailment, or extracted or produced or manufactured by the person so using the same, or otherwise furnished to a person engaged in any business taxable under RCW 82.04.280, subsections (2) or (7). This tax will not apply with respect to the use of any article of tangible personal property purchased, extracted, produced or manufactured outside this state until the transportation of such article has finally ended or until such article has become commingled with the general mass of property in this state. This tax shall apply to the use of every article of tangible personal property, including property acquired at a casual or isolated sale, and including byproducts used by the manufacturer thereof, except as hereinafter provided, irrespective of whether the article or similar articles are manufactured or are available for purchase within this state. Except as provided in RCW 82.12.0252, payment by one purchaser or user of tangible personal property of the tax imposed by chapter 82.08 or 82.12 RCW shall not have the effect of exempting any other purchaser or user of the same property from the taxes imposed by such chapters. The tax shall be levied and collected in an amount equal to the value of the article used by the taxpayer multiplied by the rate in effect for the retail sales tax under RCW 82.08.020, as now or hereafter amended, in the county in which the article is used.

The moneys collected under this section which result from a rate of one-tenth of one percent of the value of the article used shall be deposited in the 1985 water pollution control account.

Sec. 14. Section 82.12.045, chapter 15, Laws of 1961 as last amended by section 2, chapter 77, Laws of 1983 and RCW 82.12.045 are each amended to read as follows:

In the collection of the use tax on motor vehicles, the department of revenue may designate the county auditors of the several counties of the state as its collecting agents. Upon such designation, it shall be the duty of each county auditor to collect the tax at the time an applicant applies for the registration of, and transfer of title to, the motor vehicle, except in the following instances: (1) Where the applicant exhibits a dealer's report of sale showing that the retail sales tax has been collected by the dealer; (2) where the application is for the renewal of registration; (3) where the applicant presents a written statement signed by the department of revenue, or its duly authorized agent showing that no use tax is legally due; or (4) where the applicant presents satisfactory evidence showing that the retail sales tax or the use tax has been paid by him on the vehicle in question. The term "motor vehicle," as used in this section means and includes all motor vehicles, trailers and semitrailers used, or of a type designed primarily to be used, upon the public streets and highways, for the convenience or pleasure of the owner, or for the conveyance, for hire or otherwise, of persons or property, including fixed loads, facilities for human habitation, and vehicles carrying exempt licenses. It shall be the duty of every applicant for registration and transfer of certificate of title who is subject to payment of tax under this section to declare upon his application the value of the vehicle for which application is made, which shall consist of the consideration paid or contracted to be paid therefor. Any person willfully misrepresenting, or failing or refusing to declare upon his application, such value shall be guilty of a gross misdemeanor.

Each county auditor who acts as agent of the department of revenue shall at the time of remitting license fee receipts on motor vehicles subject to the provisions of this section pay over and account to the state treasurer for all use tax revenue collected under this section, after first deducting as his collection fee the sum of two dollars for each motor vehicle upon which the tax has been collected. Except as provided in RCW 82.12.020, all revenue received by the state treasurer under this section shall be credited to the general fund. The auditor's collection fee shall be deposited in the county current expense fund. A duplicate of the county auditor's transmittal report to the state treasurer shall be forwarded forthwith to the department of revenue.

Any applicant who has paid use tax to a county auditor under this section may apply to the department of revenue for refund thereof if he has reason to believe that such tax was not legally due and owing. No refund shall be allowed unless application therefor is received by the department of revenue within two years after payment of the tax. Upon receipt of an application for refund the department of revenue shall consider the same and issue its order either granting or denying it and if refund is denied the taxpayer shall have the right of appeal as provided in RCW 82.32.170, 82.32.180 and 82.32.190.

The provisions of this section shall be construed as cumulative of other methods prescribed in chapters 82.04 to 82.32 RCW, inclusive, for the collection of the tax imposed by this chapter. The department of revenue shall have power to promulgate such rules and regulations as may be necessary to administer the provisions of this section. Any duties required by this section to

be performed by the county auditor may be performed by the director of licensing but no collection fee shall be deductible by said director in remitting use tax revenue to the state treasurer.

NEW SECTION. Sec. 15. Sections 1 through 11 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 16. Sections 12 through 14 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."

PARLIAMENTARY INQUIRY

Senator Lee: "The Goltz amendment, as I understand it, is a striking amendment--striking everything after the enacting clause and I believe that Senator Bailey has an amendment that is a perfecting amendment."

REPLY BY THE PRESIDENT

President Cherberg: "Senator Lee, the Senate has adopted the amendment by Senator Kreidler establishing four hundred million and the Senate has already decided that."

Senator Lee: "This would be an even smaller amount."

President Cherberg: "We start with the larger amount first. Once the body has decided, that precludes other amendments. In other words, Senator Bailey's is precluded."

MOTION

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

On page 2, line 20, after "within" strike "thirty" and insert "ten"

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 Senator McDermott to the amendment by Senators Goltz and Lee.

ROLL CALL

The Secretary called the roll and the motion by Senator McDermott carried, the President voting 'aye' by the following vote: Yeas, 24; nays, 24; excused, 1.

Voting yea: Senators Bailey, Barr, Bluechel, Cantu, Conner, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, Williams, Zimmerman - 24.

Voting nay: Senators Bauer, Bender, Bottiger, DeJarmatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, Lee, McManus, Owen, Peterson, Rinehart, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Wojahn - 24.

Excused: Senator Benitz - 1.

MOTION

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

On page 15, line 30, after "sections" add: "1 through 11 and Sections" and on line 32, after "people" add: "as two separate referenda"

Debate ensued.

Senator McDonald 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 Craswell to the amendment by Senators Goltz and Lee.

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, 28; excused, 1.

Voting yea: Senators Bailey, Barr, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, McCaslin, McDonald, Metcalf, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Zimmerman - 20.

Voting nay: Senators Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kiskaddon, Kreidler, Lee, McDermott, McManus, Moore, Peterson, Rinehart, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 28.

Excused: Senator Benitz - 1.

MOTION

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

On page 15, line 31, after "14" add: "and new sections 17 and 18" and after Section 16, add: "NEW SECTION, Sec. 17. A new section is added to chapter 43 RCW to read as follows:

The water protection assistance account is hereby established in the general fund. Each biennium after June 30, 1985, the state treasurer shall transfer, in equal payments each quarter, eighty million dollars from the unrestricted general fund to the water protection assistance account. Moneys in the water protection assistance account may be spent only after appropriation for grants or loans to eligible projects, and for related administrative purposes as provided in section 2 of this act.

NEW SECTION, Sec. 18. A new section is added to chapter 43 RCW to read as follows:

The department of ecology shall make grants or loans from the water protection assistance account to local governments to finance up to fifty percent of the costs of eligible projects, or in conjunction with any other combination of grants and loans which do not exceed seventy-five percent of the costs of eligible projects. Up to one percent of the moneys in the water protection assistance account may be used by the department of ecology in relation to the administration of the grants and loans."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Metcalf to the amendment by Senators Goltz and Lee.

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

MOTION

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

On page 16, line 3 of the amendment, after the ".", insert: "If approved by the people, section 12 through 14 shall take effect on July 1, 1986."

The President declared the question before the Senate to be adoption of the amendment by Senators Goltz and Lee, as amended.

Debate ensued.

POINT OF INQUIRY

Senator Patterson: "Senator Goltz, just to clarify my understanding of your proposal--in the event, as I understand it, you have a four hundred million dollar bond issue that would be authorized under the act? At the same time you are proposing an increase in the sales tax and that would be submitted to the people for their approval--an increase in the sales tax. Are the two tied together? In other words, if they do not approve the sales tax, what will be the source of the bond redemption?"

Senator Goltz: "It would be the general fund of the state of Washington."

Senator Patterson: "In other words, one does not depend upon the other?"

Senator Goltz: "That is correct. If this amendment passes and if the voters do not approve of a tenth of a cent sales tax, this bill would still authorize the issuance of a four hundred million dollars worth of bonds for the purposes we all are familiar with and that obligation would come due to this legislature each subsequent biennium until those bonds were paid off."

PARLIAMENTARY INQUIRY

Senator Patterson: "Mr. President, in view of this response, does this amendment--in view of the bond issue itself being authorized--does it take a sixty percent vote of the body to authorize this amendment?"

REPLY BY THE PRESIDENT

President Cherberg: "Sixty percent, Senator."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, this is an amendment, not final passage. It wouldn't take sixty percent of the amendment."

President Cherberg: "No, not on the amendment."

Senator Patterson: "But if we do adopt the amendment and then it comes to final passage, it takes sixty percent at that time?"

President Cherberg: "Sixty percent at that time."

POINT OF INQUIRY

Senator Rasmussen: "Senator Goltz, this is a damned if you do and damned if you don't approach, is this right?"

Senator Goltz: "No, I think you will have clean water one way or the other."

Senator Rasmussen: "But in the event of the people--there's no way they can escape. They're going to be stuck for either the bonds or the sales tax."

Senator Goltz: "I don't think the people want to escape. My impression is that the people of the state really support the clean-up of our waters. The people of Spokane are very, very fearful that that precious aquifer by Spokane will some day not permit them to take it for drinking water."

Senator Rasmussen: "I really didn't want a speech. I just wanted an answer to my question."

Senator Goltz: "I felt it coming on. I think the people really do expect that this is a good piece of legislation and the question before us is simply how do you want to pay for it--now or later?"

Senator Rasmussen: "I agree--you either get hung with a new rope or with the same old rope. Yes, I am glad that you can see it that clearly. I am preparing an amendment that will solve all your problems and you won't even have to use the rope."

POINT OF INQUIRY

Senator Hansen: "Senator Rasmussen, you know, I've been here and listened to all those problems and the needs, how about putting a sales tax on food, strictly on food alone for the clean-up of the waters. That's what's contaminating the water so let's put the sales tax on the food."

Senator Rasmussen: "What they claim, Senator Hansen--and no Democrat should vote for that because it is contrary to our platform--what they claim is that it's that unseen pollution that's coming from the cattle. Now, if you know of any cattlemen, they can tell about it because one of the ponds broke and it killed fifty million fish just not too long ago up in Senator Goltz's area--somewhere around there. What stream was that--"

Senator Goltz: "I don't know the name of the stream. You know in Whatcom County, we are now beginning to diaper the cows."

Senator Rasmussen: "That, Senator Hansen, is your answer right there. It's that unseen pollution that seeps."

MOTION

Senator Barr moved that the following amendment to the amendment by Senators Goltz and Lee be adopted:

On page 5, lines 32 and 33, strike "and marine"

Debate ensued.

POINT OF INQUIRY

Senator Barr: "Senator Goltz, what do you mean by marine waters for the rest of it? It clearly says here that this remaining sixty-five million would go into fresh or/and marine waters. Now, I think the fresh water people here, obviously--I almost used a farm term here of where you were at--but could you give me a definition of how marine water is going to be used in this or if this money is going--"

Senator Goltz: "I think the meaning of marine water is quite clear, but I think the location of where marine water exists may not be. Marine waters are ocean-related waters and I would say the area in Grays Harbor and that area would certainly qualify. I'm not that familiar with the geography along the coast, but would certainly include, at least, Grays Harbor, as well as some other places."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Barr to the amendment by Senators Goltz and Lee.

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

MOTION

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

On page 1, after line 3 of the striking amendment, strike all remaining language through page 16, line 3 and insert:

"NEW SECTION. Sec. 1. The long-range environmental goals for the state of Washington must include the protection of the state's most critical water bodies for the health, safety, and enjoyment of its people, and the economic use of water by providing facilities and systems among others, for the general control, collection, treatment, or disposal of nonradioactive liquid waste materials. The purpose of this act is to provide financial assistance to the state and local governments in the achievement of federal and state water pollution control requirements for the protection and utilization of the state's most critical water resources.

Sec. 2. Section 82.09.020, chapter 15, Laws of 1961 as last amended by section 41, chapter 3, Laws of 1982 2nd ex. sess. and by section 62, chapter 3, Laws of 1983, 2nd ex. sess. and RCW 82.08.020 are each reenacted and 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-tenth percent of the selling price.

(2) In addition to the tax imposed under subsection (1) of this section, there is levied and shall be collected on each retail sale in this state an additional tax equal to one-tenth of one percent of the selling price. Moneys collected under this subsection shall be deposited in the local improvement revolving account--waste disposal facilities 1985. The tax imposed under this subsection shall expire when four hundred million dollars has been deposited in the local improvement revolving account--waste disposal facilities 1985.

(3) The tax imposed under this chapter shall apply to successive retail sales of the same property.

~~((3))~~ (4) The rates provided in this section ~~((applies))~~ apply to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

Sec. 3. Section 82.12.020, chapter 15, Laws of 1961 as last amended by section 7, chapter 7, Laws of 1983 and RCW 82.12.020 are each amended to read as follows:

There is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using within this state as a consumer any article of tangible personal property purchased at retail, or acquired by lease, gift, repossession, or bailment, or extracted or produced or manufactured by the person so using the same, or otherwise furnished to a person engaged in any business taxable under RCW 82.04.280, subsections (2) or (7). This tax will not apply with respect to the use of any article of tangible personal property purchased, extracted, produced or manufactured outside this state until the transportation of such article has finally ended or until such article has become commingled with the general mass of property in this state. This tax shall apply to the use of every article of tangible personal property, including property acquired at a casual or isolated sale, and including byproducts used by the manufacturer thereof, except as hereinafter provided, irrespective of whether the article or similar articles are manufactured or are available for purchase within this state. Except as provided in RCW 82.12.0252, payment by one purchaser or user of tangible personal property of the tax imposed by chapter 82.08 or 82.12 RCW shall not have the effect of exempting any other purchaser or user of the same property from the taxes imposed by such chapters. The tax shall be levied and collected in an amount equal to the value of the article used by the taxpayer multiplied by the rate in effect for the retail sales tax under RCW 82.08.020, as now or hereafter amended, in the county in which the article is used.

The moneys collected under this section which result from a rate of one-tenth of one percent of the value of the article used shall be deposited in the local improvement revolving account--waste disposal facilities 1985 until four hundred million dollars has been deposited in the account.

Sec. 4. Section 82.12.045, chapter 15, Laws of 1961 as last amended by section 2, chapter 77, Laws of 1983 and RCW 82.12.045 are each amended to read as follows:

In the collection of the use tax on motor vehicles, the department of revenue may designate the county auditors of the several counties of the state as its collecting agents. Upon such

designation, it shall be the duty of each county auditor to collect the tax at the time an applicant applies for the registration of, and transfer of title to, the motor vehicle, except in the following instances: (1) Where the applicant exhibits a dealer's report of sale showing that the retail sales tax has been collected by the dealer; (2) where the application is for the renewal of registration; (3) where the applicant presents a written statement signed by the department of revenue, or its duly authorized agent showing that no use tax is legally due; or (4) where the applicant presents satisfactory evidence showing that the retail sales tax or the use tax has been paid by him on the vehicle in question. The term "motor vehicle," as used in this section means and includes all motor vehicles, trailers and semitrailers used, or of a type designed primarily to be used, upon the public streets and highways, for the convenience or pleasure of the owner, or for the conveyance, for hire or otherwise, of persons or property, including fixed loads, facilities for human habitation, and vehicles carrying exempt licenses. It shall be the duty of every applicant for registration and transfer of certificate of title who is subject to payment of tax under this section to declare upon his application the value of the vehicle for which application is made, which shall consist of the consideration paid or contracted to be paid therefor. Any person willfully misrepresenting, or failing or refusing to declare upon his application, such value shall be guilty of a gross misdemeanor.

Each county auditor who acts as agent of the department of revenue shall at the time of remitting license fee receipts on motor vehicles subject to the provisions of this section pay over and account to the state treasurer for all use tax revenue collected under this section, after first deducting as his collection fee the sum of two dollars for each motor vehicle upon which the tax has been collected. Except as provided in RCW 82.12.020, all revenue received by the state treasurer under this section shall be credited to the general fund. The auditor's collection fee shall be deposited in the county current expense fund. A duplicate of the county auditor's transmittal report to the state treasurer shall be forwarded forthwith to the department of revenue.

Any applicant who has paid use tax to a county auditor under this section may apply to the department of revenue for refund thereof if he has reason to believe that such tax was not legally due and owing. No refund shall be allowed unless application therefor is received by the department of revenue within two years after payment of the tax. Upon receipt of an application for refund the department of revenue shall consider the same and issue its order either granting or denying it and if refund is denied the taxpayer shall have the right of appeal as provided in RCW 82.32.170, 83.32.180 and 82.32.190.

The provisions of this section shall be construed as cumulative of other methods prescribed in chapters 82.04 to 82.32 RCW, inclusive, for the collection of the tax imposed by this chapter. The department of revenue shall have power to promulgate such rules and regulations as may be necessary to administer the provisions of this section. Any duties required by this section to be performed by the county auditor may be performed by the director of licensing but no collection fee shall be deductible by said director in remitting use tax revenue to the state treasurer."

Debate ensued.

POINT OF INQUIRY

Senator Kiskaddon: "Senator Rasmussen, I guess I would like to clarify this--you are still leaving in the bond issue?"

Senator Rasmussen: "No."

Senator Kiskaddon: "I thought that was in section 2 and your amendment started on page 10."

Senator Rasmussen: "My adviser says 'yes' it is still in, but if you have the money, the bonds won't be sold. In the hurry of preparing the amendment, we didn't get the bonds taken out."

Senator Kiskaddon: "So your goal here is to make it a complete pay-as-you-go plan with an additional one-tenth of a cent sales tax?"

Senator Rasmussen: "This is my intent, yes."

Further debate ensued.

PARLIAMENTARY INQUIRY

Senator Bottiger: "Mr. President and members of the Senate, we have already voted on that once early on in one of the amendments by Senators Lee and Metcalf. That was rejected by the body and now to submit it again probably, Mr. President, would raise a point of order that we're doing the same thing with a different amendment."

Senator Kiskaddon: "I believe this is a different situation. In Senator Lee's amendment, there was no additional increase of tax and I think this one actually adds an additional tenth of a cent of tax, so unless I'm misunderstanding what is going on, Senator Bottiger, I think this is a different situation than the ones that we voted on before."

REPLY BY THE PRESIDENT

President Cherberg: "Senator Kiskaddon's point is well taken."

Further debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Rasmussen, in order to get this clear in my mind, what your amendment does is increases the sales tax one-tenth of one percent so we pay the whole thing up front over a ten-year period?"

Senator Rasmussen: "Yes, whatever it takes to get the four hundred million just estimated will be needed--and we'll start it July 1, 1985. You'd have the assurance that the money will be coming in. You won't have to be waiting for a referendum and takes the referendum off of the bill."

Senator Deccio: "There would be no bonds? There would just be cash payments?"

Senator Rasmussen: "That's correct."

Further debate ensued.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Rasmussen to the amendment by Senators Goltz and Lee.

ROLL CALL

The Secretary called the roll and the motion by Senator Rasmussen failed and the amendment to the amendment was not adopted by the following vote: Yeas, 7; nays, 39; absent, 2; excused, 1.

Voting yea: Senators Bluechel, Deccio, Garrett, Guess, Kiskaddon, Metcalf, Rasmussen - 7.

Voting nay: Senators Bailey, Barr, Bauer, Bender, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Peterson, Pullen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 39.

Absent: Senators Patterson, Vognild - 2.

Excused: Senator Benitz - 1.

The President declared the question before the Senate to be adoption of the amendment by Senators Goltz and Lee, as amended.

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

MOTIONS

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

On page 1, line 2 of the title, after "systems;" strike the remainder of the title and insert "amending RCW 82.12.020 and 82.12.045; reenacting and amending RCW 82.08.020; adding a new chapter to Title 43 RCW; and providing for submission of parts of this act to a vote of the people."

On motion of Senator Kreidler, the rules were suspended. Engrossed Second Substitute Senate Bill No. 3827 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

MOTION

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

EVENING SESSION

The Senate was called to order at 7:06 p.m. by President Cherberg.

There being no objection, the Senate resumed consideration of Engrossed Second Substitute Senate Bill No. 3827 which was advanced to third reading and final passage before the recess.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute Senate Bill No. 3827.

MOTION

Senator Bottiger moved that the rules be suspended and Engrossed Second Substitute Senate Bill No. 3827 be returned to second reading.

Debate ensued.

Senator von Reichbauer demanded a roll call and the demand was sustained.

MOTION

On motion of Senator Bender, Senator Owen was excused.

PARLIAMENTARY INQUIRY

Senator McDonald: "Mr. President, could you tell me how many votes it takes to suspend the rules?"

REPLY BY THE PRESIDENT

President Cherberg: "In this particular instance, a simple majority."

Senator McDonald: "What's the citation on this?"

President Cherberg: "Rule 61."

Senator McDonald: "Thank you, Mr. President."

The President declared the question before the Senate to be the roll call on the motion by Senator Bottiger to suspend the rules and return Engrossed Second Substitute Senate Bill No. 3827 to second reading.

ROLL CALL

The Secretary called the roll and the motion by Senator Bottiger carried by the following vote: Yeas, 25; nays, 22; excused, 2.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Peterson, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 25.

Voting nay: Senators Bailey, Barr, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, Zimmerman - 22.

Excused: Senators Benitz, Owen - 2.

Engrossed Second Substitute Senate Bill No. 3827 was returned to second reading and read the second time.

MOTION

Having voted on the prevailing side, Senator Bottiger moved that the Senate reconsider the vote by which the striking amendment, as amended, by Senators Goltz and Lee was adopted.

Debate ensued.

Senator McDonald 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 reconsider the vote by which the striking amendment, as amended, by Senators Goltz and Lee was adopted.

ROLL CALL

The Secretary called the roll and the motion by Senator Bottiger carried by the following vote: Yeas, 25; nays, 22; excused, 2.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Peterson, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 25.

Voting nay: Senators Bailey, Barr, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, Zimmerman - 22.

Excused: Senators Benitz, Owen - 2.

The President declared the question before the Senate to be adoption of the amendment, as amended, by Senators Goltz and Lee, on reconsideration.

The striking amendment, as amended, by Senators Goltz and Lee to Engrossed Second Substitute Senate Bill No. 3827 was not adopted on reconsideration.

MOTION

Senator Newhouse moved that the following amendment by Senators Newhouse and Patterson be adopted:

On page 6, line 14, add a new section to read as follows:

"NEW SECTION, Sec. 13. 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 VIII, section 3 of the state Constitution as amended; and in accordance with Article II, section 1 of the state Constitution as amended, and the laws adopted to facilitate the operation thereof."

Senator Bottiger demanded the previous question.

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

MOTION

On motion of Senator Bottiger, and there being no objection, the demand for the previous question was withdrawn.

Debate on the amendment by Senators Newhouse and Patterson ensued. Senator Sellar demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Newhouse and Patterson.

ROLL CALL

The Secretary called the roll and the motion by Senator Newhouse failed and the amendment was not adopted by the following vote: Yeas, 20; nays, 28; excused, 1.

Voting yea: Senators Bailey, Barr, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Saling, Sellar, Stratton, von Reichbauer, Zimmerman - 20.

Voting nay: Senators Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kiskaddon, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 28.

Excused: Senator Benitz - 1.

MOTION

On motion of Senator Bottiger, the rules were suspended, Engrossed Second Substitute Senate Bill No. 3827 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. 3827.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute Senate Bill No. 3827 and the bill failed to pass the Senate by the following vote: Yeas, 25; nays, 23; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Stratton, Talmadge, Thompson, Vognild, Williams, Wojahn - 25.

Voting nay: Senators Bailey, Barr, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, Warnke, Zimmerman - 23.

Excused: Senator Benitz - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3827, having failed to receive the constitutional 60% majority, was declared lost.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Warnke served notice that he would move to reconsider the vote by which Engrossed Second Substitute Senate Bill No. 3827 failed to pass the Senate.

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

MESSAGES FROM THE HOUSE

March 20, 1985

Mr. President:

The House has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3.

SUBSTITUTE HOUSE BILL NO. 41.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 393.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 500.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 506.

HOUSE BILL NO. 575.

SUBSTITUTE HOUSE BILL NO. 606.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 781.

SUBSTITUTE HOUSE BILL NO. 814.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 815,
 SUBSTITUTE HOUSE BILL NO. 839,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 865,
 SUBSTITUTE HOUSE BILL NO. 936,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 974,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 975,
 SECOND SUBSTITUTE HOUSE BILL NO. 1068,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1077,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1078,
 SUBSTITUTE HOUSE BILL NO. 1170,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1172,
 SUBSTITUTE HOUSE BILL NO. 1177, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

March 20, 1985

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 470,
 SUBSTITUTE HOUSE BILL NO. 1107, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

March 20, 1985

Mr. President:

The House has passed:

HOUSE BILL NO. 357, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

E2SHB 3 by Committee on Ways and Means (originally sponsored by Representatives Sutherland, Tanner, Rust and Unsoeld)

Providing for protection from radiation.

Referred to Committee on Human Services and Corrections.

SHB 41 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Lux, Winsley, Zellinsky, Prince, Schoon, Wang, Miller and Tanner)

Authorizing the commissioner to establish reasonable minimum standards in vehicle, property, and casualty insurance policies.

Referred to Committee on Financial Institutions.

HB 357 by Representatives Brekke, Lewis, Braddock, Brooks, Armstrong and Day (by Department of Social and Health Services request)

Establishing procedures for the disclosure by state agencies of personal records for research purposes.

Referred to Committee on Governmental Operations.

ESHB 393 by Committee on State Government (originally sponsored by Representatives Brooks, Belcher, J. Williams, O'Brien and Hankins) (by Department of General Administration request)

Revising state competitive bidding procedures.

Referred to Committee on Governmental Operations.

ESHB 470 by Committee on Social and Health Services (originally sponsored by Representatives Brekke, Leonard, Ballard, Lux, Armstrong, Sayan, Braddock, Tanner and Taylor)

Providing for the registration and certification of mental health professionals.

Referred to Committee on Human Services and Corrections.

ESHB 506 by Select Committee on the Clean-up and Management of Puget Sound (originally sponsored by Representatives Jacobsen, Allen, Belcher, Miller, Braddock, Long, Valle, Brough, D. Nelson, Hine, Haugen, Cole, Rust, P. King, Niemi, Schmidt, Leonard, Winsley, Appelwick, Ebersole, R. King, Locke, O'Brien, McMullen, Fisch, Lux and Zellinsky)

Establishing a Puget Sound institute.

Referred to Committee on Parks and Ecology.

HB 575 by Representatives Fisher, Winsley, Fisch, Walk, Wang, Smitherman and Ebersole

Authorizing payroll deductions for political contributions by public transportation employees.

Referred to Committee on Commerce and Labor.

SHB 606 by Committee on Local Government (originally sponsored by Representatives Unsoeld, Belcher, Haugen and K. Wilson)

Providing for lake management districts.

Referred to Committee on Parks and Ecology.

ESHB 781 by Committee on Higher Education (originally sponsored by Representatives Jacobsen, Prince, Niemi, Allen, D. Nelson, Appelwick, J. Williams, Sommers, Tanner, P. King and Wineberry)

Creating a Washington distinguished professorship program.

Referred to Committee on Education.

SHB 814 by Select Committee on Clean-up and Management of Puget Sound (originally sponsored by Representatives Unsoeld, Rust, Miller, Jacobsen, Holland, G. Nelson and Barnes)

Requiring the department of ecology to review Puget Sound wastewater standards.

Referred to Committee on Parks and Ecology.

ESHB 815 by Select Committee on Clean-up and Management of Puget Sound (originally sponsored by Representatives Unsoeld, Jacobsen and G. Nelson)

Revising provisions relating to sewage treatment facilities.

Referred to Committee on Parks and Ecology.

SHB 839 by Select Committee on Clean-up and Management of Puget Sound (originally sponsored by Representatives Cole, G. Nelson, Rust and Wang)

Requiring comprehensive land use plans to consider and provide corrective action against discharges into waters entering Puget Sound.

Referred to Committee on Parks and Ecology.

ESHB 865 by Committee on Environmental Affairs (originally sponsored by Representatives Valle, Rust, Isaacson, Jacobsen, Allen and Lux)

Creating a hazardous substances information and education office.

Referred to Committee on Parks and Ecology.

SHB 936 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Crane, Barrett, Wang, Holland, P. King, K. Wilson, Jacobsen and Winsley)

Restricting exercise of due-on-sale clauses.

Referred to Committee on Financial Institutions.

ESHB 974 by Committee on Ways and Means (originally sponsored by Representatives Rust, Allen, Jacobsen, Lewis, Unsoeld, Valle, May, Miller, K. Wilson and Todd)

Modifying provisions on acid rain.

Referred to Committee on Parks and Ecology.

E2SHB 975 by Committee on Ways and Means (originally sponsored by Representatives Rust, Allen, Jacobsen, Unsoeld, Barnes, Valle and Lux)

Revising provisions relating to hazardous wastes.

Referred to Committee on Parks and Ecology.

2SHB 1068 by Committee on Ways and Means (originally sponsored by Representatives Smitherman, Zellinsky, Wang, Schmidt, J. King, Vekich, G. Nelson, Thomas, May and Hine)

Providing for state and local action to preserve commercial and recreational shellfish areas.

Referred to Committee on Natural Resources.

ESHB 1077 by Committee on Ways and Means (originally sponsored by Representatives Niemi, Lewis, Holland, J. King, Leonard, Cole, R. King, Winsley and Wineberry) (by Governor Gardner request)

Implementing procedures to control and monitor health care costs.

Referred to Committee on Ways and Means.

E2SHB 1078 by Committee on Ways and Means (originally sponsored by Representatives P. King, Betzoff, Smitherman, Wang, Leonard, Vekich, Cole, Jacobsen, Basich, Appelwick, R. King, Tilly, Winsley, Armstrong and Todd) (by Governor Gardner request)

Providing an early childhood assistance program.

Referred to Committee on Education.

SHB 1107 by Committee on Transportation (originally sponsored by Representatives Long, Armstrong, Walk, Betzoff, Brough, Tilly, Holland, Tanner, Silver, Schmidt, Wineberry, Taylor, Patrick, Cole, Walker, Sanders, and May)

Requiring a valid driver's license for issuance of a vehicle license.

Referred to Committee on Transportation.

SHB 1170 by Committee on Environmental Affairs (originally sponsored by Representatives Lux, Wang, Rust, Ebersole, Valle, Cole, Scott, D. Nelson, Unsoeld, Leonard, Sayan, Wineberry, Hine, Fisher and Todd)

Adding requirements to the worker and community right to know act.

Hold.

ESHB 1172 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Lux and Wang)

Authorizing insurance agents and brokers to charge for services.

Referred to Committee on Financial Institutions.

SHB 1177 by Committee on Environmental Affairs (originally sponsored by Representative Lux)

Providing public access to records of hazardous waste handlers.

Referred to Committee on Energy and Utilities.

MOTION

At 7:38 p.m., on motion of Senator Vognild, the Senate adjourned until 9:00 a.m., Friday, March 22, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

SIXTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, March 22, 1985

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, Hansen, Patterson, Peterson and Pullen. On motion of Senator Bender, Senators Hansen and Peterson were excused. On motion of Senator von Reichbauer, Senators Benitz, Patterson and Pullen were excused.

The Sergeant at Arms Color Guard, consisting of Amy Kangas and Steven Martin, presented the Colors. Reverend Dan Secrist, pastor of the Faith Assembly Church of Lacey, offered the prayer.

MOTION

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

SECOND READING

SENATE BILL NO. 3005, by Senators Barr and Rasmussen

Raising the amount available for rent payment for veterans' meeting places.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 3005 was substituted for Senate Bill No. 3005 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Thompson, the rules were suspended, Substitute Senate Bill No. 3005 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator von Reichbauer, Senator Guess was excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3005.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3005 and the bill passed the Senate by the following vote: Yeas, 43; absent, 1; excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Absent: Senator Kreidler - 1.

Excused: Senators Benitz, Guess, Hansen, Patterson, Peterson - 5.

SUBSTITUTE SENATE BILL NO. 3005, having received the constitutional majority, 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. 3255, by Senators Moore and Sellar

Regulating contracts with sales representatives.

MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 3255 was substituted for Senate Bill No. 3255 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 3255 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. 3255.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3255 and the bill passed the Senate by the following vote: Yeas, 42; nays, 2; excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vogndil, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Voting nay: Senators Bluechel, Pullen - 2.

Excused: Senators Benitz, Guess, Hansen, Patterson, Peterson - 5.

SUBSTITUTE SENATE BILL NO. 3255, having received the constitutional majority, 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. 3413, by Senators Warnke, Halsan, Lee, Johnson, McManus, Stratton, Garrett, Gaspard, Bender, Bauer and Wojahn.

Requiring a study of the business license system.

MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 3413 was substituted for Senate Bill No. 3413 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Warnke, the following amendment was adopted:
On page 1, line 6, after "licenses" strike "within the system"

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

On page 1, beginning on line 18, strike all material through "act." on line 22 and insert the following:

"Sec. 2, Section 4, chapter 319, Laws of 1977 ex. sess. as last amended by section 5, chapter 182, Laws of 1982 and RCW 19.02.040 are each amended to read as follows:

(1) There is hereby created a board of review to provide policy direction and technical assistance to the department of licensing as it establishes and operates the business registration and licensing system. The board of review shall be composed of the following (~~officials or their designees~~):

- (a) Director, department of revenue;
- (b) Director, department of labor and industries;
- (c) Commissioner, employment security department;
- (d) Director, department of agriculture;
- (e) Director, department of commerce and economic development;
- (f) Director, department of licensing;
- ~~((g) Director, office of financial management;~~
- ~~(h) Chairman, liquor control board;~~
- ~~(i) Secretary, department of social and health services;~~
- ~~(f)) (g) Secretary of state;~~
- ~~((k)) (h) The governor; and~~
- ~~((i) As ex officio members:~~

~~(i) The president of the senate or the president's designee;~~

~~(ii) The speaker of the house or the speaker's designee; and~~

~~(iii) A) (i) Eight representatives of ((a recognized state-wide organization of employers:)) private industry representing a large cross-section of the Washington business community, to be appointed by the governor.~~

~~(2) ((The governor shall be the chairperson, in the governor's absence, the secretary of state shall act as chairperson:)) The governor shall designate which member shall serve as chairperson.~~

~~(3) The board shall meet at the call of the chairperson at least semi-annually or at the call of a member to:~~

- ~~(a) Establish interagency policy guidelines for the system;~~

(b) Review the findings, status, and problems of system operations and recommend courses of action;

(c) Receive reports from industry and agency task forces;

(d) Determine in questionable cases whether a specific license is to be included in the master license system;

(e) Review and make recommendations on rules proposed by the business license center and any amendments to or revisions of the center's rules.

(4) The board shall submit a report to the legislature each biennium identifying the licenses that the board believes should be added to the list of those processed under the master license system."

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

On page 1, line 1 of the title, after "center;" strike the remainder of the title and insert "amending RCW 19.02.040; and creating a new section."

MOTION

On motion of Senator Warnke, the rules were suspended, Engrossed Substitute Senate Bill No. 3413 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. 3413.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3413 and the bill passed the Senate by the following vote: Yeas, 41; nays, 3; excused, 5.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalif, Moore, Newhouse, Owen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senators Barr, Craswell, Pullen - 3.

Excused: Senators Benitz, Guess, Hansen, Patterson, Peterson - 5.

ENGROSSED SUBSTITUTE 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.

SECOND READING

SENATE BILL NO. 3829, by Senators Kreidler and Deccio

Revising provisions relating to the licensing of physicians.

The bill was read the second time.

MOTIONS

On motion of Senator Bender, Senator Moore was excused.

On motion of Senator Granlund, the rules were suspended, Senate Bill No. 3829 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 Granlund, just in the last section on the last page, on page 6, when you are striking the 'regarding the certification for acupuncture,' striking out 'the other countries' that were mentioned, maybe you could explain what was the reason for eliminating that kind of reference?"

Senator Granlund: "I know one of the concerns that I had is that we had an acupuncture bill that is coming up and in no way does that have any effect on that. I'm not sure. Maybe Senator Kreidler will remember why the section on 'other countries' was stricken."

REMARKS BY SENATOR KREIDLER

Senator Kreidler: "Senator Zimmerman, there was language in there relative to the kind of certification that came from some foreign acupuncture training programs that really was archaic language and it was just coloring up the statutes so it was removed. It was not controversial when it was taken out."

Senator Granlund: "It hasn't been considered essential and there are other ways that they do check to determine if they are adequately trained?"

Senator Kreidler: "That's right. There's the acupuncture bill that has passed the House that is in the Senate Human Services and Corrections Committee that addresses any issue that might have been relative to this issue."

POINT OF INQUIRY

Senator Bluechel: "Senator Kreidler, what changes did you make in the acupuncture section? Could you describe the procedures before now and what will happen if this bill is enacted?"

Senator Kreidler: "Senator Bluechel, the present status was that they were essentially licensed much like physician's assistants. That still remains the same. There's a separate bill that is coming through that would change that process and that's the bill that will be before the committee and probably on the floor of the Senate at a later time. It was language that dealt with the issue of certain acupuncture schools that were in other counties and it really was the Department of Licensing that had identified it as a problem because it really wasn't applicable and it made the recommendation that the language be removed. The acupuncturists and the physicians were agreed that there was no controversy on that point."

Senator Bluechel: "Further question. Senator Kreidler, what would be the position --say for acupuncture if the other bill didn't pass and this one did?"

Senator Kreidler: "It would make no change and that was their reason for not opposing the language change in this bill."

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3829.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3829 and the bill passed the Senate by the following vote: Yeas, 37; nays, 6; absent, 1; excused, 5.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hayner, Johnson, Kreidler, McDermott, McDonald, McManus, Newhouse, Owen, Rasmussen, Rinehart, Salling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 37.

Voting nay: Senators Craswell, Kiskaddon, Lee, McCaslin, Metcalf, Pullen - 6.

Absent: Senator Barr - 1.

Excused: Senators Benitz, Hansen, Moore, Patterson, Peterson - 5.

SENATE BILL NO. 3829, having received the constitutional majority, 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. 3175, by Senators Granlund, Kiskaddon, Kreidler and Stratton (by Department of Social and Health Services and Department of Fisheries request)

Regulating removal and possession of commercial quantities of shellfish.

MOTIONS

On motion of Senator Granlund, Substitute Senate Bill No. 3175 was substituted for Senate Bill No. 3175 and the substitute bill was advanced to second reading and read the second time.

Senator Guess moved that the following amendment be adopted:

On page 2, line 21, after "health," insert "It is unlawful for anyone to apply, or to aid in the application of, Sevin or any similar chemical in shellfish growing areas."

Debate ensued.

POINT OF ORDER

Senator Granlund: "Mr. President, I ask for a ruling on scope and object. I think that the intent of the amendment is far afield from what we are talking about. This bill modifies the Department's statutory authority to regulate shellfish and I think we would be making a grave mistake to get into the controversial use of Sevin. I think

there may be good reason to look into that with a thorough hearing, but certainly not with an amendment on the Senate floor and I ask for a ruling, please."

Further debate ensued.

MOTION

On motion of Senator Vognild, further consideration of Substitute Senate Bill No. 3175 was deferred.

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

MESSAGE FROM THE HOUSE

March 21, 1985

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 500, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 500.

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

SECOND READING

SENATE BILL NO. 3517, by Senators Bauer, Gaspard, Benitz, Moore, Bender, Rinehart and Johnson (by Temporary Committee on Educational Policies request)

Providing an adult literacy program.

MOTIONS

On motion of Senator Gaspard, Substitute Senate Bill No. 3517 was substituted for Senate Bill No. 3517 and the substitute bill was advanced to second reading and read the second time.

Senator Bauer moved that the following amendment by Senators Bauer, Kiskaddon and Gaspard be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature is concerned that at least two hundred fifty thousand citizens of the state have been determined to be functionally illiterate, operating with educational skills at or below the eighth grade level, which is a condition which prevents them from fully participating in the democratic process and society at large. In order to begin a program to raise the educational skills of these persons, the legislature intends to establish a coalition of individuals to address this issue.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.03 RCW to read as follows:

(1) The superintendent of public instruction shall establish a state advisory literacy coalition to facilitate implementation and development of a state literacy program. The coalition shall provide a formal connection among the programs serving adults needing to develop reading and writing skills and shall:

(a) Publicize and promote adult literacy programs throughout the state to encourage participation by students and volunteers and heighten public awareness of this program;

(b) Conduct research to identify the locations of persons needing services and to estimate the extent of the problem throughout the state;

(c) Promote communication and the exchange of ideas among service providers; and

(d) Promote and facilitate contributions of time, space, funds, and other support by business and industry for employees lacking the necessary reading and writing skills and for employees to become volunteers in the literacy program.

(2) The members of the coalition shall be representative of business, labor, the legislature, the department of corrections, the department of social and health services, the state board for community college education, the office of the superintendent of public instruction, the state library, public libraries, persons eligible to participate or participating in the program, volunteer organizations, and other community organizations professionally involved in promoting literacy in the state. The representatives of the state agencies shall be designated by the heads of their respective agencies. The other members of the coalition shall be selected by the superintendent of public instruction. The members of the coalition shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

NEW SECTION, Sec. 3. The sum of forty-nine thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1987, from the general fund to the superintendent of public instruction for the purposes of this act."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Kiskaddon, I just caught your remark that we ought to walk around and talk to each other a little bit more. I thought that was one of our problems, that there was too much walking around on the Senate floor and too much talk, and sometimes you can't even hear the votes. Have you noticed that? Do you think we're walking around enough or do you want more?"

Senator Kiskaddon: "I think what I was saying is just talking at each other really doesn't do the job. I think some of the walking around--if we had it a little more organized and so that it became part of the organized activity instead of chaos could be useful, so we might be able to replace that chaos."

Senator Rasmussen: "Thank you. I hope you don't get it any more organized this session."

POINT OF INQUIRY

Senator Zimmerman: "Senator Bauer, would this measure have an adverse effect on adult literacy programs that are handled in the volunteer section now? There is Laubach, Literacy and others that have been functioning as literacy organizations--teaching, etc. How does it affect them?"

Senator Bauer: "Quite the contrary. It would be a positive step toward coordinating those efforts. We have adult literacy in the community colleges, we have adult literacy in SPI, and we have the private organizations. This would provide a nucleus to coordinate those activities, and it would be a positive thing."

Senator Zimmerman: "The second question. This will not be adding to our state responsibilities in the sense of providing a basic education for all adults?"

Senator Bauer: "Absolutely not. Hopefully, it's a major private sector contribution, too--from industry and business."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Bauer, Kiskaddon and Gaspard.

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

MOTIONS

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

On page 1, line 2 of the title, strike "and" and after "section" insert "; and making an appropriation"

On motion of Senator Gaspard, the rules were suspended, Engrossed Substitute Senate Bill No. 3517 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. 3517.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3517 and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Boltiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senator Owen - 1.

Excused: Senator Benitz - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3517, having received the constitutional 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 10:02 a.m., on motion of Senator Vognild, the Senate recessed until 10:30 a.m.

SECOND MORNING SESSION

The Senate was called to order at 10:49 a.m. by President Cherberg.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 3175 and the pending amendment by Senator Guess on page 2, line 21, deferred earlier today.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Granlund, the President finds that Substitute Senate Bill No. 3175 is a measure giving state agencies the authority to regulate the removal and possession of commercial quantities of shellfish.

"The amendment proposed by Senator Guess makes it unlawful for anyone to use Sevin or any similar chemical in shellfish growing areas.

"The President, therefore, finds that the proposed amendment does change 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 Granlund, the rules were suspended, Substitute Senate Bill No. 3175 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. 3175.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3175 and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent, 3; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senator Pullen - 1.

Absent: Senators Barr, Guess, McDermott - 3.

Excused: Senator Benitz - 1.

SUBSTITUTE SENATE BILL NO. 3175, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3347, by Senator Williams

Exempting Indian tribal governments from payment of vehicle license fees.

MOTIONS

On motion of Senator Peterson, Substitute Senate Bill No. 3347 was substituted for Senate Bill No. 3347 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Peterson, the rules were suspended, Substitute Senate Bill No. 3347 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. 3347.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3347 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Haisan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Guess - 1.

Excused: Senator Benitz - 1.

SUBSTITUTE SENATE BILL NO. 3347, having received the constitutional majority, 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. 3355, by Senators McDermott, Moore, Deccio, Rasmussen and Talmadge

Continuing group insurance coverage for unemployed persons.

MOTIONS

On motion of Senator von Reichbauer, Senator Hayner was excused.

On motion of Senator McDermott, the rules were suspended, Senate Bill No. 3355 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 Kreidler: "Senator McDermott, as I am considering this bill, I am wondering about a couple of issues. One of them would be what happens to a company that goes under? What happens to that type of situation where the insurance coverage and the company are no longer linked together in some kind of group plan? The second question would be relative to those companies that are self-insured. Would they be able to--because of the ERISA preemption--to have the same type of extension for one hundred-eighty days?"

Senator McDermott: "The first question, obviously, if the company went out of business, there would no longer be any insurance plan so that that would be gone. So those people would have no alternative. Regarding the second provision, my understanding is that they would have some way out of it in private insurance. If they are doing self-insurance, they would not be able to be covered under that kind of thing--if they are laid off. I, personally, think we ought to be able to provide it for those people, too, but this covers those people who are in an insurance plan and covered at the time they are unemployed."

REMARKS BY SENATOR GUESS

Senator Guess: "Answering Senator Kreidler's question, this has been a long time established practice in the construction trades. Ever since 1955, we put the clause into being then, that the employee, in the event of a layoff, could self-insure for six months. We later raised that to a year. Answering Senator McDermott's question about what happens to a bankrupt company, he is covered even so because of the retention. We are required by law to maintain a retention level that will pay out in an instance and it will pay for up to a year. So, if you bill your system, the requirement, then is that the payments are at a level that will provide for the retention."

POINT OF INQUIRY

Senator McDonald: "Senator McDermott, I'm sorry I didn't get to you before this. But the concern on this, and I think it's a valid one, is that there would be adverse selection in that people who were sick or susceptible to being sick would sign up. The people who were well would not sign up and so, consequently, group rates would go up. If this is a valid concern, it would affect--since we are a major

buyer in that market--our rates as well. Has there been any look at all as to what effect there would be on the general fund for our insurance purposes?"

Senator McDermott: "I'm not sure how you would look at that question. Clearly, when insurance companies give a group rate, they figure in all the problems. When someone is laid off, they don't become any more of a risk than they were. If they are someone who has a problem, they are going to become sick anyway and wind up being fed in an uncollectible debt. So, I think it's a much better program and it's out on top of the table that they are paying their policy premium and therefore buying insurance rather than going uncovered and winding up having the cost shifted to someone else. The state, obviously, is a recipient of some of the problems of the rest of the insurance industry since we buy for so many employees. And it's sort of like the Fram commercial--you're going to pay now or you're going to pay later. You either pay up front with a little bit of premium cost or you pay after they are an uncollectible debt and you come back and pay a little increase in premium cost. You are going to pay one way or another. It's going to be paid by somebody."

Further debate ensued.

POINT OF INQUIRY

Senator Patterson: "Senator McDermott, I'm somewhat confused. The digest says that he must pay the premiums. You extend it for one hundred--eighty days--the coverage. Does that mean that the employee, say he was employed by the state of Washington, lost his job--would he pay the premium of the group rate which is currently \$180 some per month?"

Senator McDermott: "Senator Patterson, already in the state law, for state employees, if you lay off a state worker, they can now pay for six months--the premiums. This would extend into the private sector. If someone is laid off, they would have to pay the group rate premium for six months in order to have the benefit. It is not paid by the employer, it is paid totally by the employee at his choice."

Senator Patterson: "O.K. We do that now, is that what you're saying? That's figured into the overall plan. Now, when the individual is extended this one hundred--eighty days, does then the employee that has now lost his job, after that initial period of coverage, does he then pickup and pay the premium of \$180 per month?"

Senator McDermott: "Yes, the law says, now, a state employee who is laid off, if he or she wants to continue at the group rate, they have to pay the full premium that the state was paying for them as an employee of the state. That's why what Senator Newhouse said is incorrect. We already have it in law; it is already figured in as a part of the adverse selection process in state contracting and there would be no change in that in the private sector."

Senator Patterson: "Thank you. That clarifies it for me."

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3355.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3355 and the bill passed the Senate by the following vote: Yeas, 41; nays, 6; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senators Barr, Cantu, Craswell, Kreidler, McCaslin, Pullen - 6.

Excused: Senators Benitz, Hayner - 2.

SENATE BILL NO. 3355, having received the constitutional majority, 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. 3445, by Senators Fleming, Williams and Talmadge

Revising the county's power regarding park and recreation service areas.

The bill was read the second time.

MOTION

On motion of Senator Fleming, the rules were suspended, Senate Bill No. 3445 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 Senate Bill No. 3445.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3445 and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senators McCaslin, Pullen, Rasmussen - 3.

Excused: Senators Benitz, Hayner - 2.

SENATE BILL NO. 3445, having received the constitutional majority, 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. 3541, by Senators Moore, Deccio, Sellar, Newhouse, Bender, Wojahn and Rasmussen (by Insurance Commissioner request)

Revising health care services provisions.

MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 3541 was substituted for Senate Bill No. 3541 and the substitute bill was advanced to second reading and read the second time.

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

On page 9, line 12, strike "Every" and insert "After July 1, 1986 or on the next renewal date of the agreement, which is later, every"

On page 9, line 12, after "renewed" strike "after July 1, 1986."

On motion of Senator Moore, the rules were suspended, Engrossed Substitute Senate Bill No. 3541 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator McDermott: "Senator Moore, is there anything in this bill which would relieve the health care contractor from responsibility, having once collected the premium, from delivering the service?"

Senator Moore: "He must live up to the terms of the contract. That has not been altered, but he can, after it has been in effect for two years, cancel or refuse service, but must live up to the terms of the premium payment."

Senator McDermott: "He can do that on an individual basis, or just close down the operation?"

Senator Moore: "That's a rather severe term and I'm not really sure about closing down, but it gives him total authority, so I assume that it would close it down."

Senator McDermott: "The reason I ask the question is that I'm concerned that in California they had a number of health care contractors spring up in the last few years as they did in Arizona. People paid their premium and then wound up not

getting the coverage for which they thought they had paid. You're saying that that is not possible until one year?"

Senator Moore: "In this business, as you know, almost anything can happen. But that's why we're tightening it up to give the Insurance Commissioner more authority. I don't have the bill in front of me, but it's covered in, I think, page 3 of the bill."

Senator McDermott: "You're talking about Section 3 which says 'that if any of the health services which are promised in any such agreement are not to be performed by the health care service contract or by participant, such activity shall not be subject to the laws relating to insurance, provided provision is made for reimbursement or indemnity who have previously paid or in whose behalf premium has been paid.' That's the part you are talking about--lines 18 through 25--that's what you're referring to?"

Senator Moore: "Yes, and the other part that is particularly important is you'll notice on page 4, starting on line 10, there was new language added--'the amount necessary to cover incurred but unpaid reimbursement or indemnity benefits,' and the indemnity is referred to at the top of the page as in reimbursement, but then it goes on to say 'as reported in the last annual statement filed with the Insurance Commissioner and adjusted to reflect known or anticipated increases or decreases during the ensuing year plus an amount of unearned prepayments applicable to reimbursement or immediate benefit satisfactory to the Insurance Commissioner.' It has to be satisfactory to the Insurance Commissioner. I think it's important that that be the way it is. We're trying to keep as much from chance as possible."

Senator McDermott: "The reason I raise the question is because the Insurance Commissioner has raised a question about the language on page 4, line 14, beginning--'plus an amount of unearned prepayment applicable to reimbursement or indemnity benefits satisfactory to the Insurance Commissioner.' He's suggesting that we take that out, I guess. I was curious why we hadn't done that."

Senator Moore: "I don't think the Insurance Commissioner does want that out. That's not my understanding."

POINT OF INQUIRY

Senator Wojahn: "Senator Moore, wasn't this the bill that also established a guarantee fund, so that people who lost benefits because of a closure would be able to be covered to a period? Is this out now?"

Senator Moore: "No, this is still in effect. Nothing has changed. The guarantee fund is still in."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3541.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3541 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sasing, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senator McDermott - 1.

Excused: Senator Benitz - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3541, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3307, by Senators Talmadge, Moore and Rasmussen

Limiting campaign contributions.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 3307 was substituted for Senate Bill No. 3307 and the substitute bill was advanced to second reading and read the second time.

Senator Bottiger moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 176, Laws of 1983 and RCW 42.17.105 are each amended to read as follows:

(1) Campaign treasurers shall prepare and deliver to the commission a special report regarding any contribution which:

(a) Exceeds five hundred dollars;

(b) Is from a single person or entity; and

(c) Is received ~~((before))~~ within twenty-one days of an election~~((and~~

~~((d) is received after the period covered by the last report required by RCW 42.17.080 and 42.17.090 to be filed before that election)).~~

(2) Any political committee making a contribution which exceeds five hundred dollars shall also prepare and deliver to the commission the special report if the contribution is made ~~((before))~~ within twenty-one days of an election ~~((and after the period covered by the last report required by RCW 42.17.080 and 42.17.090 to be filed before that election)).~~

(3) Except as provided in subsection (4), the special report required by this section shall be delivered in written form, including but not limited to mailgram, telegram, or nightletter. The special report required by subsection (1) shall be delivered to the commission within twenty-four hours of the time, or on the first working day after, the contribution is received by the candidate or campaign treasurer. The special report required by subsection (2) of this section and section 2 of this 1985 act shall be delivered to the commission, and the candidate or political committee to whom the contribution is made, within twenty-four hours of the time, or on the first working day after, the contribution is made.

(4) The special report may be transmitted orally by telephone to the commission to satisfy the delivery period required by subsection (3) if the written form of the report is also mailed to the commission and postmarked within the delivery period established in subsection (3).

(5) The special report shall include at least:

(a) The amount of the contribution;

(b) The date of receipt;

(c) The name and address of the donor;

(d) The name and address of the recipient; and

(e) Any other information the commission may by rule require.

(6) Contributions reported under this section shall also be reported as required by other provisions of this chapter.

(7) The commission shall publish daily a summary of the special reports made under this section and section 2 of this 1985 act.

(8) It is unlawful for any person to make a contribution exceeding five thousand dollars within twenty-one days preceding an election.

NEW SECTION, Sec. 2. A new section is added to chapter 42.17 RCW to read as follows:

Any lobbyist registered under RCW 42.17.150, any person who lobbies, and any lobbyist's employer making a contribution that exceeds five hundred dollars within the twenty-one day period immediately preceding an election shall file a special report in the manner provided under RCW 42.17.105."

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

On page 3, line 11 of the striking amendment after "make" strike "a contribution" and insert "contributions in the aggregate"

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

On page 2, line 6 of the striking amendment, after "within" strike "twenty-four" and insert "~~((twenty-four))~~ forty-eight"

The President declared the question before the Senate to be adoption of the amendment by Senator Bottiger, as amended.

Debate ensued.

POINT OF INQUIRY

Senator Sellar: "Senator Bottiger, for the purpose of this act would a loan to a campaign be considered a contribution and be under the same restrictions in the last twenty-one days?"

Senator Bottiger: "I was just conferring with Senator Talmadge about the effect of a court case. Clearly, a loan from someone other than the candidate would be considered a contribution and come under the language of this act. I'm a little bit unclear, and perhaps Senator Talmadge could expand on it, as to whether a candidate can loan his own campaign money--whether that would be covered. I would yield to Senator Talmadge on that one."

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "I think Senator Bottiger has adequately described it. I think if a person receives a loan from another person, they would clearly be within the provisions of the bill. However, if they received a loan from themselves--from their own money--then they would not be within the provisions of this bill insofar as we have not limited the ability of a candidate to receive money from himself or herself. I don't think we have the opportunity to do that."

The President declared the question before the Senate to be adoption of the amendment by Senator Bottiger, as amended.

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

MOTIONS

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

On page 1, line 1 of the title, after "financing;" strike the remainder of the title and insert "amending RCW 42.17.105; and adding a new section to chapter 42.17 RCW."

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute Senate Bill No. 3307 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 Deccio: "Senator Talmadge, in view of the recent Supreme Court decision what effect, if any, does that have on this bill?"

Senator Talmadge: "I don't think that case has any effect on this particular situation. The federal case to which you refer was one dealing with the question of independent expenditures by a political action committee. Under federal law, the presidential candidates agree to expenditure limitations in exchange for public financing of the campaigns and also severe restrictions on the amounts they can receive in contributions. The U.S. Supreme Court said that an independent political action committee could not be subject to the \$1,000 expenditure limitation contained in the federal law because they did not receive the public financing in exchange for that limitation. This bill does not purport to make expenditure limitations. It only regulates the process of contribution and, therefore, is not within the provisions of that case. The case of Buckley against Vallejo was specifically upheld in the federal Supreme Court case which indicates that contributions can be limited and regulated."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3307.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3307 and the bill passed the Senate by the following vote: Yeas, 42; nays, 6; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Moore, Newhouse, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vogtild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Voting nay: Senators Craswell, Guess, McCaslin, Metcalf, Owen, Pullen - 6.

Excused: Senator Benitz - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3307, having received the constitutional majority, 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. 3520, by Senators Bottiger, Hayner, Moore and Sellar
Relating to insolvent insurers.

MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 3520 was substituted for Senate Bill No. 3520 and the substitute bill was advanced to second reading and read the second time.

Senator McDermott moved that the following amendment be adopted:

On page 12, line 7, strike all of Sec. 7, ending on line 20 of page 13.

Renumber accordingly.

Debate ensued.

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.

MOTIONS

On motion of Senator Moore, the following title amendment was adopted:
On page 1, line 3, strike " 48.32A.090"

On motion of Senator Moore, the rules were suspended, Engrossed Substitute Senate Bill No. 3520 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. 3520.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3520 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wjahn, Zimmerman - 48.

Excused: Senator Benitz - 1.

ENGROSSED 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 12:13 p.m., on motion of Senator Vognild, the Senate recessed until 1:15 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:15 p.m. by President Cherberg.

SECOND READING

SENATE BILL NO. 4114, by Senator Owen

Relating to securities of the state, its agencies, political subdivisions, municipal corporations, or instrumentalities; amending section 43, chapter 282, Laws of 1959 as last amended by section 9, chapter 272, Laws of 1981 and RCW 21.20-.430.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 4114 was substituted for Senate Bill No. 4114 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 4114 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 Talmadge, does that mean they can commit fraudulent actions as long as they don't have knowledge of the fraud?"

Senator Talmadge: "No, Senator Pullen. What it means is--with respect to a securities act violation-- before one can be held responsible for the violation of the securities law, one must have actual knowledge--scienter, it's called--of the fraud before you can be held liable for a violation of the securities act. As I say, at present, this is true for the members of the board and for the agencies themselves, the governing bodies. But not true for the state itself and for the political subdivisions of the state. It is designed to make the standard for fraud consistent all the way out. Not fraudulent conduct, but rather constructive fraud or knowledge with respect to a securities act violation. It's a different kind of thing."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4114.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4114 and the bill passed the Senate by the following vote: Yeas, 35; nays, 2; absent, 11; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Deccio, Garrett, Gaspard, Goltz, Hansen, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 35.

Voting nay: Senators Conner, Pullen - 2.

Absent: Senators Craswell, DeJamatt, Fleming, Granlund, Guess, Halsan, Hayner, Johnson, Kiskaddon, Rinehart, Sellar - 11.

Excused: Senator Benitz - 1.

SUBSTITUTE SENATE BILL NO. 4114, having received the constitutional majority, 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. 3029, by Senator Williams

Modifying provisions relating to the cashing of government checks by financial institutions.

MOTIONS

On motion of Senator Williams, Substitute Senate Bill No. 3029 was substituted for Senate Bill No. 3029 and the substitute bill was advanced to second reading and read the second time.

Senator Pullen moved that the following amendment by Senator Guess be adopted:

On page 1, line 15, strike "one dollar" and insert "two and one-half dollars"

Debate ensued.

POINT OF INQUIRY

Senator Pullen: "Senator Williams, some of us would like to make a fairly objective vote on this particular bill and amendment. Some of us are quite sympathetic to what you have been attempting to do, but some of us don't want to impose any truly unreasonable or artificial constraints on banks at the same time. Can you give me an idea approximately what the cost is of processing a check through a bank?"

Senator Williams: "The House of Representatives did a study during the interim to determine those costs and the costs that they came up with were approximately forty-five cents per check. So the \$1 charge in the bill is well over what that study showed."

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

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

MOTIONS

On motion of Senator von Reichbauer, Senator Hayner was excused.

On motion of Senator Williams, Substitute Senate Bill No. 3029 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. 3029.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3029 and the bill passed the Senate by the following vote: Yeas, 40; nays, 6; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vogniid, von Reichbauer, Warnke, Williams, Wojahn - 40.

Voting nay: Senators Bluechel, Craswell, McCasin, McDonald, Sellar, Zimmerman - 6.

Absent: Senator Deccio - 1.

Excused: Senators Benitz, Hayner - 2.

SUBSTITUTE SENATE BILL NO. 3029, having received the constitutional majority, 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. 4228, by Senator McDermott (by Department of Revenue request)

Modifying business and occupation tax provisions on persons taxable on multiple activities.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 4228 was substituted for Senate Bill No. 4228 and the substitute bill was advanced to second reading and read the second time.

Senator Hansen moved that the following amendment by Senators Hansen and Deccio be adopted:

On page 2, after line 14, strike all of section 2 and insert the following:

*Sec. 2. Section 5, chapter 3, Laws of 1983 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 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)~~ twenty-five one-hundredths of one percent through June 30, 1986, and one-eighth of one percent thereafter.

(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 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.

NEW SECTION, Sec. 3. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1985."

PARLIAMENTARY INQUIRY

Senator Newhouse: "Mr. President, there is an amendment on the desk by Senator Hayner and others which, if the Senator Hansen amendment were adopted, I suspect might not be allowed. May I move that amendment as an amendment to the Hansen amendment?"

REMARKS BY SENATOR McDERMOTT

Senator McDermott: "Mr. President, we have an amendment before us as a substitute bill. He's trying to amend an amendment."

Senator Newhouse: "No, Senator McDermott, the substitute bill is not an amendment."

REPLY BY THE PRESIDENT

President Cherberg: "Senator Newhouse, it will be permissible to have an amendment to the amendment."

MOTION

Senator Newhouse moved that the following amendment by Senators Hayner, Guess, Deccio, Newhouse, Owen, Patterson and Stratton to the Hansen and Deccio amendment be adopted:

On page 1, after the enacting clause, insert the following:

"Sec. 1. Section 5, chapter 3, Laws of 1983 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 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~~) one-eighth 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 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."

Renumber the remaining sections consecutively.

Debate ensued.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Hayner, Deccio, Guess, Newhouse, Owen, Patterson and Stratton to the Hansen and Deccio amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Newhouse failed and the amendment to the amendment was not adopted by the following vote: Yeas, 22; nays, 25; excused, 2.

Voting yea: Senators Bailey, Barr, Bluechel, Cantu, Craswell, Deccio, Guess, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Owen, Patterson, Pullen, Saling, Sellar, Stratton, von Reichbauer, Zimmerman - 22.

Voting nay: Senators Bauer, Bender, Boltiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Peterson, Rasmussen, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 25.

Excused: Senators Benlitz, Hayner - 2.

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

Debate ensued.

POINT OF INQUIRY

Senator Hansen: "Senator McDermott, when you say the impact is going to be \$7.2 million--that is after '68--after it goes into full effect. What is going to be the impact when we drop it to the twenty-five?"

Senator McDermott: "I was giving you the biennial cost--for the next biennium. It is \$7.3 million--reduction in taxes."

Senator Hansen: "That's on a phase-down?"

Senator McDermott: "That's correct."

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

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

MOTION

Senator Wojahn moved that the following amendment be adopted:

On page 2, after line 14, strike all of section 2 and insert the following:

"Sec. 2. Section 82.16.010, chapter 15, Laws of 1961 as last amended by section 32, chapter 3, Laws of 1983 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) "Telegraph business" means the business of affording telegraphic communication for hire.

(7) "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.

(8) "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.

(9) "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.

(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 telephone business as defined in RCW 82.04.065. 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.

Sec. 3. Section 2, chapter 8, Laws of 1970 ex. sess. as last amended by section 1, chapter 132, Laws of 1983 and RCW 82.04.280 are each amended to read as follows:

Upon every person engaging within this state in the business of: (1) Printing, and of publishing newspapers, periodicals or magazines; (2) building, repairing or improving 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 and including any readjustment, reconstruction or relocation of the facilities of any public, private or cooperatively owned utility or railroad in the course of such building, repairing or improving, the cost of which readjustment, reconstruction, or relocation, is the responsibility of the public authority whose street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle is being built, repaired or improved; (3) extracting for hire or processing for hire; (4) operating a cold storage warehouse or storage warehouse, but not including the rental of cold storage lockers; (5) representing and performing services for fire or casualty insurance companies as an independent resident managing general agent licensed under the provisions of RCW 48.05.310; (6) radio and television broadcasting, excluding network, national and regional advertising computed as a standard deduction based on the national average thereof as annually reported by the Federal Communications Commission, or in lieu thereof by itemization by the individual broadcasting station, and excluding that portion of revenue represented by the out-of-state audience computed as a ratio to the station's total audience as measured by the 100 micro-volt signal strength and delivery by wire, if any; (7) engaging in activities which bring a person within the definition of consumer contained in RCW 82.04.190(6), as now or hereafter amended; as to such persons, the amount of tax on such business shall be equal to the gross income of the business multiplied by the rate of forty-four one hundredths of one percent.

As used in this section, "cold storage warehouse" means a storage warehouse used to store fresh and/or frozen perishable fruits or vegetables, meat, seafood, dairy products, or fowl, or any combination thereof, at a desired temperature to maintain the quality of the product for orderly marketing.

As used in this section, "storage warehouse" means every structure wherein facilities are offered for the storage of tangible personal property for a fee.

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 July 1, 1985."

Debate ensued.

POINT OF INQUIRY

Senator Wojahn: "I would like Senator McDermott to respond to this, because when I walked onto this floor I thought it was one-half million dollars in a biennium and I'm finding out it may be \$2.8 million."

Senator McDermott: "The original fiscal note which was given to us by the Department of Revenue back in September said \$500,000. We have received one in the mail here in the last two weeks that says it's \$2.8 million. I think we, once again, have an example of why the legislature ought to take over the writing of fiscal notes and make sure we know what's going on. I, frankly, don't know the difference between the two and can't tell you which one is right, but there is some fiscal impact to this change to the B & O tax."

Further debate ensued.

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

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

MOTION

Senator Wojahn moved that the following amendment be adopted:

On page 2, after line 14, strike all of section 2 and insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 82.04 RCW to read as follows:

(1) This chapter shall not apply or be deemed to apply to amounts or value paid or contributed to any municipality that represent charges imposed to defray costs of amusement and recreational activities. The exemption under this section applies equally to amusement and recreational activities otherwise classifiable as enterprise activities under RCW 82.04.419.

(2) For the purposes of this section:

(a) "Municipality" means any county, city, town, political subdivision, or municipal or quasi-municipal corporation of the state of Washington.

(b) "Amusement and recreational activities" includes, but is not limited to, public swimming pools, playgrounds, parks, zoos, golf courses, movies, concerts, sports events, and activities of an instructional nature, whether or not the person charged for the amusement or activity is an active participant or a spectator or passive participant in the amusement or activity.

Sec. 3. Section 3, chapter 66, Laws of 1983 1st ex. sess. and RCW 82.04.419 are each amended 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: PROVIDED, That this chapter shall not apply to enterprise activities specified in section 2 of this 1985 act. 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. 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 July 1, 1985.*

Debate ensued.

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

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

ROLL CALL

The Secretary called the roll and the motion by Senator Wojahn failed and the amendment was not adopted by the following vote: Yeas, 20; nays, 27; absent, 1; excused, 1.

Voting yea: Senators Bender, Bluechel, Conner, Garrett, Gaspard, Guess, Halsan, Johnson, Kiskaddon, McManus, Moore, Owen, Peterson, Rasmussen, Saling, Stratton, Talmadge, von Reichbauer, Warnke, Wojahn - 20.

Voting nay: Senators Bailey, Barr, Bauer, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Goltz, Granlund, Hansen, Hayner, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Newhouse, Patterson, Pullen, Sellar, Thompson, Vognlid, Williams, Zimmerman - 27.

Absent: Senator Rinehart - 1.

Excused: Senator Benitz - 1.

MOTION

Senator Lee moved that the following amendment by Senators Lee, Hayner, McDonald, Patterson, Deccio, McCaslin, Zimmerman, Sellar, Bluechel, Guess and Benitz be adopted:

On page 2, after line 14, strike the remainder of the bill and insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 82.04 RCW to read as follows:

(1) The amount of tax imposed under this chapter on persons engaging in a new business which operates at a loss in any year of the first three years after registration under RCW 82.32-.030 shall be deferred and paid as follows:

YEAR AFTER REGISTRATION	PERCENTAGE OF DEFERRED TAX PAID
4	10%
5	15%
6	20%
7	25%
8	30%

The deferred tax paid in the fourth through eighth year is in addition to the taxes otherwise imposed under this chapter for those years. If a person receiving a tax deferral under this section ceases to engage in the business, all taxes deferred under this section shall be immediately due and payable.

(2) To qualify for tax deferral under subsection (1) of this section, a person engaging in a new business shall apply to the department of revenue for deferral before the end of the period for which taxes are payable. No tax may be deferred under this section until the person has been approved as eligible for deferral by the department. No taxpayer may receive a deferral under this section on a taxable amount exceeding five million dollars during any three-year period. The department shall determine whether or not a taxpayer is operating at a loss according to federal income tax rules.

(3) For the purposes of this section:

(a) "Year" means twelve calendar months.

(b) "New business" means a sole proprietorship, partnership, or corporation which first registered with the department of revenue, or with a comparable agency in another state, within the three-year period prior to application for a tax deferral, but "new business" excludes branches and expansions of established businesses.

(4) The department shall adopt rules to implement this section, including rules on the procedure to be followed and information required to be submitted to obtain a deferral under this section.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately, except section 2 of this act which shall take effect July 1, 1985.*

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Lee, Hayner, McDonald, Patterson, Deccio, McCaslin, Zimmerman, Sellar, Bluechel, Guess and Benitz.

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

MOTION

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

On page 2, after line 14, strike all of section 2 and insert the following:

"Sec. 2. 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)~~ the person's own lands or upon land in which ~~(he)~~ the person has a present right of possession, any agricultural or horticultural produce or crop, including the raising for sale of any animal, bird, fish, 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)~~ the person's 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.

Sec. 3. 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)~~ the person's 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, or takes, cultivates, or raises shellfish, or other sea or inland water foods or products. ~~(#)~~ "Extractor" does not include persons performing under contract the necessary labor or mechanical services for others or persons cultivating or raising fish entirely within confined rearing areas on the person's own land or on land in which the person has a present right of possession.

NEW SECTION. Sec. 4. Nothing in sections 2 and 3 of this act shall be construed to imply that a person, sale, or use made exempt from tax under sections 2 and 3 of this act was taxable under Title 82 RCW prior to the enactment of sections 2 and 3 of this act.

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 July 1, 1985."

MOTION

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

On page 2, after line 14, strike all of section 2 and insert the following:

NEW SECTION. Sec. 2. A new section is added to chapter 82.04 RCW to read as follows:

(1) For purposes of this chapter, "wholesale sale," "sale at wholesale," "retail sale," and "sale at retail" do not include the sale of precious metal bullion or monetized bullion.

(2) In computing tax under this chapter on the business of making sales of precious metal bullion or monetized bullion, the tax shall be imposed on the amounts received as commissions upon transactions for the accounts of customers over and above the amount paid to other dealers associated in such transactions, but no deduction or offset is allowed on account of salaries or commissions paid to salesmen or other employees.

(3) 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 palladium, 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. 3. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1985."

MOTION

On motion of Senator Owen, the following amendment by Senators Owen, Thompson, Conner, DeJarnatt, Halsan, McManus, Zimmerman, Sellar, Stratton, Warnke, Metcalf, Bauer and Bender was adopted:

On page 2, after line 14, strike all of section 2 and insert the following:

NEW SECTION. Sec. 2. LEGISLATIVE INTENT FOR SECTION 4. It is the intent of the state of Washington in section 4 to provide assistance to those economically distressed areas that do not have substantial means to attract and encourage new business into their communities and also to provide substantial financial incentives for business that will create new jobs within those distressed areas.

NEW SECTION. Sec. 3. A new section is added to chapter 82.04 RCW to read as follows:

(1) "New businesses" means businesses as defined under RCW 82.04.140 which were first legally required to register with the department of revenue on or after the effective date of this act and which have not been licensed to operate within the state of Washington within the last five years.

(2) "Eligible businesses" means businesses engaging in manufacturing, research and development, and warehousing.

(3) "Distressed areas" means:

(a) Any county which exceeds the state-wide annual unemployment average and any city with a population of forty thousand or less within such a county; and

(b) Any city with a population of forty thousand or less that can demonstrate that it is distressed by reason of recent business closures, or notice thereof, severe layoffs for periods in excess of six months, and any other criteria established by the department of commerce and economic development to identify an area as disadvantaged.

NEW SECTION. Sec. 4. A new section is added to chapter 82.04 RCW to read as follows:

Persons engaging in new eligible businesses in distressed areas shall be exempt during the first five years of business operation from the payment of fifty percent of the tax otherwise imposed under this chapter by reason of such activities.

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 July 1, 1985."

MOTION

Senator McCaslin moved that the following amendment be adopted:

On page 2, after line 14, insert the following:

NEW SECTION. Sec. 2. A new section is added to chapter 82.04 RCW to read as follows:

In computing tax there may be deducted from the measure of tax amounts derived from sales of syringes necessary to administer prescription drugs.

Sec. 3. Section 48, chapter 37, Laws of 1980 as amended by section 1, chapter 86, Laws of 1980 and RCW 82.08.0283 are each amended to read as follows:

The tax levied by RCW 82.08.020 shall not apply to sales of insulin; syringes necessary to administer prescription drugs; prosthetic and orthotic devices prescribed for an individual by a person licensed under chapters 18.25, 18.57, or 18.71 RCW; ostomic items; and medically prescribed oxygen.

Sec. 4. Section 75, chapter 37, Laws of 1980 as amended by section 2, chapter 86, Laws of 1980 and RCW 82.12.0277 are each amended to read as follows:

The provisions of this chapter shall not apply in respect to the use of insulin; syringes necessary to administer prescription drugs; prosthetic and orthotic devices prescribed for an individual by a person licensed under chapters 18.25, 18.57, or 18.71 RCW; ostomic items; and medically prescribed oxygen."

Renumber the remaining section.

Debate ensued.

POINT OF INQUIRY

Senator Goltz: "Senator McCaslin, are you amending the sales tax or the B & O tax?"

Senator McCaslin: "Both, Senator. In computing tax, there may be deducted from the measure, tax amounts derived from sales of syringes necessary to administer prescription drugs. That removes the B & O and gives them credit for that. On lines 21 and 22, that removes the sale tax. Does that answer your question?"

POINT OF ORDER

Senator McDermott: "Mr. President, a point of order. I would raise the question whether this amendment broadens the scope and object of the bill."

Debate ensued.

MOTION

On motion of Senator Bottiger, further consideration of the McCaslin amendment was deferred.

MOTION

Senator Bluechel moved that the following amendment be adopted:

On page 2, line 14, after "thereof," insert a new section 2 as follows, and renumber the remaining sections accordingly.

"Sec. 2. Section 6, chapter 140, Laws of 1981 and RCW 82.04.4328 are each amended to read as follows:

(1) For the purposes of RCW 82.04.4322, 82.04.4324, 82.04.4326, section 2 of this 1985 act, 82.08.031, and 82.12.031, the term "artistic or cultural organization" means an organization which is organized and operated exclusively for the purpose of providing artistic or cultural exhibitions, presentations, or performances or cultural or art education programs, as defined in subsection (2) of this section, for viewing or attendance by the general public. The organization must be a not-for-profit corporation under chapter 24.03 RCW and managed by a governing board of not less than eight individuals none of whom is a paid employee of the organization or by a corporation sole under chapter 24.12 RCW. In addition, to qualify for deduction or exemption from taxation under RCW 82.04.4322, 82.04.4324, 82.04.4326, section 2 of this 1985 act, 82.08.031, and 82.12.031, the corporation 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 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 when licensing or certification is required by law or regulation;

(e) The amounts received that qualify 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.

(2) The term "artistic or cultural exhibitions, presentations, or performances or cultural or art education programs" includes and is limited to:

(a) An exhibition or presentation of works of art or objects of cultural or historical significance, such as those commonly displayed in art or history museums;

(b) A musical or dramatic performance or series of performances; or

(c) An educational seminar or program, or series of such programs, offered by the organization to the general public on an artistic, cultural, or historical subject.

(3) In computing tax there may be deducted from the measure of tax those amounts received by artistic or cultural organizations which represent income derived from business activities conducted by the organization.

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 Bluechel.

ROLL CALL

The Secretary called the roll and the motion by Senator Bluechel carried and the amendment was adopted by the following vote: Yeas, 29; nays, 15; absent, 4; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Cantu, DeJarnatt, Garrett, Gaspard, Guess, Hayner, Johnson, Kiskaddon, Kreidler, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Sellar, Stratton, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Zimmerman - 29.

Voting nay: Senators Bottiger, Conner, Craswell, Fleming, Goltz, Granlund, Halsan, Hansen, Lee, McCaslin, Peterson, Pullen, Rasmussen, Vogt, Wojahn - 15.

Absent: Senators Deccio, Patterson, Rinehart, Saling - 4.

Excused: Senator Benitz - 1.

MOTION

Senator Bottiger moved that the following amendment by Senators Bottiger and Deccio be adopted:

On page 2, after line 14, insert:

"Sec. 2. 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) 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. This proviso shall not apply to businesses which distribute articles to retail outlets with twenty-five percent or more of total sales which are exempt from sales tax pursuant to RCW 82.08.0293. 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."

Renumber the remaining sections.

Debate ensued.

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

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

There being no objection, the Senate resumed consideration of the amendment on page 2, after line 14 by Senator McCaslin, deferred earlier.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator McDermott, the President finds that Substitute Senate Bill No. 4228 is a measure modifying solely the business and occupation tax.

"The amendment proposed by Senator McCaslin modifies both the business and occupation tax and the sales tax regarding the sale of syringes necessary to administer prescription drugs.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment was ruled out of order.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator McDonald moved that the Senate reconsider, the vote by which the amendment by Senators Bottiger and Deccio on page 2, line 14, to Substitute Senate Bill No. 4228 was adopted by the Senate.

POINT OF ORDER

Senator Guess: "Mr. President, a point of order. I raise the point that the amendment by Senator Bottiger and Senator Deccio exceeds the scope and object of the bill."

REPLY BY THE PRESIDENT

President Cherberg: "Your point may be well taken, but not timely, Senator."

The President declared the question before the Senate to be the motion by Senator McDonald to reconsider the vote by which the amendment by Senators Bottiger and Deccio on page 2, line 14, to Substitute Senate Bill No. 4228 was adopted.

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

The President declared the question before the Senate to be the roll call on the motion by Senator McDonald to reconsider the vote by which the amendment by Senators Bottiger and Deccio was adopted.

ROLL CALL

The Secretary called the roll and the motion by Senator McDonald failed by the following vote: Yeas, 19; nays, 26; absent, 3; excused, 1.

Voting yea: Senators Bailey, Barr, Bluechel, Cantu, Craswell, Garrett, Guess, Halsan, Hansen, Hayner, Johnson, McCaslin, McDonald, Pullen, Rasmussen, Sellar, Stratton, von Reichbauer, Zimmerman - 19.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Deccio, Fleming, Gaspard, Goltz, Granlund, Kiskaddon, Kreidler, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Saling, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 26.

Absent: Senators DeJarnatt, Metcalf, Rinehart - 3.

Excused: Senator Benitz - 1.

MOTION

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

On page 1, line 2 of the title, after "82.04.440" insert ", 82.04.330, and 82.04.100; creating a new section; providing an effective date"

On page 1, line 2 of the title, after "82.04.440;" insert "adding a new section to chapter 82.04 RCW; providing an effective date;"

On page 1, line 2 of the title, after "82.04.440" insert "and 82.04.260; providing an effective date"

On page 1, line 2, after "82.04.449;" insert "amending RCW 82.04.270;"

On page 1, line 2 of the title, after "82.04.460" insert "; providing an effective date"

MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute Senate Bill No. 4228 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. 4228.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4228 and the bill passed the Senate by the following vote: Yeas, 33; nays, 14; absent, 1; excused, 1.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, Gaspard, Goltz, Granlund, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Saling, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 33.

Voting nay: Senators Bailey, Craswell, DeJarnatt, Fleming, Garrett, Guess, Halsan, Johnson, McDonald, Rasmussen, Rinehart, Stratton, Talmadge, Thompson - 14.

Absent: Senator Sellar - 1.

Excused: Senator Benitz - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4228, having received the constitutional majority, 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. 3188, by Senators Granlund, Halsan and Johnson

Providing reimbursement of institutional care facilities employees for cost attributable to resident or patient assault.

MOTIONS

On motion of Senator McDermott, Second Substitute Senate Bill No. 3188 was substituted for Senate Bill No. 3188 and the second substitute bill was advanced to second reading and read the second time.

On motion of Senator McDermott, the rules were suspended, Second Substitute Senate Bill No. 3188 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 Second Substitute Senate Bill No. 3188.

ROLL CALL

The Secretary called the roll on final passage of Second Substitute Senate Bill No. 3188 and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; absent, 1; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senators Craswell, Guess - 2.

Absent: Senator Barr - 1.

Excused: Senator Benitz - 1.

SECOND SUBSTITUTE 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.

MOTION

At 2:59 p.m., on motion of Senator Vognild, the Senate recessed until 3:10 p.m.

SECOND AFTERNOON SESSION

The Senate was called to order at 3:12 p.m. by President Cherberg.

SECOND READING

SENATE BILL NO. 3419, by Senators Thompson, Zimmerman and McManus

Modifying requirements for approval of plats.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 3419 was substituted for Senate Bill No. 3419 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Thompson, the rules were suspended, Substitute Senate Bill No. 3419 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. 3419.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3419 and the bill passed the Senate by the following vote: Yeas, 28; nays, 1; absent, 19; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Halsan, Hansen, Kreidler, Lee, McDermott, McManus, Moore, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 28.

Voting nay: Senator Bailey - 1.

Absent: Senators Barr, Bluechel, Cantu, Craswell, Deccio, Granlund, Guess, Hayner, Johnson, Kiskaddon, McCaslin, McDonald, Metcalf, Patterson, Pullen, Saling, Sellar, von Reichbauer, Zimmerman - 19.

Excused: Senator Benitz - 1.

SUBSTITUTE SENATE BILL NO. 3419, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

March 22, 1985

Mr. Sid Snyder
 Secretary of the Senate
 Legislative Building
 Olympia, Washington
 Dear Sid,

SUBJECT: SB 3419 Preliminary Plat Approval

I would request that the following comments be made part of the Journal record in reference to SB 3419 Preliminary Plat approval.

SB 3419 would eliminate the public hearing process of preliminary plats that meet current land use zoning unless a petition is filed by surrounding property owners. The petition must meet certain criteria as determined by the local administrative authority. I am very concerned with eliminating any public hearing process. We must protect every citizen's right to a full hearing on issues that will affect their daily lives, and we must assure the "appearance of fairness" to the general public.

Also, in many cases current land use comprehensive plans are out-of-date and we must question the validity of the existing zoning.

It is for these reasons that I voted against SB 3419.

Thank you for allowing me to comment for the record.

Sincerely,
 Cliff Bailey,
 Senator, Thirty-ninth District

SECOND READING

SENATE BILL NO. 3627, by Senators Warnke, Wojahn, Goltz, Metcalf and Bender

Modifying the unemployment compensation requirements for persons with marginal labor force attachment.

The bill was read the second time.

MOTION

Senator Vognild moved that the following amendment by Senators Vognild and Newhouse be adopted:

On page 1, line 4, after "WASHINGTON;" strike all material through "period." on page 3, line 35, and insert:

NEW SECTION. Sec. 1. (1) Prior to December 31, 1986, the Commissioner may suspend the provisions of RCW 50.20.015(2) if the Commissioner determines that a reasonable application of that section may be precluded for an economically distressed occupation, defined as an occupation in an industry for which the thirteen-week insured unemployment rate equals or exceeds one hundred percent of the average of such rate for the corresponding thirteen-week period in each of the preceding five calendar years, or an occupation where governmental action has precluded the normal activities in such occupation. The Commissioner shall develop rules and regulations describing the work search policy of the department for all claimants identified by this section. Factors to be considered in developing the policy shall include occupation of the claimant, employment conditions within the industry, labor market demand, length and frequency of unemployment of the claimant, and the potential for return to work at his or her previous employment. Claimant work search activities shall be conducted in accordance with the policy developed pursuant to the requirements of this section.

(2) The Commissioner shall submit a report to the Commerce and Labor Committees of the Senate and House of Representatives which describes those industries identified in subsection (1) of this section to be distressed industries and for which RCW 50.20.015(2) is suspended. The report shall be filed within one week of the date that the suspension is made."

Debate ensued.

POINT OF INQUIRY

Senator Newhouse: "Senator Vognild, you and I have both been aware of the difficulties involved in arriving at such an agreement. In the section--about one-

third down the page--where it mentions governmental action, where an occupation or governmental action has precluded the normal activities of such occupation--would we intend that the department should use this language in not addressing such normally seasonal industries as fishing."

Senator Vognild: "My answer to that would be that we are looking at abnormal conditions such as high fire conditions in the woods, such as an environmental problem. I think the piledrivers were particularly affected by an environmental problem that is a normal operation of government in their normal duties such as controlling fish would be."

Further debate ensued.

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

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

MOTION

Senator Guess moved that the following amendment by Senators Guess, McDonald and Barr be adopted:

On page 3, line 35, after "period," insert a new section 2 stating the following:

"Sec. 2. Section 77, chapter 35, Laws of 1945 as amended by section 12, chapter 8, Laws of 1953 ex. sess. and RCW 50.20.090 are each amended to read as follows:

(1) An individual shall be disqualified for benefits for any week with respect to which the commissioner finds that ~~((his)) the individual's~~ unemployment is due to a ~~((stoppage of work which exists because of a))~~ labor dispute at the factory, establishment, or other premises at which ~~((he)) the individual~~ is or was last employed ~~((--PROVIDED-- That))~~. (2) Subsection (1) of this section shall not apply if it is shown to the satisfaction of the commissioners that:

~~((+he)) (a) The individual~~ is not participating in or financing or directly interested in the labor dispute ~~((which caused the stoppage of work; and (2) he))~~, and the individual does not belong to a grade or class or workers of which, immediately before the commencement of the ~~((stoppage)) labor dispute~~, there were members employed at the premises at which the ~~((stoppage)) labor dispute~~ occurs, any of whom are participating in or financing or directly interested in the dispute ~~((--PROVIDED-- That))~~; or

~~(b) The labor dispute has been settled by the negotiating parties, or the labor organization has provided written notice to the employer that the labor dispute is terminated.~~

(3) For the purposes of this section, if in any case separate branches of work which are commonly conducted as separate businesses in separate premises are conducted in separate departments of the same premises, each such department shall ~~((--for the purpose of this subdivision--))~~ be deemed to be a separate factory, establishment, or other premises."

Renumber the remaining section and amend the title accordingly:

Debate ensued.

POINT OF ORDER

Senator Vognild: "Mr. President, I raise the point of order that the amendment exceeds the scope and object of the bill. The original bill dealt strictly with marginal work force attachment and workers who may be identified as that and what type of work search they would be involved in. The amendment by Senator Guess involves an entirely different section of the unemployment law. It involves a labor dispute language change. It has absolutely no relationship to marginal work force or to the problem which we are trying to address in the bill. I believe it clearly exceeds the scope and object of the bill."

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Vognild, the President finds that Senate Bill No. 3627 is a measure modifying the unemployment compensation requirements for persons with marginal labor force attachments.

"The amendment proposed by Senators Guess, McDonald and Barr modifies provisions of unemployment compensation law relating to disqualification from benefits due to a stoppage of work resulting from a labor dispute.

"The President, therefore, finds that the proposed amendment does change 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 Warnke, the following title amendment was adopted:

On page 1, line 2 of the title, after "attachment," strike "amending RCW 50.20.015" and insert "adding a new section to chapter 50.20 RCW"

On motion of Senator McCaslin, Senator Zimmerman was excused.

On motion of Senator Warnke, the rules were suspended, Engrossed Senate Bill No. 3627 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. 3627.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3627 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 45.

Voting nay: Senator Bluechel - 1.

Absent: Senator Stratton - 1.

Excused: Senators Benitz, Zimmerman - 2.

ENGROSSED SENATE BILL NO. 3627, having received the constitutional majority, 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. 3898, by Senators Granlund, Kreidler and Kiskaddon

Clarifying definition of occupational therapist.

MOTIONS

On motion of Senator Granlund, Substitute Senate Bill No. 3898 was substituted for Senate Bill No. 3898 and the substitute bill was advanced to second reading and read the second time.

Senator Granlund moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 5, chapter 9, Laws of 1984 and RCW 18.59.040 are each amended to read as follows:

This chapter shall not be construed as preventing or restricting the practice, services, or activities of:

(1) A person licensed in this state under any other law from engaging in the profession or occupation for which the person is licensed;

(2) A person employed as an occupational therapist or occupational therapy assistant by the government of the United States, if the person provides occupational therapy solely under the directions or control of the organization by which the person is employed;

(3) A person pursuing a course of study leading to a degree or certificate in occupational therapy in an accredited or approved educational program if the activities and services constitute a part of a supervised course of study, if the person is designated by a title which clearly indicated the person's status as a student or trainee;

(4) A person fulfilling the supervised fieldwork experience requirements of RCW 18.59.050, if the activities and services constitute a part of the experience necessary to meet the requirements of RCW 18.59.050;

(5) A person performing occupational therapy services in the state, if the services are performed for no more than ninety working days and if:

(a) The person is licensed under the laws of another state which has licensure requirements at least as stringent as the requirements of this chapter, as determined by the board; or

(b) The person has met commonly accepted standards for the practice of occupational therapy as specifically defined by the board;

(6) A person employed by or supervised by an occupational therapist as an occupational therapy aide; ((or))

(7) A person with a limited permit. A limited permit may be granted to persons who have completed the education and experience requirements of this chapter, or education and experience requirements which the board deems equivalent to those specified as requirements

for licensure. The limited permit allows the applicant to practice in association with an occupational therapist. The limited permit is valid until the results of the next examination have been made public. One extension of this permit may be granted if the applicant has failed the examination, but during this period the person shall be under the direct supervision of an occupational therapist;

(8) Any persons who teach daily living skills, develop prevocational skills, and play and avocational capabilities, or adapt environments for the handicapped, or who do specific activities to enhance cognitive, perceptual motor, sensory integrative and psychomotor skills, but who do not hold themselves out to the public by any title, initials, or description of services as being engaged in the practice of occupational therapy; or

(9) Any person who designs, fabricates, or applies orthotic or prosthetic devices which are prescribed by a health care professional authorized by the laws of the state of Washington to prescribe the device or to direct the design, fabrication or application of the device."

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

On page 3, after line 30, of the Granlund amendment, insert the following:

"NEW SECTION, Sec. 2. The state health coordinating council, through its health professions review committee, shall review the appropriateness of licensure pursuant to the criteria for issuance of credentials under chapter 18.120 RCW, and report its recommendations to the legislature by January 1, 1986."

Debate ensued.

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

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

The President declared the question before the Senate to be adoption of the amendment by Senator Granlund, as amended.

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

MOTIONS

On motion of Senator Bender, Senators Fleming and McDermott were excused.

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

On page 1, line 2 of the title, strike "18.59.020" and insert "18.59.040"

On page 1, line 1 of the title, after "therapy;" strike "and"

On page 1, line 2 of the title, after "18.59.020" and before the period, insert "; and creating a new section"

On motion of Senator Granlund, the rules were suspended, Engrossed Substitute Senate Bill No. 3898 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. 3898.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3898 and the bill passed the Senate by the following vote: Yeas, 42; absent, 4; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vogtild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Absent: Senators Bluechel, Deccio, Patterson, Stratton - 4.

Excused: Senators Benitz, Fleming, McDermott - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3898, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3384, by Senators Fleming and Goltz

Establishing a salmon and steelhead rehabilitation and enhancement policy board.

MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 3384 was substituted for Senate Bill No. 3384 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Owen, the rules were suspended, Substitute Senate Bill No. 3384 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

PARLIAMENTARY INQUIRY

Senator Metcalf: "Mr. President, I thought I had an amendment on this bill."

REPLY BY THE PRESIDENT

President Cherberg: "The President will ask the staff to check it out."

MOTIONS

On motion of Senator Vognild, further consideration of Substitute Senate Bill No. 3384 was deferred.

On motion of Senator Vognild, Substitute Senate Bill No. 3450 held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 3497, by Senators Warnke, Owen and Moore

Removing the three occasion per week limit on premises where bingo games are held.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, Senate Bill No. 3497 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator McDonald: "I am asking how many votes this will take to pass."

REMARKS BY SENATOR VOGNILD

Senator Vognild: "Thank you, Mr. President. Speaking on the inquiry, this deals with buildings. This bill deals with the use of buildings. It does not, in any way, expand the amount of bingo games that can be played by any organization. The likely effect of this bill, if it passes, would be that two groups would go together and hold, each, their own games in one building, rather than holding them in two separate buildings. I think there is absolutely no possibility of any increase in bingo activity resulting from this bill."

REMARKS BY SENATOR KREIDLER

Senator Kreidler: "Mr. President, speaking to the point of inquiry also, I would certainly agree with the question that has been raised by Senator McDonald. I think the point is that there are people out there that have buildings that would eagerly go out and try to recruit groups to come in and have bingo games on a seven-day a week operation. That represents an expansion of gambling and it clearly would be the case that there would be certain locations that would become the bingo hall--exclusively for bingo. This issue is one we've debated many times in the past, frequently referred to as the Ocean Shores amendment when it was applied to other bills and certainly could be the Ocean Shores bill right now because that's certainly one location that would like to have had the exemption from the three-day a week limit that has previously existed. It has been debated by the legislature extensively and, obviously, would represent a significant expansion of gambling."

REPLY BY THE PRESIDENT

President Cherberg: "The President believes that Senate Bill No. 3497 will have to meet the 60% requirement."

MOTION

On motion of Senator Bender, Senator Granlund was excused.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3497.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3497 and the bill failed to pass the Senate by the following vote: Yeas, 27; nays, 19; excused, 3.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Halsan, Hansen, McCaslin, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke - 27.

Voting nay: Senators Bailey, Bluechel, Cantu, Craswell, Guess, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDonald, Metcalf, Pullen, Rasmussen, Rinehart, Saling, Williams, Wojahn, Zimmerman - 19.

Excused: Senators Benitz, Granlund, McDermott - 3.

SENATE BILL NO. 3497, having failed to receive the constitutional majority 60% majority was declared lost:

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 Senate Bill No. 3384, deferred on third reading earlier today.

MOTIONS

On motion of Senator Owen, the rules were suspended, and Substitute Senate Bill No. 3384 was returned to second reading and read the second time.

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

On page 4, line 36, after "governor;" strike "and"

On page 5, line 1, after "chairman" insert: "; and four legislative members, one appointed by the chairman of each caucus in both the senate and the house."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Metcalf.

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

MOTION

On motion of Senator Owen, the rules were suspended, Substitute Senate Bill No. 3384 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. 3384.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3384 and the bill passed the Senate by the following vote: Yeas, 43; absent, 4; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Absent: Senators Bluechel, Johnson, Pullen, Rinehart - 4.

Excused: Senators Benitz, Granlund - 2.

SUBSTITUTE SENATE BILL NO. 3384, having received the 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 Substitute Senate Bill No. 3450, deferred on second reading March 18, 1985.

MOTIONS

On motion of Senator Talmadge, the following amendment by Senators Talmadge, Vognild and Hayner was adopted:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 12, chapter 232, Laws of 1983 and RCW 9.41.290 are each amended to read as follows:

The state of Washington hereby fully occupies and preempts the entire field of firearms regulation within the boundaries of the state, including the registration, licensing, possession, purchase, sale, acquisition, transfer, discharge, and transportation of firearms, or any other element relating to firearms or parts thereof, including ammunition and reload components. Cities, towns, and counties or other municipalities may enact only those laws and ordinances relating to firearms that are specifically authorized by state law and are consistent with this chapter. Such local ordinances shall have the same or lesser penalty as provided for by state law. Local laws and ordinances that are inconsistent with, more restrictive than, or exceed the requirements of state law shall not be enacted and are preempted and repealed, regardless of the nature of the code, charter, or home rule status of such city, town, county, or municipality.

NEW SECTION. Sec. 2. A new section is added to chapter 9.41 RCW to read as follows:

(1) It is unlawful for any person to enter the following places when he or she knowingly possesses or knowingly has under his or her control a firearm:

(a) The restricted access areas of a jail, or of a law enforcement facility, or any place used for the confinement of a person (i) arrested for, charged with, or convicted of an offense, (ii) charged with being or adjudicated to be a juvenile offender as defined in RCW 13.40.020, (iii) held for extradition or as a material witness, or (iv) otherwise confined pursuant to an order of a court, except an order under chapter 13.32A or 13.34 RCW. Restricted access areas do not include common areas of egress or ingress open to the general public;

(b) A courtroom or judge's chamber, while either is being used for any judicial proceeding. This does not include common areas of egress and ingress of the courthouse;

(c) The restricted access areas of a public mental health facility certified by the department of social and health services for inpatient hospital care and state institutions for the care of the mentally ill, excluding those facilities solely for evaluation and treatment. Restricted access areas do not include common areas of egress and ingress open to the general public; or

(d) That portion of an establishment classified by the state liquor control board as off-limits to persons under twenty-one years of age.

(2) Notwithstanding RCW 9.41.290, cities, towns, counties, and other municipalities may enact laws and ordinances:

(a) Restricting the discharge of firearms in any portion of their respective jurisdictions where there is a reasonable likelihood that humans, domestic animals, or property will be jeopardized. Such laws and ordinances shall not abridge the right of the individual guaranteed by Article I, section 24 of the state Constitution to bear arms in defense of self or others; and

(b) Restricting the possession of firearms in any stadium or convention center, operated by a city, town, county, or other municipality, except that such restrictions shall not apply to:

(i) Any firearm in the possession of a person licensed under RCW 9.41.070; or

(ii) Any showing, demonstration, or lecture involving the exhibition of firearms.

(3) The perimeter of the premises of any specific location covered by subsection (1) of this section shall be posted at reasonable intervals to alert the public as to the existence of any law restricting the possession of firearms on the premises.

(4) Subsection (1) of this section does not apply to:

(a) A person engaged in military activities sponsored by the federal or state governments, while engaged in official duties;

(b) Law enforcement personnel; or

(c) Security personnel while engaged in official duties.

(5) Subsection (1)(a) of this section does not apply to a person licensed pursuant to RCW 9.41.070 who, upon entering the place or facility, directly and promptly proceeds to the administrator of the facility or the administrator's designee and obtains written permission to possess the firearm while on the premises or checks his or her firearm. The person may reclaim the firearms upon leaving but must immediately and directly depart from the place or facility.

(6) Subsection (1)(b) of this section does not apply to a judge or court employee or to any person licensed under RCW 9.41.070 who, before entering the restricted area, directly and promptly proceeds to the court administrator or the administrator's designee and obtains written permission to possess the firearm.

(7) Subsection (1)(c) of this section does not apply to any administrator or employee of the facility or to any person who, upon entering the place or facility, directly and promptly proceeds to the administrator of the facility or the administrator's designee and obtains written permission to possess the firearm while on the premises.

(8) Subsection (1)(d) of this section does not apply to the proprietor of the premises or his or her employees.

(9) Any person violating subsection (1) of this section is guilty of a misdemeanor.

Sec. 3, Section 7, chapter 172, Laws of 1935 as last amended by section 3, chapter 232, Laws of 1983 and RCW 9.41.070 are each amended to read as follows:

(1) The judge of a court of record, the chief of police of a municipality, or the sheriff of a county, shall within thirty days after the filing of an application of any person issue a license to such person to carry a pistol concealed on his person within this state for four years from date of issue, for the purposes of protection or while engaged in business, sport or while traveling. However, if the applicant does not have a valid permanent Washington driver's license or Washington state identification card or has not been a resident of the state for the previous consecutive ninety days, the issuing authority shall have up to sixty days after the filing of the application to issue a license. Such citizen's constitutional right to bear arms shall not be denied to him, unless he:

(a) Is ineligible to own a pistol under the provisions of RCW 9.41.040; or

(b) Is under twenty-one years of age; or

(c) Is subject to a court order or injunction regarding firearms pursuant to RCW 10.99.040, 10.99.045, or 26.09.060; or

(d) Is free on bond or personal recognizance pending trial, appeal, or sentencing for a crime of violence; or

(e) Has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor.

The license shall be revoked immediately upon conviction of a crime which makes such a person ineligible to own a pistol or upon the third conviction for a violation of this chapter within five calendar years. The license shall be in triplicate, in form to be prescribed by the department of licensing, and shall bear the name, address, and description, fingerprints and signature of the licensee, and the licensee's driver's license number or state identification card number if used for identification in applying for the license. The license application shall contain a warning substantially as follows:

CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. A state permit is not a defense to a federal prosecution.

The license application shall contain a description of the major differences between state and federal law and an explanation of the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law.

The original thereof shall be delivered to the licensee, the duplicate shall within seven days be sent by registered mail to the director of licensing and the triplicate shall be preserved for six years, by the authority issuing said license.

(2) The fee for the original issuance of a four-year license shall be twenty dollars: PROVIDED, That no other additional charges by any branch or unit of government shall be borne by the applicant for the issuance of the license: PROVIDED FURTHER, That the fee shall be distributed as follows:

(a) Four dollars shall be paid to the state general fund;

(b) Four dollars shall be paid to the agency taking the fingerprints of the person licensed; and

(c) Twelve dollars shall be paid to the issuing authority for the purpose of enforcing this chapter.

(3) The fee for the renewal of such license shall be twelve dollars: PROVIDED, That no other additional charges by any branch or unit of government shall be borne by the applicant for the renewal of the license: PROVIDED FURTHER, That the fee shall be distributed as follows:

(a) Four dollars shall be paid to the state general fund; and

(b) Eight dollars shall be paid to the issuing authority for the purpose of enforcing this chapter.

(4) A licensee may renew a license if the licensee applies for renewal within ninety days before or after the expiration date of the license. A license so renewed shall take effect on the expiration date of the prior license. A licensee renewing after the expiration date of the license must pay a late renewal penalty of ten dollars in addition to the renewal fee specified in subsection (3) of this section. The fee shall be distributed as follows:

(a) Three dollars shall be deposited in the state game fund and used exclusively for the printing and distribution of a pamphlet on the legal limits of the use of firearms, firearms safety, and the preemptive nature of state law. The pamphlet shall be given to each applicant for a license; and

(b) Seven dollars shall be paid to the issuing authority for the purpose of enforcing this chapter.

(5) Notwithstanding the requirements of subsections (1) through (4) of this section, the chief of police of the municipality or the sheriff of the county of the applicant's residence may issue a temporary emergency license for good cause pending review under subsection (1) of this section.

(6) A political subdivision of the state shall not modify the requirements of this section or chapter, nor may a political subdivision ask the applicant to voluntarily submit any information not required by this section. A civil suit may be brought to enjoin a wrongful refusal to issue a license or a wrongful modification of the requirements of this section or chapter. The civil suit may be brought in the county in which the application was made or in Thurston county at the discretion of the petitioner. ~~(The prevailing party is entitled to reasonable costs, including attorneys' fees.)~~ Any person who prevails against a public agency in any action in the courts for a violation of this chapter shall be awarded costs, including reasonable attorneys' fees, incurred in connection with such legal action.

Sec. 4. Section 9, chapter 172, Laws of 1935 as last amended by section 4, chapter 232, Laws of 1983 and RCW 9.41.090 are each amended to read as follows:

(1) In addition to the other requirements of this chapter, no commercial seller shall deliver a pistol to the purchaser thereof until:

(a) The purchaser produces a valid concealed pistol license and the commercial seller has recorded the purchaser's name, license number, and issuing agency, such record to be made in ~~((duplicate))~~ triplicate and processed as provided in subsection (4) of this section; or

(b) The seller is notified in writing by the chief of police of the municipality or the sheriff of the county that the purchaser meets the requirements of RCW 9.41.040 and that the application to purchase is granted; or

(c) Five consecutive days including Saturday, Sunday and holidays have elapsed from the time of receipt of the application for the purchase thereof as provided herein by the chief of police or sheriff designated in subsection (4) of this section, and, when delivered, said pistol shall be securely wrapped and shall be unloaded. However, if the purchaser does not have a valid permanent Washington driver's license or state identification card or has not been a resident of the state for the previous consecutive ninety days, the waiting period under this subsection (1)(c) shall be up to sixty days.

(2) In any case under subsection (1)(c) of this section where the applicant has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor, the seller shall hold the delivery of the pistol until the warrant for arrest is served and satisfied by appropriate court appearance. The local jurisdiction for purposes of the sale shall confirm the existence of outstanding warrants within seventy-two hours after notification of the application to purchase a pistol is received. The local jurisdiction shall also immediately confirm the satisfaction of the warrant on request of the seller so that the hold may be released if the warrant was for a crime other than a crime of violence.

(3) In any case where the chief or sheriff of the local jurisdiction has reasonable grounds based on the following circumstances: (a) Open criminal charges, (b) pending criminal proceedings, (c) pending commitment proceedings, (d) an outstanding warrant for a crime of violence, or (e) an arrest for a crime of violence if the records of disposition have not yet been reported or entered sufficiently to determine eligibility to purchase a pistol, the local jurisdiction may hold the sale and delivery of the pistol beyond five days up to thirty days in order to confirm existing records in this state or elsewhere. After thirty days, the hold will be lifted unless an extension of the thirty days is approved by a local district court or municipal court for good cause shown. An applicant shall be notified of each hold placed on the sale by local law enforcement and of any application to the court for additional hold period to confirm records or confirm the identity of the applicant.

(4) At the time of applying for the purchase of a pistol, the purchaser shall sign in ~~((duplicate))~~ triplicate and deliver to the seller an application containing his or her full name, address, ~~((occupation))~~ place of birth, and the date and hour of the application; the applicant's driver's license number or state identification card number; and a description of the weapon including, the make, model, caliber and manufacturer's number; and a statement that the purchaser is eligible to own a pistol under RCW 9.41.040. The application shall contain a warning substantially as follows:

CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. State permission to purchase a firearm is not a defense to a federal prosecution.

The purchaser shall be given a copy of the department of game pamphlet on the legal limits of the use of firearms, firearms safety, and the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law.

The seller shall, by the end of the business day, sign and attach his or her address and deliver the original of the application and such other documentation as required under subsection (1) of this section to the chief of police of the municipality or the sheriff of the county of

which the seller is a resident. The seller shall deliver the pistol to the purchaser following the period of time specified in this section unless the seller is notified in writing by the chief of police of the municipality or the sheriff of the county, whichever is applicable, denying the purchaser's application to purchase and the grounds thereof. The application shall not be denied unless the purchaser fails to meet the requirements specified in RCW 9.41.040. The chief of police of the municipality or the county sheriff shall maintain a file containing the original of the application to purchase a pistol.

NEW SECTION, Sec. 5. A new section is added to chapter 9.41 RCW to read as follows:

After a public hearing, the department of game shall publish a pamphlet on firearms safety and the legal limits of the use of firearms. The pamphlet shall include current information on firearms laws and regulations and state preemption of local firearms laws. This pamphlet may be used in the department's hunter safety education program and shall be provided to the department of licensing for distribution to firearms dealers and persons authorized to issue concealed pistol licenses. The department of game shall reimburse the department of licensing for costs associated with distribution of the pamphlet.

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."

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

On page 1, line 1 of the title, after "to" strike the remainder of the title and insert "state preemption of local firearms laws; amending RCW 9.41.290, 9.41.070, and 9.41.090; adding new sections to chapter 9.41 RCW; and prescribing penalties."

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute Senate Bill No. 3450 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. 3450.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3450 and the bill passed the Senate by the following vote: Yeas, 34; nays, 14; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McDonald, McManus, Metcalfe, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Wojahn, Zimmerman - 34.

Voting nay: Senators Cantu, Craswell, Deccio, Fleming, Garrett, Guess, Kiskaddon, McCaslin, McDermott, Pullen, Rinehart, Saling, Sellar, Williams - 14.

Excused: Senator Benitz - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3450, having received the constitutional majority, 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. 3265, by Senators Kreidler, Zimmerman, Talmadge, Granlund and Goltz

Reducing bond money available for waste systems capable of producing renewable energy or energy saving.

MOTION

On motion of Senator Kreidler, Second Substitute Senate Bill No. 3265 was substituted for Senate Bill No. 3265 and the second substitute bill was advanced to second reading and read the second time.

POINT OF ORDER

Senator Newhouse: "Mr. President, I rise to a point of order. I wonder if this bill is properly before us. It addresses an initiative of about five years ago--1980, approved by the people and changes the purposes for which the initiative moneys are to be spent. It is a bond issue. If you read Article VIII, Section 3 of the Constitution, it says, 'these moneys must be authorized by law for some single work or object to be distinctly specified therein.' That was done--in the law and it is 43.99F-.040 of our statute, which is the wording of the initiative and it says, 'at least \$150

million of the proceeds of the bonds authorized by this chapter shall be used exclusively for waste management systems capable of producing renewable energy or energy savings as a result of the management of the waste.' I contend that this changes the purposes for which the people have authorized these bonds and is, therefore, illegal.

"I know you hesitate to rule on constitutionality, but I don't think we can address those sections of the law in that manner."

MOTION

On motion of Senator Vognild, further consideration of Second Substitute Senate Bill No. 3265 was deferred.

MOTION FOR RECONSIDERATION

Having served prior notice, Senator Warnke moved that the Senate now reconsider the vote by which Engrossed Second Substitute Senate Bill No. 3827 failed to pass the Senate on March 21, 1985.

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

The President declared the question before the Senate to be the roll call on the motion by Senator Warnke to reconsider the vote by which Engrossed Second Substitute Senate Bill No. 3827 failed to pass the Senate.

ROLL CALL

The Secretary called the roll and the motion by Senator Warnke carried by the following vote: Yeas, 26; nays, 22; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 26.

Voting nay: Senators Bailey, Barr, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, Zimmerman - 22.

Excused: Senator Benitz - 1.

The Senate resumed consideration of Engrossed Second Substitute Senate Bill No. 3827, on reconsideration.

MOTION

On motion of Senator Bottiger, the rules were suspended, Engrossed Second Substitute Senate Bill No. 3827 was returned to second reading and read the second time.

MOTIONS

Senator Kreidler moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The long-range environmental goals for the state of Washington must include the protection of the state's critical water bodies for the health, safety, and enjoyment of its people, and the economic use of water by providing facilities and systems among others, for the general control, abatement, collection, treatment, or disposal of nonradioactive liquid waste materials. The purpose of this chapter is to provide financial assistance to the state and local governments in the achievement of federal and state water pollution control requirements for the protection and utilization of the state's critical water resources.

NEW SECTION, Sec. 2. For the purpose of providing funds for the planning, design, acquisition, construction, and improvement of public waste disposal and management facilities in this state, the state finance committee is authorized to issue as specified herein general obligation bonds of the state of Washington in the sum of four hundred million dollars, or so much thereof as may be required to finance the improvements defined in this chapter and all costs incidental thereto. Bond proceeds may be used to pay administrative costs and other costs incidental to such projects and to the issuance of such bonds including, but not limited to, salaries and costs of officials and employees of the state and costs of insurance or credit enhancement agreements. The department may not use or permit the use of any funds derived from the sale of bonds authorized by this chapter for the support of increased capacity for development or growth.

These bonds shall be paid and discharged within thirty years of the date of issuance. Bonds authorized in this section shall be sold in such manner, at such time or times, in such amounts and at such price as the state finance committee shall determine. No such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds. The state finance committee may obtain insurance or letters of credit and may authorize

the execution and delivery of agreements, promissory notes, and other obligations for the purpose of insuring the payment or enhancing the marketability of bonds authorized in this section. Promissory notes or other obligations issued pursuant to this section shall not constitute a debt or the contracting of indebtedness under any constitutional or statutory indebtedness limitation if their payment is conditioned upon the failure of the state to pay the principal of or interest on the bonds with respect to which the same relate.

NEW SECTION, Sec. 3. The proceeds from the sale of bonds authorized by this chapter shall be deposited in the 1985 water pollution control facilities account hereby created in the general fund and shall be used exclusively for the purpose specified in this chapter and for payment of the expenses incurred in the issuance and sale of the bonds.

NEW SECTION, Sec. 4. The proceeds from the sale of the bonds deposited in the state and local improvements revolving account--waste disposal facilities 1985 of the general fund under the terms of this chapter shall be administered by the state department of ecology subject to legislative appropriation. The department may use or permit the use of any funds derived from the sale of bonds authorized under this chapter to accomplish the purpose for which the bonds are issued by direct expenditures and by grants or loans to public bodies, including grants to public bodies as cost-sharing funds in any case where federal, local, or other funds are made available on a cost-sharing basis for improvements within the purposes of this chapter. The department shall ensure that grants of funds authorized under this chapter do not constitute more than fifty percent of the total eligible cost of any liquid waste disposal or management facility. The department shall also ensure that any combination of grants and loans of funds authorized under this chapter or by a federal agency shall not exceed seventy-five percent of the eligible cost of any liquid waste disposal or management facility. Not more than two percent of the proceeds of the bond issue may be used by the department of ecology in relation to the administration of the expenditures, grants, and loans.

The department of ecology shall present a progress report on use of bond proceeds to the legislature no later than November 30th of each year.

NEW SECTION, Sec. 5. The department shall allocate from those funds authorized by this chapter in the following manner:

- (1) No more than two hundred forty-three million five hundred thousand dollars for construction of pollution control facilities that discharge directly into Puget Sound;
- (2) No more than twenty-two million five hundred thousand dollars for projects involving direct discharge into the straits of Juan De Fuca, Georgia, and Rosario;
- (3) No more than nine million dollars for projects involving direct discharges into other marine estuaries within Washington state;
- (4) No more than sixty-seven million dollars for construction of facilities that will protect from contamination sole source aquifers as designated under the federal safe drinking water act, and other groundwater bodies as designated by the department, including but not limited to the Spokane-Rathdrum Prairie Aquifer; and
- (5) No more than fifty-eight million dollars and such sums that may be remaining in the categories specified in subsections (1) through (4) of this section, for construction of waste disposal and management facilities that result in water quality improvement of fresh and marine waters.

NEW SECTION, Sec. 6. When allocating funds appropriated by the legislature to the projects within the categories described in section 5 of this act, the department of ecology shall take into consideration the following:

- (1) The protection of water quality and public health;
- (2) The level of local fiscal effort calculated per capita since 1972 in financing water quality improvements;
- (3) Regulatory actions established in federal and state compliance orders;
- (4) The cost of improvements mandated by federal and state agencies;
- (5) The amount of state general fund revenue collected in the area served by a local project sponsor;
- (6) The recommendations of the Puget Sound water quality authority and any other board, council, commission, or group established by the legislature to study water pollution control issues around the state; and
- (7) Geographical distribution.

One-half of one percent of the total authorized by the legislature each biennium may be used to provide funds to local bodies to prepare feasibility studies on joint development and other alternative methods of financing waste water treatment facilities. Public bodies receiving funds for investigating the feasibility of alternative waste water financing methods shall not have their standing on the department of ecology grant funding priority list jeopardized.

NEW SECTION, Sec. 7. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Waste disposal and management facilities" means any facilities or systems owned or operated by a public body for the control, collection, storage, treatment, disposal, recycling, or recovery of nonradioactive liquid wastes, including but not limited to sanitary sewage, storm water, residential, industrial, commercial, and agricultural wastes, and concentrations of

organic sediments, inorganic nutrients, and toxic materials which are causing environmental degradation and loss of the beneficial use of the environment. Waste disposal and management facilities may include all equipment, utilities, structures, real property, and interest in and improvements on real property necessary for or incidental to such purpose. As used in this chapter, the phrase "waste disposal and management facilities" shall not include the acquisition of equipment used to collect residential or commercial garbage.

(2) "Public body" means the state of Washington or any agency, political subdivision, taxing district, or municipal corporation thereof, an agency of the federal government, and those Indian tribes now or hereafter recognized as such by the federal government.

(3) "Control" means those measures necessary to maintain and/or restore the beneficial uses of critical state water resources including, but not limited to, the diversion, sedimentation, flocculation, dredge and disposal, or containment or treatment of nutrients, organic waste, and toxic material to restore the beneficial use of the state's critical water resources and prevent the continued pollution of these resources.

(4) "Planning" means the development of comprehensive plans for the purpose of identifying critical water resource needs for specific waste disposal facilities as well as the development of plans specific to a particular project.

(5) "Critical water resource" means those significant water bodies in jeopardy of further degradation causing irreparable deterioration.

(6) "Department" means the department of ecology.

NEW SECTION. Sec. 8. Both principal of and interest on the bonds authorized by section 2 of this act shall be payable from the water pollution control facilities bond redemption fund. The state finance committee may provide that a special account be created in such fund to facilitate payment of such principal and interest.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required for principal and interest on such bonds in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the waste disposal facilities bond redemption fund, or a special account in such fund, such amounts and at such times as are required by the bond proceedings. The owner of each of the bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this chapter.

NEW SECTION. Sec. 9. The legislature may provide additional means for raising moneys for the payment of the principal and interest of the bonds authorized in this chapter, and this chapter shall not be deemed to provide an exclusive method for such payment.

NEW SECTION. Sec. 10. The bonds authorized in this chapter shall be a legal investment for all state funds or for funds under state control and for all funds of any other public body.

NEW SECTION. Sec. 11. The total authorization of this chapter shall be reduced by such sums as specifically appropriated in lieu of bond sales authorized by this chapter.

NEW SECTION. Sec. 12. Sections 1 through 11 of this act shall constitute a new chapter in Title 43 RCW."

Senator Barr moved that the following amendment by Senators Barr and Kreidler to the amendment be adopted:

On page 5, line 27 of the amendment, after "waters" insert: ", specifically including waste disposal and management facilities that result in water quality improvement of inland lakes the funding of which shall be given a high priority by the department"

Debate ensued.

MOTION

On motion of Senator Kreidler, and there being no objection, his name was removed as being a sponsor of the amendment to the amendment.

Further debate ensued.

POINT OF INQUIRY

Senator Bottiger: "Senator Zimmerman, this was identified as a reason why some people couldn't vote for the bill, so there was an agreement to add it in so that we could get thirty votes. Are you telling me that if it's in we have enough support for it or are you telling me that it doesn't make any difference, you aren't going to vote for it anyhow?"

Senator Zimmerman: "Were saying that in the improvement of the bill, this makes sense. I think it's a matter of policy. It's good sense. Now, we're not in any way talking about the votes on the bill."

Further debate ensued.

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

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

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

Debate ensued.

POINT OF INQUIRY

Senator Saling: "Senator Kreidler, one page 5 of your amendment, line 15-- and a little bit before that--we're talking about sole source aquifers and particularly mentioned is the Spokane Rathdrum Prairie Aquifer, but also, in the language it states 'that the money designated for that particular area, also, is designated for other ground water bodies, as designated by the Department.' Would you explain what that other ground water body would be, please?"

Senator Kreidler: "Thank you, Senator. Obviously, there might be some other aquifers that would qualify in the same fashion that the Spokane aquifer would meet this criteria and I would certainly interpret it to mean that the funds could be expended for other purposes that would be similar to what is being identified with the Spokane aquifer."

Senator Saling: "In other words, if there is irrigation in Ephrata for wheat fields, that comes from ground water and there was a problem with that like a lowering water table--some of the monies by virtue of the Department itself making the designation--it says in your language, that money could go for that purpose."

Senator Kreidler: "If it met the criteria being a sole source aquifer--"

Senator Saling: "I don't believe it says that, does it, Senator?"

Senator Kreidler: "If you would allow me to finish--if it meets that criteria of being a sole source aquifer, then it would be in that particular category. However, my understanding is that there are a few other sole source aquifers that would be available for that consideration and then, secondly, certainly would be a part of the process of ranking as to where the need exists.

"Obviously, the need is most pronounced in the Spokane area and I can't imagine, from my conversations with the Department, that any other would ever outrank them, but obviously, we want to make sure that the money goes where it will do the most good for the most people."

Senator Saling: "Is there any guarantee that Spokane will get any specific amount of money from this designated amount?"

Senator Kreidler: "No more than any community that may have a secondary treatment facility or otherwise. It's a matter of setting up a criteria. I think it's very appropriate this body always consider that when we're dealing with an issue like this--that we don't go out with the idea of necessarily pork barreling for our own community. We try to look for the total interest of the people of the state of Washington, setting up categories that will certainly be--undoubtedly provide funds for Spokane and would certainly provide funds for the general overall area of the Puget Sound--are the most appropriate things we could be doing without establishing specific criteria."

Further debate ensued.

PARLIAMENTARY INQUIRY

Senator Barr: "Mr. President, having a short memory and being a slow learner, too, in relation to the five o'clock-- on this measure, now--that we are working it. Can we continue to work it after five o'clock?"

REPLY BY THE PRESIDENT

President Cherberg: "Yes, Senator."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Kreidler, as amended.

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

MOTION

On motion of Senator Kreidler, the rules were suspended. Reengrossed Second Substitute Senate Bill No. 3827 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 Reengrossed Second Substitute Senate Bill No. 3827.

ROLL CALL

The Secretary called the roll on final passage of Reengrossed Second Substitute Senate Bill No. 3827 and the bill failed to pass the Senate by the following vote: Yeas, 26; nays, 22; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 26.

Voting nay: Senators Bailey, Barr, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, von Reichbauer, Zimmerman - 22.

Excused: Senator Benitz - 1.

REENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3827, having failed to receive the constitutional 60% majority, was declared lost.

MOTION

On motion of Senator Bottiger, the Senate resumed consideration of Second Substitute Senate Bill No. 3265, deferred on second reading earlier today.

PARLIAMENTARY INQUIRY

Senator McDonald: "Mr. President, it appears to me that it's after five o'clock which puts us beyond the cutoff of the Senate Concurrent Resolution."

REPLY BY THE PRESIDENT

President Cherberg: "It is 5:15, however, the Senate had started considering Second Substitute Senate Bill No. 3265 and the President has always permitted at least one bill in that particular situation to be considered after the cutoff resolution. Actually, the reason it was delayed was to give the President the opportunity to properly evaluate the point of order presented by Senator Newhouse."

RULING BY THE PRESIDENT

President Cherberg: "The President believes that Senator Newhouse's point of order raises a constitutional issue on which the President respectfully declines to rule.

"The President believes Second Substitute Senate Bill No. 3265 has followed the appropriate legislative process and is, therefore, properly before the Senate."

MOTION

Senator Barr moved that the following amendment be adopted:

On page 2, beginning on line 17, strike everything down to line 1 on page 3, and insert in lieu thereof the following:

"(2) At least fifty million dollars of the unobligated proceeds of the bonds authorized by this chapter remaining as of June 30, 1985, shall be used by this chapter remaining as of June 30, 1985, shall be used exclusively for municipal waste water disposal and management facilities in this state. Any remaining unobligated funds shall be available for the general purposes authorized by this chapter."

Debate ensued.

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

MOTION

At 5:21 p.m., on motion of Senator Bottiger, the Senate adjourned until 11:45 a.m., Monday, March 25, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

SEVENTY-FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, March 25, 1985

The Senate was called to order at 11:45 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Barr, Fleming, Garrett, Granlund, Hayner, Kreidler, Lee, Owen, Pullen, Warnke, Wojahn and Zimmerman. On motion of Senator von Reichbauer, Senators Barr, Hayner, Lee, Pullen and Zimmerman were excused. On motion of Senator Bender, Senators Fleming, Garrett, Granlund, Kreidler, Owen, Warnke and Wojahn were excused.

The Sergeant at Arms Color Guard, consisting of Terri Tanneberg and Trevor Whiton, presented the Colors. Reverend R. Scott Sherman, senior minister of the Unity Church of Seattle, and a guest of Senator Jeannette Hayner, offered the prayer.

MOTION

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

REPORT OF STANDING COMMITTEE

March 22, 1985

SHB 16 Prime Sponsor, Committee on Commerce and Labor: Modifying provisions relating to payment of the prevailing wage. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Cantu, Halsan, Moore, Williams, Wojahn.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

March 22, 1985

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 1001,

SUBSTITUTE HOUSE BILL NO. 1044,

SUBSTITUTE HOUSE BILL NO. 1129,

SUBSTITUTE HOUSE BILL NO. 1191,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1269, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

March 22, 1985

Mr. President:

The House has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 348,

HOUSE BILL NO. 390,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 396,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 397,

HOUSE BILL NO. 480,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 486,

HOUSE BILL NO. 593,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 595,

ENGROSSED HOUSE BILL NO. 610,

ENGROSSED HOUSE BILL NO. 753,

ENGROSSED HOUSE BILL NO. 758,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 767,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 785,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 836, and the same are herewith
transmitted.

DENNIS L. HECK, Chief Clerk

March 21, 1985

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1114, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

March 22, 1985

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 112,
ENGROSSED HOUSE BILL NO. 134,
SUBSTITUTE HOUSE BILL NO. 178,
SUBSTITUTE HOUSE BILL NO. 179,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 204
SUBSTITUTE HOUSE BILL NO. 227,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 253,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 254,
ENGROSSED HOUSE BILL NO. 266,
ENGROSSED HOUSE BILL NO. 327,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 339, and the same are herewith

transmitted.

DENNIS L. HECK, Chief Clerk

March 22, 1985

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 846,
HOUSE BILL NO. 853,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 879,
SUBSTITUTE HOUSE BILL NO. 894,
HOUSE BILL NO. 999, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

March 21, 1985

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 358,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 433,
SUBSTITUTE HOUSE BILL NO. 493, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

March 22, 1985

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 24,
SUBSTITUTE HOUSE BILL NO. 61,
ENGROSSED HOUSE BILL NO. 110,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 203,
HOUSE BILL NO. 576,
ENGROSSED HOUSE BILL NO. 600,
SUBSTITUTE HOUSE BILL NO. 660,
ENGROSSED HOUSE BILL NO. 701,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 796,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 820,
HOUSE BILL NO. 1006,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1182,
HOUSE JOINT MEMORIAL NO. 17.

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 24, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

INTRODUCTION AND FIRST READING

SCR 117 by Senators Bluechel, Hayner, Zimmerman, Deccio, McDonald, Sellar, von Reichbauer, Lee, Johnson, Saling, Benitz, Barr, Bailey, Kiskaddon, Metcalf, McCaslin, Cantu, Craswell, Patterson and Guess

Changing cutoff dates to permit consideration of child sexual abuse legislation.

Referred to Committee on Rules.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 24 by Committee on Local Government (originally sponsored by Representatives Haugen, Brough and P. King)

Allowing cities and towns to charge interest on sewer and water hook-ups.

Referred to Committee on Governmental Operations.

SHB 61 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Dellwo, Lux, Fisch, Hine and Basich)

Revising provisions relating to health insurance for public employees.

Referred to Committee on Financial Institutions.

EHB 110 by Representatives Brekke and Lewis (by Department of Social and Health Services and Department of Fisheries request)

Regulating removal and possession of commercial quantities of shellfish.

Referred to Committee on Human Services and Corrections.

SHB 112 by Committee on Judiciary (originally sponsored by Representatives Brekke, Patrick, Wang, Holland, D. Nelson, J. Williams, P. King, Lewis, Locke, Dellwo, Vekich, S. Wilson, Fisch, Tanner and Crane)

Authorizing petitions to the courts for disclosure of identity of adoptees and parents.

Referred to Committee on Judiciary.

EHB 134 by Representatives Jacobsen, Long, Unsoeld, Allen, Todd, Niemi, Appelwick, Tilly, Winsley, Tanner, Lux, May and Belcher

Regulating the use of automatic dialing and announcing devices.

Referred to Committee on Energy and Utilities.

SHB 178 by Committee on State Government (originally sponsored by Representatives Belcher, Hankins, Unsoeld, Allen, Baugher, Todd, Dellwo, Niemi, Smitherman, Prince, Locke, Peery, O'Brien, Leonard, Wang, K. Wilson, Wineberry, Lewis, Fisher, Sayan, P. King, Isaacson and Basich) (by Secretary of State request)

Establishing the Washington state internship program.

Referred to Committee on Governmental Operations.

SHB 179 by Committee on Natural Resources (originally sponsored by Representatives Belcher, Lundquist, Bristow, Smitherman, Allen, Baugher, Lewis, Fisher, Locke, Unsoeld, Dellwo, Wang, Walker, Sayan, Jacobsen, P. King, Winsley, Sanders, May and Hankins)

Requiring a migratory waterfowl stamp to hunt migratory waterfowl.

Referred to Committee on Natural Resources.

ESHB 203 by Committee on Transportation (originally sponsored by Representatives Patrick, Holland, Leonard, Brough, Schmidt, Crane, Todd,

Padden, Lux, Zellinsky, Schoon, Bond, Sanders, Isaacson, May and J. Williams)

Directing the state auditor to study diversion of county road property tax revenues.

Referred to Committee on Transportation.

ESHB 204 by Committee on Social and Health Services (originally sponsored by Representatives Brekke, B. Williams and Tanner)

Changing provisions relating to the board of prison terms and paroles.

Referred to Committee on Judiciary.

SHB 227 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Lux, Ballard, Jacobsen, Winsley, Leonard, Baugher, Unsoeld, Patrick, Chandler, Rayburn, Braddock, Brough, Lewis, Miller, Van Luven, May, Taylor, D. Nelson and Schoon)

Requiring liability insurance or other proof of financial responsibility for operation of a motor vehicle.

Referred to Committee on Financial Institutions.

ESHB 253 by Committee on Local Government (originally sponsored by Representatives Fisch and Hargrove)

Revising authority of code cities to annex unincorporated areas.

Referred to Committee on Governmental Operations.

ESHB 254 by Committee on Commerce and Labor (originally sponsored by Representatives Grimm, Walk, Wang and Hargrove)

Requiring permits and inspections for the operation of amusement rides.

Referred to Committee on Commerce and Labor.

EHB 266 by Representatives Sanders, Haugen, Isaacson, Leonard, J. Williams, Lundquist, Winsley, Van Luven, May and Long.

Revising the eligibility for free fishing licenses.

Referred to Committee on Natural Resources.

EHB 327 by Representatives Baugher, Patrick, Walk, Schmidt, Rayburn, R. King and Silver (by Washington State Patrol request)

Restricting the use of optical strobe light devices to publicly-owned emergency and law enforcement vehicles.

Referred to Committee on Transportation.

ESHB 339 by Committee on Energy and Utilities (originally sponsored by Representatives D. Nelson and Unsoeld)

Mandating the adoption of procedures for decommissioning major energy facilities.

Referred to Committee on Energy and Utilities.

E2SHB 348 by Committee on Ways and Means (originally sponsored by Representatives Locke, West, Armstrong, P. King and Van Luven)

Revising sentencing provisions.

Referred to Committee on Judiciary.

SHB 358 by Committee on Commerce and Labor (originally sponsored by Representatives Sayan, Betrozoff, Allen, Vekich, Belcher, Nutley, Wang, Miller, Fisch, Winsley, Leonard, Van Luven and Unsoeld)

Authorizing employees to inspect their personnel files for irrelevant or erroneous information.

Referred to Committee on Commerce and Labor.

HB 390 by Representative Armstrong

Modifying the amount a garnishee is required to hold.

Referred to Committee on Judiciary.

ESHB 396 by Committee on Social and Health Services (originally sponsored by Representatives Brekke, Lewis, Braddock, Brooks and Armstrong) (by Department of Social and Health Services request)

Changing state public assistance eligibility requirements.

Referred to Committee on Human Services and Corrections.

ESHB 397 by Committee on Social and Health Services (originally sponsored by Representatives Brekke and Armstrong) (by Department of Social and Health Services request)

Changing provisions relating to certificate of need reviews.

Referred to Committee on Ways and Means.

ESHB 433 by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Fisch, Miller, Fisher, Allen, J. King, Winsley, Jacobsen, Barrett, Basich, Betzoff, O'Brien, Doty, Sayan, Lewis, Lux, J. Williams, Appelwick, Silver, Vekich, Bailard, Kremen, Holland, Taylor and Hine)

Submitting establishment of a state presidential preference primary to a vote of the people.

Referred to Committee on Judiciary.

HB 480 by Representatives Appelwick, Niemi, Locke, Sommers, Brekke, Rust, Hine and Wineberry

Specifying taxable value of improvements owned or being acquired by lessees.

Referred to Committee on Ways and Means.

ESHB 486 by Committee on Environmental Affairs (originally sponsored by Representatives Valle, Allen and Rust)

Funding solid waste management programs.

Referred to Committee on Governmental Operations.

SHB 493 by Committee on State Government (originally sponsored by Representatives Valle, Todd, Jacobsen, Leonard, Barnes, Ebersole, Cole, Rust, Crane, Appelwick, Braddock, D. Nelson and Miller)

Establishing a seismic safety commission.

Referred to Committee on Governmental Operations.

HB 576 by Representatives Haugen and Brough

Increasing contract amounts for approved use of small works roster.

Referred to Committee on Governmental Operations.

HB 593 by Representatives Armstrong, Holland and Tanner

Removing provisions for administrative revocation of drivers' licenses for all alcohol violations and restoring provisions allowing revocation for breathalyzer refusal.

Referred to Committee on Judiciary.

ESHB 595 by Committee on Social and Health Services (originally sponsored by Representatives Tanner, Leonard, P. King and Long)

Requiring the sentencing guideline commission to recommend standard sentences for misdemeanors.

Referred to Committee on Judiciary.

- EHB 600 by Representatives Grimm, Valle, Cole and Sanders
Imposing an additional tax on cigarette sales.
Referred to Committee on Ways and Means.
- EHB 610 by Representatives Brekke and B. Williams
Modifying provisions relating to the board of health.
Referred to Committee on Human Services and Corrections.
- SHB 660 by Committee on Transportation (originally sponsored by Representatives Gallagher, Schmidt, Haugen, Holland, S. Wilson and J. Williams) (by Washington State Patrol, Utilities and Transportation Commission request)
Authorizing the state patrol and the utilities and transportation commission to establish standards for private carriers.
Referred to Committee on Transportation.
- EHB 701 by Representatives Lux, Zellinsky, Winsley, Crane, Vekich, Basich, Addison, Locke, Lewis, Niemi, Holland, D. Nelson, Patrick, Leonard, Nutley, Ebersole, Todd, Wang, Doty and Wineberry
Requiring a report on check cashing fees.
Referred to Committee on Financial Institutions.
- EHB 753 by Representatives Van Luven, Smitherman, Bristow, May, Ebersole, Isaacson, Sanders, Allen, Sutherland, Doty, Thomas, J. Williams, Bond and Long
Authorizing rental deposits to be used as security for payment of utility bills.
Referred to Committee on Judiciary.
- EHB 758 by Representatives Locke, Miller, Armstrong, Nealey, Jacobsen, Patrick, Gallagher, Barnes, Unsoeld, D. Nelson, Isaacson, Todd, Van Luven, Madsen, Addison and Wineberry
Imposing civil liability for the theft of utility services.
Referred to Committee on Energy and Utilities.
- ESHB 767 by Committee on Judiciary (originally sponsored by Representatives P. King, Padden, Appelwick, Lewis, Dellwo, West, Schmidt, Crane, Wang, G. Nelson, Niemi and Day)
Revising laws on criminal profiteering.
Referred to Committee on Judiciary.
- ESHB 785 by Committee on State Government (originally sponsored by Representatives B. Williams, Schoon and Barnes)
Establishing the legislative oversight committee.
Referred to Committee on Governmental Operations.
- ESHB 796 by Select Committee on the Clean-up and Management of Puget Sound (originally sponsored by Representatives Valle, Hine, G. Nelson, P. King and Unsoeld)
Requiring the department of ecology to report on Puget Sound water quality enforcement actions.
Referred to Committee on Parks and Ecology.
- ESHB 820 by Committee on Social and Health Services (originally sponsored by Representatives Wineberry, Patrick, Lux, Lewis, Appelwick, Dellwo, Jacobsen, Day, Sayan and Unsoeld)
Providing services for persons with developmental disabilities.
Referred to Committee on Human Services and Corrections.

ESHB 836 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Zellinsky, Smitherman, Barrett, West, R. King, Bond, Jacobsen, Miller and Hankins)

Requiring health care services contractors to issue checks directly to health care providers upon direction of the subscriber.

Referred to Committee on Financial Institutions

ESHB 846 by Committee on Energy and Utilities (originally sponsored by Representatives D. Nelson, Van Luvan, Todd, Miller, Braddock, Long, Appelwick, J. Williams, Sanders and Isaacson)

Authorizing municipalities to develop electric generation capabilities.

Referred to Committee on Energy and Utilities.

HB 853 by Representatives Appelwick, Crane and Jacobsen

Establishing a system of certificates of title for vessels and watercraft.

Referred to Committee on Transportation.

E2SHB 879 by Committee on Ways and Means (originally sponsored by Representatives Armstrong, Dellwo, Patrick and P. King)

Revising laws against drunk driving.

Referred to Committee on Judiciary.

SHB 894 by Committee on Energy and Utilities (originally sponsored by Representative D. Nelson)

Providing for radon detectors.

Referred to Committee on Energy and Utilities.

HB 999 by Representatives Appelwick, Jacobsen and Cole

Providing for the allocation of funds and programs for educational clinics.

Referred to Committee on Education.

EHB 1001 by Representatives Appelwick and Hastings (by Department of Revenue request)

Modifying provisions on property taxes.

Referred to Committee on Ways and Means.

HB 1006 by Representatives Appelwick and Hastings (by Department of Revenue request)

Modifying the definition of consumer for excise tax purposes.

Referred to Committee on Ways and Means.

SHB 1044 by Committee on Agriculture (originally sponsored by Representatives Rayburn, Doty, Baugher, Hastings, Day, Dellwo, Isaacson, Chandler, Brooks and Tilly)

Requiring plats in irrigation districts to provide for irrigation before approval.

Referred to Committee on Agriculture.

SHB 1114 by Committee on Energy and Utilities (originally sponsored by Representatives Todd, Allen, Long, D. Nelson and Unsoeld)

Revising procedures for adoption of energy related building standards.

Referred to Committee on Energy and Utilities.

SHB 1129 by Committee on Local Government (originally sponsored by Representatives O'Brien, G. Nelson and May)

Expanding the authorized purposes of parking and of business improvement areas.

Referred to Committee on Governmental Operations.

ESHB 1182 by Committee on Transportation (originally sponsored by Representatives J. King, S. Wilson, Haugen, Fisher, Gallagher, O'Brien, K. Wilson, McMullen, Hankins, Betrozoff, Schoon, Jacobsen, Miller, Isaacson and Tilly) (by Washington Traffic Safety Commission request)

Requiring the use of safety belts and child safety seats in motor vehicles.

Referred to Committee on Transportation.

SHB 1191 by Committee on Local Government (originally sponsored by Representatives Brough and Schoon)

Providing for equitable distribution of county property to new city.

Referred to Committee on Governmental Operations.

ESHB 1269 by Committee on Local Government (originally sponsored by Representative Haugen)

Authorizing emergency medical service levies.

Referred to Committee on Governmental Operations.

HJM 17 by Representatives K. Wilson, Lundquist, D. Nelson, Thomas, R. King, Hankins, Haugen, Sutherland and Isaacson

Requesting federal funds for treaty fish management.

Referred to Committee on Natural Resources.

SHJM 24 by Committee on State Government (originally sponsored by Representatives Belcher, Allen, Unsoeld, D. Nelson, Brooks, Wang, Cole, Todd, Lewis, Lux, Niemi, Locke, Jacobsen, Miller and Dellwo)

Petitioning Congress to halt deportation of Central American refugees.

Referred to Committee on Governmental Operations.

MOTIONS

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, the Committee on Energy and Utilities was relieved of further consideration of House Bill No. 1177.

On motion of Senator Vognild, House Bill No. 1177 was referred to the Committee on Parks and Ecology.

On motion of Senator Vognild, the Committee on Human Services and Corrections was relieved of further consideration of House Bill No. 3.

On motion of Senator Vognild, House Bill No. 3 was referred to the Committee on Energy and Utilities.

POINT OF INQUIRY

Senator Bottiger: "Mr. President, as a matter of curiosity, will somebody fess up to the apples? Can I find out where they came from?"

Senator Deccio: "In response to Senator Bottiger's question of where the apples came from, they're not Yakima apples. They are too small."

Senator Bottiger: "Mr. President, they are, obviously, not any out of Wenatchee. They are flawed--they've got marks on them."

MOTION

At 12:40 p.m., on motion of Senator Vognild, the Senate adjourned until 11:45 a.m., Tuesday, March 26, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

SEVENTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 26, 1985

The Senate was called to order at 11:45 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bailey, Bender, Garrett, Owen, Pullen, Talmadge, Warnke and Wojahn. On motion of Senator von Reichbauer, Senators Bailey and Pullen were excused. On motion of Senator Vognild, Senators Bender, Garrett, Owen, Talmadge, Warnke and Wojahn were excused.

The Sergeant at Arms Color Guard, consisting of Cara Winery and Scott Millican, presented the Colors. Reverend Rick Quast, pastor of the Seventh-Day Adventist Church of Lacey, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 25, 1985

HB 149 Prime Sponsor, Representative Nutley: Clarifying under what conditions a county treasurer shall prepare distraint papers. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Granlund, Saling.

Passed to Committee on Rules for second reading.

March 25, 1985

SHB 177 Prime Sponsor, Committee on Local Government: Increasing funds available to veterans organizations for hall rental. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, McCaslin, Saling.

Passed to Committee on Rules for second reading.

March 25, 1985

SHB 520 Prime Sponsor, Committee on Financial Institutions and Insurance: Revising industrial loan company provisions. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; McDermott, Newhouse, Sellar, von Reichbauer.

Passed to Committee on Rules for second reading.

March 25, 1985

EHB 830 Prime Sponsor, Representative Kremen: Facilitating the siting and expansion of business. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, Moore, Newhouse.

Passed to Committee on Rules for second reading.

March 25, 1985

SHB 850 Prime Sponsor, Committee on Commerce and Labor: Continuing and modifying regulation of landscape architects. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Moore, Newhouse.

Passed to Committee on Rules for second reading.

March 25, 1985

SHB 1063 Prime Sponsor, Committee on Trade and Economic Development: Authorizing a permanent international marketing program for agricultural commodities and trade impact center. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, Moore, Newhouse.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

March 25, 1985

Mr. President:

The House has passed:

SENATE BILL NO. 3040,

SENATE BILL NO. 3041,

SENATE BILL NO. 3074,

SENATE BILL NO. 3075,

SENATE BILL NO. 3077,

SENATE BILL NO. 3078,

SUBSTITUTE SENATE BILL NO. 3131,

SENATE BILL NO. 3270, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 3040,

SENATE BILL NO. 3041,

SENATE BILL NO. 3074,

SENATE BILL NO. 3075,

SENATE BILL NO. 3077,

SENATE BILL NO. 3078,

SUBSTITUTE SENATE BILL NO. 3131,

SENATE BILL NO. 3270.

PERSONAL PRIVILEGE

Senator Metcalf: "A point of personal privilege. I just wanted to remind the body and say relative to Collins School, I did my student teaching at Collins School some hundred years ago."

MESSAGE FROM THE HOUSE

March 25, 1985

Mr. President:

The House has concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 386, and passed the bill as amended by the Senate.

DENNIS L. HECK, Chief Clerk

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

REPORTS OF STANDING COMMITTEES

March 26, 1985

ESHB 50 Prime Sponsor, Committee on Judiciary: Making certain reimbursements for social security assistance retroactive. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, McCaslin, Newhouse, Williams.

Passed to Committee on Rules for second reading.

March 26, 1985

SHB 52 Prime Sponsor, Committee on State Government: Revising provisions relating to the human rights commission. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Newhouse, Owen, Williams.

Passed to Committee on Rules for second reading.

March 26, 1985

EHB 58 Prime Sponsor, Representative P. King: Modifying procedures for making arbitration awards. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Newhouse, Owen, Williams.

Passed to Committee on Rules for second reading.

March 25, 1985

HB 152 Prime Sponsor, Representative Grimm: Increasing the amount of the initial biennial advance permitted each community college treasurer. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Bluechel, Bottiger, Cantu, Craswell, Fleming, Goltz, Lee, McDonald, Moore, Rinehart.

Passed to Committee on Rules for second reading.

March 25, 1985

HB 1010 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; Bluechel, Bottiger, Cantu, Craswell, Fleming, Goltz, Lee, McDonald, Moore, Rinehart.

Passed to Committee on Rules for second reading.

March 26, 1985

EHJM 2 Prime Sponsor, Representative Addison: Requesting the President and Congress to effect the protection of Orthodox Christians. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Hayner, McCaslin, Metcalf, Owen, Williams.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENT

March 26, 1985

GA 88 ANN SANDSTROM, to the position of member of the Judicial Qualifications Commission, reappointed by the Governor on February 19, 1985, for the term ending June 16, 1988. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Hayner, McCaslin, Newhouse, Owen, Williams.

Passed to Committee on Rules.

MOTIONS

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

On motion of Senator Vognild, the following Senate Bills on the second reading calendar were returned to the Committee on Rules:

SB 3280,
 SB 3447,
 SB 3913,
 SB 4177,
 SB 4243,
 SB 3449,
 SB 3916,
 SB 3265,
 SB 4030,
 SB 3932,
 SB 3790,
 SB 3929,
 SB 3323,
 SB 3544,
 SB 4268,
 SB 3082,
 SB 4270,
 SB 3421,
 SB 3163,
 SB 4134,
 SB 3507,
 SB 3777,
 SB 3971,
 SB 3843,
 SB 3526,
 SB 4126,
 SB 3039,
 SB 3313,
 SB 3430,
 SB 3479,
 SB 3806,
 SB 4321,
 SB 3742,
 SJM 120,
 SJR 109.

On motion of Senator Vognild, Substitute House Bill No. 490 and House Bill No. 312 will remain on the second reading calendar.

MOTIONS

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, the Committee on Governmental Operations was relieved of further consideration of House Bill No. 357.

On motion of Senator Vognild, House Bill No. 357 was referred to the Committee on Human Services and Corrections.

MOTION

At 12:07 p.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Wednesday, March 27, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

SEVENTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 27, 1985

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 Bailey, Bluechel, Deccio, Guess, Kreidler, Lee, McDermott, Moore and Wojahn. On motion of Senator von Reichbauer, Senators Bluechel and Guess were excused. On motion of Senator Bender, Senators McDermott and Wojahn were excused.

The Sergeant at Arms Color Guard, consisting of Tracy Tebb and Greg Whiteley, presented the Colors. Reverend Rick Quast, pastor of the Seventh-Day Adventist Church of Lacey, offered the prayer.

MOTION

On motion of Senator Vognild, 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 Ann Sandstrom as a member of the Judicial Qualifications Commission was confirmed.

APPOINTMENT OF ANN SANDSTROM

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 40; absent, 5; excused, 4.

Voting ye: Senators Barr, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, McCaslin, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 40.

Absent: Senators Bailey, Deccio, Kreidler, Lee, Moore - 5.

Excused: Senators Bluechel, Guess, McDermott, Wojahn - 4.

MOTIONS

On motion of Senator von Reichbauer, Senators Bailey, Deccio and Lee were excused.

On motion of Senator Bender, Senator Moore was excused.

MOTION

On motion of Senator Thompson, the appointment of Richard J. Thompson as as Director of the Department of Community Development was confirmed.

APPOINTMENT OF RICHARD J. THOMPSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 40; nays, 1; excused, 8.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 40.

Voting nay: Senator Pullen - 1.

Excused: Senators Bailey, Bluechel, Deccio, Guess, Lee, McDermott, Moore, Wojahn - 8.

MOTION

On motion of Senator Bender, Senators Gaspard and Granlund were excused.

MOTION

On motion of Senator Kreidler, the appointment of Jacob Thomas as State Historic Preservation Officer was confirmed.

APPOINTMENT OF JACOB THOMAS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; excused, 8.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Goltz, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 41.

Excused: Senators Bailey, Bluechel, Gaspard, Granlund, Guess, Lee, McDermott, Wojahn - 8.

MOTION

At 10:23 a.m., on motion of Senator Vognild, the Senate recessed until 11:00 a.m.

SECOND MORNING SESSION

The Senate was called to order at 11:15 a.m., by President Cherberg.

MOTION

On motion of Senator Bender, Senator Moore was excused

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Warnke, the appointment of Frank E. Fennerty as a member of the Industrial Insurance Appeals Board was confirmed.

APPOINTMENT OF FRANK E. FENNERTY

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

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 45.

Excused: Senators Bailey, Guess, Moore, Wojahn - 4.

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

MESSAGE FROM THE HOUSE

March 27, 1985

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 386, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 386.

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 490, by Committee on Transportation (originally sponsored by Representatives Walk, Schmidt, Van Luven, Wineberry, Gallagher and J. Williams) (by Governor Gardner request)

Adopting the supplemental transportation budget.

The bill was read the second time.

MOTION

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

On page 4, after line 2, insert the following:

"Sec. 6, Section 8, chapter 53, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE PATROL

Motor Vehicle Fund—State Patrol Highway Account Appropriation	\$	((103,518,024))
		<u>104,294,894</u>
Highway Safety Fund Appropriation	\$	11,875
Total Appropriation	\$	((103,529,899))
		<u>104,306,769</u>

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."

Renumber the sections following consecutively.

MOTION

Senator Patterson moved that the following amendment by Senators Patterson and Peterson be adopted:

On page 3, after line 29, insert the following:

"NEW SECTION, Sec. 5. A new section is added to Chapter 53, Laws of 1983 1st ex. sess. to read as follows:

The Department of Transportation may transfer up to \$450,000 of motor vehicle fund—state appropriations contained in sections 13 and 14 of Chapter 53, Laws of 1983 1st ex. sess. into section 12 of Chapter 53, Laws of 1983 1st ex. sess. for the sole purpose of funding expenditures incurred by the attorney general's office for tort claims administration."

Debate ensued.

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

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

MOTIONS

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

In line 7 of the title, after "(uncodified)," insert "amending section 8, chapter 53, Laws of 1983 1st ex. sess. (uncodified);"

On motion of Senator Peterson, the rules were suspended, Substitute House Bill No. 490, 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. 490, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 490, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 45.

Excused: Senators Bailey, Guess, Moore, Wojahn - 4.

SUBSTITUTE HOUSE BILL NO. 490, as amended by the Senate, having received the constitutional majority, 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. 312, by Representatives O'Brien, P. King, Long, Smitherman, Holland, Wang, L. Smith and Day

Revising the minimum school hours and day requirements for private schools.

The bill was read the second time.

MOTION

Senator Metcalf moved that the following amendment be adopted:

On page 1, line 28, after "RCW 28A.58.754", insert a new subsection and renumber the following subsections consecutively:

"(2) If a child of mandatory attendance age is attending an unapproved private school which is operated as part of a church educational ministry, the parents, guardians or custodians of the child shall not be subject to the twenty-five dollar fine imposed by penalties under RCW 28A.27.100. As used herein, "church educational ministry" means an educational ministry that is integral to and inseparable from its sponsoring religious organization offering educational programs for children"

POINT OF ORDER

Senator Gaspard: "Mr. President, a point of order. If you will look at the bill before us, it deals with the minimum amount of school days for approved private schools and the amendment that Senator Metcalf has presented talks about mandatory attendance and also addresses itself to the church educational ministries in a different section of the RCWs and because of that, I would suggest that it is beyond the scope and object of the bill before us."

MOTION

On motion of Senator Bender, further consideration of HB 312 was deferred.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 850, by Committee on Commerce and Labor (originally sponsored by Representatives Cole, Appelwick, G. Nelson, Wang, Tilly, Ebersole, O'Brien, Taylor, Berozoff, D. Nelson and Jacobsen)

Continuing and modifying regulation of landscape architects.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, Substitute House Bill No. 850 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 Warnke, under this bill, would I be prohibited from landscaping my widow neighbor's property?"

Senator Warnke: "No."

Senator Rasmussen: "I could do any of that work that I wanted to do?"

Senator Warnke: "Yes, you could."

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 850.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 850 and the bill passed the Senate by the following vote: Yeas, 40; nays, 5; absent, 1; excused, 3.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 40.

Voting nay: Senators Barr, Craswell, McCaslin, Metcalf, Pullen - 5.

Absent: Senator McDermott - 1.

Excused: Senators Bailey, Guess, Wojahn - 3.

SUBSTITUTE HOUSE BILL NO. 850, having received the 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. 312 and the pending amendment by Senator Metcalf on page 1, line 28, deferred earlier today.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Gaspard, the President finds that House Bill No. 312 is a measure revising the minimum school hours and day requirements for private schools.

"The amendment proposed by Senator Metcalf exempts the parents of children attending private schools operated as a part of a church ministry from certain monetary penalties for violating the compulsory school attendance law.

"The President, therefore, finds that the proposed amendment does change 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 Gaspard, the rules were suspended, House Bill No. 312 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 Saling: "Senator Gaspard, the passage of this bill would make it possible for private schools to cut their school year to say—one hundred seventy-five days, if they still maintained the proper number of hours that the public schools gave to a given subject. Is there any intention on the part of the Education Committee or the Senate to, sometime in the future, reduce the school year for the public schools to something less than one hundred eighty days so that they could join the private schools in longer school days?"

Senator Gaspard: "Senator Saling, of course, this applies to approved private schools. Secondly, they would still be required by the basic education law—the program offerings, and thirdly, to your question, the only area that we have looked at in shortening the school year for public schools was a proposal for a pilot project to have a longer school day and shortening the school year, but those proposals have not been acted upon favorably as of yet."

Senator Saling: "So, if I understand your statement, there is no intention by this measure to start a trend to reduce the school year for public schools?"

Senator Gaspard: "Senator Saling, that is correct. There is no intention to have this apply to public schools."

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 312.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 312 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 46.

Excused: Senators Bailey, Guess, Wojahn - 3.

HOUSE BILL NO. 312, having received the constitutional majority, 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. 16, by Committee on Commerce and Labor (originally sponsored by Representatives Sayan, R. King, Patrick, Wang, Winsley, Sutherland, Fisch, Gallagher, Isaacson, Belcher, Hankins, Allen and Baugher)

Modifying provisions relating to payment of the prevailing wage.

The bill was read the second time.

MOTIONS

On motion of Senator Bender, Senators Bauer and Goltz were excused.

On motion of Senator Warnke, the rules were suspended, Substitute House Bill No. 16 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. 16.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 16 and the bill passed the Senate by the following vote: Yeas, 34; nays, 10; excused, 5.

Voting yea: Senators Bender, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Granlund, Halsan, Johnson, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 34.

Voting nay: Senators Barr, Benitz, Bluechel, Craswell, Hansen, Hayner, Kiskaddon, McCaslin, Newhouse, Saling - 10.

Excused: Senators Bailey, Bauer, Goltz, Guess, Wojahn - 5.

SUBSTITUTE HOUSE BILL NO. 16, having received the 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

March 26, 1985

ESHB 223 Prime Sponsor, Committee on Agriculture: Establishing a study committee on the regulation of hydraulic projects. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Bailey, Barr, Bauer, Benitz, Gaspard.

Passed to Committee on Rules for second reading.

March 26, 1985

SHB 546 Prime Sponsor, Committee on Agriculture: Modifying provisions on agricultural commodity assessments. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass as amended. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Bailey, Barr, Bauer, Benitz.

Passed to Committee on Rules for second reading.

March 26, 1985

ESHB 717 Prime Sponsor, Committee on Energy and Utilities: Imposing requirements for approval of optional local measured service telephone rates. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Benitz, Kiskaddon, Kreidler, McCaslin, Owen.

Passed to Committee on Rules for second reading.

March 25, 1985

SHB 802 Prime Sponsor, Committee on Trade and Economic Development: Declaring economic development programs with nonprofit corporations to be a public purpose for cities and counties. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, Newhouse, Williams.

Passed to Committee on Rules for second reading.

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

MOTION

Senator Warnke moved adoption of the following resolution.

SENATE RESOLUTION 1985-42

by Senators Warnke, Zimmerman, Rasmussen, Vognild, Bender, Kiskaddon, McCaslin, Bauer, Talmadge and Lee

WHEREAS, The state of Washington has received international and national recognition for its world-class environment for living and working; and

WHEREAS, The state of Washington has several attractive potential locations for the siting of the new Saturn corporation automobile manufacturing plant; and

WHEREAS, The state has a highly skilled and productive work force, a quality educational and vocational training system, and a beautiful natural and social environment; and

WHEREAS, The state is the nation's gateway to the Pacific Rim, and possesses a comprehensive air, land, and sea transportation system for service to domestic and Canadian markets; and

WHEREAS, The state offers the advantages of the lowest-priced electricity and natural gas in the nation, abundant supplies of water, aluminum production, and other raw materials; and

WHEREAS, The state of Washington has a number of attractive sites and a growing enthusiastic partnership of business, labor, and government to sustain a long-term relationship with General Motors; and

WHEREAS, Governor Booth Gardner has identified state support and encouragement of economic development as a top priority;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, That General Motors Corporation is encouraged to give Washington state thorough consideration for the location of the Saturn plant and that the state will carry out all reasonable measures to accommodate the timely siting of the General Motors facility; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted to the Governor of the state of Washington and the President and Chief Executive Officer of General Motors and the President of Saturn Corporation.

POINT OF INQUIRY

Senator Rasmussen: "Senator Warnke, would you object to an amendment saying that the state of Washington has no unitary tax, no value added tax and no income tax? I think that would put a little meat in the resolution."

Senator Warnke: "Senator, I'm probably agreeable to any friendly method."

MOTION

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

WHEREAS, The state of Washington has no unitary tax, no value-added tax and no income tax;

The President declared the question before the Senate to be adoption of Senate Resolution 1985-42, as amended.

The motion by Senator Warnke carried and Senate Resolution 1985-42, as amended, was adopted.

MOTION

On motion of Senator Vognild, all Senators wishing to be additional sponsors of Senate Resolution 1985-42 should contact the Secretary of the Senate.

MOTIONS

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, the Committee on Agriculture was relieved of further consideration of House Bill No. 232.

On motion of Senator Vognild, House Bill No. 232 was referred to the Committee on Parks and Ecology.

On motion of Senator Vognild, the Committee on Judiciary was relieved of further consideration of House Bill No. 805.

On motion of Senator Vognild, House Bill No. 805 was referred to the Committee on Education.

MOTION

At 12:10 p.m., on motion of Senator Vognild, the Senate adjourned until 11:30 a.m., Thursday, March 28, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

SEVENTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, March 28, 1985

The Senate was called to order at 11:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard, consisting of Angelo Banchemo, Armondo Banchemo, Casey Garbrick and Cherie Dalrymple, presented the Colors.

MOTION

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

MOTION

At 11:39 a.m., on motion of Senator Vognild, the Senate recessed until 12:00 noon.

AFTERNOON SESSION

The Senate was called to order at 12:08 p.m. by President Cherberg.

MESSAGES FROM THE HOUSE

March 27, 1985

Mr. President:

The Speaker has signed:

SENATE BILL NO. 3040,
SENATE BILL NO. 3041,
SENATE BILL NO. 3074,
SENATE BILL NO. 3075,
SENATE BILL NO. 3077,
SENATE BILL NO. 3078,
SUBSTITUTE SENATE BILL NO. 3131,

SENATE BILL NO. 3270, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

March 27, 1985

Mr. President:

The House has passed:

SENATE BILL NO. 3368, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 3368.

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

REPORTS OF STANDING COMMITTEES

March 26, 1985

SHB 15 Prime Sponsor, Committee on Local Government: Modifying provisions relating to security for the payment of the prevailing wages under public works contracts. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; DeJarnatt, Granlund, McCaslin, Rinehart.

Passed to Committee on Rules for second reading.

March 26, 1985

EHB 37 Prime Sponsor, Representative D. Nelson: Authorizing above-ground tanks for recycling used oil. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass as amended. Signed by Senators Kreidler, Chairman; Hansen, Kiskaddon, Williams.

Passed to Committee on Rules for second reading.

March 26, 1985

SHB 44 Prime Sponsor, Committee on Local Government: Permitting family members to look at autopsy and post mortem reports. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; DeJarnatt, Granlund, McCaslin, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

March 27, 1985

ESHB 62 Prime Sponsor, Committee on Environmental Affairs: Prohibiting smoking in certain public places. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Cantu, Halsan, McDonald, Moore, Newhouse, Williams.

Passed to Committee on Rules for second reading.

March 26, 1985

HB 80 Prime Sponsor, Representative Walk: Updating state highway routes. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, DeJarnatt, Granlund, Guess, Metcalf, Patterson, Sellar.

Passed to Committee on Rules for second reading.

March 26, 1985

SHB 86 Prime Sponsor, Committee on State Government: Directing civil service exemption for certain positions within the department of transportation. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, DeJarnatt, Granlund, Guess, Metcalf.

Passed to Committee on Rules for second reading.

March 26, 1985

HB 92 Prime Sponsor, Representative K. Wilson: Authorizing designees of state officials to sit on the interagency committee for outdoor recreation. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass. Signed by Senators Kreidler, Chairman; Cantu, Hansen, Kiskaddon, Williams.

Passed to Committee on Rules for second reading.

March 26, 1985

EHB 142 Prime Sponsor, Representative Rayburn: Revising provisions relating to marriage licenses. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; DeJarnatt, Granlund, McCaslin, Rinehart.

Passed to Committee on Rules for second reading.

March 27, 1985

ESHB 166 Prime Sponsor, Committee on Higher Education: Changing provisions relating to public university and college construction bids. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Goltz, Johnson, Kiskaddon, McDermott, McManus, Patterson, Warnke.

Passed to Committee on Rules for second reading.

March 26, 1985

HB 250 Prime Sponsor, Representative Nutley: Extending time requirements for revision of small works roster. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, McCaslin, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

March 27, 1985

HB 261 Prime Sponsor, Representative Ebersole: Changing certain provisions relating to school plant facilities. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Goltz, Johnson, Kiskaddon, McDermott, Saling, Stratton.

Passed to Committee on Rules for second reading.

March 27, 1985

SHB 262 Prime Sponsor, Committee on Education: Eliminating certain obsolete provisions from Title 28A RCW. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman, Bender, Craswell, Goltz, Johnson, Kiskaddon, McDermott, Saling, Stratton.

Passed to Committee on Rules for second reading.

March 26, 1985

SHB 321 Prime Sponsor, Committee on Transportation: Giving the county road administration board more responsibility over county road moneys. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Barr, Bender, DeJarnatt, Granlund, Guess, Metcalf, Patterson, Sellar.

Passed to Committee on Rules for second reading.

March 26, 1985

SHB 391 Prime Sponsor, Committee on State Government: Modifying competitive bidding requirements for state purchasing. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; DeJarnatt, Granlund, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

March 26, 1985

HB 398 Prime Sponsor, Representative Walk: Requiring payment of the federal heavy vehicle use tax for state vehicle registration. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Bender, Conner, DeJarnatt, Granlund, Guess, Johnson, Metcalf.

Passed to Committee on Rules for second reading.

March 26, 1985

HB 399 Prime Sponsor, Representative K. Wilson: Authorizing staggered licensing for motor vehicle related businesses. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Bender, Conner, DeJarnatt, Granlund, Guess, Johnson, Metcalf.

Passed to Committee on Rules for second reading.

March 26, 1985

SHB 565 Prime Sponsor, Committee on Local Government: Authorizing county treasurer to serve as fiscal agent for certain local government units. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, McCaslin, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

March 26, 1985

SHB 602 Prime Sponsor, Committee on Local Government: Requiring plat to meet standards established by engineering service division. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, McCaslin, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

March 27, 1985

2SHB 738 Prime Sponsor, Committee on Ways and Means: Establishing a community revitalization team. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Refer to Committee on Ways and Means. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Moore, Newhouse.

Passed to Committee on Rules for second reading.

March 27, 1985

SHB 799 Prime Sponsor, Committee on Education: Encouraging school districts to provide community service programs on parenting and the problems of child abuse. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Goltz, Johnson, Kiskaddon, Saling, Stratton.

Passed to Committee on Rules for second reading.

March 26, 1985

ESHB 865 Prime Sponsor, Committee on Environmental Affairs: Creating a hazardous substances information and education office. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass as amended. Signed by Senators Kreidler, Chairman; Hansen, Kiskaddon, Williams.

Passed to Committee on Rules for second reading.

March 26, 1985

E2SHB 975 Prime Sponsor, Committee on Ways and Means: Revising provisions relating to hazardous wastes. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass. Signed by Senators Kreidler, Chairman; Cantu, Hansen, Kiskaddon, Williams.

Passed to Committee on Rules for second reading.

March 25, 1985

SHB 1061 Prime Sponsor, Committee on Trade and Economic Development: Establishing a trade assistance center. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, Moore, Newhouse, Williams.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

March 26, 1985

GA 67 SHARON A. NELSON, to the position of member of the Utilities and Transportation Commission, appointed by the Governor on February 11, 1985, for the term ending December 31, 1990, succeeding Mary D. Hall. Reported by Committee on Governmental Operations

MAJORITY recommendation: That said appointment be confirmed and be referred to Committee on Energy and Utilities. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Granlund, McCaslin, Rinehart, Saling, Zimmerman.

Referred to Committee on Energy and Utilities.

March 26, 1985

GA 89 RICHARD D. ODABASHIAN, to the position of member of the Transportation Commission, reappointed by the Governor on February 19, 1985, for the term ending June 30, 1990. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, DeJarnatt, Granlund, Guess, Metcalf, Patterson, Sellar, von Reichbauer.

Passed to Committee on Rules.

March 26, 1985

GA 102 PHYLLIS M. KENNEY, to the position of member of the Prison Terms and Paroles Board, reappointed by the Governor on February 19, 1985, for the term ending April 15, 1987. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Johnson, Kiskaddon, Peterson, Stratton.

Passed to Committee on Rules.

March 26, 1985

GA 106 KATHRYN S. BAIL, to the position of member of the Prison Terms and Paroles Board, appointed by the Governor on February 22, 1985, for the term ending July 1, 1988, succeeding Thomas J. Manning. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Johnson, Kiskaddon, Peterson, Stratton.

Passed to Committee on Rules.

March 26, 1985

GA 107 PAUL C. MENA, to the position of member of the Prison Terms and Paroles Board, appointed by the Governor on February 22, 1985, for the term ending April 15, 1989, succeeding J. H. (Jack) Todd. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Johnson, Kiskaddon, Peterson, Stratton.

Passed to Committee on Rules.

MOTION

At 12:11 p.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Friday, March 29, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

SEVENTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, March 29, 1985

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, Cantu, McDermott, Moore, Owen, Patterson, Peterson and Wojahn. On motion of Senator Zimmerman, Senators Benitz and Patterson were excused. On motion of Senator Bender, Senators McDermott and Owen were excused.

The Sergeant at Arms Color Guard, consisting of Deborah Obermiller and Jeff Parker, presented the Colors. Reverend Rick Quast, pastor of the Seventh-Day Adventist Church of Lacey, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 28, 1985

SHB 36 Prime Sponsor, Committee on Judiciary: Authorizing law enforcement officer to intercept telephone communications in a hostage or barricade situation. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; DeJarnatt, Hayner, McCaslin, Metcalf, Moore, Newhouse, Thompson.

Passed to Committee on Rules for second reading.

March 28, 1985

SHB 46 Prime Sponsor, Committee on Judiciary: Clarifying the intent of the consumer protection act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; DeJarnatt, Hayner, McCaslin, Metcalf, Moore, Newhouse, Thompson.

Passed to Committee on Rules for second reading.

March 26, 1985

SHB 94 Prime Sponsor, Committee on Local Government: Changing the method of appointing a public health director. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Craswell, Johnson, Kiskaddon, Peterson, Stratton.

Passed to Committee on Rules for second reading.

March 27, 1985

HB 169 Prime Sponsor, Representative Hine: Revising the use of and rent payments for certain public lands. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Cantu, Craswell, Goltz, Hayner, Lee, McDonald, Rasmussen, Talmadge, Warnke, Zimmerman.

Passed to Committee on Rules for second reading.

March 28, 1985

SHB 188 Prime Sponsor, Committee on Judiciary: Revising provisions to require removal of repossessed mobile homes from mobile home parks. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; DeJarnatt, Hayner, McCaslin, Metcalf, Moore, Newhouse, Thompson.

Passed to Committee on Rules for second reading.

March 27, 1985

ESHB 199 Prime Sponsor, Committee on Commerce and Labor: Modifying provisions relating to farm labor contractors. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, McDonald, Moore, Williams.

Passed to Committee on Rules for second reading.

March 26, 1985

SHB 246 Prime Sponsor, Committee on Social and Health Services: Prohibiting nursing homes from discriminating against medical assistance recipients. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Craswell, Deccio, Johnson, Kiskaddon, Peterson, Stratton.

Passed to Committee on Rules for second reading.

March 26, 1985

HB 268 Prime Sponsor, Representative Tanner: Allowing institutional industries to purchase products and services for resale. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Craswell, Johnson, Peterson.

Passed to Committee on Rules for second reading.

March 26, 1985

SHB 279 Prime Sponsor, Committee on Local Government: Extending confidentiality privilege to cover meetings of public hospital commissions when discussing specified status of health care providers. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Johnson, Peterson, Stratton.

Passed to Committee on Rules for second reading.

March 26, 1985

EHB 434 Prime Sponsor, Representative Niemi: Providing for licensing of full-time faculty at University of Washington school of dentistry. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Craswell, Peterson, Stratton.

Passed to Committee on Rules for second reading.

March 28, 1985

SHB 731 Prime Sponsor, Committee on Agriculture: Requiring the department of agriculture to design a marketing plan for Washington-bred horses. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Bailey, Bauer, Benitz, Bottiger, Gaspard.

Passed to Committee on Rules for second reading.

March 27, 1985

ESHB 746 Prime Sponsor, Committee on Judiciary: Revising the requirement to provide health insurance coverage in child support cases. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Hayner, McCaslin, Metcalf, Newhouse, Thompson.

Passed to Committee on Rules for second reading.

March 27, 1985

ESHB 932 Prime Sponsor, Committee on Judiciary: Strengthening laws on reporting of child abuse. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Hayner, Metcalf, Newhouse, Thompson.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

March 28, 1985

GA 61 PAUL DZIEDZIC, to the position of Director of the Department of Services for the Blind, reappointed by the Governor on January 28, 1985, for the term ending at the Governor's pleasure. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Johnson, Peterson, Stratton.

Passed to Committee on Rules.

March 28, 1985

GA 83 JOSEPH E. HUNT, to the position of member of the Hospital Commission, reappointed by the Governor on February 19, 1985, for the term ending July 16, 1986. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Granlund, Chairman; Kreidler, Vice-Chairman; Johnson, Peterson, Stratton.

Passed to Committee on Rules.

March 28, 1985

GA 84 JUDITH A. KLAYMAN, to the position of member of the Hospital Commission, reappointed by the Governor on February 19, 1985, for the term ending July 16, 1986. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Johnson, Peterson, Stratton.

Passed to Committee on Rules.

March 28, 1985

GA 86 JON D. SMILEY, to the position of member of the Hospital Commission, reappointed by the Governor on February 19, 1985, for the term ending July 16, 1988. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Johnson, Peterson, Stratton.

Passed to Committee on Rules.

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

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Talmadge, the appointment of Constance L. Proctor as a member of the Public Disclosure Commission was confirmed.

APPOINTMENT OF CONSTANCE L. PROCTOR

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; absent, 4; excused, 4.

Voting yeas: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Zimmerman - 41.

Absent: Senators Barr, Cantu, Peterson, Wojahn - 4.

Excused: Senators Benitz, McDermott, Owen, Patterson - 4.

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

MESSAGE FROM THE HOUSE

March 25, 1985

Mr. President:

The House has passed SENATE BILL NO. 3076 with the following amendment:

Strike everything after the enacting clause and insert the following:

*Sec. 1, Section 1, chapter 38, Laws of 1973 as last amended by section 29, chapter 263, Laws of 1984 and RCW 36.18.020 are each amended to read as follows:

Clerks of superior courts shall collect the following fees for their official services:

(1) The party filing the first or initial paper in any civil action, including an action for restitution, or change of name, shall pay, at the time said paper is filed, a fee of seventy dollars except in proceedings filed under RCW 26.50.030 where the petitioner shall pay a filing fee of twenty dollars.

(2) Any party filing the first or initial paper on an appeal from justice court or on any civil appeal, shall pay, when said paper is filed, a fee of seventy dollars.

(3) The party filing a transcript or abstract of judgment or verdict from a United States court held in this state, or from the superior court of another county or from a justice court in the county of issuance, shall pay at the time of filing, a fee of fifteen dollars.

(4) For the filing of a tax warrant by the department of revenue of the state of Washington, a fee of five dollars shall be paid.

(5) The party filing a demand for jury of six in a civil action, shall pay, at the time of filing, a fee of twenty-five dollars; if the demand is for a jury of twelve the fee shall be fifty dollars. If, after the party files a demand for a jury of six and pays the required fee, any other party to the action requests a jury of twelve, an additional twenty-five dollar fee will be required of the party demanding the increased number of jurors.

(6) For filing any paper, not related to or a part of any proceeding, civil or criminal, or any probate matter, required or permitted to be filed in his office for which no other charge is provided by law, or for filing a petition, written agreement, or memorandum as provided in RCW 11.96.170, the clerk shall collect two dollars.

(7) For preparing, transcribing or certifying any instrument on file or of record in his office, with or without seal, for the first page or portion thereof, a fee of two dollars, and for each additional page or portion thereof, a fee of one dollar. For authenticating or exemplifying any instrument, a fee of one dollar for each additional seal affixed.

(8) For executing a certificate, with or without a seal, a fee of two dollars shall be charged.

(9) For each garnishee defendant named in an affidavit for garnishment and for each writ of attachment, a fee of five dollars shall be charged.

(10) For approving a bond, including justification thereon, in other than civil actions and probate proceedings, a fee of two dollars shall be charged.

(11) In probate proceedings, the party instituting such proceedings, shall pay at the time of filing the first paper therein, a fee of seventy dollars: PROVIDED, HOWEVER, A fee of two dollars shall be charged for filing a will only, when no probate of the will is contemplated. Except as provided for in subsection (12) of this section a fee of two dollars shall be charged for filing a petition, written agreement, or memorandum as provided in RCW 11.96.170.

(12) For filing any petition to contest a will admitted to probate or a petition to admit a will which has been rejected, or a petition objecting to a written agreement or memorandum as provided in RCW 11.96.170, there shall be paid a fee of seventy dollars.

(13) For the issuance of each certificate of qualification and each certified copy of letters of administration, letters testamentary or letters of guardianship there shall be a fee of two dollars.

(14) For the preparation of a passport application there shall be a fee of four dollars.

(15) For searching records for which a written report is issued there shall be a fee of eight dollars per hour.

(16) Upon conviction or plea of guilty or upon failure to prosecute his appeal from a lower court as provided by law, a defendant in a criminal case shall be liable for a fee of seventy dollars.

(17) With the exception of demands for jury hereafter made and garnishments hereafter issued, civil actions and probate proceedings filed prior to midnight, July 1, 1972, shall be completed and governed by the fee schedule in effect as of January 1, 1972: PROVIDED, That no fee shall be assessed if an order of dismissal on the clerk's record be filed as provided by rule of the supreme court.

(18) No fee shall be collected when a petition for relinquishment of parental rights is filed pursuant to RCW ((26-36-010)) 26.33.080 or for forms and instructional brochures provided under RCW 26.50.030.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.,"

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendment to Senate Bill No. 3076.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3076, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3076, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; absent, 6; excused, 4.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarmatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McDonald, McManus, Metcalf, Moore, Newhouse, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 39.

Absent: Senators Barr, Craswell, Kiskaddon, McCaslin, Pullen, Wojahn - 6.

Excused: Senators Benitz, McDermott, Owen, Patterson - 4.

SENATE BILL NO. 3076, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 25, 1985

Mr. President:

The House has passed SENATE BILL NO. 3072 with the following amendments: Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The purpose of this act is to make technical corrections to chapter 149, Laws of 1984, and to ensure that the changes made in that chapter meet the constitutional requirements of Article II, section 19 of the state Constitution.

NEW SECTION. Sec. 2. Chapter 149, Laws of 1984, as amended and reenacted in this act and in SB --(Z-557/85), SB -- (Z-449/85), SB -- (Z-450/85), SB -- (Z-471/85), SB -- (Z-474/85), and SB -- (Z-476/85) shall be known as the Washington trust act of 1984.

Sec. 3. Section 179, chapter 149, Laws of 1984 and RCW 11.02.001 are each reenacted to read as follows:

Section headings, as found in Title 11 RCW, do not constitute any part of the law.

Sec. 4. Section 11.02.005, chapter 145, Laws of 1965 as last amended by section 4, chapter 149, Laws of 1984 and RCW 11.02.005 are each reenacted to read as follows:

When used in this title, unless otherwise required from the context:

(1) "Personal representative" includes executor, administrator, special administrator, and guardian or limited guardian and special representative.

(2) "Net estate" refers to the real and personal property of a decedent exclusive of homestead rights, exempt property, the family allowance and enforceable claims against, and debts of, the estate.

(3) "Representation" refers to a method of determining distribution in which the takers are in unequal degrees of kinship with respect to the intestate, and is accomplished as follows: After first determining who, of those entitled to share in the estate, are in the nearest degree of kinship, the estate is divided into equal shares, the number of shares being the sum of the

number of persons who survive the intestate who are in the nearest degree of kinship and the number of persons in the same degree of kinship who died before the intestate but who left issue surviving the intestate; each share of a deceased person in the nearest degree shall be divided among those of the intestate's issue who survive the intestate and have no ancestor then living who is in the line of relationship between them and the intestate, those more remote in degree taking together the share which their ancestor would have taken had he or she survived the intestate. Posthumous children are considered as living at the death of their parent..

(4) "Issue" includes all the lawful lineal descendants of the ancestor and all lawfully adopted children.

(5) "Degree of kinship" means the degree of kinship as computed according to the rules of the civil law; that is, by counting upward from the intestate to the nearest common ancestor and then downward to the relative, the degree of kinship being the sum of these two counts.

(6) "Heirs" denotes those persons, including the surviving spouse, who are entitled under the statutes of intestate succession to the real and personal property of a decedent on the decedent's death intestate.

(7) "Real estate" includes, except as otherwise specifically provided herein, all lands, tenements, and hereditaments, and all rights thereto, and all interest therein possessed and claimed in fee simple, or for the life of a third person.

(8) "Will" means an instrument validly executed as required by RCW 11.12.020 and includes all codicils.

(9) "Codicil" means an instrument that is validly executed in the manner provided by this title for a will and that refers to an existing will for the purpose of altering or changing the same, and which need not be attached thereto.

(10) "Guardian" or "limited guardian" means a personal representative of the person or estate of an incompetent or disabled person as defined in RCW 11.88.010 and the term may be used in lieu of "personal representative" wherever required by context.

(11) "Administrator" means a personal representative of the estate of a decedent and the term may be used in lieu of "personal representative" wherever required by context.

(12) "Executor" means a personal representative of the estate of a decedent appointed by will and the term may be used in lieu of "personal representative" wherever required by context.

(13) "Special administrator" means a personal representative of the estate of a decedent appointed for limited purposes and the term may be used in lieu of "personal representative" wherever required by context.

(14) "Trustee" means an original, added, or successor trustee and includes the state, or any agency thereof, when it is acting as the trustee of a trust to which chapter 11.98 RCW applies.

(15) Words that import the singular number may also be applied to the plural of persons and things.

(16) Words importing the masculine gender only may be extended to females also.

Sec. 5. Section 11.28.240, chapter 145, Laws of 1965 as amended by section 8, chapter 149, Laws of 1984 and RCW 11.28.240 are each reenacted to read as follows:

At any time after the issuance of letters testamentary or of administration or certificate of qualification upon the estate of any decedent, any person interested in the estate as an heir, devisee, distributee, legatee or creditor whose claim has been duly served and filed, or the lawyer for the heir, devisee, distributee, legatee, or creditor may serve upon the personal representative or upon the lawyer for the personal representative, and file with the clerk of the court wherein the administration of the estate is pending, a written request stating that the person desires special notice of any or all of the following named matters, steps or proceedings in the administration of the estate, to wit:

(1) Filing of petitions for sales, leases, exchanges or mortgages of any property of the estate.

(2) Petitions for any order of solvency or for nonintervention powers.

(3) Filing of accounts.

(4) Filing of petitions for distribution.

(5) Petitions by the personal representative for family allowances and homesteads.

(6) The filing of a declaration of completion.

(7) The filing of the inventory.

(8) Notice of presentation of personal representative's claim against the estate.

(9) Petition to continue a going business.

(10) Petition to borrow upon the general credit of the estate.

(11) Petition for judicial ~~((proceeding(s)))~~ proceedings under chapter 11.96 RCW.

(12) Petition to reopen an estate.

(13) Intent to distribute estate assets, other than distributions in satisfaction of specific bequests or legacies of specific dollar amounts.

(14) Intent to pay attorney's or personal representative's fees.

The requests shall state the post office address of the heir, devisee, distributee, legatee or creditor, or his or her lawyer, and thereafter a brief notice of the filing of any of the petitions, accounts, declaration, inventory or claim, except petitions for sale of perishable property, or

other tangible personal property which will incur expense or loss by keeping, shall be addressed to the heir, devisee, distributee, legatee or creditor, or his or her lawyer, at the post office address stated in the request, and deposited in the United States post office, with prepaid postage, at least ten days before the hearing of the petition, account or claim or of the proposed distribution or payment of fees; or personal service of the notices may be made on the heir, devisee, distributee, legatee, creditor, or lawyer, not less than five days before the hearing, and the personal service shall have the same effect as deposit in the post office, and proof of mailing or of personal service must be filed with the clerk before the hearing of the petition, account or claim or of the proposed distribution or payment of fees. If the notice has been regularly given, any distribution or payment of fees and any order or judgment, made in accord therewith is final and conclusive.

Sec. 6. Section 9, chapter 149, Laws of 1984 and RCW 11.36.021 are each reenacted to read as follows:

(1) The following may serve as trustees:

(a) Any suitable persons over the age of eighteen years, if not otherwise disqualified;

(b) Any trust company regularly organized under the laws of this state and national banks when authorized to do so;

(c) Any nonprofit corporation, if the articles of incorporation or bylaws of that corporation permit the action and the corporation is in compliance with all applicable provisions of Title 24 RCW;

(d) Any professional service corporations regularly organized under the laws of this state whose shareholder or shareholders are exclusively attorneys; and

(e) Any other entity so authorized under the laws of the state of Washington.

(2) The following are disqualified to serve as trustees:

(a) Minors, persons of unsound mind, or persons who have been convicted of any felony or a misdemeanor involving moral turpitude; and

(b) A corporation organized under Title 23A RCW that is not authorized under the laws of the state of Washington to act as a fiduciary.

Sec. 7. Section 21, chapter 117, Laws of 1974 ex. sess. as amended by section 10, chapter 149, Laws of 1984 and RCW 11.68.090 are each reenacted and amended to read as follows:

Any personal representative acting under nonintervention powers may borrow money on the general credit of the estate and may mortgage, encumber, lease, sell, exchange, convey, and otherwise do anything a trustee may do under RCW 11.98.070 and chapters ((11-98;)) 11.100(;) and 11.102 RCW with regard to the assets of the estate, both real and personal, all without an order of court and without notice, approval, or confirmation, and in all other respects administer and settle the estate of the decedent without intervention of court. Any party to any such transaction and his or her successors in interest shall be entitled to have it conclusively presumed that the transaction is necessary for the administration of the decedent's estate.

Sec. 8. Section 23, chapter 117, Laws of 1974 ex. sess. as last amended by section 11, chapter 149, Laws of 1984 and RCW 11.68.110 are each reenacted to read as follows:

If a personal representative who has acquired nonintervention powers does not apply to the court for either of the final decrees provided for in RCW 11.68.100 as now or hereafter amended, the personal representative shall, when the administration of the estate has been completed, file a declaration to that effect, which declaration shall state as follows:

(1) The date of the decedent's death, and the decedent's residence at the time of death, whether or not the decedent died testate or intestate, and if testate, the date of the decedent's last will and testament and the date of the order admitting the will to probate;

(2) That each creditor's claim which was justly due and properly presented as required by law has been paid or otherwise disposed of by agreement with the creditor, and that the amount of state inheritance and federal estate tax due as the result of the decedent's death has been determined, settled, and paid;

(3) The personal representative has completed the administration of the decedent's estate without court intervention, and the estate is ready to be closed;

(4) If the decedent died intestate, the names, addresses (if known), and relationship of each heir of the decedent, together with the distributive share of each heir; and

(5) The amount of fees paid or to be paid to each of the following: (a) Personal representative or representatives, (b) lawyer or lawyers, (c) appraiser or appraisers, and (d) accountant or accountants; and that the personal representative believes the fees to be reasonable and does not intend to obtain court approval of the amount of the fees or to submit an estate accounting to the court for approval.

Subject to the requirement of notice as provided in this section, unless an heir, devisee, or legatee of a decedent petitions the court either for an order requiring the personal representative to obtain court approval of the amount of fees paid or to be paid to the personal representative, lawyers, appraisers, or accountants, or for an order requiring an accounting, or both, within thirty days from the date of filing a declaration of completion of probate, the personal representative will be automatically discharged without further order of the court and

the representative's powers will cease thirty days after the filing of the declaration of completion of probate, and the declaration of completion of probate shall, at that time, be the equivalent of the entry of a decree of distribution in accordance with chapter 11.76 RCW for all legal intents and purposes.

Within five days of the date of the filing of the declaration of completion, the personal representative or the representative's lawyer shall mail a copy of the declaration of completion to each heir, legatee, or devisee of the decedent (who has not waived notice of said filing, in writing, filed in the cause) together with a notice which shall be substantially as follows:

CAPTION
OF
CASE

NOTICE OF FILING OF
DECLARATION OF COMPLETION
OF PROBATE

NOTICE IS GIVEN that the attached Declaration of Completion of Probate was filed by the undersigned in the above-entitled court on the day of, 19...; unless you shall file a petition in the above-entitled court requesting the court to approve the reasonableness of the fees, or for an accounting, or both, and serve a copy thereof upon the personal representative or the personal representative's lawyer, within thirty days after the date of the filing, the amount of fees paid or to be paid will be deemed reasonable, the acts of the personal representative will be deemed approved, the personal representative will be automatically discharged without further order of the court, and the Declaration of Completion of Probate will be final and deemed the equivalent of a Decree of Distribution entered under chapter 11.76 RCW.

If you file and serve a petition within the period specified, the undersigned will request the court to fix a time and place for the hearing of your petition, and you will be notified of the time and place thereof, by mail, or personal service, not less than ten days before the hearing on the petition.

Dated this day of, 19...

.....
Personal Representative

If all heirs, devisees, and legatees of the decedent waive, in writing, the notice required by this section, the personal representative will be automatically discharged without further order of the court and the declaration of completion of probate will become effective as a decree of distribution upon the date of filing thereof. In those instances where the personal representative has been required to furnish bond, and a declaration of completion is filed pursuant to this section, any bond furnished by the personal representative shall be automatically discharged upon the discharge of the personal representative.

Sec. 9. Section 11.92.040, chapter 145, Laws of 1965 as last amended by section 12, chapter 149, Laws of 1984 and RCW 11.92.040 are each reenacted to read as follows:

It shall be the duty of the guardian or limited guardian:

(1) To make out and file within three months after his or her appointment a verified inventory of all the property of the incompetent or disabled person which comes to his or her possession or knowledge, including a statement of all encumbrances, liens, and other secured charges on any item;

(2) To file annually, within thirty days after the anniversary date of the guardian's or limited guardian's appointment, and also within thirty days after termination of the appointment, a written verified account of the administration: PROVIDED, That the court in its discretion may allow reports at intervals of up to thirty-six months, with instruction to the guardian or limited guardian that any substantial increase in income or assets or substantial change in the incompetent's or disabled person's condition shall be reported within thirty days of the substantial increase or change;

(3) Consistent with the powers granted by the court, if he or she is a guardian or limited guardian of the person, to care for and maintain the incompetent or disabled person, assert his or her rights and best interests, and provide timely, informed consent to necessary medical procedures, and if the incompetent or disabled person is a minor, to see that the incompetent or disabled person is properly trained and educated and that the incompetent or disabled person has the opportunity to learn a trade, occupation, or profession. As provided in RCW 11.88.125 as now or hereafter amended, the standby guardian may provide timely, informed consent to necessary medical procedures if the guardian or limited guardian cannot be located within four hours after the need for such consent arises. The guardian or limited guardian of the person may be required to report the condition of his or her incompetent or disabled person to the court, at regular intervals or otherwise as the court may direct: PROVIDED, That no guardian, limited guardian, or standby guardian may involuntarily commit for mental health treatment, observation, or evaluation an alleged incompetent or disabled person who is, himself or herself, unable or unwilling to give informed consent to such commitment unless the procedures for involuntary commitment set forth in chapters 71.05 or 72.23 RCW are followed: PROVIDED FURTHER, That nothing in this section shall be construed to allow a guardian, limited guardian, or standby guardian to consent to:

(a) Therapy or other procedure which induces convulsion;

(b) Surgery solely for the purpose of psychosurgery;

(c) Amputation;

(d) Other psychiatric or mental health procedures which are intrusive on the person's body integrity, physical freedom of movement, or the rights set forth in RCW 71.05.370.

A guardian, limited guardian, or standby guardian who believes such procedures to be necessary for the proper care and maintenance of the incompetent or disabled person shall petition the court for an order unless the court has previously approved that procedure within thirty days immediately past. The court may make such order only after an attorney is appointed in accordance with RCW 11.88.045, as now or hereafter amended, if none has heretofore appeared, notice is given, and a hearing is held in accordance with RCW 11.88.040, as now or hereafter amended:

(4) If he or she is a guardian or limited guardian of the estate, to protect and preserve it, to apply it as provided in this chapter, to account for it faithfully, to perform all of the duties required by law, and at the termination of the guardianship or limited guardianship, to deliver the assets of the incompetent or disabled person to the persons entitled thereto. Except as provided to the contrary herein, the court may authorize a guardian or limited guardian to do anything that a trustee can do under the provisions of RCW 11.98.070 for a period not exceeding one year from the date of the order or for a period corresponding to the interval in which the guardian's or limited guardian's report is required to be filed by the court pursuant to subsection (2) of this section, whichever period is longer;

(5) To invest and reinvest the property of the incompetent or disabled person in accordance with the rules applicable to investment of trust estates by trustees as provided in chapter 11.100 RCW, except that:

(a) No investments shall be made without prior order of the court in any property other than unconditional interest bearing obligations of this state or of the United States and in obligations the interest and principal of which are unconditionally guaranteed by the United States, and in share accounts or deposits which are insured by an agency of the United States government. Such prior order of the court may authorize specific investments, or, in the discretion of the court, may authorize the guardian or limited guardian during a period not exceeding one year following the date of the order or for a period corresponding to the interval in which the guardian's or limited guardian's report is required to be filed by the court pursuant to subsection (2) of this section, whichever period is longer, to invest and reinvest as provided in chapter 11.100 RCW without further order of the court;

(b) If it is for the best interests of the incompetent or disabled person that a specific property be used by the incompetent or disabled person rather than sold and the proceeds invested, the court may so order;

(6) To apply to the court for an order authorizing any disbursement on behalf of the incompetent or disabled person: PROVIDED, HOWEVER, That the guardian or limited guardian of the estate, or the person, department, bureau, agency, or charitable organization having the care and custody of an incompetent or disabled person, may apply to the court for an order directing the guardian or limited guardian of the estate to pay to the person, department, bureau, agency, or charitable organization having the care and custody of an incompetent or disabled person, or if the guardian or limited guardian of the estate has the care and custody of the incompetent or disabled person, directing the guardian or limited guardian of the estate to apply an amount weekly, monthly, quarterly, semi-annually, or annually, as the court may direct, to be expended in the care, maintenance, and education of the incompetent or disabled person and of his or her dependents. In proper cases, the court may order payment of amounts directly to the incompetent or disabled person for his or her maintenance or incidental expenses. The amounts authorized under this section may be decreased or increased from time to time by direction of the court. If payments are made to another under an order of the court, the guardian or limited guardian of the estate is not bound to see to the application thereof.

Sec. 10. Section 13, chapter 149, Laws of 1984 and RCW 11.92.140 are each reenacted to read as follows:

The court, upon the petition of a guardian of the estate of an incompetent or disabled person (collectively hereafter referred to in this section as "incompetent"), other than the guardian of a minor, and after such notice as the court directs and other notice to all persons interested as required by chapter 11.96 RCW, may authorize the guardian to take any action, or to apply funds not required for the incompetent's own maintenance and support, in any fashion the court approves as being in keeping with the incompetent's wishes so far as they can be ascertained and as designed to minimize insofar as possible current or prospective state or federal income and estate taxes, and to provide for gifts to such charities, relatives, and friends as would be likely recipients of donations from the incompetent.

The action or application of funds may include but shall not be limited to the making of gifts, to the conveyance or release of the incompetent's contingent and expectant interests in property including marital property rights and any right of survivorship incident to joint tenancy or tenancy by the entirety, to the exercise or release of the incompetent's powers as

donee of a power of appointment, the making of contracts, the creation of revocable or irrevocable trusts of property of the incompetent's estate which may extend beyond the incompetent's disability or life, the exercise of options of the incompetent to purchase securities or other property, the exercise of the incompetent's right to elect options and to change beneficiaries under insurance and annuity policies and the surrendering of policies for their cash value, the exercise of the incompetent's right to any elective share in the estate of the incompetent's deceased spouse, and the renunciation or disclaimer of any interest acquired by testate or intestate succession or by inter vivos transfer.

The guardian in the petition shall briefly outline the action or application of funds for which approval is sought, the results expected to be accomplished thereby and the tax savings expected to accrue. The proposed action or application of funds may include gifts of the incompetent's personal or real property. Gifts may be for the benefit of prospective legatees, devisees, or heirs apparent of the incompetent, or may be made to individuals or charities in which the incompetent is believed to have an interest. Gifts may or may not, in the discretion of the court, be treated as advancements to donees who would otherwise inherit property from the incompetent under the incompetent's will or under the laws of descent and distribution. The guardian shall also indicate in the petition that any planned disposition is consistent with the intentions of the incompetent insofar as the intentions can be ascertained, and if the incompetent's intentions cannot be ascertained, the incompetent will be presumed to favor reduction in the incidence of the various forms of taxation and the partial distribution of the incompetent's estate as provided in this section. The guardian shall not, however, be required to include as a beneficiary any person whom there is reason to believe would be excluded by the incompetent. No guardian may be required to file a petition as provided in this section, and a failure or refusal to so petition the court does not constitute a breach of the guardian's fiduciary duties.

Sec. 11. Section 11.92.150, chapter 145, Laws of 1965 as last amended by section 14, chapter 149, Laws of 1984 and RCW 11.92.150 are each reenacted to read as follows:

At any time after the issuance of letters of guardianship in the estate of any incompetent or disabled person, any person interested in the estate, or in the incompetent or disabled person, or any relative of the incompetent or disabled person, or any authorized representative of any agency, bureau, or department of the United States government from or through which any compensation, insurance, pension or other benefit is being paid, or is payable, may serve upon the guardian or limited guardian, or upon the attorney for the guardian or limited guardian, and file with the clerk of the court where the administration of the guardianship or limited guardianship estate is pending, a written request stating that special written notice is desired of any or all of the following matters, steps or proceedings in the administration of the estate:

- (1) Filing of petition for sales, exchanges, leases, mortgages, or grants of easements, licenses, or similar interests in any property of the estate.
- (2) Filing of all intermediate or final accountings or accountings of any nature whatsoever.
- (3) Petitions by the guardian or limited guardian for family allowances or allowances for the incompetent or disabled person or any other allowance of every nature from the funds of the estate.
- (4) Petitions for the investment of the funds of the estate.
- (5) Petition to terminate guardianship or limited guardianship or petition for adjudication of competency.
- (6) Petition for judicial proceedings under chapter 11.96 RCW.

The request for special written notice shall designate the name, address and post office address of the person upon whom the notice is to be served and no service shall be required under this section and RCW 11.92.160 as now or hereafter amended other than in accordance with the designation unless and until a new designation has been made.

When any account, petition, or proceeding is filed in the estate of which special written notice is requested, the court shall fix a time for hearing which shall allow at least ten days for service of the notice before the hearing; and notice of the hearing shall be served upon the person designated in the written request at least ten days before the date fixed for the hearing. The service may be made by leaving a copy with the person designated, or that person's authorized representative, or by mailing through the United States mail, with postage prepaid to the person and place designated.

Sec. 12. Section 1, chapter 202, Laws of 1959 as last amended by section 16, chapter 149, Laws of 1984 and RCW 11.93.010 are each reenacted to read as follows:

In this chapter, unless the context otherwise requires:

- (1) A "bank" is a bank, trust company, national banking association, or mutual savings bank.
- (2) A "broker" is a person lawfully engaged in the business of effecting transactions in securities for the account of others. The term includes a bank which effects such transactions. The term also includes a person lawfully engaged in buying and selling securities for his own account, through a broker or otherwise, as a part of a regular business.
- (3) "Court" means the superior courts of the state of Washington.
- (4) The "custodial property" includes:

(a) Any property transferred to the same custodian for the same minor as a consequence of a gift or gifts made to the minor in a manner prescribed in this chapter;

(b) The income from the custodial property; and

(c) The proceeds, immediate and remote, from the sale, exchange, conversion, investment, reinvestment, surrender or other disposition of such custodial property.

(5) A "custodian" is a person who is eighteen years or older and is designated as custodian in a manner prescribed in this chapter; the term includes a successor custodian.

(6) A "financial institution" is a bank, a federal savings and loan association, a savings institution chartered and supervised as a savings and loan or similar institution under federal law or the laws of a state or a federal credit union or credit union chartered and supervised under the laws of a state; an "insured financial institution" is one, deposits (including a savings, share, certificate or deposit account) in which are, in whole or in part, insured by the federal deposit insurance corporation, or by the federal savings and loan insurance corporation, or by a deposit insurance fund approved by this state.

(7) A "guardian" of a minor means the general guardian, guardian, tutor or curator of the minor's property, or estate appointed or qualified by a court of this state or another state.

(8) An "issuer" is a person who places or authorizes the placing of his or her name on a security (other than as a transfer agent) to evidence that it represents a share, participation or other interest in his or her property or in an enterprise or to evidence his or her duty or undertaking to perform an obligation evidenced by the security, or who becomes responsible for or in place of any such person.

(9) A "legal representative" of a person is his or her personal representative, executor or administrator, general guardian, guardian, committee, conservator, tutor, or curator of his or her property or estate.

(10) A "life insurance policy or annuity contract" means a life insurance policy or annuity contract issued by an insurance company authorized to do business in this state on the life of a minor to whom a gift of the policy or contract is made in the manner prescribed in this chapter or on the life of a member of the minor's family.

(11) A "member" of a "minor's family" means any of the minor's parents, grandparents, brothers, sisters, uncles and aunts, whether of the whole blood or the half blood, or by or through legal adoption, a stepparent or person who has raised a child without the formality of a guardianship, or close family friend.

(12) A "minor" is a person who has not attained the age of twenty-one years.

(13) A "security" includes any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in an oil, gas or mining title or lease or in payments out of production under such a title or lease, any interest in a general or limited partnership, collateral trust certificate, transferable share, voting trust certificate, or, in general, any interest or instrument commonly known as a security, or any certificate of interest or participation in, any temporary or interim certificate, receipt or certificate of deposit for, or any warrant or right to subscribe to or purchase, any of the foregoing. The term does not include a security of which the donor is the issuer. A security is in "registered form" when it specifies a person entitled to it or to the rights it evidences and its transfer may be registered upon books maintained for that purpose by or on behalf of the issuer.

(14) A "transfer agent" is a person who acts as authenticating trustee, transfer agent, registrar or other agent for an issuer in the registration of transfers of its securities or in the issue of new securities or in the cancellation of surrendered securities.

(15) A "trust company" is a bank or corporation organized under the laws of the state of Washington that is authorized to engage in trust business.

(16) A "real property interest" includes any note, mortgage, contract to purchase or sell real property, option to purchase or to sell real property, deed evidencing any title to or interest in real property, or, in general, any interest or instrument commonly recognized as evidencing or purporting to evidence an interest in real property, however minimal. The term does not include a "security" within the definition set forth in subsection (13) of this section.

Sec. 13. Section 2, chapter 202, Laws of 1959 as last amended by section 17, chapter 149, Laws of 1984 and RCW 11.93.020 are each reenacted and amended to read as follows:

(1) A person who is eighteen years or older may, outright or by a trust agreement executed during his or her lifetime or by will, make or provide for a gift of tangible or intangible personal property, including securities, money, life insurance policies, annuity contracts, or real property interests to a person who is a minor on the date of the gift or distribution:

(a) If the subject of the gift is a security in registered form, by registering it in the name of the donor, another person who is eighteen years or older, or a trust company, followed, in substance, by the words: "As custodian for (name of minor) under the Washington uniform gifts to minors act";

(b) If the subject of the gift is a security not in registered form, by delivering it to a person who is eighteen years or older other than the donor or a trust company accompanied by a statement of gift in the following form, in substance, signed by the donor and the person designated as custodian:

"GIFT UNDER THE WASHINGTON UNIFORM
GIFTS TO MINORS ACT

I, (name of donor), hereby deliver to (name of custodian) as custodian for (name of minor) under the Washington uniform gifts to minors act, the following property: (Insert an appropriate description of the tangible or intangible property delivered sufficient to identify it or them) (signature of donor) (name of custodian) hereby acknowledges receipt of the above described property as custodian for the above minor under the Washington uniform gifts to minors act.

Dated: (signature of custodian)";

(c) If the subject of the gift is money, by paying or delivering it to a broker or a financial institution for credit to an account in the name of the donor, another person who is eighteen years or older, or a trust company, followed, in substance, by the words: "As custodian for (name of minor) under the Washington uniform gifts to minors act";

(d) If the subject of the gift is a real property interest and constitutes a recordable interest or charge in or against real property in the records of the county auditor or recorder, by registering it in the name of the donor, another person who is eighteen years or older, or a trust company, followed, in substance, by the words: "As custodian for (name of minor) under the Washington uniform gifts to minors act";

(e) If the subject of the gift is a life insurance policy or annuity contract, by causing the ownership of the policy or contract to be registered with the issuing insurance company in the name of the donor, another person who is eighteen years or older, or a trust company, followed, in substance, by the words: "as custodian for (name of minor) under the Washington uniform gifts to minors act";

(f) If the gift is by will or as a distribution under a trust agreement, by the legal representative or trustee delivering the subject of the gift to the person, who is eighteen years or older, or a trust company designated by the decedent or settlor to serve as custodian for the minor under the Washington uniform gifts to minors act or similar uniform act of the domicile of the designated custodian and causing the subject of the gift to be registered in the name of that custodian, followed, in substance, by the words: "As custodian for (name of minor) under the Washington (or, alternatively, state of the custodian's domicile) uniform gifts to minor's act." If the decedent or settlor fails to designate a specific custodian or if the designated custodian dies or is unable or unwilling to serve, the legal representative, with the approval of the court having jurisdiction over the decedent's estate, or the trustee may designate a member of the minor's family who is eighteen years or older, a guardian of the minor, or a trust company as custodian. The legal representative or trustee may designate himself or herself as custodian, provided he or she falls within the class of persons or entities permitted in this subsection. The custodian's receipt constitutes a sufficient release and discharge of further accountability by the legal representative or trustee for the gift and acceptance of the custodianship by the custodian.

(2) Each gift made in a manner prescribed in subsection (1) of this section may be made to only one minor and only one person may be the custodian.

(3) A donor who makes a gift to a minor in a manner prescribed in subsection (1) of this section shall promptly do all things within his or her power to put the subject of the gift in the possession and control of the custodian, but neither the donor's failure to comply with this subsection, nor his or her designation of an ineligible person as custodian, nor renunciation by the person designated as custodian affects the consummation of the gift.

(4) The legal representative of an estate to whom a certificate of qualification, or letters testamentary or of administration are issued may, with the approval of the court having jurisdiction over the decedent's estate, or the trustee of a trust of which a minor is a distributee or beneficiary may pay or transfer to a custodian for the minor under this chapter or a similar uniform act of the jurisdiction in which the minor may be domiciled, in the form and manner prescribed in subsection (1) (a) through (e) of this section or comparable provisions of the uniform act of the other jurisdiction, any money, security, or other property qualifying for custodial gifts which is distributable to the minor. The legal representative or trustee may make distribution in this manner if the legal representative or the trustee deems it to be in the best interests of the minor, except where the decedent, settlor, or court authorizing the distribution has expressly directed that distribution of the property due that minor shall not be made in the manner provided for in this subsection. The legal representative, with the approval of the court having jurisdiction over the decedent's estate, or the trustee shall designate a member of the minor's family who is eighteen years or older, a guardian of the minor, or a trust company as custodian. The legal representative or trustee may designate himself or herself as custodian, provided he or she falls within the class of persons or entities permitted in this subsection. This chapter governs the custodianship in the same manner as though the legal representative or trustee were the donor. The custodian's receipt constitutes a sufficient release of the transferor and discharge of further accountability by the legal representative or trustee for the property distributed and acceptance of the custodianship by the custodian. Subject to specific directions in the governing instrument, no legal representative or trustee may be required to pay or

transfer to a custodian property otherwise distributable to a minor. A failure or refusal to distribute property to a custodian as authorized in this section does not constitute a breach of the legal representative's or trustee's fiduciary duties.

(5) Only property that could be the subject of a lifetime gift under this chapter may be distributed under subsections (1)(f) and (4) of this section.

(6) This section is applicable to gifts made before or after January 1, 1985, and regardless of whether the persons who made the gifts are alive on that date.

Sec. 14. Section 3, chapter 202, Laws of 1959 as last amended by section 18, chapter 149, Laws of 1984 and RCW 11.93.030 are each reenacted to read as follows:

(1) A gift made in a manner prescribed in this chapter is irrevocable and conveys to the minor indefeasibly vested legal title to the security, real property, life insurance policy, annuity contract or money given, but no guardian of the minor has any right, power, duty, or authority with respect to the custodial property except as provided in this chapter.

(2) By making a gift in a manner prescribed in this chapter, the donor incorporates in the gift all the provisions of this chapter and grants to the custodian, and to any issuer, transfer agent, bank, financial institution, life insurance company, broker or third person dealing with a person designated as custodian, the respective powers, rights, and immunities provided in this chapter.

Sec. 15. Section 4, chapter 202, Laws of 1959 as last amended by section 19, chapter 149, Laws of 1984 and RCW 11.93.040 are each reenacted to read as follows:

(1) The custodian shall collect, hold, manage, invest and reinvest the custodial property.

(2) The custodian shall pay over to the minor for expenditure by the minor, or expend for the minor's benefit, so much of or all the custodial property as the custodian deems advisable for the support, maintenance, education, and benefit of the minor in the manner, at the time or times, and to the extent that the custodian in the custodian's discretion deems suitable and proper, with or without court order, with or without regard to the duty of the custodian or of any other person to support the minor or his or her ability to do so, and with or without regard to any other income or property of the minor which may be applicable or available for any such purpose.

(3) The court, on the petition of a parent or guardian of the minor or of the minor, if the minor has attained the age of fourteen years, may order the custodian to pay over to the minor for expenditure by the minor or to expend so much of or all the custodial property as is necessary for the minor's support, maintenance or education.

(4) To the extent that the custodial property is not so expended, the custodian shall deliver or pay it over to the minor on attaining the age of twenty-one years, or, if the minor dies before attaining the age of twenty-one years, the custodian shall thereupon deliver or pay it over to the estate of the minor.

(5) The custodian, notwithstanding statutes restricting investments by fiduciaries, shall invest and reinvest the custodial property as would a prudent person of discretion and intelligence who is seeking a reasonable income and the preservation of capital, except that the custodian may, in his or her discretion and without liability to the minor or the minor's estate, retain a security given to the minor in a manner prescribed in this chapter or hold money so given in an account in a financial institution to which it was paid or delivered by the donor.

(6) The custodian may sell, exchange, convert, surrender or otherwise dispose of custodial property in the manner, at the time or times, for the price or prices and upon the terms the custodian deems advisable. The custodian may vote in person or by general or limited proxy a security which is custodial property. The custodian may consent, directly or through a committee or other agent, to the reorganization, consolidation, merger, dissolution or liquidation of an issuer, a security which is custodial property, and to the sale, lease, pledge, or mortgage of any property by or to such an issuer, and to any other action by such an issuer. The custodian may execute and deliver any and all instruments in writing which the custodian deems advisable to carry out any power as custodian.

(7) The custodian shall register each security which is custodial property and in registered form in the name of the custodian, followed, in substance, by the words: "as custodian for (name of minor) under the Washington uniform gifts to minors act". The custodian shall hold all money which is custodial property in an account with a broker or in an insured financial institution in the name of the custodian, followed, in substance, by the words: "As custodian for (name of minor) under the Washington uniform gifts to minors act". The custodian shall keep all other custodial property separate and distinct from the custodian's own property in a manner to identify it clearly as custodial property.

(8) The custodian shall keep records of all transactions with respect to the custodial property and make them available for inspection at reasonable intervals by a parent or legal representative of the minor or by the minor, if the minor has attained the age of fourteen years.

(9) A custodian has, with respect to the custodial property, in addition to the rights and powers provided in this chapter, all the rights and powers which a guardian has with respect to property not held as custodial property, and all the rights and powers of a trustee under RCW 11.98.070.

(10) If the subject of the gift is a life insurance policy or annuity contract, the custodian:

(a) In the capacity as custodian, has all the incidents of ownership in the policy or contract to the same extent as if the custodian were the owner, except that the designated beneficiary of any policy or contract on the life of the minor shall be the minor's estate and the designated beneficiary of any policy or contract on the life of a person other than the minor shall be the custodian as custodian for the minor for whom the custodian is acting; and

(b) May pay premiums on the policy or contract out of the custodial property.

Sec. 16. Section 5, chapter 202, Laws of 1959 as amended by section 20, chapter 149, Laws of 1984 and RCW 11.93.050 are each reenacted to read as follows:

(1) A custodian is entitled to reimbursement from the custodial property for reasonable expenses incurred in the performance of custodial duties.

(2) A custodian may act without compensation for services.

(3) Unless he or she is a donor, a custodian may receive from the custodial property reasonable compensation for his or her services determined by one of the following standards in the order stated:

(a) A direction by the donor when the gift is made; or

(b) An order of the court.

(4) Except as otherwise provided in this chapter, a custodian shall not be required to give a bond for the performance of his or her duties.

(5) A custodian not compensated for services is not liable for losses to the custodial property unless they result from bad faith, intentional wrongdoing, or gross negligence, or from failure to maintain the standard of prudence in investing the custodial property provided in this chapter.

Sec. 17. Section 6, chapter 202, Laws of 1959 as last amended by section 21, chapter 149, Laws of 1984 and RCW 11.93.060 are each reenacted to read as follows:

No issuer, transfer agent, bank, life insurance company, broker or other person or financial institution acting on the instructions of or otherwise dealing with any person purporting to act as a donor or in the capacity of a custodian is responsible for determining whether the person designated as custodian by the purported donor or by the custodian or purporting to act as a custodian has been duly designated or whether any purchase, sale or transfer to or by or any other act of any person purporting to act in the capacity of custodian is in accordance with or authorized by this chapter, or is obliged to inquire into the validity or propriety under this chapter of any instrument of instructions executed or given by a person purporting to act as a donor or in the capacity of a custodian, or is bound to see to the application by any person purporting to act in the capacity of a custodian of any money or other property paid or delivered to the custodian. No issuer, transfer agent, bank, life insurance company, broker or other person or financial institution acting on any instrument of designation of a successor custodian, executed as provided in subsection (1) of RCW 11.93.070 by a minor to whom a gift has been made in a manner prescribed in this chapter, and who has attained the age of fourteen years, is responsible for determining whether the person designated by the minor as successor custodian has been duly designated, or is obliged to inquire into the validity or propriety under this chapter of the instrument of designation.

Sec. 18. Section 7, chapter 202, Laws of 1959 as last amended by section 22, chapter 149, Laws of 1984 and RCW 11.93.070 are each reenacted to read as follows:

(1) Only a member of the minor's family who is eighteen years or older, a guardian of the minor, or a trust company is eligible to become successor custodian. A custodian may designate a successor by executing and dating an instrument of designation before a subscribing witness other than the successor; the instrument of designation may but need not contain the resignation of the custodian. If the custodian does not so designate a successor before the custodian dies or becomes legally incapacitated and the minor has attained the age of fourteen years, the minor may designate a successor custodian by executing an instrument of designation before a subscribing witness other than the successor. A successor custodian has all the rights, powers, duties, and immunities of a custodian designated in a manner prescribed by this chapter.

(2) The designation of a successor custodian as provided in subsection (1) takes effect as to each item of the custodial property when the custodian resigns, dies, or becomes legally incapacitated and the custodian or his or her legal representative:

(a) Causes the item if it is a security in registered form or a life insurance policy or annuity contract, to be registered, with the issuing insurance company in the case of a life insurance policy or annuity contract, in the name of the successor custodian followed, in substance, by the words: "As custodian for (name of minor) under the Washington uniform gifts to minors act"; and

(b) Delivers or causes to be delivered to the successor custodian any other item of the custodial property, together with the instrument of designation of the successor custodian or a true copy thereof and any additional instruments required for the transfer thereof to the successor custodian.

(3) A custodian who executes an instrument of designation of a successor containing the custodian's resignation as provided in subsection (1) of this section shall promptly do all things within his or her power to put each item of the custodial property in the possession and control

of the successor custodian named in the instrument. The legal representative of a custodian who dies or becomes legally incapacitated shall promptly do all things within his or her power to put each item of the custodial property in the possession and control of the successor custodian named in an instrument of designation executed as provided in subsection (1) of this section by the custodian or, if none, by the minor if the minor has no guardian and has attained the age of fourteen years, or in the possession and control of the guardian of the minor if the minor has a guardian. If the custodian has executed as provided in subsection (1) of this section more than one instrument of designation, the custodian's legal representative shall treat the instrument dated on an earlier date as having been revoked by the instrument dated on a later date.

(4) If a person designated as custodian or as successor custodian by the custodian as provided in subsection (1) of this section is not eligible, dies, or becomes legally incapacitated before the minor attains the age of twenty-one years and if the minor has a guardian, the guardian of the minor shall be successor custodian. If the minor has no guardian and if no successor custodian who is eligible and has not died or become legally incapacitated has been designated as provided in subsection (1) of this section, a donor, his or her legal representative, the legal representative of the custodian, or an adult member of the minor's family may petition the court for the designation of a successor custodian.

(5) A donor, the legal representative of a donor, a successor custodian, a member of the minor's family who is eighteen years or older, or a guardian of the minor or the minor if the minor has attained the age of fourteen years, may petition the court that, for cause shown in the petition, the custodian be removed and a successor custodian be designated or, in the alternative, that the custodian be required to give bond for the performance of his or her duties.

(6) Upon the filing of a petition as provided in this section, the court shall grant an order, directed to the persons and returnable on such notice as the court may require, to show cause why the relief prayed for in the petition should not be granted and, in due course, grant such relief as the court finds to be in the best interests of the minor.

Sec. 19. Section 8, chapter 202, Laws of 1959 as amended by section 23, chapter 149, Laws of 1984 and RCW 11.93.080 are each reenacted to read as follows:

(1) The minor, if the minor has attained the age of fourteen years, or the legal representative of the minor, a member of the minor's family who is eighteen years or older, or a donor or his or her legal representative may petition the court for an accounting by the custodian or the custodian's legal representative.

(2) The court, in a proceeding under this chapter or otherwise, may require or permit the custodian or the custodian's legal representative to account and, if the custodian is removed, shall so require and order delivery of all custodial property to the successor custodian and the execution of all instruments required for the transfer thereof.

Sec. 20. Section 10, chapter 202, Laws of 1959 and RCW 11.93.900 are each reenacted to read as follows:

This chapter may be cited as the "Washington uniform gifts to minors act".

Sec. 21. Section 9, chapter 202, Laws of 1959 and RCW 11.93.910 are each reenacted to read as follows:

(1) This chapter shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

(2) This chapter shall not be construed as providing an exclusive method for making gifts to minors.

Sec. 22. Section 7, chapter 88, Laws of 1967 ex. sess. and RCW 11.93.911 are each reenacted to read as follows:

The provisions of chapter 202, Laws of 1959 hereby amended as hereby amended shall be construed as a continuation of chapter 202, Laws of 1959 hereby amended according to the language employed and not as a new enactment. This amendment of chapter 202, Laws of 1959 hereby amended does not affect gifts made in a manner prescribed therein nor the powers, duties or immunities conferred by gifts in such manner upon custodians and persons dealing with custodians. The provisions of chapter 202, Laws of 1959 hereby amended as hereby amended henceforth apply, however, to all gifts made in a manner and form prescribed in chapter 202, Laws of 1959 hereby amended except insofar as such application impairs constitutionally vested rights.

Sec. 23. Section 25, chapter 149, Laws of 1984 and RCW 11.93.912 are each reenacted and amended to read as follows:

All custodianships established prior to January 1, 1985, that have not been fully distributed as of that date shall not terminate upon the minor attaining the age of eighteen, but these custodianships shall remain operative until the minor reaches the age of twenty-one or sooner dies, except that, as to any custodianship established after August 9, 1971, but before January 1, 1985, a minor has the right after attaining the age of eighteen to demand delivery from the custodian of all or any portion of the custodianship property.

Sec. 24. Section 11, chapter 202, Laws of 1959 and RCW 11.93.920 are each reenacted to read as follows:

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

Sec. 25. Section 52, chapter 117, Laws of 1974 ex. sess. as amended by section 26, chapter 149, Laws of 1984 and RCW 11.94.010 are each reenacted and amended to read as follows:

(1) Whenever a principal designates another ~~(thee)~~ as his or her attorney in fact or agent, by a power of attorney in writing, and the writing contains the words "This power of attorney shall not be affected by disability of the principal," or "This power of attorney shall become effective upon the disability of the principal," or similar words showing the intent of the principal that the authority conferred shall be exercisable notwithstanding the principal's disability, the authority of the attorney in fact or agent is exercisable ~~((by the principal in the power))~~ on behalf of the principal as provided notwithstanding later disability or incapacity of the principal at law or later uncertainty as to whether the principal is dead or alive. All acts done by the attorney in fact or agent pursuant to the power during any period of disability or incompetence or uncertainty as to whether the principal is dead or alive have the same effect and inure to the benefit of and bind the principal or the principal's guardian or heirs, devisees, and personal representative as if the principal were alive, competent, and not disabled. A principal may nominate, by a durable power of attorney, the guardian or limited guardian of his or her estate or person for consideration by the court if protective proceedings for the principal's person or estate are thereafter commenced. The court shall make its appointment in accordance with the principal's most recent nomination in a durable power of attorney except for good cause or disqualification. If a guardian thereafter is appointed for the principal, the attorney in fact or agent, during the continuance of the appointment, shall account to the guardian rather than the principal. The guardian has the same power the principal would have had if the principal were not disabled or incompetent, to revoke, suspend or terminate all or any part of the power of attorney or agency.

(2) Persons shall place reasonable reliance on any determination of disability or incompetence as provided in the instrument that specifies the time and the circumstances under which the power of attorney document becomes effective.

Sec. 26. Section 53, chapter 117, Laws of 1974 ex. sess. as last amended by section 27, chapter 149, Laws of 1984 and RCW 11.94.020 are each reenacted and amended to read as follows:

(1) The death, disability, or incompetence of any principal who has executed a power of attorney in writing other than a power as described by RCW 11.94.010, does not revoke or terminate the agency as to the attorney in fact, agent, or other person who, without actual knowledge of the death, disability, or incompetence of the principal, acts in good faith under the power of attorney or agency. Any action so taken, unless otherwise invalid or unenforceable, binds the principal and the principal's heirs, devisees, and personal representatives.

(2) An affidavit, executed by the attorney in fact, or agent, stating that the attorney did not have, at the time of doing an act pursuant to the power of attorney, actual knowledge of the revocation or termination of the power of attorney by death, disability, or incompetence, is, in the absence of a showing of fraud or bad faith, conclusive proof of the nonrevocation or non-termination of the power at that time. If the exercise of the power requires execution and delivery of any instrument which is recordable, the affidavit when authenticated for record is likewise recordable.

(3) This section shall not be construed to alter or affect any provision for revocation or termination contained in the power of attorney.

~~((4) Any person may place reasonable reliance on any determination of disability or incompetence as provided in the instrument which specifies the time and the circumstances under which the power of attorney document becomes effective.))~~

Sec. 27. Section 28, chapter 149, Laws of 1984 and RCW 11.94.030 are each reenacted and amended to read as follows:

If a principal, pursuant to RCW 11.94.010 or 11.94.020, has given a designated attorney in fact or agent all the principal's powers of absolute ownership or has used language to indicate that the attorney in fact or agent has all the powers the principal would have if alive and competent, then that language, notwithstanding chapter 30.22 RCW, includes the authority (1) to deposit and to make payments from any account in a financial institution, as defined in RCW 30.22.040, in the name of the principal, and (2) to enter any safe deposit box to which the principal has a right of access, subject to any contrary provision in any agreement governing the safe deposit box.

Sec. 28. Section 29, chapter 149, Laws of 1984 and RCW 11.94.040 are each reenacted and amended to read as follows:

Any person acting without negligence and in good faith in reasonable reliance on a power of attorney shall not incur any liability thereby. Unless the document contains a time limit, the length of time which has elapsed from its date of execution shall not prevent a party from reasonably relying on the document. Unless the document contains a requirement that it

be filed for record to be effective, a person ((may)) shall place reasonable reliance on it regardless of whether it is so filed.

Sec. 29. Section 30, chapter 149, Laws of 1984 and RCW 11.94.050 are each reenacted and amended to read as follows:

(1) (~~Except as provided in subsection (2) of this section, even though~~) Although a designated attorney in fact or agent has all powers of absolute ownership of the principal, or the document has language to indicate that the attorney in fact or agent shall have all the powers the principal would have if alive and competent, the attorney in fact or agent shall not have the power, unless specifically provided otherwise in the document: To make, amend, alter, or revoke any of the principal's wills, codicils, life insurance beneficiary designations, employee benefit plan beneficiary designations, trust agreements, community property agreements; to make any gifts of property owned by the principal; to make transfers of property to any trust (whether or not created by the principal) unless the trust benefits the principal alone and does not have dispositive provisions which are different from those which would have governed the property had it not been transferred into the trust, or to disclaim property.

(2) Nothing in subsection (1) of this section prohibits (~~a spouse of a principal from acting as~~) an attorney in fact or (~~as an~~) agent (~~to make~~) from making any transfer of resources not prohibited under RCW 74.09.532 when the transfer is for the purpose of qualifying the principal for medical assistance or the limited casualty program for the medically needy.

Sec. 30. Section 31, chapter 149, Laws of 1984 and RCW 11.94.060 are each reenacted and amended to read as follows:

If a principal, pursuant to RCW 11.94.010 or 11.94.020, has given a designated attorney in fact or agent all the principal's powers of absolute ownership or has used language to indicate that the attorney in fact or agent has all the powers the principal would have if alive and competent, then these powers include the right to convey or encumber the principal's homestead.

Sec. 31. Section 1, chapter 160, Laws of 1955 as amended by section 33, chapter 149, Laws of 1984 and RCW 11.95.010 are each reenacted to read as follows:

Any power exercisable by deed, will, or otherwise, other than a power in trust which is imperative, is releasable, either with or without consideration, by written instrument signed by the holder and delivered as hereinafter provided.

Sec. 32. Section 2, chapter 160, Laws of 1955 as amended by section 34, chapter 149, Laws of 1984 and RCW 11.95.020 are each reenacted to read as follows:

A power which is releasable may be released with respect to the whole or any part of the property subject to the power and may also be released in such manner as to reduce or limit the persons or objects, or classes of persons or objects, in whose favor the powers would otherwise be exercisable. A release of a power shall not be deemed to make imperative a power which was not imperative prior to the release, unless the instrument of release expressly so provides.

Sec. 33. Section 3, chapter 160, Laws of 1955 as amended by section 35, chapter 149, Laws of 1984 and RCW 11.95.030 are each reenacted to read as follows:

In order to be effective as a release of a power, the instrument of release must be delivered to any trustee or co-trustee of the property, and the person holding the property, to which the power relates. Delivery of a copy of the instrument of release may be made to the secretary of state, which shall from the time of delivery constitute notice of the release to all other persons.

Sec. 34. Section 4, chapter 160, Laws of 1955 as amended by section 36, chapter 149, Laws of 1984 and RCW 11.95.040 are each reenacted to read as follows:

The enactment of RCW 11.95.010 through 11.95.050 shall not be construed to impair the validity of any release heretofore made which was otherwise valid when executed.

Sec. 35. Section 5, chapter 160, Laws of 1955 and RCW 11.95.050 are each reenacted to read as follows:

It shall be the duty of the secretary of state to mark each instrument of release filed in his office with a consecutive file number and with the date and hour of filing, and to note and index the filing in a suitable alphabetical index according to the name or names of the person or persons signing the same and containing a notation of the address or addresses of the signer or signers, if given in the instrument. The fee for filing is one dollar. The secretary of state shall deliver or mail to the person filing the instrument a receipt showing the filing number and date and hour of filing.

Sec. 36. Section 38, chapter 149, Laws of 1984 and RCW 11.95.060 are each reenacted and amended to read as follows:

(1) The holder of a testamentary or lifetime power of appointment may exercise the power by appointing property outright or in trust and may grant further powers to appoint. The powerholder may designate the trustee, powers, situs, and governing law for property appointed in trust.

(2) The holder of a testamentary power may exercise the power only by the powerholder's last will, signed before or after the effective date of the instrument granting the power, that manifests an intent to exercise the power and that identifies the instrument granting the power

and its date. Unless the person holding the property subject to the power has within six months after the holder's death received written notice that the powerholder's last will has been admitted to probate or an adjudication of testacy has been entered with respect to the powerholder's last will in some jurisdiction, the person may, until the time the notice is received, transfer the property subject to appointment on the basis that the power has not been effectively exercised. The person holding the property shall not incur liability to anyone for transfers so made. A testamentary residuary clause is not deemed the exercise of a testamentary power.

(3) The holder of a lifetime power of appointment shall exercise that power only by delivering a written instrument, signed by the holder, to the person holding the property subject to the power. If the holder conditions the distribution of the appointed property on a future event, the written instrument may be ~~((made revocable until the event specified has occurred and shall specify the method of its revocation))~~ revoked in the same manner at any time before the property becomes distributable upon occurrence of the event specified, except that any contrary provisions in the written instrument exercising the power, including provisions stating the exercise of the power is irrevocable, shall be controlling. If the written instrument is revoked, the holder of the power may reappoint the property that was appointed in the instrument. In the absence of signing and delivery of such a written instrument, a lifetime power is not deemed exercised.

Sec. 37. Section 39, chapter 149, Laws of 1984 and RCW 11.95.070 are each reenacted and amended to read as follows:

(1) This chapter does not apply to any power as trustee described in and subject to RCW 11.98.019.

(2) Sections 33 through 36, 38, and 39, chapter 149, Laws of 1984 and the 1984 recodification of RCW 64.24.050 as RCW 11.95.050 apply as of January 1, 1985, to all existing or subsequently created powers of appointment, but not to any power of appointment that expressly or by necessary implication make those 1984 changes inapplicable.

Sec. 38. Section 2, chapter 124, Laws of 1959 as amended by section 64, chapter 149, Laws of 1984 and RCW 11.97.010 are each reenacted to read as follows:

The trustor of a trust may by the provisions of the trust relieve the trustee from any or all of the duties, restrictions, and liabilities which would otherwise be imposed by chapters 11.95, 11.98, 11.100, and 11.104 RCW and RCW 11.106.020, or may alter or deny any or all of the privileges and powers conferred by those provisions; or may add duties, restrictions, liabilities, privileges, or powers to those imposed or granted by those provisions. If any specific provision of those chapters is in conflict with the provisions of a trust, the provisions of the trust control whether or not specific reference is made in the trust to any of those chapters. In no event may a trustee be relieved of the duty to act in good faith and with honest judgment.

Sec. 39. Section 65, chapter 149, Laws of 1984 and RCW 11.97.900 are each reenacted to read as follows:

This chapter applies to the provisions of chapters 11.95, 11.98, 11.100, and 11.104 RCW and to RCW 11.106.020.

Sec. 40. Section 1, chapter 124, Laws of 1959 as last amended by section 67, chapter 149, Laws of 1984 and RCW 11.98.009 are each reenacted to read as follows:

Except as provided in this section, this chapter applies to express trusts executed by the trustor after June 10, 1959, and does not apply to resulting trusts, constructive trusts, business trusts where certificates of beneficial interest are issued to the beneficiary, investment trusts, voting trusts, trusts in the nature of mortgages or pledges, trusts created by the judgment or decree of a court not sitting in probate, liquidation trusts, or trusts for the sole purpose of paying dividends, interest, interest coupons, salaries, wages, pensions or profits, trusts created in deposits in any financial institution pursuant to chapter 30.22 RCW, unless any such trust which is created in writing incorporates this chapter in whole or in part.

Sec. 41. Section 3, chapter 124, Laws of 1959 as amended by section 68, chapter 149, Laws of 1984 and RCW 11.98.016 are each reenacted to read as follows:

(1) Any power vested in three or more trustees jointly may be exercised by a majority of such trustees; but no trustee who has not joined in exercising a power is liable to the beneficiaries or to others for the consequences of such exercise; nor is a dissenting trustee liable for the consequences of an act in which that trustee joins at the direction of the majority of the trustees, if that trustee expressed his or her dissent in writing to each of the co-trustees at or before the time of such joinder.

(2) Where two or more trustees are appointed to execute a trust and one or more of them for any reason does not accept the appointment or having accepted ceases to be a trustee, the survivor or survivors shall execute the trust and shall succeed to all the powers, duties and discretionary authority given to the trustees jointly.

(3) An individual trustee, with a co-trustee's consent, may, by a signed, written instrument, delegate any power, duty, or authority as trustee to that co-trustee. This delegation is effective upon delivery of the instrument to that co-trustee and may be revoked at any time by delivery of a similar signed, written instrument to that co-trustee. However, if a power, duty, or authority is expressly conferred upon only one trustee, it shall not be delegated to a co-trustee. If that

power, duty, or authority is expressly excluded from exercise by a trustee, it shall not be delegated to the excluded trustee.

(4) If one trustee gives written notice to all other co-trustees of an action that the trustee proposes be taken, then the failure of any co-trustee to deliver a written objection to the proposal to the trustee, at the trustee's then address of record and within fifteen days from the date the co-trustee actually receives the notice, constitutes formal approval by the co-trustee, unless the co-trustee had previously given written notice that was unrevoked at the time of the trustee's notice, to that trustee that this fifteen-day notice provision is inoperative.

(5) As to any effective delegation made under subsection (3) of this section, a co-trustee has no liability for failure to participate in the administration of the trust.

Nothing in this section, however, otherwise excuses a co-trustee from liability for failure to participate in the administration of the trust and nothing in this section, including subsection (3) of this section, excuses a co-trustee from liability for the failure to attempt to prevent a breach of trust.

Sec. 42. Section 69, chapter 149, Laws of 1984 and RCW 11.98.019 are each reenacted and amended to read as follows:

Any (~~individual co-trustee~~) trustee may, by written instrument delivered to ~~((a))~~ any then acting co-trustee and to the current adult income beneficiaries of the trust, relinquish to any extent and upon any terms any or all of the trustee's powers, rights, authorities, or discretions that are or may be tax sensitive in that they cause or may cause adverse tax consequences to the trustee or the trust. Any trustee not relinquishing such a power, right, authority, or discretion and upon whom it is conferred continues to have full power to exercise it.

Sec. 43. Section 4, chapter 124, Laws of 1959 and RCW 11.98.029 are each reenacted and amended to read as follows:

~~((Upon petition of the trustee of a trust, the superior court having jurisdiction may accept his resignation and discharge him from the trust upon such notice, if any, and upon such terms as such court may require.))~~ Any trustee may resign, without judicial proceedings, by a writing signed by the trustee and filed with the trust records, to be effective upon the trustee's discharge as provided in section 141 of this 1985 act.

Sec. 44. Section 5, chapter 124, Laws of 1959 as amended by section 72, chapter 149, Laws of 1984 and RCW 11.98.039 are each reenacted and amended to read as follows:

(1) Where a vacancy occurs in the office of the trustee and there is a successor trustee who is willing to serve as trustee and (a) is named in the governing instrument as successor trustee or (b) has been selected to serve as successor trustee under the procedure established in the governing instrument for the selection of a successor trustee, the outgoing trustee, or any other interested party, shall give notice of such vacancy, whether arising because of the trustee's resignation or because of any other reason, and of the successor trustee's agreement to serve as trustee, to all adult income beneficiaries of the trust and to all known and identifiable adults for whom the income of the trust is being accumulated. If there are no such adults, no notice need be given. The successor trustee named in the governing instrument or selected pursuant to the procedure therefor established in the governing instrument shall be entitled to act as trustee except for good cause or disqualification. The successor trustee shall serve as of the effective date of the discharge of the predecessor trustee as provided in RCW 11.98.040.

(2) Where a vacancy exists or occurs in the office of the trustee and there is no successor trustee who is named in the governing instrument or who has been selected to serve as successor trustee under the procedure established in the governing instrument for the selection of a successor trustee, and who is willing to serve as trustee, the beneficiaries and the then-acting trustee, if any, of a trust may agree for the nonjudicial change of the trustee under RCW 11.96.170 ((if the governing instrument does not name a successor trustee who is willing to serve)). The trustee, or any beneficiary if there is no then-acting trustee, shall give written notice of the proposed change in trustee to every beneficiary or special representative, and to the trustor if alive. The notice shall: (a) State the name and mailing address of the trustee or the beneficiary giving the notice; (b) include a copy of the governing instrument; ((and)) (c) state the name and mailing address of the successor trustee; and (d) include a copy of the proposed successor trustee's agreement to serve as trustee. The notice shall advise the recipient of the right to petition for ((the)) a judicial ((determination of the proposed)) appointment or change in trustee as provided in subsection ((2)) (3) of this section. The notice shall include a form on which consent or objection to the proposed change in trustee may be indicated. The successor trustee shall serve as of the effective date of the discharge of the predecessor trustee as provided in section 141 of this 1985 act or, in circumstances where there is no predecessor trustee, as of the effective date of the trustee's appointment.

((2)) (3) Any beneficiary of a trust, the trustor if alive, or the trustee may petition the superior court having jurisdiction for the appointment or change of a trustee under the procedures provided in chapter 11.96 RCW (a) whenever the office of trustee becomes vacant, (b) upon filing of a petition of resignation by a trustee, ((or)) (c) upon the giving of notice of the change in trustee as referred to in subsection (1) or (2) of this section, or (d) for any other reasonable cause.

((3)) (4) For purposes of this subsection, the term fiduciary includes both trustee and personal representative.

(a) Except as otherwise provided in the governing instrument, a successor fiduciary, absent actual knowledge of a breach of fiduciary duty: (i) Is not liable for any act or omission of a predecessor fiduciary and is not obligated to inquire into the validity or propriety of any such act or omission; (ii) Is authorized to accept as conclusively accurate any accounting or statement of assets tendered to the successor fiduciary by a predecessor fiduciary; and (iii) is authorized to receipt only for assets actually delivered and has no duty to make further inquiry as to undisclosed assets of the trust or estate.

(b) Nothing in this section relieves a successor fiduciary from liability for retaining improper investments, nor does this section in any way bar the successor fiduciary, trust beneficiaries, or other party in interest from bringing an action against a predecessor fiduciary arising out of the acts or omissions of the predecessor fiduciary, nor does it relieve the successor fiduciary of liability for its own acts or omissions except as specifically stated or authorized in this section.

Sec. 45. Section 74, chapter 149, Laws of 1984 and RCW 11.98.045 are each reenacted to read as follows:

(1) A trustee may transfer trust assets to a trustee in another jurisdiction or may transfer the place of administration of a trust to another jurisdiction if the trust instrument so provides or in accordance with RCW 11.98.051 or 11.98.055.

(2) Transfer under this section is permitted only if:

(a) The transfer would facilitate the economic and convenient administration of the trust;

(b) The transfer would not materially impair the interests of the beneficiaries or others interested in the trust;

(c) The transfer does not violate the terms of the trust; and

(d) The new trustee is qualified and able to administer the trust or such assets on the terms set forth in the trust.

(3) Acceptance of such transfer by a foreign corporate trustee or trust company under this section, RCW 11.98.051, or 11.98.055 shall not be construed to be doing a "trust business" as described in RCW 30.08.150(9).

Sec. 46. Section 75, chapter 149, Laws of 1984 and RCW 11.98.051 are each reenacted to read as follows:

(1) The trustee may transfer trust assets or the place of administration in accordance with RCW 11.96.170. In addition, the trustee shall give written notice to those persons entitled to notice as provided for under RCW 11.96.100 and 11.96.110 and to the attorney general in the case of a charitable trust subject to chapter 11.110 RCW. The notice shall:

(a) State the name and mailing address of the trustee;

(b) Include a copy of the governing instrument of the trust;

(c) Include a statement of assets and liabilities of the trust dated within ninety days of the notice;

(d) State the name and mailing address of the trustee to whom the assets or administration will be transferred together with evidence that the trustee has agreed to accept the assets or trust administration in the manner provided by law of the new place of administration. The notice shall also contain a statement of the trustee's qualifications and the name of the court, if any, having jurisdiction of that trustee or in which a proceeding with respect to the administration of the trust may be heard;

(e) State the facts supporting the requirements of RCW 11.98.045(2);

(f) Advise the beneficiaries of the right to petition for judicial determination of the proposed transfer as provided in RCW 11.98.055; and

(g) Include a form on which the recipient may indicate consent or objection to the proposed transfer.

(2) If the trustee receives written consent to the proposed transfer from all persons entitled to notice, the trustee may transfer the trust assets or place of administration as provided in the notice. Transfer in accordance with the notice is a full discharge of the trustee's duties in relation to all property referred to therein. Any person dealing with the trustee is entitled to rely on the authority of the trustee to act and is not obliged to inquire into the validity or propriety of the transfer.

Sec. 47. Section 76, chapter 149, Laws of 1984 and RCW 11.98.055 are each reenacted to read as follows:

(1) Any trustee, beneficiary, or beneficiary representative may petition the superior court of the county of the situs of the trust for a transfer of trust assets or transfer of the place of administration in accordance with chapter 11.96 RCW.

(2) At the conclusion of the hearing, if the court finds the requirements of RCW 11.98.045(2) have been satisfied, it may direct the transfer of trust assets or the place of trust administration on such terms and conditions as it deems appropriate. The court in its discretion may provide for payment from the trust of reasonable fees and expenses for any party to the proceeding. Delivery of trust assets in accordance with the court's order is a full discharge of the trustee's duties in relation to all transferred property.

Sec. 48. Section 6, chapter 124, Laws of 1959 and RCW 11.98.060 are each reenacted to read as follows:

A successor trustee of a trust shall succeed to all the powers, duties and discretionary authority of the original trustee.

Sec. 49. Section 78, chapter 149, Laws of 1984 and RCW 11.98.065 are each reenacted to read as follows:

Any appointment of a specific bank, trust company, or corporation as trustee is conclusively presumed to authorize the appointment or continued service of that entity's successor in interest in the event of a merger, acquisition, or reorganization, and no court proceeding is necessary to affirm the appointment or continuance of service.

Sec. 50. Section 7, chapter 124, Laws of 1959 as amended by section 80, chapter 149, Laws of 1984 and RCW 11.98.070 are each reenacted and amended to read as follows:

A trustee, or the trustees jointly, of a trust, in addition to the authority otherwise given by law, have discretionary power to acquire, invest, reinvest, exchange, sell, convey, control, divide, partition, and manage the trust property in accordance with the standards provided by law, and in so doing may:

(1) Receive property from any source as additions to the trust or any fund of the trust to be held and administered under the provisions of the trust;

(2) Sell on credit;

(3) Grant, purchase or exercise options;

(4) Sell or exercise subscriptions to stock or other corporate securities and to exercise conversion rights;

(5) Deposit stock or other corporate securities with any protective or other similar committee;

(6) Assent to corporate sales, leases, and encumbrances;

(7) Vote trust securities in person or by proxy with power of substitution; and enter into voting trusts;

(8) Register and hold any stocks, securities, or other property in the name of a nominee or nominees without mention of the trust relationship, provided the trustee or trustees are liable for any loss occasioned by the acts of any nominee, except that this subsection shall not apply to situations covered by RCW 11.98.070(31);

(9) Grant leases of trust property, with or without options to purchase or renew, to begin within a reasonable period and for terms within or extending beyond the duration of the trust, for any purpose including exploration for and removal of oil, gas and other minerals; enter into community oil leases, pooling and unitization agreements;

(10) Subdivide, develop, dedicate to public use, make or obtain the vacation of public plats, adjust boundaries, partition real property, and on exchange or partition to adjust differences in valuation by giving or receiving money or money's worth;

(11) Compromise or submit claims to arbitration;

(12) Borrow money, secured or unsecured, from any source, including a corporate trustee's banking department, or from the individual trustee's own funds;

(13) Make loans, either secured or unsecured, at such interest as the trustee may determine to any person, including any beneficiary of a trust, except that no trustee who is a beneficiary of a trust may participate in decisions regarding loans to such beneficiary from the trust, and also except that if a beneficiary or the grantor of a trust has the power to change a trustee of the trust, the power to loan shall be limited to loans at a reasonable rate of interest and for adequate security;

(14) Determine the hazards to be insured against and maintain insurance for them;

(15) Select any part of the trust estate in satisfaction of any partition or distribution, in kind, in money or both; make nonpro rata distributions of property in kind; allocate particular assets or portions of them or undivided interests in them to any one or more of the beneficiaries without regard to the income tax basis of specific property allocated to any beneficiary and without any obligation to make an equitable adjustment;

(16) Pay any income or principal distributable to or for the use of any beneficiary, whether that beneficiary is under legal disability, to the beneficiary or for the beneficiary's use to the beneficiary's parent, guardian, custodian under the uniform gifts to minors act of any state, person with whom he resides, or third person;

(17) Change the character of or abandon a trust asset or any interest in it;

(18) Mortgage, pledge the assets or the credit of the trust estate, or otherwise encumber trust property, including future income, whether an initial encumbrance or a renewal or extension of it, for a term within or extending beyond the term of the trust, in connection with the exercise of any power vested in the trustee;

(19) Make ordinary or extraordinary repairs or alterations in buildings or other trust property, demolish any improvements, raze existing structures, and make any improvements to trust property;

(20) Create restrictions, easements, including easements to public use without consideration, and other servitudes;

(21) Manage any business interest, including any farm or ranch interest, regardless of form, received by the trustee from the trustor of the trust, as a result of the death of a person, or by gratuitous transfer from any other transferor, and with respect to the business interest, have the following powers:

(a) To hold, retain, and continue to operate that business interest solely at the risk of the trust, without need to diversify and without liability on the part of the trustee for any resulting losses;

(b) To enlarge or diminish the scope or nature or the activities of any business;

(c) To authorize the participation and contribution by the business to any employee benefit plan, whether or not qualified as being tax deductible, as may be desirable from time to time;

(d) To use the general assets of the trust for the purpose of the business and to invest additional capital in or make loans to such business;

(e) To endorse or guarantee on behalf of the trust any loan made to the business and to secure the loan by the trust's interest in the business or any other property of the trust;

(f) To leave to the discretion of the trustee the manner and degree of the trustee's active participation in the management of the business, and the trustee is authorized to delegate all or any part of the trustee's power to supervise, manage, or operate to such persons as the trustee may select, including any partner, associate, director, officer, or employee of the business; and also including electing or employing directors, officers, or employees of the trustee to take part in the management of the business as directors or officers or otherwise, and to pay that person reasonable compensation for services without regard to the fees payable to the trustee;

(g) To engage, compensate, and discharge or to vote for the engaging, compensating, and discharging of managers, employees, agents, lawyers, accountants, consultants, or other representatives, including anyone who may be a beneficiary of the trust or any trustee;

(h) To cause or agree that surplus be accumulated or that dividends be paid;

(i) To accept as correct financial or other statements rendered by any accountant for any sole proprietorship or by any partnership or corporation as to matters pertaining to the business except upon actual notice to the contrary;

(j) To treat the business as an entity separate from the trust, and in any accounting by the trustee it is sufficient if the trustee reports the earning and condition of the business in a manner conforming to standard business accounting practice;

(k) To exercise with respect to the retention, continuance, or disposition of any such business all the rights and powers that the trustor of the trust would have if alive at the time of the exercise, including all powers as are conferred on the trustee by law or as are necessary to enable the trustee to administer the trust in accordance with the instrument governing the trust, subject to any limitations provided for in the instrument; and

(l) To satisfy contractual and tort liabilities arising out of an unincorporated business, including any partnership, first out of the business and second out of the estate or trust, but in no event may there be a liability of the trustee, except as provided in RCW 11.98.110 (2) and (4), and if the trustee is liable, the trustee is entitled to indemnification from the business and the trust, respectively;

(22) Participate in the establishment of, and thereafter in the operation of, any business or other enterprise according to subsection (21) of this section except that the trustee shall not be relieved of the duty to diversify;

(23) Cause or participate in, directly or indirectly, the formation, reorganization, merger, consolidation, dissolution, or other change in the form of any corporate or other business undertaking where trust property may be affected and retain any property received pursuant to the change;

(24) Limit participation in the management of any partnership and act as a limited or general partner;

(25) Charge profits and losses of any business ((or farm)) operation, including farm or ranch operation, to the trust estate as a whole and not to the trustee; make available to or invest in any business or farm operation additional moneys from the trust estate or other sources;

(26) Pay reasonable compensation to the trustee or co-trustees considering all circumstances including the time, effort, skill, and responsibility involved in the performance of services by the trustee;

(27) Employ persons, including lawyers, accountants, investment advisors, or agents, even if they are associated with the trustee, to advise or assist the trustee in the performance of the trustee's duties or to perform any act, regardless of whether the act is discretionary, and to act without independent investigation upon their recommendations, except a trustee may not delegate all of the trustee's duties and responsibilities, and except that this employment does not relieve the trustee of liability for the discretionary acts of a person, which if done by the trustee, would result in liability to the trustee, or of the duty to select and retain a person with reasonable care;

(28) Appoint an ancillary trustee or agent to facilitate management of assets located in another state or foreign country;

(29) Retain and store such items of tangible personal property as the trustee selects and pay reasonable storage charges thereon from the trust estate;

(30) Issue proxies to any adult beneficiary of a trust for the purpose of voting stock of a corporation acting as the trustee of the trust;

(31) Place all or any part of the securities at any time held by the trustee in the care and custody of any bank, trust company, or member firm of the New York Stock Exchange with no obligation while the securities are so deposited to inspect or verify the same and with no responsibility for any loss or misapplication by the bank, trust company, or firm, so long as the bank, trust company, or firm was selected and retained with reasonable care, and have all stocks and registered securities placed in the name of the bank, trust company, or firm, or in the name of its nominee, and to appoint such bank, trust company, or firm agent as attorney to collect, receive, receipt for, and disburse any income, and generally may perform, but is under no requirement to perform, the duties and services incident to a so-called "custodian" account;

(32) Determine at any time that the corpus of any trust is insufficient to implement the intent of the trust, and upon this determination by the trustee, terminate the trust by distribution of the trust to the current income beneficiary or beneficiaries of the trust or their legal representatives, except that this determination may only be made by the trustee if the trustee is neither the grantor nor the beneficiary of the trust, and if the trust has no charitable beneficiary;

(33) Rely with acquittance on advice of counsel on questions of law; and

(34) Continue to be a party to any existing voting trust agreement or enter into any new voting trust agreement or renew an existing voting trust agreement with respect to any assets contained in trust.

Sec. 51, Section 81, chapter 149, Laws of 1984 and RCW 11.98.080 are each reenacted and amended to read as follows:

(1) Two or more trusts may be consolidated if:

(a) The trusts so provide; or

(b) Whether provided in the trusts or not, in accordance with subsection (2) of this section, if all interested persons consent as provided in subsection (2)(~~(e)~~)**(b)** of this section and the requirements of subsection (1)(d) of this section are satisfied; or

(c) Whether provided in the trusts or not, in accordance with subsection (3) of this section if the requirements of subsection (1)(d) of this section are satisfied;

(d) Consolidation under subsection (2) or (3) of this section is permitted only if:

(i) The dispositive provisions of each trust to be consolidated are substantially similar;

(ii) Consolidation is not inconsistent with the intent of the trustor with regard to any trust to be consolidated; and

(iii) Consolidation would facilitate administration of the trusts and would not materially impair the interests of the beneficiaries;

(e) Trusts may be consolidated whether created inter vivos or by will, by the same or different instruments, by the same or different trustors, whether the trustees are the same, and regardless of where the trusts were created or administered.

(2) The trustees of two or more trusts may consolidate the trusts on such terms and conditions as appropriate without court approval as provided in RCW 11.96.170.

(a) The trustee shall give written notice of proposed consolidation by personal service or by certified mail to the beneficiaries of every trust affected by the consolidation as provided in RCW 11.96.100 and 11.96.110 and to any trustee of such trusts who does not join in the notice. The notice shall: (i) State the name and mailing address of the trustee; (ii) include a copy of the governing instrument of each trust to be consolidated; (iii) include a statement of assets and liabilities of each trust to be consolidated, dated within ninety days of the notice; (iv) fully describe the terms and manner of consolidation; and (v) state the reasons supporting the requirements of subsection (1)(d) of this section. The notice shall advise the recipient of the right to petition for a judicial determination of the proposed consolidation as provided in subsection (3) of this section. The notice shall include a form on which consent or objection to the proposed consolidation may be indicated.

(b) If the trustee receives written consent to the proposed consolidation from all persons entitled to notice as provided in RCW 11.96.100 and 11.96.110, the trustee may consolidate the trusts as provided in the notice. Any person dealing with the trustee of the resulting consolidated trust is entitled to rely on the authority of that trustee to act and is not obliged to inquire into the validity or propriety of the consolidation under this section.

(3)(a) Any trustee, beneficiary, or special representative may petition the superior court of the county in which the principal place of administration of a trust is located for an order consolidating two or more trusts under chapter 11.96 RCW. If nonjudicial consolidation has been commenced pursuant to subsection (2) of this section, a petition may be filed under this section unless the trustee has received all necessary consents. The principal place of administration of the trust is the trustee's usual place of business where the records pertaining to the trust are kept, or the trustee's residence if the trustee has no such place of business.

(b) At the conclusion of the hearing, if the court finds that the requirements of subsection (1)(d) of this section have been satisfied, it may direct consolidation of two or more trusts on

such terms and conditions as appropriate. The court in its discretion may provide for payment from one or more of the trusts of reasonable fees and expenses for any party to the proceeding.

(4) This section applies to all trusts whenever created.

Sec. 52. Section 8, chapter 124, Laws of 1959 as amended by section 83, chapter 149, Laws of 1984 and RCW 11.98.090 are each reenacted to read as follows:

In the absence of knowledge of a breach of trust, no party dealing with a trustee is required to see to the application of any moneys or other properties delivered to the trustee.

Sec. 53. Section 9, chapter 124, Laws of 1959 as amended by section 84, chapter 149, Laws of 1984 and RCW 11.98.100 are each reenacted to read as follows:

When the happening of any event, including but not limited to such events as marriage, divorce, performance of educational requirements, or death, affects the administration or distribution of the trust, then a trustee who has exercised reasonable care to ascertain the happening of the event is not liable for any action or inaction based on lack of knowledge of the event. A corporate trustee is not liable prior to receiving such knowledge or notice in its trust department office where the trust is being administered.

Sec. 54. Section 10, chapter 124, Laws of 1959 as last amended by section 85, chapter 149, Laws of 1984 and RCW 11.98.110 are each reenacted and amended to read as follows:

As used in this section, a trust includes a probate estate, and a trustee includes a personal representative. The words "trustee" and "as trustee" mean "personal representative" and "as personal representative" where this section is being construed in regard to personal representatives.

Actions on contracts which have been transferred to a trust and on contracts made by a trustee, and actions in tort for personal liability incurred by a trustee in the course of administration may be maintained by the party in whose favor the cause of action has accrued as follows:

(1) The plaintiff may sue the trustee in the trustee's representative capacity and any judgment rendered in favor of the plaintiff is collectible by execution out of the trust property; PROVIDED, HOWEVER, if the action is in tort, collection shall not be had from the trust property unless the court determines in the action that (a) the tort was a common incident of the kind of business activity in which the trustee or the trustee's predecessor was properly engaged for the trust; or (b) that, although the tort was not a common incident of such activity, neither the trustee nor the trustee's predecessor, nor any officer or employee of the trustee or the trustee's predecessor, was guilty of personal fault in incurring the liability; or (c) that, although the tort did not fall within classes (a) or (b) above, it increased the value of the trust property. If the tort is within classes (a) or (b) above, collection may be had of the full amount of damage proved, and if the tort is within class (c) above, collection may be had only to the extent of the increase in the value of the trust property.

(2) If the action is on a contract made by the trustee, the trustee may be held personally liable on the contract, if personal liability is not excluded. Either the addition by the trustee of the words "trustee" or "as trustee" after the signature of a trustee to a contract or the transaction of business as trustee under an assumed name in compliance with chapter 19.80 RCW excludes the trustee from personal liability. If the action is on a contract transferred to the trust or trustee, subject to any rights therein vested at time of the transfer, the trustee is personally liable only if he or she has in writing assumed that liability.

(3) In any such action against the trustee in the trustee's representative capacity the plaintiff need not prove that the trustee could have secured reimbursement from the trust fund if the trustee had paid the plaintiff's claim.

(4) The trustee may also be held personally liable for any tort committed by him or her, or by his or her agents or employees in the course of their employments, subject to the rights of exoneration or reimbursement:

(a) A trustee who has incurred personal liability for a tort committed in the administration of the trust is entitled to exoneration therefor from the trust property if (i) the tort was a common incident of the kind of business activity in which the trustee was properly engaged for the trust, or (ii) although the tort was not a common incident of such activity, if neither the trustee nor any officer or employee of the trustee was guilty of personal fault in incurring the liability;

(b) A trustee who commits a tort which increases the value of the trust property is entitled to exoneration or reimbursement with respect thereto to the extent of such increase in value, even though the trustee would not otherwise be entitled to exoneration or reimbursement.

(5) The procedure for all actions provided in this section is as provided in chapter 11.96 RCW.

(6) Nothing in this section shall be construed to change the existing law with regard to the liability of the trustee of a charitable trust for the torts of the trustee.

Sec. 55. Section 11.98.010, chapter 145, Laws of 1965 as amended by section 87, chapter 149, Laws of 1984 and RCW 11.98.130 are each reenacted to read as follows:

If any provision of an instrument creating a trust, including the provisions of any further trust created, or any other disposition of property made pursuant to exercise of a power of appointment granted in or created through authority under such instrument violates the rule

against perpetuities, neither such provision nor any other provisions of the trust, or such further trust or other disposition, is thereby rendered invalid during any of the following periods:

- (1) The twenty-one years following the effective date of the instrument.
- (2) The period measured by any life or lives in being or conceived at the effective date of the instrument if by the terms of the instrument the trust is to continue for such life or lives.
- (3) The period measured by any portion of any life or lives in being or conceived at the effective date of the instrument if by the terms of the instrument the trust is to continue for such portion of such life or lives; and
- (4) The twenty-one years following the expiration of the periods specified in (2) and (3) above.

Sec. 56. Section 11.98.020, chapter 145, Laws of 1965 as amended by section 88, chapter 149, Laws of 1984 and RCW 11.98.140 are each reenacted to read as follows:

If, during any period in which an instrument creating a trust, as described in RCW 11.98.130, or any provision thereof, is not to be rendered invalid by the rule against perpetuities, any of the trust assets should by the terms of the instrument or pursuant to any further trust or other disposition resulting from exercise of the power of appointment granted in or created through authority under such instrument, become distributable or any beneficial interest in any of the trust assets should by the terms of the instrument, or such further trust or other disposition become vested, such assets shall be distributed and such beneficial interest shall validly vest in accordance with the instrument, or such further trust or other disposition.

Sec. 57. Section 11.98.030, chapter 145, Laws of 1965 as amended by section 89, chapter 149, Laws of 1984 and RCW 11.98.150 are each reenacted to read as follows:

If, at the expiration of any period in which an instrument creating a trust, as described in RCW 11.98.009, or any provision thereof, is not to be rendered invalid by the rule against perpetuities, any of the trust assets have not by the terms of the trust instrument become distributable or vested, then the assets shall be distributed as the superior court having jurisdiction directs, giving effect to the general intent of the creator of the trust or person exercising a power of appointment in the case of any further trust or other disposition of property made pursuant to the exercise of a power of appointment.

Sec. 58. Section 11.98.040, chapter 145, Laws of 1965 as amended by section 90, chapter 149, Laws of 1984 and RCW 11.98.160 are each reenacted to read as follows:

For the purposes of this chapter the effective date of an instrument purporting to create an irrevocable inter vivos trust is the date on which it is executed by the trustor, and the effective date of an instrument purporting to create either a revocable inter vivos trust or a testamentary trust is the date of the trustor's or testator's death.

Sec. 59. Section 91, chapter 149, Laws of 1984 and RCW 11.98.170 are each reenacted to read as follows:

(1) Any life insurance policy or retirement plan payment provision may designate as beneficiary:

(a) A trustee named or to be named by will, and immediately after the proving of the will, the proceeds of such insurance or of such plan designated as payable to that trustee, in part or in whole, shall be paid to the trustee in accordance with the beneficiary designation, to be held and disposed of under the terms of the will governing the testamentary trust; or

(b) A trustee named or to be named under a trust agreement executed by the insured, the plan participant, or any other person, and the proceeds of such insurance or retirement plan designated as payable to such trustee, in part or in whole, shall be paid to the trustee in accordance with the beneficiary designation, to be held and disposed of by the trustee as provided in such trust agreement; a trust is valid even if the only corpus consists of the right of the trustee to receive as beneficiary insurance or retirement plan proceeds; any such trustee may also receive assets, other than insurance or retirement plan proceeds, by testamentary disposition or otherwise and, unless directed otherwise by the transferor of the assets, shall administer all property of the trust according to the terms of the trust agreement.

(2) If no qualified trustee makes claim to the insurance policy or retirement plan proceeds from the insurance company or the plan administrator within twelve months after the death of the insured or plan participant, determination of the proper recipient of the proceeds shall be made pursuant to the judicial or nonjudicial dispute resolution procedures of chapter 11.96 RCW, unless prior to the institution of the judicial procedures, a qualified trustee makes claim to the proceeds, except that (a) if satisfactory evidence is furnished the insurance company or plan administrator within the twelve-month period showing that no trustee can or will qualify to receive such proceeds, payment shall be made to those otherwise entitled to the proceeds under the terms of the policy or retirement plan, including the terms of the beneficiary designation except that (b) if there is any dispute as to the proper recipient of insurance policy or retirement plan proceeds, the dispute shall be resolved pursuant to the judicial or nonjudicial resolution procedures in chapter 11.96 RCW.

(3) The proceeds of the insurance or retirement plan as collected by the trustee are not subject to debts of the insured or the plan participant to any greater extent than if the proceeds were payable to any named beneficiary other than the personal representative or the estate of the insured or of the plan participant.

(4) For purposes of this section the following definitions apply:

(a) "Plan administrator" means the person upon whom claim must be made in order for retirement plan proceeds to be paid upon the death of the plan participant.

(b) "Retirement plan" means any plan, account, deposit, annuity, or benefit, other than a life insurance policy, that provides for payment to a beneficiary designated by the plan participant for whom the plan is established. The term includes, without limitation, such plans regardless of source of funding, and, for example, includes pensions, annuities, stock bonus plans, employee stock ownership plans, profit sharing plans, self-employed retirement plans, individual retirement accounts, individual retirement annuities, and retirement bonds, as well as any other retirement plan or program.

(c) "Trustee" includes any custodian under chapter 11.93 RCW or any similar statutory provisions of any other state and the terms "trust agreement" and "will" refer to the provisions of chapter 11.93 RCW or such similar statutory provisions of any other state.

(5) Enactment of this section does not invalidate life insurance policy or retirement plan beneficiary designations executed prior to January 1, 1985, naming a trustee established by will or by trust agreement.

Sec. 60. Section 11.98.050, chapter 145, Laws of 1965 as last amended by section 93, chapter 149, Laws of 1984 and RCW 11.98.900 are each reenacted and amended to read as follows:

The provisions of ~~((this chapter))~~ RCW 11.98.130 through 11.98.160 are applicable to any instrument purporting to create a trust regardless of the date such instrument bears, unless it has been previously adjudicated in the courts of this state.

Sec. 61. Section 11, chapter 124, Laws of 1959 and RCW 11.98.910 are each reenacted to read as follows:

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

Sec. 62. Section 12, chapter 124, Laws of 1959 and RCW 11.98.920 are each reenacted to read as follows:

This act shall be known as the "Washington Trust Act."

Sec. 63. Section 30.24.010, chapter 33, Laws of 1955 and RCW 11.100.010 are each reenacted to read as follows:

Any corporation, association, or person handling or investing trust funds as a fiduciary shall be governed in the handling and investment of such funds as in this chapter specified.

Sec. 64. Section 30.24.015, chapter 33, Laws of 1955 and RCW 11.100.015 are each reenacted to read as follows:

In addition to other fiduciaries, a guardian of any estate is a fiduciary within the meaning of this chapter; and in addition to other trusts, a guardianship of any estate is a trust within the meaning of this chapter; and in addition to other trust funds, guardianship funds are trust funds within the meaning of this chapter.

Sec. 65. Section 30.24.020, chapter 33, Laws of 1955 as amended by section 97, chapter 149, Laws of 1984 and RCW 11.100.020 are each reenacted to read as follows:

(1) A fiduciary is authorized to acquire and retain every kind of property. In acquiring, investing, reinvesting, exchanging, selling and managing property for the benefit of another, a fiduciary, in determining the prudence of a particular investment, shall give due consideration to the role that the proposed investment or investment course of action plays within the overall portfolio of assets. In applying such total asset management approach, a fiduciary shall exercise the judgment and care under the circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not in regard to speculation but in regard to the permanent disposition of their funds, and if the fiduciary has special skills or is named trustee on the basis of representations of special skills or expertise, the fiduciary is under a duty to use those skills.

(2) Except as may be provided to the contrary in the instrument, the following are among the factors that should be considered by a fiduciary in applying this total asset management approach:

(a) The probable income as well as the probable safety of their capital;

(b) Marketability of investments;

(c) Length of the term of the investments;

(d) Duration of the trust;

(e) Liquidity needs;

(f) Requirements of the beneficiary or beneficiaries;

(g) Other assets of the beneficiary or beneficiaries, including earning capacity; and

(h) Effect of investments in increasing or diminishing liability for taxes.

Within the limitations of the foregoing standard, and subject to any express provisions or limitations contained in any particular trust instrument, a fiduciary is authorized to acquire and retain every kind of property, real, personal, or mixed, and every kind of investment specifically including but not by way of limitation, debentures and other corporate obligations, and

stocks, preferred or common, which persons of prudence, discretion, and intelligence acquire for their own account.

Sec. 66. Section 98, chapter 149, Laws of 1984 and RCW 11.100.023 are each reenacted and amended to read as follows:

Subject to the standards of RCW 11.100.020, a fiduciary is authorized to invest in new, unproven, untried, or other enterprises with a potential for significant growth whether producing a current return, either by investing directly therein or by investing as a limited partner or otherwise in one or more commingled funds which in turn invest primarily in such enterprises. The aggregate amount of investments (~~made~~) held by a fiduciary under the authority of this section valued at cost shall not exceed ten percent of the net fair market value of the trust corpus (~~at the time~~), including investments made under the authority of this section valued at fair market value, immediately after any such investment is made. Any investment which would have been authorized by this section if in force at the time the investment was made is hereby authorized.

Sec. 67. Section 99, chapter 149, Laws of 1984 and RCW 11.100.025 are each reenacted and amended to read as follows:

Notwithstanding RCW 11.98.070(21)(a), 11.100.060, or any other statutory provisions to the contrary, with respect to trusts which require by their own terms or by operation of law that all income be paid at least annually to the spouse of the trust's creator, which do not provide that on the termination of the income interest that the entire then remaining trust estate be paid to the estate of the spouse of the trust's creator, and for which a federal estate or gift tax marital deduction is (~~taken~~) claimed, any investment in or retention of unproductive property is subject to a power in the spouse of the trust's creator to require either that any such asset be made productive, or that it be converted to productive assets within a reasonable period of time unless the instrument creating the interest provides otherwise.

Sec. 68. Section 30.24.030, chapter 33, Laws of 1955 as last amended by section 101, chapter 149, Laws of 1984 and RCW 11.100.030 are each reenacted to read as follows:

A corporation doing a trust business may invest trust funds in savings accounts with itself to the extent that deposits are insured by an agency of the federal government. Additional trust funds may be so invested by the corporation only if it first sets aside under the control of its trust department as collateral security:

- (1) Direct obligations of the United States or other obligations fully guaranteed by the United States as to principal and interest; or
- (2) Bonds or other obligations which constitute general obligations of any state of the United States or municipal subdivision thereof.

The securities so deposited or securities substituted therefor as collateral shall at all times be at least equal in market value to the amount of the funds so deposited.

Sec. 69. Section 30.24.035, chapter 33, Laws of 1955 and RCW 11.100.035 are each reenacted to read as follows:

Within the standards of judgment and care established by law, and subject to any express provisions or limitations contained in any particular trust instrument, guardians, trustees and other fiduciaries, whether individual or corporate, are authorized to acquire and retain securities of any open-end or closed-end management type investment company or investment trust registered under the federal investment company act of 1940 as now or hereafter amended.

Sec. 70. Section 4, chapter 133, Laws of 1967 as amended by section 104, chapter 149, Laws of 1984 and RCW 11.100.037 are each reenacted to read as follows:

Funds held by a bank or trust company in a fiduciary capacity awaiting investment or distribution shall not be held uninvested or undistributed any longer than is reasonable for the proper management of the account. These funds, including managing agency accounts, may, unless prohibited by the instrument creating the trust or by other statutes of this state, be deposited in the commercial or savings or other department of the bank or trust company, only if the bank or trust company first sets aside under control of the trust department as collateral security:

- (1) Direct obligations of the United States or other obligations fully guaranteed by the United States as to principal and interest; or
- (2) Bonds or other obligations which constitute general obligations of any state of the United States or municipal subdivision thereof.

The securities so deposited or securities substituted therefor as collateral shall at all times be at least equal in market value to the amount of the funds so deposited, but such security shall not be required to the extent that the funds so deposited are insured by an agency of the federal government.

Sec. 71. Section 30.24.040, chapter 33, Laws of 1955 and RCW 11.100.040 are each reenacted to read as follows:

Nothing contained in this chapter shall be construed as restricting the power of a court of proper jurisdiction to permit a fiduciary to deviate from the terms of any will, agreement, or other instrument relating to the acquisition, investment, reinvestment, exchange, retention, sale, or management of fiduciary property.

Sec. 72. Section 30.24.050, chapter 33, Laws of 1955 as amended by section 107, chapter 149, Laws of 1984 and RCW 11.100.050 are each reenacted to read as follows:

The provisions of this chapter govern fiduciaries acting under wills, agreements, court orders, and other instruments effective before or after January 1, 1985.

Sec. 73. Section 108, chapter 149, Laws of 1984 and RCW 11.100.060 are each reenacted and amended to read as follows:

~~((Any fiduciary may hold during the life of the trust all securities or other property, real or personal, received into or acquired by the trust from any source, except such as are purchased by the fiduciary in administering the trust, unless there are express provisions to the contrary in the instrument))~~ Subject to express provisions to the contrary in the trust instrument, any fiduciary may hold and retain any real or personal property received into or acquired by the trust from any source. Except as to trust property acquired for consideration, a fiduciary may hold and retain any such property without need for diversification as to kinds or amount and whether or not the property is income producing.

Any fiduciary may invest funds held in trust under an instrument creating the trust in any manner and in any investment or in any class of investments authorized by the instrument.

The investments described in this section are permissible even though the securities or other property are not permitted under other provisions of this chapter, and even though the securities may be securities issued by the corporation that is the fiduciary.

A fiduciary is not liable for any loss incurred with respect to any investment held under the authority of or pursuant to this section if that investment was permitted when received or when the investment was made by the fiduciary, and if the fiduciary exercises due care and prudence in the disposition or retention of any such investment.

Sec. 74. Section 30.24.070, chapter 33, Laws of 1955 as amended by section 110, chapter 149, Laws of 1984 and RCW 11.100.070 are each reenacted to read as follows:

The terms "legal investment" or "authorized investment" or words of similar import, as used in any such instrument, shall be taken to mean any investment which is permitted by the terms of RCW 11.100.020.

Sec. 75. Section 30.24.090, chapter 33, Laws of 1955 as amended by section 111, chapter 149, Laws of 1984 and RCW 11.100.090 are each reenacted to read as follows:

Unless the instrument creating the trust expressly provides to the contrary, any fiduciary in carrying out the obligations of the trust, may not buy or sell investments from or to himself, herself, or itself or any affiliated or subsidiary company or association. This section shall not be construed as prohibiting the trustee's powers under RCW 11.98.070(12).

Sec. 76. Section 1, chapter 89, Laws of 1973 1st ex. sess. as amended by section 112, chapter 149, Laws of 1984 and RCW 11.100.120 are each reenacted to read as follows:

Subject to the standards of RCW 11.100.020, a fiduciary is authorized to use trust funds to acquire life insurance upon the life of any beneficiary or upon the life of another in whose life such beneficiary has an insurable interest.

Sec. 77. Section 2, chapter 89, Laws of 1973 1st ex. sess. and RCW 11.100.130 are each reenacted to read as follows:

Whenever power or authority to direct or control the acts of a trustee or the investments of a trust is conferred directly or indirectly upon any person other than the designated trustee of the trust, such person shall be deemed to be a fiduciary and shall be liable to the beneficiaries of said trust and to the designated trustee to the same extent as if he were a designated trustee in relation to the exercise or nonexercise of such power or authority.

Sec. 78. Section 114, chapter 149, Laws of 1984 and RCW 11.100.140 are each reenacted to read as follows:

(1) A trustee shall not enter into a significant nonroutine transaction in the absence of a compelling circumstance without:

(a) Providing the written notice called for by subsection (4) of this section; and
(b) If the significant nonroutine transaction is of the type described in subsection (2)(a) of this section, obtaining an independent appraisal, or selling in an open-market transaction.

(2) A "significant nonroutine transaction" for the purpose of this section is defined as any of the following:

(a) Any sale, option, lease, or other agreement, binding for a period of ten years or more, dealing with any interest in real estate other than real estate purchased by the trustee or a vendor's interest in a real estate contract, the value of which constitutes twenty-five percent or more of the net fair market value of trust principal at the time of the transaction; or

(b) The sale of any item or items of tangible personal property, including a sale of precious metals or investment gems other than precious metals or investment gems purchased by the trustee, the value of which constitutes twenty-five percent or more of the net fair market value of trust principal at the time of the transaction; or

(c) The sale of shares of stock in a corporation whose stock is not traded on the open market, if the stock in question constitutes more than twenty-five percent of the corporation's outstanding shares; or

(d) The sale of shares of stock in any corporation where the stock to be sold constitutes a controlling interest, or would cause the trust to no longer own a controlling interest, in the corporation.

(3) A "compelling circumstance" for the purpose of this section is defined as a condition, fact, or event that the trustee believes necessitates action without compliance with this section in order to avoid immediate and significant detriment to the trust. If faced with a compelling circumstance, the trustee shall give the notice called for in subsection (4) of this section and may thereafter enter into the significant nonroutine transaction without waiting for the expiration of the twenty-day period.

(4) The written notice required by this section shall set forth such material facts as necessary to advise properly the recipient of the notice of the nature and terms of the intended transaction. This notice shall be given to the trustor, if living, to each person who is eighteen years or older and to whom income is presently payable or for whom income is presently being accumulated for distribution as income and for whom an address is known to the trustee, and to the attorney general if the trust is a charitable trust under RCW 11.110.020. The notice shall be mailed by United States certified mail, postage prepaid, return receipt requested, to the recipient's last-known address, or may be personally served, at least twenty days prior to the trustee entering into any binding agreements.

(5) The trustor, if living, or persons entitled to notice under this section may, by written instrument, waive any requirement imposed by this section.

(6) Except as required by this section for nonroutine transactions defined in subsection (2) of this section, a trustee shall not be required to notify beneficiaries of a trust of the trustee's intended action, to obtain an independent appraisal, or to sell in an open-market transaction.

(7) Any person dealing with a trustee may rely upon the trustee's written statement that the requirements of this section have been met for a particular transaction. If a trustee gives such a statement, the transaction shall be final unless the party relying on the statement has actual knowledge that the requirements of this section have not been met.

(8) The requirements of this section, and any similar requirements imposed by prior case law, shall not apply to personal representatives or to those trusts excluded from the definition of express trusts under RCW 11.98.009.

Sec. 79. Section 30.28.010, chapter 33, Laws of 1955 as amended by section 1, chapter 105, Laws of 1979 and RCW 11.102.010 are each reenacted to read as follows:

Any bank or trust company qualified to act as fiduciary in this state, or in any other state if affiliated with a bank or trust company qualified to act as fiduciary in this state, may establish common trust funds for the purpose of furnishing investments to itself and its affiliated or related bank or trust company as fiduciary, or to itself and its affiliated or related bank or trust company, and others, as cotrustees; and may, as such fiduciary or cotrustee, invest funds which it lawfully holds for investment in interests in such common trust funds, if such investment is not prohibited by the instrument, judgment, decree, or order creating such fiduciary relationship, and if, in the case of cotrustees, the bank or trust company procures the consent of its cotrustee or cotrustees to such investment: PROVIDED, That any bank or trust company qualified to act as fiduciary in the state of its charter, which is not a member of the federal reserve system, shall, in the operation of such common trust fund, comply with the rules and regulations as made from time to time by the supervisor of banking in the state where chartered and in Washington the supervisor is hereby authorized and empowered to make such rules and regulations as he may deem necessary and proper in the premises.

"Affiliated" as used in this section means two or more banks or trust companies:

(1) In which twenty-five percent or more of their voting shares, excluding shares owned by the United States or by any company wholly owned by the United States, are directly or indirectly owned or controlled by a holding company; or

(2) In which the election of a majority of the directors is controlled in any manner by a holding company.

Sec. 80. Section 30.28.020, chapter 33, Laws of 1955 and RCW 11.102.020 are each reenacted to read as follows:

Unless ordered by a court of competent jurisdiction the bank or trust company operating such common trust funds is not required to render a court accounting with regard to such funds; but it may, by application to the superior court, secure approval of such an accounting on such conditions as the court may establish.

Sec. 81. Section 30.28.030, chapter 33, Laws of 1955 and RCW 11.102.030 are each reenacted to read as follows:

This chapter shall apply to fiduciary relationships in existence on June 11, 1943, or thereafter established.

Sec. 82. Section 30.28.040, chapter 33, Laws of 1955 and RCW 11.102.040 are each reenacted to read as follows:

This chapter shall be so interpreted and construed to effectuate its general purpose to make uniform the laws of those states which enact it.

Sec. 83. Section 30.28.050, chapter 33, Laws of 1955 and RCW 11.102.050 are each reenacted to read as follows:

This chapter may be cited as the uniform common trust fund act.

Sec. 84. Section 1, chapter 74, Laws of 1971 as amended by section 116, chapter 149, Laws of 1984 and RCW 11.104.010 are each reenacted to read as follows:

As used in this chapter:

(1) "Income beneficiary" means the person to whom income is presently payable or for whom it is accumulated for distribution as income;

(2) "Inventory value" means the cost of property purchased by the trustee and the cost or adjusted basis for federal income tax purposes of other property at the time it became subject to the trust, but in the case of a trust asset that is included on any death tax return the trustee may, but need not, use the value finally determined for the purposes of the federal estate tax if applicable, otherwise for another estate or inheritance tax;

(3) "Remainderman" means the person entitled to principal, including income which has been accumulated and added to principal.

Sec. 85. Section 2, chapter 74, Laws of 1971 as amended by section 117, chapter 149, Laws of 1984 and RCW 11.104.020 are each reenacted to read as follows:

(1) A trust shall be administered with due regard to the respective interests of income beneficiaries and remaindermen. A trust is so administered with respect to the allocation of receipts and expenditures if a receipt is credited or an expenditure is charged to income or principal or partly to each:

(a) In accordance with the terms of the trust instrument, notwithstanding contrary provisions of this chapter;

(b) In the absence of any contrary terms of the trust instrument, in accordance with the provisions of this chapter; or

(c) If neither of the preceding rules of administration is applicable, in accordance with what is reasonable and equitable in view of the interests of those entitled to income as well as of those entitled to principal, and in view of the manner in which persons of prudence, discretion, and intelligence would act in the management of their own affairs.

(2) If the trust instrument gives the trustee discretion in crediting a receipt or charging an expenditure to income or principal or partly to each, no inference of imprudence or partiality arises from the fact that the trustee has made an allocation consistent with the instrument but that is contrary to a provision of this chapter.

Sec. 86. Section 3, chapter 74, Laws of 1971 as amended by section 118, chapter 149, Laws of 1984 and RCW 11.104.030 are each reenacted to read as follows:

(1) Income is the return in money or property derived from the use of principal, including:

(a) Rent of real or personal property, including sums received for cancellation or renewal of a lease;

(b) Interest on money lent, including sums received as consideration for the privilege of prepayment of principal except as provided in RCW 11.104.070 on bond premiums and bond discounts;

(c) Income earned during administration of a decedent's estate as provided in RCW 11.104.050;

(d) Corporate distributions as provided in RCW 11.104.060;

(e) Increment in value on bonds or other obligations issued at a discount as provided in RCW 11.104.070;

(f) Receipts from business and farming operations as provided in RCW 11.104.080;

(g) Receipts from disposition of natural resources as provided in RCW 11.104.090 and 11.104.100;

(h) Receipts from other principal subject to depletion as provided in RCW 11.104.110; and

(i) Receipts from disposition of underproductive property as provided in RCW 11.104.120.

(2) Principal is the property which has been set aside by the owner or the person legally empowered so that it is held in trust eventually to be delivered to a remainderman while the return on or use of the principal is in the meantime taken or received by or held for accumulation for an income beneficiary. Principal includes:

(a) Consideration received by the trustee on the sale or other transfer of principal or on repayment of a loan or as a refund or replacement or change in the form of principal;

(b) Proceeds of property taken on eminent domain proceedings;

(c) Proceeds of insurance upon property forming part of the principal except proceeds of insurance upon a separate interest of an income beneficiary;

(d) Stock dividends, receipts on liquidation of a corporation, and other corporate distributions as provided in RCW 11.104.060;

(e) Receipts from the disposition of corporate securities, bonds, or other obligations for the payment of money as provided in RCW 11.104.070;

(f) Royalties and other receipts from disposition of natural resources as provided in RCW 11.104.090 and 11.104.100;

(g) Receipts from other principal subject to depletion as provided in RCW 11.104.110;

(h) Any profit resulting from any change in the form of principal except as provided in RCW 11.104.120 on underproductive property;

(i) Receipts from disposition of underproductive property as provided in RCW 11.104.120; and

(j) Any allowances for depreciation established under RCW 11.104.080 and 11.104.130(1)(b).

(3) After determining income and principal in accordance with the terms of the trust instrument or of this chapter, the trustee shall charge to income or principal expenses and other charges as provided in RCW 11.104.130.

Sec. 87. Section 4, chapter 74, Laws of 1971 as amended by section 119, chapter 149, Laws of 1984 and RCW 11.104.040 are each reenacted and amended to read as follows:

(1) An income beneficiary is entitled to income from the date specified in the trust instrument, or, if none is specified, from the date an asset becomes subject to the trust. In the case of an asset becoming subject to a trust by reason of a will, it becomes subject to the trust as of the date of the death of the testator even though there is an intervening period of administration of the testator's estate.

(2) Subject to subsection (2) (a) and (b) of this section, in the administration of a decedent's estate or of an asset becoming subject to a trust by reason of a will all receipts paid on or before the date of death of the testator are principal and all receipts paid after that date are income.

(a) Notwithstanding the foregoing, receipts due but not paid on or before the date of death of the testator are principal; and

(b) Receipts in the form of periodic payments (other than corporate distributions to stockholders), including rent, interest, or annuities, not due on or before the date of the death of the testator shall be treated as accruing from day to day. That portion of the receipt accruing before the date of death is principal, and the balance is income.

(3) In all other cases, any receipt from an income producing asset is income even though the receipt was earned or accrued in whole or in part before the date when the asset became subject to the trust.

(4) On the termination of an income beneficiary's income interest, if such interest was not subject to any discretion to withhold, accumulate, or distribute income to or for any other beneficiary, then income on hand but undistributed belongs to that income beneficiary or that beneficiary's estate, except that if the income beneficiary is the surviving spouse of the testator or grantor of the trust and the income interest otherwise qualifies for the marital deduction on any federal estate or gift tax return, then all accrued but undistributed income is subject to a testamentary general power of appointment in the surviving spouse, exercisable (by will by specifically referring to this statute) as provided in RCW 11.95.060 by specific reference to this statutory provision, to appoint the same to ((the testator or grantor or)) himself or herself, or to his or her estate. All undistributed income not disposed of under the foregoing provisions of this subsection shall be held and distributed as part of the next eventual interest or estate in accordance with the provisions of the will or trust relating to such next eventual interest or estate.

(5) Corporate distributions to stockholders shall be treated as due on the date fixed by the corporation for determination of stockholders of record entitled to distribution, or if no date is fixed, on the date of declaration of the distribution by the corporation.

Sec. 88. Section 5, chapter 74, Laws of 1971 as amended by section 120, chapter 149, Laws of 1984 and RCW 11.104.050 are each reenacted and amended to read as follows:

(1) Unless the will or the court otherwise provides and subject to subsection (2) of this section, all expenses incurred in connection with the settlement of a decedent's estate, including debts, funeral expenses, estate taxes, interest due at death, and penalties concerning taxes, family allowances, fees of attorneys and personal representatives, and court costs shall be charged against the principal of the estate, except that the principal shall be reimbursed from income for any increase in estate taxes due to the use of administration expenses that were paid from principal as deductions for income tax purposes.

(2) Unless the will or the court otherwise provides, income from the assets of a decedent's estate after the death of the testator and before distribution, including income from property used to discharge liabilities, shall be determined in accordance with the rules applicable to a trust under this chapter and distributed as follows:

(a) To beneficiaries of any specific bequest, legacy, or devise, the income from the property bequeathed or devised to them respectively, less taxes, ordinary repairs, and other expenses of management and operation of the property, and appropriate portions of interest accrued since the death of the testator and of taxes imposed on income (excluding taxes on capital gains) which accrue during the period of administration;

(b) Subject to (c) of this subsection, to all other beneficiaries, including trusts, the balance of the income less the balance of taxes, ordinary repairs, and other expenses of management and operation of all property from which the estate is entitled to income, plus the balance of all income accrued since the death of the testator, and less the balance of all taxes imposed on income (excluding taxes on capital gains) which accrue during the period of administration, in proportion to their respective interests in the undistributed assets of the estate computed at times of distribution on the basis of the fair value, provided, that the amount of income earned before the date or dates of payment of any estate or inheritance tax shall be distributed to

those beneficiaries in proportion to their interests immediately before the making of those payments; and

(c) Pecuniary bequests not in trust do not receive income, and, subject to the provisions of RCW 11.56.160, all such bequests, including those to the decedent's surviving spouse, are not allocated any share of the expenses identified in subsection (2)(b) of this section.

(3) Any income with respect to which the income taxes have been paid which is payable in whole or in part to one or more charitable or other tax exempt ((organization(s))) organiza-tions, and for which an income tax charitable deduction was allowable, shall be allocated among the distributees in such manner that the diminution in such taxes resulting from the charitable deduction allowable will inure to the benefit of the charitable or tax exempt organization giving rise to the deduction.

(4) Income received by a trustee under subsection (2) of this section shall be treated as income of the trust.

Sec. 89. Section 6, chapter 74, Laws of 1971 as amended by section 121, chapter 149, Laws of 1984 and RCW 11.104.060 are each reenacted to read as follows:

(1) Corporate distributions of shares of the distributing corporation, including distributions in the form of a stock split or stock dividend, are principal. A right to subscribe to shares or other securities issued by the distributing corporation accruing to stockholders on account of their stock ownership and the proceeds of any sale of the right are principal.

(2) Except to the extent that the corporation indicates that some part of a corporate distribution is a settlement of preferred or guaranteed dividends accrued since the stock became a part of the trust corpus or is in lieu of an ordinary cash dividend, a corporate distribution is principal if the distribution is pursuant to:

(a) A call of shares;

(b) A merger, consolidation, reorganization, or other plan by which assets of the corporation are acquired by another corporation; or

(c) A total or partial liquidation of the corporation, including any distribution which the corporation indicates is a distribution in total or partial liquidation or any distribution of assets, other than cash, pursuant to a court decree or final administrative order by a government agency ordering distribution of the particular assets.

(3) Distributions made from ordinary income by a regulated investment company or by a trust qualifying and electing to be taxed under federal law as a real estate investment trust are income. All other distributions made by the company or trust, including distributions from capital gains, depreciation, or depletion, whether in the form of cash or an option to take new stock or cash or an option to purchase additional shares, are principal.

(4) Except as provided in subsections (1), (2), and (3) of this section all corporate distributions are income, including cash dividends, distributions of or rights to subscribe to shares or securities or obligations of corporations other than the distributing corporation, and the proceeds of the rights or property distributions. Except as provided in subsections (2) and (3) of this section, if the distributing corporation gives a stockholder an option to receive a distribution either in cash or in its own shares, the distribution chosen is income.

(5) The trustee may rely upon any statement of the distributing corporation as to any fact relevant under any provision of this chapter concerning the source or character of dividends or distributions of corporate assets.

Sec. 90. Section 7, chapter 74, Laws of 1971 as amended by section 122, chapter 149, Laws of 1984 and RCW 11.104.070 are each reenacted to read as follows:

(1) Bonds or other obligations for the payment of money are principal at their inventory value, except as provided in subsection (2) for discount bonds. The trustee shall not provide for amortization of bond premiums or for accumulation of discount except where the trust instrument provides otherwise. If the instrument provides for amortization of premiums or accumulation of discount, but not both, and is silent as to one, it is the duty of the trustee to amortize premiums and accumulate discount. The proceeds of sale, redemption, or other disposition of the bonds or obligations are principal.

(2) The increment in value of a bond or other obligation for the payment of money bearing no fixed rate of interest or payable at a future time in accordance with a fixed schedule of appreciation in excess of the price at which it was issued is distributable as income. Except as otherwise provided in RCW 11.104.040(4), the increment in value is distributable to the beneficiary who was the income beneficiary at the time of increment from the first principal cash available or, if none is available, when realized by sale, redemption, or other disposition. Whenever unrealized increment is distributed as income but out of principal, the principal shall be reimbursed for the increment when realized.

Sec. 91. Section 8, chapter 74, Laws of 1971 as amended by section 123, chapter 149, Laws of 1984 and RCW 11.104.080 are each reenacted to read as follows:

If a trustee uses any part of the principal in the operation of a trade, business or farming operation, the proceeds and losses of the business shall be allocated in accordance with what is reasonable and equitable in view of the interest of those entitled to income as well as those entitled to principal, and in view of the manner in which persons of prudence, discretion, and

intelligence would act in the management of their own affairs in accordance with RCW 11.104.020. The operation of real estate for rent is considered a business.

Sec. 92. Section 9, chapter 74, Laws of 1971 as amended by section 124, chapter 149, Laws of 1984 and RCW 11.104.090 are each reenacted to read as follows:

(1) If any part of the principal consists of a right to receive royalties, overriding or limited royalties, working interests, production payments, net profit interests, or other interests in minerals or other natural resources in, on or under land, the receipts from taking the natural resources from the land shall be allocated as follows:

(a) If received as rent on a lease or extension payments on a lease, the receipts are income;

(b) If received from a production payment, the receipts are income to the extent of any factor for interest or its equivalent provided in the governing instrument. There shall be allocated to principal the fraction of the balance of the receipts which the unrecovered cost of the production payment bears to the balance owed on the production payment exclusive of any factor for interest or its equivalent. The receipts not allocated to principal are income; and

(c) If received as a royalty, overriding or limited royalty, or bonus, or from a working, net profit, or any other interest in minerals or other natural resources, receipts not provided for in the preceding paragraphs of this section shall be apportioned on a yearly basis in accordance with this paragraph whether or not any natural resource was being taken from the land at the time the trust was established. Receipts shall be allocated to income or apportioned between income and principal at the discretion of the trustee, but in no event may principal be allocated more than that portion of the gross receipts that is deductible for federal income tax purposes during that year. The balance of the gross receipts, after payment therefrom of all expenses, direct and indirect, is income.

(2) If a trustee, on January 1, 1972, held an item of depletable property of a type specified in this section, the trustee shall allocate receipts from the property in the manner used before January 1, 1972, but as to all depletable property acquired after January 1, 1972 by an existing or new trust, the method of allocation provided herein shall be used.

(3) This section does not apply to timber, water, soil, sod, dirt, turf, or mosses.

Sec. 93. Section 12, chapter 74, Laws of 1971 as amended by section 125, chapter 149, Laws of 1984 and RCW 11.104.120 are each reenacted and amended to read as follows:

(1) Except as provided in subsection (5) of this section, a portion of the net proceeds of sale of any part of principal which is underproductive shall be treated as delayed income to which the income beneficiary is entitled as provided in this section. The net proceeds of sale are the gross proceeds received, including the value of any property received, less expenses, including any capital gains tax incurred in disposition, and less any carrying charges paid while the property was underproductive.

(2) The sum allocated as delayed income is the difference between the net proceeds and the amount which, had it been invested at simple interest at four percent per year while the property was underproductive, would have produced the net proceeds. This sum, plus any carrying charges and expenses previously charged against income while the property was underproductive, less any income received by the income beneficiary from the property and less the value of any use of the property by the income beneficiary, is income, and the balance is principal.

(3) Except as otherwise provided in RCW 11.104.040(4), an income beneficiary is entitled to delayed income under this section as if it accrued from day to day during the time he was a beneficiary.

(4) If principal subject to this section is disposed of by conversion into property which cannot be apportioned easily, including land or mortgages (for example, realty acquired by or in lieu of foreclosure), the income beneficiary is entitled to the net income from any property or obligation into which the original principal is converted while the substituted property or obligation is held. If within five years after the conversion the substituted property has not been further converted into easily apportionable property, no allocation as provided in this section shall be made.

(5) This section does not apply to underproductive property that the trustee is authorized to retain by the terms of the controlling document or by law; that is received into or acquired by the trust from any source, except property which is purchased by the fiduciary in administering the trust; the retention of which has been authorized in writing by the income beneficiaries; or the retention of which would be considered proper under the standard set forth in RCW 11.100.020.

(6) As used in this section, the term "underproductive property" refers to any property that has not produced an average net income of at least one percent per year (simple interest) of its inventory value for more than a year (including as income the value of any use of the property by the income beneficiary).

Sec. 94. Section 13, chapter 74, Laws of 1971 as amended by section 126, chapter 149, Laws of 1984 and RCW 11.104.130 are each reenacted and amended to read as follows:

(1) The following charges shall be made against income:

(a) Ordinary expenses incurred in connection with the administration, management, or preservation of the trust property, including regularly recurring taxes assessed against any portion of the principal, water rates, premiums on insurance taken upon the interests of the income beneficiary, remainderman, or trustee, interest paid by the trustee, and ordinary repairs;

(b) If the trustee deems the same to be appropriate under the standards in RCW 11.104.020(1)(c), a reasonable allowance for depreciation on property subject to depreciation under generally accepted accounting principles; no allowance shall be made for depreciation of that portion of any real property used by a beneficiary as a residence or for depreciation of any property held by the trustee on January 1, 1972 for which the trustee is not then making an allowance for depreciation;

(c) One-half of court costs, attorney's fees, and other fees on periodic accountings, unless the court directs otherwise;

(d) Court costs, attorney's fees, and other fees on other accountings or judicial proceedings if the matter primarily concerns the income interest, unless the court directs otherwise;

(e) One-half of the trustee's regular compensation, whether based on a percentage of principal or income ~~((- and all expenses reasonably incurred for current management of principal and application of income))~~;

(f) All expenses reasonably incurred for current management of principal and application of income; and

(g) Any tax levied upon receipts allocated to income under this chapter or the trust instrument and payable by the trustee.

(2) If charges against income are of unusual amount, the trustee may by means of reserves or other reasonable means charge them over a reasonable period of time and withhold from distribution sufficient sums to regularize distributions.

(3) The following charges shall be made against principal:

(a) Trustee's compensation not chargeable to income under subsections (1)(d) and (1)(e) of this section, special compensation of trustees, expenses reasonably incurred in connection with principal, court costs and attorney's fees primarily concerning matters of principal, and trustee's compensation computed on principal as an acceptance, distribution, or termination fee;

(b) Charges not provided for in subsection (1) of this section, including the cost of investing and reinvesting principal, the payments on principal of an indebtedness (including a mortgage amortized by periodic payments of principal), expenses for preparation of property for rental or sale, and, unless the court directs otherwise, expenses incurred in maintaining or defending any action to construe the trust or protect it or the property or assure the title of any trust property;

(c) Extraordinary repairs or expenses incurred in making a capital improvement to principal, including special assessments, but, a trustee may establish an allowance for depreciation out of income to the extent permitted by subsection (1)(b) of this section and by RCW 11.104.080;

(d) Any tax levied upon profit, gain, or other receipts allocated to principal notwithstanding denomination of the tax as an income tax by the tax authority; and

(e) If an estate or inheritance tax is levied in respect of a trust in which both an income beneficiary and a remainderman have an interest, any amount apportioned to the trust, including interest, whether on account of direct or indirect borrowing for the purpose of paying those taxes, and penalties, even though the income beneficiary also has rights in the principal.

(4) Regularly recurring charges payable from income shall be apportioned to the same extent and in the same manner that income is apportioned under RCW 11.104.040.

Sec. 95. Section 30.30.010, chapter 33, Laws of 1955 as amended by section 128, chapter 149, Laws of 1984 and RCW 11.106.010 are each reenacted to read as follows:

This chapter does not apply to resulting trusts, constructive trusts, business trusts where certificates of beneficial interest are issued to the beneficiaries, investment trusts, voting trusts, insurance trusts prior to the death of the insured, trusts in the nature of mortgages or pledges, trusts created by judgment or decree of a federal court or of the superior court when not sitting in probate, liquidation trusts or trusts for the sole purpose of paying dividends, interest or interest coupons, salaries, wages or pensions; nor does this chapter apply to personal representatives.

Sec. 96. Section 30.30.020, chapter 33, Laws of 1955 as amended by section 129, chapter 149, Laws of 1984 and RCW 11.106.020 are each reenacted to read as follows:

The trustee or trustees appointed by any will, deed, or agreement executed shall mail or deliver at least annually to each adult income trust beneficiary a written itemized statement of all current receipts and disbursements made by the trustee of the funds of the trust both principal and income, and upon the request of any such beneficiary shall furnish the beneficiary an itemized statement of all property then held by that trustee, and may also file any such statement in the superior court of the county in which the trustee or one of the trustees resides.

Sec. 97. Section 30.30.030, chapter 33, Laws of 1955 as amended by section 130, chapter 149, Laws of 1984 and RCW 11.106.030 are each reenacted to read as follows:

In addition to the statement required by RCW 11.106.020 any such trustee or trustees whenever it or they so desire, may file in the superior court of the county in which the trustees or one of the trustees resides an intermediate account under oath showing:

- (1) The period covered by the account;
- (2) The total principal with which the trustee is chargeable according to the last preceding account or the inventory if there is no preceding account;
- (3) An itemized statement of all principal funds received and disbursed during such period;
- (4) An itemized statement of all income received and disbursed during such period, unless waived;
- (5) The balance of such principal and income remaining at the close of such period and how invested;
- (6) The names and addresses of all living beneficiaries, including contingent beneficiaries, of the trust, and a statement as to any such beneficiary known to be under legal disability;
- (7) A description of any possible unborn or unascertained beneficiary and his interest in the trust fund.

After the time for termination of the trust has arrived, the trustee or trustees may also file a final account in similar manner.

Sec. 98. Section 30.30.040, chapter 33, Laws of 1955 as amended by section 131, chapter 149, Laws of 1984 and RCW 11.106.040 are each reenacted to read as follows:

Upon the petition under chapter 11.96 RCW of any settlor or of any beneficiary of such a trust after due notice as provided in chapter 11.96 RCW to the trustee the superior court in the county where the trustee or one of the trustees resides may direct the trustee or trustees to file in the court an account at any time after one year from the day on which such a report was last filed, or if none, then after one year from the inception of the trust.

Sec. 99. Section 30.30.050, chapter 33, Laws of 1955 as amended by section 132, chapter 149, Laws of 1984 and RCW 11.106.050 are each reenacted and amended to read as follows:

When any account has been filed pursuant to RCW 11.106.030 or 11.106.040, the clerk of the court where filed shall fix a return day therefor as provided in RCW 11.96.090 and issue a notice ~~((as provided in RCW 11.96.090))~~. The notice shall state the time and place for the return date, the name or names of the trustee or trustees who have filed the account, that the account has been filed, that the court is asked to settle the account, and that any objections or exceptions to the account must be filed with the clerk of the court on or before the return date. The notice shall be given as provided for notices under RCW 11.96.100 or 11.96.110.

Sec. 100. Section 30.30.060, chapter 33, Laws of 1955 as last amended by section 133, chapter 149, Laws of 1984 and RCW 11.106.060 are each reenacted to read as follows:

Upon or before the return date any beneficiary of the trust may file the beneficiary's written objections or exceptions to the account filed or to any action of the trustee or trustees set forth in the account. The court shall appoint guardians ad litem as provided in RCW 11.96.180 and the court may allow representatives to be appointed under RCW 11.96.110 and 11.96.170 to represent the persons listed in those sections.

Sec. 101. Section 30.30.070, chapter 33, Laws of 1955 as amended by section 134, chapter 149, Laws of 1984 and RCW 11.106.070 are each reenacted to read as follows:

Upon the return date or at some later date fixed by the court if so requested by one or more of the parties, the court without the intervention of a jury and after hearing all the evidence submitted shall determine the correctness of the account and the validity and propriety of all actions of the trustee or trustees set forth in the account including the purchase, retention, and disposition of any of the property and funds of the trust, and shall render its decree either approving or disapproving the account or any part of it, and surcharging the trustee or trustees for all losses, if any, caused by negligent or willful breaches of trust.

Sec. 102. Section 30.30.080, chapter 33, Laws of 1955 as amended by section 135, chapter 149, Laws of 1984 and RCW 11.106.080 are each reenacted to read as follows:

The decree rendered under RCW 11.106.070 shall be deemed final, conclusive, and binding upon all the parties interested including all incompetent, unborn, and unascertained beneficiaries of the trust subject only to the right of appeal under RCW 11.106.090.

Sec. 103. Section 30.30.090, chapter 33, Laws of 1955 as last amended by section 136, chapter 149, Laws of 1984 and RCW 11.106.090 are each reenacted to read as follows:

The decree rendered under RCW 11.106.070 shall be a final order from which any party in interest may appeal as in civil actions to the supreme court or the court of appeals of the state of Washington.

Sec. 104. Section 30.30.100, chapter 33, Laws of 1955 as amended by section 137, chapter 149, Laws of 1984 and RCW 11.106.100 are each reenacted to read as follows:

Any adult beneficiary entitled to an accounting under either RCW 11.106.020 or 11.106.030 may waive such an accounting by a separate instrument delivered to the trustee.

Sec. 105. Section 30.30.110, chapter 33, Laws of 1955 as amended by section 138, chapter 149, Laws of 1984 and RCW 11.106.110 are each reenacted to read as follows:

This chapter is declared to be of similar import to the uniform trustees' accounting act. Any modification under chapter 11.97 RCW, including waiver, of the requirements of this chapter in

any will, deed, or agreement heretofore or hereafter executed shall be given effect whether the waiver refers to the uniform trustees' accounting act by name or other reference or to any other act of like or similar import.

Sec. 106. Section 140, chapter 149, Laws of 1984 and RCW 11.108.010 are each reenacted to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) The term "pecuniary bequest" means a gift in a governing instrument which either is expressly stated as a fixed dollar amount or is a gift of a dollar amount determinable by the governing instrument, and a gift expressed in terms of a "sum" or an "amount," unless the context dictates otherwise, is a gift of a dollar amount.

(2) The term "marital deduction" means the federal estate tax deduction allowed for transfers under section 2056 of the internal revenue code.

(3) The term "maximum marital deduction" means the maximum amount qualifying for the marital deduction.

(4) The term "marital deduction gift" means a gift intended to qualify for the marital deduction.

(5) The term "governing instrument" includes a will and codicils, irrevocable, and revocable trusts.

(6) "Fiduciary" means trustee or personal representative. Reference to a fiduciary in the singular includes the plural where the context requires.

(7) References to the "internal revenue code" are to the United States internal revenue code of 1954, as it is amended from time to time. Each reference to a section of the internal revenue code refers as well to any subsequent provisions of law enacted in its place.

(8) The term "gift" refers to all legacies, devises, and bequests made in a governing instrument.

Sec. 107. Section 141, chapter 149, Laws of 1984 and RCW 11.108.020 are each reenacted to read as follows:

If a governing instrument contains a marital deduction gift, the governing instrument, including any power, duty, or discretionary authority given to the fiduciary, shall be construed to comply with the marital deduction provisions of the internal revenue code and the regulations thereunder in order to conform to that intent. Whether the governing instrument contains a marital deduction depends upon the intent of the testator at the time the governing instrument is executed. If the testator has adequately evidenced an intention to make a marital deduction gift, the fiduciary shall not take any action or have any power that may impair that deduction. This section shall neither require nor prohibit a fiduciary from making the election referred to in section 2056(b)(7) of the internal revenue code.

Sec. 108. Section 142, chapter 149, Laws of 1984 and RCW 11.108.030 are each reenacted to read as follows:

(1) If a governing instrument authorizes the fiduciary to satisfy a pecuniary bequest in whole or in part by distribution of property other than money, the assets selected for that purpose shall be valued at their respective fair market values on the date or dates of distribution, unless the governing instrument expressly provides otherwise. If the governing instrument permits the fiduciary to value the assets selected for the distribution as of a date other than the date or dates of distribution, then, unless the governing instrument expressly provides otherwise, the assets selected by the fiduciary for that purpose shall have an aggregate fair market value on the date or dates of distribution which, when added to any cash distributed, will amount to no less than the amount of that gift as stated in, or determined by, the governing instrument.

(2) A marital deduction gift shall be satisfied only with assets that qualify for those deductions.

Sec. 109. Section 143, chapter 149, Laws of 1984 and RCW 11.108.040 are each reenacted and amended to read as follows:

(1) If a testator, under the terms of a governing instrument executed prior to September 12, 1981, leaves outright to or in trust for the benefit of that testator's surviving spouse an amount or fractional share of that testator's estate or a trust estate expressed in terms of one-half of that testator's federal adjusted gross estate, or by any other reference to the maximum estate tax marital deduction allowable under federal law without referring, either in that governing instrument or in any codicil or amendment thereto, specifically to the unlimited federal estate tax marital deduction enacted as part of the economic recovery tax act of 1981, such expression shall, unless subsection ~~((1) or)~~ (2) or (3) of this section applies, be construed as referring to the unlimited federal estate tax marital deduction, and also as expressing such amount or fractional share, as the case may be, in terms of the minimum amount which will cause the least possible amount of federal estate tax to be payable as a result of the testator's death, taking into account other property passing to the surviving spouse that qualifies for the marital deduction, at the value at which it qualifies, and also taking into account all credits against the federal estate tax, but only to the extent that the use of these credits do not increase the death tax payable.

(2) If this subsection applies to a testator, such expression shall be construed as referring to the estate tax marital deduction allowed by federal law immediately prior to the enactment of the unlimited estate tax marital deduction as a part of the economic recovery tax act of 1981. This subsection applies if subsection (3) of this section does not apply and:

(a) The application of this subsection to the testator will not cause an increase in the federal estate taxes payable as a result of the testator's death over the amount of such taxes which would be payable if subsection (1) of this section applied; or

(b) The testator is survived by a blood or adopted descendant who is not also a blood or adopted descendant of the testator's surviving spouse, unless such person or persons have entered into an agreement under the dispute resolution procedures in chapter 11.96 RCW; or

(c) The testator amended the governing instrument containing such expression after December 31, 1981, without amending such expression to refer expressly to the unlimited federal estate tax marital deduction.

(3) If the governing instrument contains language expressly stating that federal law of a particular time prior to January 1, 1982, is to govern the construction or interpretation of such expression, the expression shall be construed as referring to the marital deduction allowable under federal law in force and effect as of that time.

(4) If subsection (2) or (3) of this section applies to the testator (~~and if the expression contains any provision reducing the amount or the fractional share left outright to or in trust for the benefit of the surviving spouse by other property passing to the surviving spouse and qualifying for the federal estate tax marital deduction, the provision~~), the expression shall not be construed as referring to any property that the personal representative of the testator's estate or other authorized fiduciary elects to qualify for the federal estate tax marital deduction as qualified terminable interest property. If subsection (1) of this section applies to the testator, any (~~such~~) provision shall be construed as referring to any property that the personal representative of the testator's estate or other authorized fiduciary elects to qualify for the federal estate tax marital deduction as qualified terminable interest property, but only to the extent that such construction does not cause the amount or fractional share left to or for the benefit of the surviving spouse to be reduced below the amount that would pass under subsection (2) or (3) of this section, whichever is applicable.

(5) This section is effective with respect to testators dying after December 31, 1982.

Sec. 110. Section 144, chapter 149, Laws of 1984 and RCW 11.108.050 are each reenacted and amended to read as follows:

If a governing instrument indicates the testator's intention to make a marital deduction gift in trust, in addition to the other provisions of this section, each of the following also applies to the trust; provided, however, that such provisions shall not apply to any trust which provides for the entire then remaining trust estate to be paid on the termination of the income interest to the estate of the spouse of the trust's creator, or to a charitable beneficiary, contributions to which are tax deductible for federal income tax purposes:

(1) The only income beneficiary of a marital deduction trust is the testator's surviving spouse;

(2) The income beneficiary is entitled to all of the trust income until the trust terminates;

(3) The trust income is payable to the income beneficiary not less frequently than annually; and

(4) Except in the case of (~~qualified terminable interest property resulting from~~) property that has or would otherwise have qualified for the marital deduction only as the result of an election under section 2056(b)(7) of the internal revenue code, upon termination of the trust, all of the remaining trust assets, including accrued or undistributed income, pass either to the income beneficiary or under the exercise of a general power of appointment granted to the income beneficiary in favor of the income beneficiary's estate or to any other person or entity in trust or outright. The general power of appointment is exercisable by the income beneficiary alone and in all events (~~and the income beneficiary, or a fiduciary acting in behalf of the income beneficiary if he or she is then a minor or incompetent, may exercise it in a will or an instrument other than a will unless the instrument creating the power specifically directs otherwise~~).

The exercise of the general power of appointment provided in this section shall be done only by (~~express written reference to this general power of appointment in a will or inter vivos trust instrument executed by~~) the income beneficiary in the manner provided by RCW 11.95-.060 by specifically referring to this section.

Sec. 111. Section 145, chapter 149, Laws of 1984 and RCW 11.108.060 are each reenacted to read as follows:

If a governing instrument contains a marital deduction gift, whether outright or in trust and whether there is a specific reference to this section, any survivorship requirement expressed in the governing instrument in excess of six months does not apply to property passing under a marital deduction, and in addition, is limited to a six-month period beginning with the testator's death.

Sec. 112. Section 146, chapter 149, Laws of 1984 and RCW 11.108.900 are each reenacted and amended to read as follows:

This chapter applies to ~~((any distribution made))~~ all estates, trusts, and governing instruments in existence on or any time after March 7, 1984, ((whether the testator died before or) and to all proceedings with respect thereto after that date, whether the proceedings commenced before or after that date, and including distributions made after that date. This chapter shall not apply to any governing instrument the terms of which expressly or by necessary implication make this chapter inapplicable. The judicial and nonjudicial dispute resolution procedures of chapter 11.96 RCW apply to this chapter.

Sec. 113. Section 1, chapter 53, Laws of 1967 ex. sess. and RCW 11.110.010 are each reenacted to read as follows:

The purpose of this chapter is to facilitate public supervision over the administration of public charitable trusts and similar relationships and to clarify and implement the powers and duties of the attorney general with relation thereto.

Sec. 114. Section 2, chapter 53, Laws of 1967 ex. sess. as amended by section 1, chapter 226, Laws of 1971 ex. sess. and RCW 11.110.020 are each reenacted to read as follows:

When used in this chapter, unless the context otherwise requires:

"Person" means an individual, organization, group, association, partnership, corporation, or any combination of them.

"Trustee" means (1) any person holding property in trust for a public charitable purpose; except the United States, its states, territories, and possessions, the District of Columbia, Puerto Rico, and their agencies and subdivisions; and (2) a corporation formed for the administration of a charitable trust or holding assets subject to limitations permitting their use only for charitable, religious, eleemosynary, benevolent, educational, or similar purposes: PROVIDED, That the term "trustee" does not apply to (a) religious corporations duly organized and operated in good faith as religious organizations, which have received a declaration of current tax exempt status from the government of the United States; their duly organized branches or chapters; and charities, agencies, and organizations affiliated with and forming an integral part of said organization, or operated, supervised, or controlled directly by such religious corporations nor any officer of any such religious organization who holds property for religious purposes: PROVIDED, That if such organization has not received from the United States government a declaration of current tax exempt status prior to the time it receives property under the terms of a charitable trust, this exemption shall be applicable for two years only from the time of receiving such property, or until such tax exempt status is finally declared, whichever is sooner; or (b) an educational institution which is nonprofit and charitable, having a program of primary, secondary, or collegiate instruction comparable in scope to that of any public school or college operated by the state of Washington or any of its school districts.

Sec. 115. Section 4, chapter 53, Laws of 1967 ex. sess. and RCW 11.110.040 are each reenacted to read as follows:

All information, documents, and reports filed with the attorney general under this chapter are matters of public record and shall be open to public inspection, subject to reasonable regulation: PROVIDED, That the attorney general shall withhold from public inspection any trust instrument so filed whose content is not exclusively for charitable purposes. The attorney general may publish, on a periodic or other basis, such information as may be necessary or appropriate in the public interest concerning the registration, reports, and information filed with him or any other matters relevant to the administration and enforcement of this chapter.

Sec. 116. Section 5, chapter 53, Laws of 1967 ex. sess. as amended by section 149, chapter 149, Laws of 1984 and RCW 11.110.050 are each reenacted to read as follows:

The attorney general shall establish and maintain a register of trustees as defined in RCW 11.110.020 and, to that end, shall conduct whatever investigation is necessary, and shall obtain from public records, court officers, taxing authorities, trustees, and other sources whatever information, copies of instruments, reports, and records are needed, for the establishment and maintenance of the register.

Sec. 117. Section 6, chapter 53, Laws of 1967 ex. sess. as last amended by section 150, chapter 149, Laws of 1984 and RCW 11.110.060 are each reenacted and amended to read as follows:

Every trustee shall file with the attorney general within two months after receiving possession or control of the trust corpus a copy of the instrument establishing his title, powers, or duties, and an inventory of the assets of such charitable trust. In addition, trustees exempted from the provisions of RCW 11.110.070 by RCW 11.110.073 shall file with the attorney general a copy of the declaration of the tax-exempt status or other basis of the claim for such exemption; a copy of the instrument establishing the trustee's title, powers or duties; an inventory of the assets of such trust; and, annually, a copy of each publicly available United States tax or information return or report of the trust which the trustee files with the internal revenue service. The trustees of charitable trusts existing at the time this chapter ~~((takes effect))~~ takes effect or on August 9, 1971, shall comply with this section within six months thereafter.

Sec. 118. Section 7, chapter 53, Laws of 1967 ex. sess. as amended by section 3, chapter 226, Laws of 1971 ex. sess. and RCW 11.110.070 are each reenacted to read as follows:

Except as otherwise provided every trustee subject to this chapter shall file with the attorney general annual reports, under oath, setting forth information as to the nature of the assets

held for charitable purposes and the administration thereof by the trustee, in accordance with rules and regulations of the attorney general.

The attorney general shall make rules and regulations as to the time for filing reports, the contents thereof, and the manner of executing and filing them. He may classify trusts and other relationships concerning property held for a charitable purpose as to purpose, nature of assets, duration of the trust or other relationship, amount of assets, amounts to be devoted to charitable purposes, nature of trustee, or otherwise, and may establish different rules for the different classes as to time and nature of the reports required, to the ends (1) that he shall receive reasonably current, periodic reports as to all charitable trusts or other relationships of a similar nature which will enable him to ascertain whether they are being properly administered, and (2) that periodic reports shall not unreasonably add to the expense of the administration of charitable trusts and similar relationships. The attorney general may suspend the filing of reports as to a particular charitable trust or relationship for a reasonable, specifically designated time upon written application of the trustee filed with the attorney general after the attorney general has filed in the register of charitable trusts a written statement that the interests of the beneficiaries will not be prejudiced thereby and that periodic reports are not required for proper supervision by his office.

A copy of an account filed by the trustee in any court having jurisdiction of the trust or other relationship, if the account substantially complies with the rules and regulations of the attorney general, may be filed as a report required by this section.

The first report for a trust or similar relationship hereafter established, unless the filing thereof is suspended as herein provided, shall be filed not later than one year after any part of the income or principal is authorized or required to be applied to a charitable purpose. If any part of the income or principal of a trust previously established is authorized or required to be applied to a charitable purpose at the time this act takes effect, the first report, unless the filing thereof is suspended, shall be filed within six months after the effective date of this act.

Sec. 119. Section 4, chapter 226, Laws of 1971 ex. sess. as amended by section 153, chapter 149, Laws of 1984 and RCW 11.110.073 are each reenacted to read as follows:

The following trustees shall be exempt from the provisions of RCW 11.110.070, but shall file the information required in RCW 11.110.060:

(1) A bank or trust company subject to examination by the supervisor of banking of the state of Washington, the comptroller of the currency of the United States or the board of governors of the federal reserve system; which such bank or trust company is acting as trustee, executor or court-appointed fiduciary; PROVIDED, That a bank or trust company which is a co-fiduciary of a trust shall be deemed to be the sole fiduciary of such trust under this section, if the bank or trust company is custodian of the books and records of the trust and has the responsibility for preparing the reports and returns which are filed with the internal revenue service;

(2) The governing body of a nonprofit community foundation or other nonprofit foundation incorporated for charitable purposes, contributions to which are currently allowed as charitable deductions under the United States income tax laws;

(3) The governing body of a hospital which is nonprofit and charitable, other than a hospital initially formed as a trustee pursuant to or in connection with the terms of a charitable trust.

Sec. 120. Section 5, chapter 226, Laws of 1971 ex. sess. as amended by section 154, chapter 149, Laws of 1984 and RCW 11.110.075 are each reenacted to read as follows:

A trust is not exclusively for charitable purposes, within the meaning of RCW 11.110.040, when the instrument creating it contains a trust for several or mixed purposes, and any one or more of such purposes is not charitable within the meaning of RCW 11.110.020, as enacted or hereafter amended. Such instrument shall be withheld from public inspection by the attorney general and no information as to such noncharitable purpose shall be made public.

Annual reporting of such trusts to the attorney general, as required by RCW 11.110.060 or 11.110.070, shall commence within one year after trust income or principal is authorized or required to be used for a charitable purpose.

When a trust consists of a vested charitable remainder preceded by a life estate, a copy of the instrument shall be filed by the trustee or by the life tenant, within two months after commencement of the life estate.

If the trust instrument contains only contingent gifts or remainders to charitable purposes, no charitable trust shall be deemed created until a charitable gift or remainder is legally vested. The first registration or report of such trust shall be filed within two months after trust income or principal is authorized or required to be used for a charitable purpose.

Sec. 121. Section 8, chapter 53, Laws of 1967 ex. sess. and RCW 11.110.080 are each reenacted to read as follows:

The custodian of the records of a court having jurisdiction of probate matters or of charitable trusts shall furnish within two months after receiving possession or control thereof such copies of papers, records, and files of his office relating to the subject of this chapter as the attorney general shall require.

Every officer, agency, board or commission of this state receiving applications for exemption from taxation of any charitable trust or similar relationship in which the trustee is subject to this chapter shall annually file with the attorney general a list of all applications received during the year.

Sec. 122. Section 9, chapter 53, Laws of 1967 ex. sess. and RCW 11.110.090 are each reenacted to read as follows:

It is the purpose of this chapter to make uniform the laws of this and other states on the subject of charitable trusts and similar relationships. Recognizing the necessity for uniform application and enforcement of this chapter, its provisions are hereby declared mandatory and they shall not be superseded by the provisions of any trust instrument or similar instrument to the contrary.

Sec. 123. Section 10, chapter 53, Laws of 1967 ex. sess. and RCW 11.110.100 are each reenacted to read as follows:

The attorney general may investigate transactions and relationships of trustees and other persons subject to this chapter for the purpose of determining whether the trust or other relationship is administered according to law and the terms and purposes of the trust, or to determine compliance with this chapter in any other respect. He may require any officer, agent, trustee, fiduciary, beneficiary, or other person, to appear, at a time and place designated by the attorney general in the county where the person resides or is found, to give information under oath and to produce books, memoranda, papers, documents of title, and evidence of assets, liabilities, receipts, or disbursements in the possession or control of the person ordered to appear.

Sec. 124. Section 11, chapter 53, Laws of 1967 ex. sess. as last amended by section 157, chapter 149, Laws of 1984 and RCW 11.110.110 are each reenacted to read as follows:

When the attorney general requires the attendance of any person, as provided in RCW 11.110.100, he shall issue an order setting forth the time when and the place where attendance is required and shall cause the same to be delivered to or sent by registered mail to the person at least fourteen days before the date fixed for attendance. Such order shall have the same force and effect as a subpoena, and, upon application of the attorney general, obedience to the order may be enforced by any superior court judge in the county where the person receiving it resides or is found, in the same manner as though the notice were a subpoena. The court, after hearing, for good cause, and upon application of any person aggrieved by the order, shall have the right to alter, amend, revise, suspend, or postpone all or any part of its provisions. In any case where the order is not enforced by the court according to its terms, the reasons for the court's actions shall be clearly stated in the record, and shall be subject to review by the supreme court or the court of appeals by certiorari or other appropriate proceeding.

Sec. 125. Section 12, chapter 53, Laws of 1967 ex. sess. as amended by section 158, chapter 149, Laws of 1984 and RCW 11.110.120 are each reenacted to read as follows:

The attorney general may institute appropriate proceedings to secure compliance with this chapter and to secure the proper administration of any trust or other relationship to which this chapter applies. He shall be notified of all judicial proceedings involving or affecting the charitable trust or its administration in which, at common law, he is a necessary or proper party as representative of the public beneficiaries. The notification shall be given as provided in RCW 11.96.100, but this notice requirement may be waived at the discretion of the attorney general. The powers and duties of the attorney general provided in this chapter are in addition to his existing powers and duties, and are not to be construed to limit or to restrict the exercise of the powers or the performance of the duties of the attorney general or of any prosecuting attorney which they may exercise or perform under any other provision of law. Except as provided herein, nothing in this chapter shall impair or restrict the jurisdiction of any court with respect to any of the matters covered by it.

Sec. 126. Section 6, chapter 226, Laws of 1971 ex. sess. and RCW 11.110.125 are each reenacted to read as follows:

The wilful refusal by a trustee to make or file any report or to perform any other duties expressly required by this chapter, or to comply with any valid rule or regulation promulgated by the attorney general under this chapter, shall constitute a breach of trust and a violation of this chapter.

Sec. 127. Section 13, chapter 53, Laws of 1967 ex. sess. and RCW 11.110.130 are each reenacted to read as follows:

A civil action for a violation of this chapter may be prosecuted by the attorney general or by a prosecuting attorney designated by the attorney general.

Sec. 128. Section 14, chapter 53, Laws of 1967 ex. sess. and RCW 11.110.140 are each reenacted to read as follows:

Every false statement of material fact knowingly made or caused to be made by any person in any statement or report filed under this chapter and every other violation of this chapter is a gross misdemeanor.

Sec. 129. Section 1, chapter 58, Laws of 1971 as amended by section 161, chapter 149, Laws of 1984 and RCW 11.110.200 are each reenacted to read as follows:

RCW 11.110.200 through 11.110.260 shall apply only to trusts which are "private foundations" as defined in section 509 of the Internal Revenue Code of 1954, "charitable trusts" as described in section 4947(a)(1) of the Internal Revenue Code of 1954, or "split-interest trusts" as described in section 4947(a)(2) of the Internal Revenue Code of 1954. With respect to any such trust created after December 31, 1969, RCW 11.110.200 through 11.110.260 shall apply from such trust's creation. With respect to any such trust created before January 1, 1970, RCW 11.110.200 through 11.110.260 shall apply only to such trust's federal taxable years beginning after December 31, 1971.

Sec. 130. Section 2, chapter 58, Laws of 1971 as amended by section 162, chapter 149, Laws of 1984 and RCW 11.110.210 are each reenacted to read as follows:

The trust instrument of each trust to which RCW 11.110.200 through 11.110.260 applies shall be deemed to contain provisions prohibiting the trustee from:

(1) Engaging in any act of "self-dealing" (as defined in section 4941(d) of the Internal Revenue Code of 1954), which would give rise to any liability for the tax imposed by section 4941(a) of the Internal Revenue Code of 1954;

(2) Retaining any "excess business holdings" (as defined in section 4943(c) of the Internal Revenue Code of 1954), which would give rise to any liability for the tax imposed by section 4943(a) of the Internal Revenue Code of 1954;

(3) Making any investments which would jeopardize the carrying out of any of the exempt purposes of the trust, within the meaning of section 4944 of the Internal Revenue Code of 1954, so as to give rise to any liability for the tax imposed by section 4944(a) of the Internal Revenue Code of 1954; and

(4) Making any "taxable expenditures" (as defined in section 4945(d) of the Internal Revenue Code of 1954), which would give rise to any liability for the tax imposed by section 4945(a) of the Internal Revenue Code of 1954:

PROVIDED, That this section shall not apply either to those split-interest trusts or to amounts thereof which are not subject to the prohibitions applicable to private foundations by reason of the provisions of section 4947 of the Internal Revenue Code of 1954.

Sec. 131. Section 3, chapter 58, Laws of 1971 as amended by section 163, chapter 149, Laws of 1984 and RCW 11.110.220 are each reenacted to read as follows:

The trust instrument of each trust to which RCW 11.110.200 through 11.110.260 applies, except "split-interest" trusts, shall be deemed to contain a provision requiring the trustee to distribute, for the purposes specified in the trust instrument, for each taxable year of the trust, amounts at least sufficient to avoid liability for the tax imposed by section 4942(a) of the Internal Revenue Code of 1954.

Sec. 132. Section 4, chapter 58, Laws of 1971 as amended by section 164, chapter 149, Laws of 1984 and RCW 11.110.230 are each reenacted to read as follows:

Nothing in RCW 11.110.200 through 11.110.260 shall impair the rights and powers of the courts or the attorney general of this state with respect to any trust.

Sec. 133. Section 5, chapter 58, Laws of 1971 as last amended by section 165, chapter 149, Laws of 1984 and RCW 11.110.240 are each reenacted to read as follows:

All references to sections of the Internal Revenue Code of 1954 shall include all amendments thereto adopted by the Congress of the United States on or before January 1, 1985.

Sec. 134. Section 6, chapter 58, Laws of 1971 as amended by section 167, chapter 149, Laws of 1984 and RCW 11.110.250 are each reenacted to read as follows:

Nothing in RCW 11.110.200 through 11.110.260 shall limit the power of a person who creates a trust after June 10, 1971 or the power of a person who has retained or has been granted the right to amend a trust created before June 10, 1971, to include a specific provision in the trust instrument or an amendment thereto, as the case may be, which provides that some or all of the provisions of RCW 11.110.210 and 11.110.220 shall have no application to such trust.

Sec. 135. Section 7, chapter 58, Laws of 1971 as amended by section 168, chapter 149, Laws of 1984 and RCW 11.110.260 are each reenacted to read as follows:

If any provision of RCW 11.110.200 through 11.110.260 or the application thereof to any trust is held invalid, such invalidity shall not affect the other provisions or applications of RCW 11.110.200 through 11.110.260 which can be given effect without the invalid provision or application, and to this end the provisions of RCW 11.110.200 through 11.110.260 are declared to be severable.

Sec. 136. Section 15, chapter 53, Laws of 1967 ex. sess. and RCW 11.110.900 are each reenacted 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. 137. Section 30.04.310, chapter 33, Laws of 1955 as amended by section 173, chapter 149, Laws of 1984 and RCW 30.04.310 are each reenacted to read as follows:

Every bank or trust company which violates or fails to comply with any provision of chapters 30.04 through 30.23 RCW, inclusive, and chapters 30.44 and 11.100 RCW of this title or any lawful direction or requirement of the supervisor shall be subject, in addition to any penalty now provided, to a penalty of not more than one hundred dollars for each offense, to be

recovered by the attorney general in a civil action in the name of the state. Each day's continuance of the violation shall be a separate and distinct offense.

Sec. 138. Section 127, chapter 247, Laws of 1943 as last amended by section 175, chapter 149, Laws of 1984 and RCW 68.44.030 are each reenacted to read as follows:

Endowment care funds shall be kept invested in accordance with the provisions of RCW 11.100.020 subject to the following restrictions:

(1) No officer or director of the cemetery authority, trustee of the endowment care or special care funds, or spouse, sibling, parent, grandparent, or issue of such officer, director, or trustee, shall borrow any of such funds for himself, directly or indirectly.

(2) No funds shall be loaned to the cemetery authority, its agents, or employees, or to any corporation, partnership, or other business entity in which the cemetery authority has any ownership interest.

(3) No funds shall be invested with persons or business entities operating in a business field directly related to cemeteries, including, but not limited to, mortuaries, monument production and sales, florists, and rental of funeral facilities.

(4) Notwithstanding any other provisions contained in this section, funds may be invested in any commercial bank, mutual savings bank, or savings and loan association duly chartered and operating under the laws of the United States or statutes of the state of Washington.

NEW SECTION, Sec. 139. A new section is added to chapter 11.02 RCW to read as follows:

(1) Nothing in chapter --, Laws of 1985 (this act), SB -- (Z-577/85), SB -- (Z-449/85), SB -- (Z-450/85), SB -- (Z-471/85), SB -- (Z-474/85), or SB -- (Z-476/85) shall invalidate or nullify:

(a) Any instrument or property relationship that is executed and irrevocable as of the effective date of this act; or

(b) Any action undertaken in a proceeding where the action was commenced before the effective date of this act, as long as the instrument, property relationship, or action complies with chapter 149, Laws of 1984.

(2) Except as specifically provided otherwise in chapter 149, Laws of 1984 as amended and reenacted in 1985, chapter 149, Laws of 1984 as amended and reenacted in 1985 shall apply to all instruments, property relationships, and proceedings existing on January 1, 1985.

NEW SECTION, Sec. 140. A new section is added to chapter 11.94 RCW to read as follows:

Sections 26 through 31, chapter 149, Laws of 1984 apply as of January 1, 1985, to all existing or subsequently executed instruments but shall not apply to any instrument the terms of which expressly or impliedly make those sections inapplicable.

NEW SECTION, Sec. 141. A new section is added to chapter 11.98 RCW to read as follows:

Where a vacancy occurs in the office of trustee under the circumstances described in RCW 11.98.039 (1) or (2), the outgoing trustee shall be discharged upon the agreement of all parties entitled to notice or upon the expiration of thirty days after notice is given of such vacancy as required by the applicable subsection of RCW 11.98.039, whichever occurs first, or if no notice is required under RCW 11.98.039(1), upon the date the vacancy occurs, unless before the effective date of such discharge a petition is filed under RCW 11.98.039(3) regarding the appointment or change of a trustee of the trust. Where a petition is filed under RCW 11.98.039(3) regarding the appointment or change of a trustee, the superior court having jurisdiction may discharge the trustee from the trust and may appoint a successor trustee upon such terms as the court may require.

NEW SECTION, Sec. 142. A new section is added to chapter 11.104 RCW to read as follows:

Sections 116 through 126, chapter 149, Laws of 1984, as amended and reenacted in 1985, shall apply as of January 1, 1985.

NEW SECTION, Sec. 143. The following acts or parts of acts are each repealed:

(1) Section 11.16.050, chapter 145, Laws of 1965, section 4, chapter 168, Laws of 1967 and RCW 11.16.050;

(2) Section 4, chapter 124, Laws of 1959 and RCW 11.98.029;

(3) Section 8, chapter 88, Laws of 1967 ex. sess., section 33, chapter 292, Laws of 1971 ex. sess. and RCW 21.25.010;

(4) Section 9, chapter 88, Laws of 1967 ex. sess. and RCW 21.25.020;

(5) Section 10, chapter 88, Laws of 1967 ex. sess. and RCW 21.25.030;

(6) Section 11, chapter 88, Laws of 1967 ex. sess., section 34, chapter 292, Laws of 1971 ex. sess. and RCW 21.25.040;

(7) Section 12, chapter 88, Laws of 1967 ex. sess. and RCW 21.25.050;

(8) Section 13, chapter 88, Laws of 1967 ex. sess. and RCW 21.25.060;

(9) Section 14, chapter 88, Laws of 1967 ex. sess., section 35, chapter 292, Laws of 1971 ex. sess. and RCW 21.25.070;

(10) Section 15, chapter 88, Laws of 1967 ex. sess. and RCW 21.25.080;

(11) Section 16, chapter 88, Laws of 1967 ex. sess. and RCW 21.25.090;

(12) Section 17, chapter 88, Laws of 1967 ex. sess. and RCW 21.25.100;

(13) Section 18, chapter 88, Laws of 1967 ex. sess. and RCW 21.25.110;

(14) Section 19, chapter 88, Laws of 1967 ex. sess. and RCW 21.25.900; and

(15) Section 30.24.060, chapter 33, Laws of 1955, section 1, chapter 209, Laws of 1967 and RCW 30.24.060.

NEW SECTION. Sec. 144. 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. 145. 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 2 of the title, after "1984," strike the remainder of the title and insert "reenacting and amending RCW 11.68.090, 11.93.020, 11.93.912, 11.94.010, 11.94.020, 11.94.030, 11.94.040, 11.94.050, 11.94.060, 11.95.060, 11.95.070, 11.98.019, 11.98.029, 11.98.039, 11.98.070, 11.98.080, 11.98.110, 11.98.900, 11.100.023, 11.100.025, 11.100.060, 11.104.040, 11.104.050, 11.104.120, 11.104.130, 11.106.050, 11.108.040, 11.108.050, 11.108.900, and 11.110.060; reenacting RCW 11.02.001, 11.02.005, 11.28.240, 11.36.021, 11.68.110, 11.92.040, 11.92.140, 11.92.150, 11.93.010, 11.93.030, 11.93.040, 11.93.050, 11.93.060, 11.93.070, 11.93.080, 11.93.900, 11.93.910, 11.93.911, 11.93.920, 11.95.010, 11.95.020, 11.95.030, 11.95.040, 11.95.050, 11.97.010, 11.97.900, 11.98.009, 11.98.016, 11.98.045, 11.98.051, 11.98.055, 11.98.060, 11.98.065, 11.98.090, 11.98.100, 11.98.130, 11.98.140, 11.98.150, 11.98.160, 11.98.170, 11.98.910, 11.98.920, 11.100.010, 11.100.015, 11.100.020, 11.100.030, 11.100.035, 11.100.037, 11.100.040, 11.100.050, 11.100.070, 11.100.090, 11.100.120, 11.100.130, 11.100.140, 11.102.010, 11.102.020, 11.102.030, 11.102.040, 11.102.050, 11.104.010, 11.104.020, 11.104.030, 11.104.060, 11.104.070, 11.104.080, 11.104.090, 11.106.010, 11.106.020, 11.106.030, 11.106.040, 11.106.060, 11.106.070, 11.106.080, 11.106.090, 11.106.100, 11.106.110, 11.108.010, 11.108.020, 11.108.030, 11.108.060, 11.110.010, 11.110.020, 11.110.040, 11.110.050, 11.110.070, 11.110.073, 11.110.075, 11.110.080, 11.110.090, 11.110.100, 11.110.110, 11.110.120, 11.110.125, 11.110.130, 11.110.140, 11.110.200, 11.110.210, 11.110.220, 11.110.230, 11.110.240, 11.110.250, 11.110.260, 11.110.900, 30.04.310, and 68.44.030; adding a new section to chapter 11.02 RCW; adding a new section to chapter 11.94 RCW; adding a new section to chapter 11.98 RCW; adding a new section to chapter 11.04 RCW; creating new sections; repealing RCW 11.16.050, 11.98.029, 21.25.010, 21.25.020, 21.25.030, 21.25.040, 21.25.050, 21.25.060, 21.25.070, 21.25.080, 21.25.090, 21.25.100, 21.25.110, 21.25.900, and 30.24.060; and declaring an emergency."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTIONS

On motion of Senator Talmadge, the Senate concurred in the House amendments to Senate Bill No. 3072.

On motion of Senator Bender, Senators Owen and Wojahn were excused.

On motion of Senator von Reichbauer, Senator Barr was excused.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3072, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3072, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; absent, 1; excused, 5.

Voting yeas: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 43.

Absent: Senator Kiskaddon - 1.

Excused: Senators Barr, Benitz, Owen, Patterson, Wojahn - 5.

SENATE BILL NO. 3072, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

March 25, 1985

Mr. President:

The House has passed SENATE BILL NO. 3073 with the following amendments:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. The purpose of this act is to make technical corrections to chapter 149, Laws of 1984, and to ensure that the changes made in that chapter meet the constitutional requirements of Article II, section 19 of the state Constitution.

Sec. 2. Section 11.12.250, chapter 145, Laws of 1965 as amended by section 5, chapter 149, Laws of 1984 and RCW 11.12.250 are each reenacted to read as follows:

A gift may be made by a will to a trustee of a trust executed by any trustor or testator (including a funded or unfunded life insurance trust, although the trustor has reserved any or

all rights of ownership of the insurance contracts) if (1) the trust is identified in the testator's will and (2) its terms are evidenced either (a) in a written instrument other than a will, executed by the trustor prior to or concurrently with the execution of the testator's will or (b) in the will of a person who has predeceased the testator, regardless of when executed. The existence, size, or character of the corpus of the trust is immaterial to the validity of the gift. Such gift shall not be invalid because the trust is amendable or revocable, or both, or because the trust was amended after the execution of the testator's will or after the testator's death. Unless the will provides otherwise, the property so given shall not be deemed to be held under a testamentary trust of the testator but shall become a part of the trust to which it is given to be administered and disposed of in accordance with the terms of the instrument establishing the trust, including any amendments, made prior to the death of the testator, and regardless of whether made before or after the execution of the will. Unless the will provides otherwise, an express revocation of the trust prior to the testator's death invalidates the gift. Any termination of the trust other than by express revocation does not invalidate the gift. For purposes of this section, the term "gift" includes the exercise of any testamentary power of appointment.

Sec. 3. Section 6, chapter 149, Laws of 1984 and RCW 11.12.255 are each reenacted to read as follows:

A will may incorporate by reference any writing in existence when the will is executed if the will itself manifests the testator's intent to incorporate the writing and describes the writing sufficiently to permit its identification. In the case of any inconsistency between the writing and the will, the will controls.

Sec. 4. Section 7, chapter 149, Laws of 1984 and RCW 11.12.260 are each reenacted to read as follows:

(1) A will may refer to a writing that directs disposition of tangible personal property not otherwise specifically disposed of by the will other than property used primarily in trade or business. Such a writing shall not be effective unless: (a) An unrevoked will refers to the writing, (b) the writing is either in the handwriting of, or signed by, the testator, and (c) the writing describes the items and the recipients of the property with reasonable certainty.

(2) The writing may be written or signed before or after the execution of the will and need not have significance apart from its effect upon the dispositions of property made by the will. A writing that meets the requirements of this section shall be given effect as if it were actually contained in the will itself, except that if any person designated to receive property in the writing dies before the testator, the property shall pass as further directed in the writing and in the absence of any further directions, the disposition shall lapse and RCW 11.12.110 shall not apply to such lapse.

(3) The testator may make subsequent handwritten or signed changes to any writing. If there is an inconsistent disposition of tangible personal property as between writings, the most recent writing controls.

(4) As used in this section "tangible personal property" means articles of personal or household use or ornament, for example, furniture, furnishings, automobiles, boats, airplanes, and jewelry, as well as precious metals in any tangible form, for example, bullion or coins. The term includes articles even if held for investment purposes and encompasses tangible property that is not real property. The term does not include mobile homes or intangible property, for example, money that is normal currency or normal legal tender, evidences of indebtedness, bank accounts or other monetary deposits, documents of title, or securities.

NEW SECTION. Sec. 5. This act shall apply to wills of decedents dying after December 31, 1984.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, on line 3 of the title, after "11.12.260;" strike everything through "section" and insert "creating new sections".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendments to Senate Bill No. 3073.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3073, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3073, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 45.

Absent: Senator Kiskaddon - 1.

Excused: Senators Benitz, Patterson, Wojahn - 3.

SENATE BILL NO. 3073, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 27, 1985

Mr. President:

The House has passed SENATE BILL NO. 3079 with the following amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. The purpose of this act is to make technical corrections to chapter 149, Laws of 1984, and to ensure that the changes made in that chapter meet the constitutional requirements of Article II, section 19 of the state Constitution.

Sec. 2. Section 11.02.010, chapter 145, Laws of 1965 as amended by section 41, chapter 149, Laws of 1984 and RCW 11.96.009 are each reenacted to read as follows:

(1) The superior court shall have original jurisdiction over probates in the following instances:

(a) When a resident of the state dies; or

(b) When a nonresident of the state dies in the state; or

(c) When a nonresident of the state dies outside the state.

(2) The superior court shall have original jurisdiction over trusts and trust matters.

(3) The superior courts in the exercise of their jurisdiction of matters of probate and trusts shall have power to probate or refuse to probate wills, appoint personal representatives of deceased, incompetent, or disabled persons and administer and settle all such estates, and administer and settle all trusts and trust matters, award processes and cause to come before them all persons whom they may deem it necessary to examine, and order and cause to be issued all such writs as may be proper or necessary, and do all things proper or incident to the exercise of such jurisdiction.

Sec. 3. Section 11.02.020, chapter 145, Laws of 1965 as amended by section 42, chapter 149, Laws of 1984 and RCW 11.96.020 are each reenacted to read as follows:

It is the intention of this title that the courts mentioned shall have full and ample power and authority to administer and settle all estates of decedents and incompetent and disabled persons in this title mentioned and to administer and settle all trusts and trust matters. If the provisions of this title with reference to the administration and settlement of such estates or trusts should in any cases and under any circumstances be inapplicable or insufficient or doubtful, the court shall nevertheless have full power and authority to proceed with such administration and settlement in any manner and way which to the court seems right and proper, all to the end that such estates or trusts may be by the court administered upon and settled.

Sec. 4. Section 11.02.030, chapter 145, Laws of 1965 and RCW 11.96.030 are each reenacted to read as follows:

In exercising any of the jurisdiction or powers by this title given or intended to be given, the court is authorized to make, issue and cause to be filed or served, any and all manner and kinds of orders, judgments, citations, notices, summons, and other writs and processes not inconsistent with the provisions of this title, which may be considered proper or necessary in the exercise of such jurisdiction.

Sec. 5. Section 45, chapter 149, Laws of 1984 and RCW 11.96.040 are each reenacted to read as follows:

Unless otherwise provided in the instrument creating the trust, the situs of a trust is the place where the principal place of administration of the trust is located. As used in this section, the "principal place of administration of the trust" is the trustee's usual place of business where the day-to-day records pertaining to the trust are kept or the trustee's residence if the trustee has no such place of business.

Sec. 6. Section 46, chapter 149, Laws of 1984 and RCW 11.96.050 are each reenacted to read as follows:

For purposes of venue in proceedings involving probate or trusts and trust matters, the following shall apply:

(1) Proceedings under Title 11 RCW pertaining to trusts shall be commenced either:

(a) In the superior court of the county in which the situs of the trust is located as provided in RCW 11.96.040;

(b) In the superior court of the county in which a trustee resides or has its principal place of business; or

(c) With respect to testamentary trusts, in the superior court of the county where letters testamentary were granted to a personal representative, and in the absence of such letters, then in any county where letters testamentary could have been granted in accordance with subsection (2) of this section.

(2) Wills shall be proven, letters testamentary or of administration granted, and other proceedings under Title 11 RCW pertaining to probate commenced, either:

(a) In the county in which the decedent was a resident at the time of death;

(b) In the county in which the decedent died, or in which any part of the estate may be, if the decedent was not a resident of this state; or

(c) In the county in which any part of the estate may be, the decedent having died out-of-state, and not having been resident in this state at the time of death.

(3) No action undertaken is defective or invalid because of improper venue if the court has jurisdiction of the matter.

Sec. 7. Section 47, chapter 149, Laws of 1984 and RCW 11.96.060 are each reenacted and amended to read as follows:

(1) Any action against the trustee of an express trust, excluding those trusts excluded from the definition of express trusts under RCW 11.98.009, but including all express trusts, whenever executed, for any breach of fiduciary duty, must be brought within three years from the earlier of (a) the time the alleged breach was discovered or reasonably should have been discovered, ((or)) (b) the discharge of a trustee from the trust as provided in RCW 11.98.040, or (c) the time of termination of the trust or the trustee's repudiation of the trust.

(2) Any action by an heir, legatee, or other interested party, to whom proper notice was given if required, against a personal representative for alleged breach of fiduciary duty must be brought prior to discharge of the personal representative.

(3) ~~((The tolling provisions of RCW 4.16.190 apply to this chapter, except that the running of the statute of limitations stated in subsection (2) of this section is not tolled if the minor, incompetent, or disabled person had a guardian ad litem or a limited or general guardian of the estate to represent the person during the probate proceeding))~~ The tolling provisions of RCW 4.16.190 apply to this chapter except that the running of any statute of limitations stated in subsection (1) or (2) of this section, or any other applicable statute of limitations for any matter that is the subject of dispute under chapter 11.96 RCW, is not tolled if the unascertained or unborn heir, beneficiary, or class of persons, or minor, incompetent, or disabled person, or person identified in RCW 11.96.170(2) or 11.96.180 whose identity or address is unknown, had a guardian ad litem, limited or general guardian of the estate, or a special representative to represent the person during the probate or dispute resolution proceeding.

(4) Notwithstanding subsections (2) and (3) of this section, any cause of action against a trustee of an express trust, as provided for in subsection (1) of this section is not barred by the statute of limitations if it is brought within three years from January 1, 1985. In addition, any action as specified in subsection (2) of this section against the personal representative is not barred by this statute of limitations if it is brought within one year of January 1, 1985.

Sec. 8. Section 48, chapter 149, Laws of 1984 and RCW 11.96.070 are each reenacted and amended to read as follows:

A trustor, grantor, personal representative, trustee, or other fiduciary, creditor, devisee, legatee, heir, or trust beneficiary interested in the administration of a trust, or the attorney general in the case of a charitable trust under RCW 11.110.120, or of the estate of a decedent, incompetent, or disabled person, may have a judicial proceeding for the declaration of rights or legal relations in respect to the trust or estate:

(1) To ascertain any class of creditors, devisees, legatees, heirs, next of kin, or others;

(2) To direct the personal representatives or trustees to do or abstain from doing any particular act in their fiduciary capacity;

(3) To determine any question arising in the administration of the estate or trust, including questions of construction of wills and other writings;

(4) To confer upon the personal representatives or trustees any necessary or desirable powers not otherwise granted in the instrument or given by law that the court determines are not inconsistent with the provisions or purposes of the will or trust;

(5) To amend or conform the will or the trust instrument in the manner required to qualify the gift thereunder for the charitable estate tax deduction permitted by federal law, including the addition of mandatory governing instrument requirements for a charitable remainder trust as required by final regulations and rulings of the United States internal revenue service, in any case in which all parties interested in the trust have submitted written agreements to the proposed changes or written disclaimer of interest; or

(6) To resolve any other matter in this title referencing this judicial proceedings section.

The provisions of this chapter apply to disputes arising in connection with estates of incompetents or disabled persons unless otherwise covered by chapters 11.88 and 11.92 RCW.

Sec. 9. Section 49, chapter 149, Laws of 1984 and RCW 11.96.080 are each reenacted to read as follows:

The court shall make an order fixing the time and place for hearing the petition. The court shall approve the form and content of the notice. Notice of hearing shall be signed by the clerk of the court.

Sec. 10. Section 11.02.060, chapter 145, Laws of 1965 as amended by section 51, chapter 149, Laws of 1984 and RCW 11.96.090 are each reenacted to read as follows:

The clerk of each of the superior courts is authorized to fix the time of hearing of all applications, petitions and reports in probate and guardianship proceedings, except the time for hearings upon show cause orders and citations and except for the time of hearings set under RCW 11.96.080. The authority herein granted is in addition to the authority vested in the superior courts and superior court commissioners.

Sec. 11. Section 53, chapter 149, Laws of 1984 and RCW 11.96.100 are each reenacted and amended to read as follows:

Subject to RCW 11.96.110, in all judicial proceedings under Title 11 RCW that require notice, such notice shall be personally served or mailed to each trustee, personal representative, heir, beneficiary including devisees, legatees, and heirs, guardian ad litem, and person having an interest in the trust or estate whose name and address are known to the petitioner at least twenty days prior to the hearing on the petition, unless otherwise provided by statute or ordered by the court under RCW 11.96.080. Proof of such service or mailing shall be made by affidavit filed at or before the hearing. In addition, notice shall also be given to the attorney general if required under RCW 11.110.120.

Sec. 12. Section 54, chapter 149, Laws of 1984 and RCW 11.96.110 are each reenacted and amended to read as follows:

Notwithstanding provisions of this chapter to the contrary, there is compliance with the notice requirements of Title 11 RCW for notice to the beneficiaries of, or persons interested in an estate or a trust, or to beneficiaries or remaindermen, including all living persons who may participate in the corpus or income of the trust or estate, if notice is given as follows:

(1) If an interest in an estate or trust has been given to persons who compose a certain class upon the happening of a certain event, notice shall be given to the living persons who would constitute the class if the event had happened immediately before the commencement of the proceeding requiring notice.

(2) If an interest in an estate or trust has been given to a living person, and the same interest, or a share in it, is to pass to the surviving spouse or to persons who are, or may be, the distributees, heirs, issue, or other kindred of that living person upon the happening of a future event, notice shall be given to that living person.

(3) Except as otherwise provided in subsection (2) of this section, if an interest in an estate or trust has been given to a person, a class of persons, or both upon the happening of any future event, and the same interest or a share of such interest is to pass to another person, class of persons, or both, upon the happening of an additional future event, notice shall be given to the living person or persons who would take the interest upon the happening of the first event.

(4) Notice shall be given to persons who would not otherwise be entitled to notice by law if a conflict of interest involving the subject matter of the trust or estate proceeding is known to exist((s)) between a person to whom notice is given and a person to whom notice need not be given under Title 11 RCW.

Any action taken by the court is conclusive and binding upon each person receiving actual or constructive notice in the manner provided in this section.

Sec. 13. Section 55, chapter 149, Laws of 1984 and RCW 11.96.120 are each reenacted to read as follows:

Nothing in this chapter eliminates the requirement to give notice to a person who has requested special notice under RCW 11.28.240 or 11.92.150.

Sec. 14. Section 56, chapter 149, Laws of 1984 and RCW 11.96.130 are each reenacted and amended to read as follows:

All issues of fact joined in probate or trust proceedings shall be tried in conformity with the requirements of the rules of practice in civil actions. The probate or trust proceeding may be commenced as a new action or as an action incidental to an existing probate or trust proceeding. Once commenced, the action may be consolidated with an existing probate or trust proceeding or converted to a separate action upon the motion of any party for good cause shown, or by the court on its own motion. ~~((If the action is incidental to an existing proceeding, all pleadings shall set forth the caption of the existing proceeding followed by an appropriate caption designating the parties to the new proceeding. The party affirming is plaintiff, and the one denying or avoiding is defendant.))~~ If a party is entitled to a trial by jury and a jury is demanded, and the issues are not sufficiently made up by the written pleadings on file, the court, on due notice, shall settle and frame the issues to be tried. If no jury is demanded, the court shall try the issues joined, and sign and file its findings and decision in writing, as provided for in civil actions. Judgment on the issue joined, as well as for costs, may be entered and enforced by execution or otherwise by the court as in civil actions.

Sec. 15. Section 57, chapter 149, Laws of 1984 and RCW 11.96.140 are each reenacted to read as follows:

Either the superior court or the court on appeal, may, in its discretion, order costs, including attorneys fees, to be paid by any party to the proceedings or out of the assets of the estate, as justice may require.

Sec. 16. Section 30.30.120, chapter 33, Laws of 1955 and RCW 11.96.150 are each reenacted to read as follows:

Nothing in RCW 6.32.250 shall forbid execution upon the income of any trust created by a person other than the judgment debtor for debt arising through the furnishing of the necessities of life to the beneficiary of such trust; or as to such income forbid the enforcement of any order of the superior court requiring the payment of support for the children under the age of eighteen of any beneficiary; or forbid the enforcement of any order of the superior court subjecting the vested remainder of any such trust upon its expiration to execution for the debts of the remainderman.

Sec. 17. Section 11.96.010, chapter 145, Laws of 1965 as amended by section 53, chapter 81, Laws of 1971 and RCW 11.96.160 are each reenacted to read as follows:

Any interested party may appeal to the supreme court or the court of appeals from any final order, judgment or decree of the court, and such appeals shall be in the manner and way provided by law for appeals in civil actions.

Sec. 18. Section 61, chapter 149, Laws of 1984 and RCW 11.96.170 are each reenacted to read as follows:

(1) If the persons listed in RCW 11.96.070 and those entitled to notice under RCW 11.96.100 and 11.96.110 agree on any matter listed in RCW 11.96.070 or any other matter in Title 11 RCW referencing this nonjudicial resolution procedure, then the agreement shall be evidenced by a written agreement executed by all necessary persons as provided in this section.

(2) If necessary, the personal representative or trustee may petition the court for the appointment of a special representative to represent a person interested in the estate or trust who is a minor, incompetent, disabled, or who is yet unborn or unascertained, or a person whose identity or address is unknown. The special representative has authority to enter into a binding agreement on behalf of the person or beneficiary. The special representative may be appointed for more than one person or class of persons if the interests of such persons or class are not in conflict. Those entitled to receive notice for persons or beneficiaries described in RCW 11.96.110 may enter into a binding agreement on behalf of such persons or beneficiaries.

(3) The special representative shall be a lawyer licensed to practice before the courts of this state or an individual with special skill or training in the administration of estates or trusts. The special representative shall have no interest in any affected estate or trust, and shall not be related to any personal representative, trustee, beneficiary, or other person interested in the estate or trust. The special representative is entitled to reasonable compensation for services which shall be paid from the principal of the estate or trust whose beneficiaries are represented. Upon execution of the written agreement, the special representative shall be discharged of any further responsibility with respect to the estate or trust.

(4) The written agreement or a memorandum summarizing the provisions of the written agreement may, at the option of any person interested in the estate or trust, be filed with the court having jurisdiction over the estate or trust. The person filing the agreement or memorandum shall within five days thereof mail a copy of the agreement and a notice of the filing to each person interested in the estate or trust whose address is known. Notice shall be in substantially the following form:

CAPTION
OF CASE

NOTICE OF FILING OF
AGREEMENT OR MEMORANDUM
OF AGREEMENT

Notice is hereby given that the attached document was filed by the undersigned in the above entitled court on the day of 19... Unless you file a petition objecting to the agreement within 30 days of the above specified date the agreement will be deemed approved and will be equivalent to a final order binding on all persons interested in the estate or trust.

If you file and serve a petition within the period specified, you should ask the court to fix a time and place for the hearing on the petition and provide for at least a ten days' notice to all persons interested in the estate or trust.

DATED this day of 19...

(Party to the agreement)

(5) Unless a person interested in the estate or trust files a petition objecting to the agreement within thirty days of the filing of the agreement or the memorandum, the agreement will be deemed approved and will be equivalent to a final order binding on all persons interested in the estate or trust. If all persons interested in the estate or trust waive the notice required by this section, the agreement will be deemed approved and will be equivalent to a final order binding on all persons interested in the estate or trust effective upon the date of filing.

Sec. 19. Section 62, chapter 149, Laws of 1984 and RCW 11.96.180 are each reenacted to read as follows:

(1) The court, upon its own motion or on request of a person interested in the trust or estate, at any stage of a judicial proceeding or at any time in a nonjudicial resolution procedure, may appoint a guardian ad litem to represent the interests of a minor, incapacitated, unborn, or unascertained person, or person whose identity and address are unknown, or a designated class of persons who are not ascertained or are not in being. When not precluded by a conflict of interest, a guardian ad litem may be appointed to represent several persons or interests.

(2) For the purposes of this section, a trustee is a person interested in the trust and a personal representative is a person interested in an estate.

(3) The court appointed guardian ad litem supersedes the special representative if so provided in the court order.

(4) The court may appoint the guardian ad litem at an ex parte hearing, or the court may order a hearing as provided in RCW 11.96.070 with notice as provided in RCW 11.96.080, 11.96.100, and 11.96.110.

NEW SECTION. Sec. 20. 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. 21. 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."

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. The purpose of this act is to make technical corrections to chapter 149, Laws of 1984, and to ensure that the changes made in that chapter meet the constitutional requirements of Article II, section 19 of the state Constitution.

Sec. 2. Section 11.02.010, chapter 145, Laws of 1965 as amended by section 41, chapter 149, Laws of 1984 and RCW 11.96.009 are each reenacted to read as follows:

(1) The superior court shall have original jurisdiction over probates in the following instances:

- (a) When a resident of the state dies; or
- (b) When a nonresident of the state dies in the state; or
- (c) When a nonresident of the state dies outside the state.

(2) The superior court shall have original jurisdiction over trusts and trust matters.

(3) The superior courts in the exercise of their jurisdiction of matters of probate and trusts shall have power to probate or refuse to probate wills, appoint personal representatives of deceased, incompetent, or disabled persons and administer and settle all such estates, and administer and settle all trusts and trust matters, award processes and cause to come before them all persons whom they may deem it necessary to examine, and order and cause to be issued all such writs as may be proper or necessary, and do all things proper or incident to the exercise of such jurisdiction.

Sec. 3. Section 11.02.020, chapter 145, Laws of 1965 as amended by section 42, chapter 149, Laws of 1984 and RCW 11.96.020 are each reenacted to read as follows:

It is the intention of this title that the courts mentioned shall have full and ample power and authority to administer and settle all estates of decedents and incompetent and disabled persons in this title mentioned and to administer and settle all trusts and trust matters. If the provisions of this title with reference to the administration and settlement of such estates or trusts should in any cases and under any circumstances be inapplicable or insufficient or doubtful, the court shall nevertheless have full power and authority to proceed with such administration and settlement in any manner and way which to the court seems right and proper, all to the end that such estates or trusts may be by the court administered upon and settled.

Sec. 4. Section 11.02.030, chapter 145, Laws of 1965 and RCW 11.96.030 are each reenacted to read as follows:

In exercising any of the jurisdiction or powers by this title given or intended to be given, the court is authorized to make, issue and cause to be filed or served, any and all manner and kinds of orders, judgments, citations, notices, summons, and other writs and processes not inconsistent with the provisions of this title, which may be considered proper or necessary in the exercise of such jurisdiction.

Sec. 5. Section 45, chapter 149, Laws of 1984 and RCW 11.96.040 are each reenacted to read as follows:

Unless otherwise provided in the instrument creating the trust, the situs of a trust is the place where the principal place of administration of the trust is located. As used in this section, the "principal place of administration of the trust" is the trustee's usual place of business where the day-to-day records pertaining to the trust are kept or the trustee's residence if the trustee has no such place of business.

Sec. 6. Section 46, chapter 149, Laws of 1984 and RCW 11.96.050 are each reenacted to read as follows:

For purposes of venue in proceedings involving probate or trusts and trust matters, the following shall apply:

(1) Proceedings under Title 11 RCW pertaining to trusts shall be commenced either:

(a) In the superior court of the county in which the situs of the trust is located as provided in RCW 11.96.040;

(b) In the superior court of the county in which a trustee resides or has its principal place of business; or

(c) With respect to testamentary trusts, in the superior court of the county where letters testamentary were granted to a personal representative, and in the absence of such letters, then in any county where letters testamentary could have been granted in accordance with subsection (2) of this section.

(2) Wills shall be proven, letters testamentary or of administration granted, and other proceedings under Title 11 RCW pertaining to probate commenced, either:

(a) In the county in which the decedent was a resident at the time of death;

(b) In the county in which the decedent died, or in which any part of the estate may be, if the decedent was not a resident of this state; or

(c) In the county in which any part of the estate may be, the decedent having died out-of-state, and not having been resident in this state at the time of death.

(3) No action undertaken is defective or invalid because of improper venue if the court has jurisdiction of the matter.

Sec. 7. Section 47, chapter 149, Laws of 1984 and RCW 11.96.060 are each reenacted and amended to read as follows:

(1) Any action against the trustee of an express trust, excluding those trusts excluded from the definition of express trusts under RCW 11.98.009, but including all express trusts, whenever executed, for any breach of fiduciary duty, must be brought within three years from the earlier of (a) the time the alleged breach was discovered or reasonably should have been discovered, ~~((or)) (b) the discharge of a trustee from the trust as provided in RCW 11.98.040, or (c) the time of termination of the trust or the trustee's repudiation of the trust.~~

(2) Any action by an heir, legatee, or other interested party, to whom proper notice was given if required, against a personal representative for alleged breach of fiduciary duty must be brought prior to discharge of the personal representative.

~~(3) ((The tolling provisions of RCW 4.16.190 apply to this chapter, except that the running of the statute of limitations stated in subsection (2) of this section is not tolled if the minor, incompetent, or disabled person had a guardian ad litem or a limited or general guardian of the estate to represent the person during the probate proceeding))~~ The tolling provisions of RCW 4.16.190 apply to this chapter except that the running of any statute of limitations stated in subsection (1) or (2) of this section, or any other applicable statute of limitations for any matter that is the subject of dispute under chapter 11.96 RCW, is not tolled if the unascertained or unborn heir, beneficiary, or class of persons, or minor, incompetent, or disabled person, or person identified in RCW 11.96.170(2) or 11.96.180 whose identity or address is unknown, had a guardian ad litem, limited or general guardian of the estate, or a special representative to represent the person during the probate or dispute resolution proceeding.

(4) Notwithstanding subsections (2) and (3) of this section, any cause of action against a trustee of an express trust, as provided for in subsection (1) of this section is not barred by the statute of limitations if it is brought within three years from January 1, 1985. In addition, any action as specified in subsection (2) of this section against the personal representative is not barred by this statute of limitations if it is brought within one year of January 1, 1985.

Sec. 8. Section 48, chapter 149, Laws of 1984 and RCW 11.96.070 are each reenacted and amended to read as follows:

A trustor, grantor, personal representative, trustee, or other fiduciary, creditor, devisee, legatee, heir, or trust beneficiary interested in the administration of a trust, or the attorney general in the case of a charitable trust under RCW 11.110.120, or of the estate of a decedent, incompetent, or disabled person, may have a judicial proceeding for the declaration of rights or legal relations in respect to the trust or estate:

(1) To ascertain any class of creditors, devisees, legatees, heirs, next of kin, or others;

(2) To direct the personal representatives or trustees to do or abstain from doing any particular act in their fiduciary capacity;

(3) To determine any question arising in the administration of the estate or trust, including questions of construction of wills and other writings;

(4) To confer upon the personal representatives or trustees any necessary or desirable powers not otherwise granted in the instrument or given by law that the court determines are not inconsistent with the provisions or purposes of the will or trust;

(5) To amend or conform the will or the trust instrument in the manner required to qualify the gift thereunder for the charitable estate tax deduction permitted by federal law, including the addition of mandatory governing instrument requirements for a charitable remainder trust as required by final regulations and rulings of the United States internal revenue service, in any case in which all parties interested in the trust have submitted written agreements to the proposed changes or written disclaimer of interest; or

(6) To resolve any other matter in this title referencing this judicial proceedings section.

The provisions of this chapter apply to disputes arising in connection with estates of incompetents or disabled persons unless otherwise covered by chapters 11.88 and 11.92 RCW. The provisions of this chapter do not supersede the otherwise applicable provisions of chapters 11.24, 11.28, 11.40, 11.52, 11.56, or 11.60 RCW.

Sec. 9. Section 49, chapter 149, Laws of 1984 and RCW 11.96.080 are each reenacted to read as follows:

The court shall make an order fixing the time and place for hearing the petition. The court shall approve the form and content of the notice. Notice of hearing shall be signed by the clerk of the court.

Sec. 10. Section 11.02.060, chapter 145, Laws of 1965 as amended by section 51, chapter 149, Laws of 1984 and RCW 11.96.090 are each reenacted to read as follows:

The clerk of each of the superior courts is authorized to fix the time of hearing of all applications, petitions and reports in probate and guardianship proceedings, except the time for hearings upon show cause orders and citations and except for the time of hearings set under RCW 11.96.080. The authority herein granted is in addition to the authority vested in the superior courts and superior court commissioners.

Sec. 11. Section 53, chapter 149, Laws of 1984 and RCW 11.96.100 are each reenacted and amended to read as follows:

Subject to RCW 11.96.110, in all judicial proceedings under Title 11 RCW that require notice, such notice shall be personally served or mailed to each trustee, personal representative, heir, beneficiary including devisees, legatees, and heirs, guardian ad litem, and person having an interest in the trust or estate whose name and address are known to the petitioner at least twenty days prior to the hearing on the petition, unless otherwise provided by statute or ordered by the court under RCW 11.96.080. Proof of such service or mailing shall be made by affidavit filed at or before the hearing. In addition, notice shall also be given to the attorney general if required under RCW 11.110.120.

Sec. 12. Section 54, chapter 149, Laws of 1984 and RCW 11.96.110 are each reenacted and amended to read as follows:

Notwithstanding provisions of this chapter to the contrary, there is compliance with the notice requirements of Title 11 RCW for notice to the beneficiaries of, or persons interested in an estate or a trust, or to beneficiaries or remaindermen, including all living persons who may participate in the corpus or income of the trust or estate, if notice is given as follows:

(1) If an interest in an estate or trust has been given to persons who compose a certain class upon the happening of a certain event, notice shall be given to the living persons who would constitute the class if the event had happened immediately before the commencement of the proceeding requiring notice.

(2) If an interest in an estate or trust has been given to a living person, and the same interest, or a share in it, is to pass to the surviving spouse or to persons who are, or may be, the distributees, heirs, issue, or other kindred of that living person upon the happening of a future event, notice shall be given to that living person.

(3) Except as otherwise provided in subsection (2) of this section, if an interest in an estate or trust has been given to a person, a class of persons, or both upon the happening of any future event, and the same interest or a share of such interest is to pass to another person, class of persons, or both, upon the happening of an additional future event, notice shall be given to the living person or persons who would take the interest upon the happening of the first event.

(4) Notice shall be given to persons who would not otherwise be entitled to notice by law if a conflict of interest involving the subject matter of the trust or estate proceeding is known to exist(s) between a person to whom notice is given and a person to whom notice need not be given under Title 11 RCW.

Any action taken by the court is conclusive and binding upon each person receiving actual or constructive notice in the manner provided in this section.

Sec. 13. Section 55, chapter 149, Laws of 1984 and RCW 11.96.120 are each reenacted to read as follows:

Nothing in this chapter eliminates the requirement to give notice to a person who has requested special notice under RCW 11.28.240 or 11.92.150.

Sec. 14. Section 56, chapter 149, Laws of 1984 and RCW 11.96.130 are each reenacted and amended to read as follows:

All issues of fact joined in probate or trust proceedings shall be tried in conformity with the requirements of the rules of practice in civil actions. The probate or trust proceeding may be commenced as a new action or as an action incidental to an existing probate or trust proceeding. Once commenced, the action may be consolidated with an existing probate or trust proceeding or converted to a separate action upon the motion of any party for good cause shown, or by the court on its own motion. ~~(If the action is incidental to an existing proceeding, all pleadings shall set forth the caption of the existing proceeding followed by an appropriate caption designating the parties to the new proceeding. The party affirming is plaintiff, and the one denying or avoiding is defendant.)~~ If a party is entitled to a trial by jury and a jury is demanded, and the issues are not sufficiently made up by the written pleadings on file, the court, on due notice, shall settle and frame the issues to be tried. If no jury is demanded, the

court shall try the issues joined, and sign and file its findings and decision in writing, as provided for in civil actions. Judgment on the issue joined, as well as for costs, may be entered and enforced by execution or otherwise by the court as in civil actions.

Sec. 15. Section 57, chapter 149, Laws of 1984 and RCW 11.96.140 are each reenacted to read as follows:

Either the superior court or the court on appeal, may, in its discretion, order costs, including attorneys fees, to be paid by any party to the proceedings or out of the assets of the estate, as justice may require.

Sec. 16. Section 30.30.120, chapter 33, Laws of 1955 and RCW 11.96.150 are each reenacted to read as follows:

Nothing in RCW 6.32.250 shall forbid execution upon the income of any trust created by a person other than the judgment debtor for debt arising through the furnishing of the necessities of life to the beneficiary of such trust; or as to such income forbid the enforcement of any order of the superior court requiring the payment of support for the children under the age of eighteen of any beneficiary; or forbid the enforcement of any order of the superior court subjecting the vested remainder of any such trust upon its expiration to execution for the debts of the remainderman.

Sec. 17. Section 11.96.010, chapter 145, Laws of 1965 as amended by section 53, chapter 81, Laws of 1971 and RCW 11.96.160 are each reenacted to read as follows:

Any interested party may appeal to the supreme court or the court of appeals from any final order, judgment or decree of the court, and such appeals shall be in the manner and way provided by law for appeals in civil actions.

Sec. 18. Section 61, chapter 149, Laws of 1984 and RCW 11.96.170 are each reenacted and amended to read as follows:

(1) If the persons listed in RCW 11.96.070 and those entitled to notice under RCW 11.96.100 and 11.96.110 agree on any matter listed in RCW 11.96.070 or any other matter in Title 11 RCW referencing this nonjudicial resolution procedure, then the agreement shall be evidenced by a written agreement executed by all necessary persons as provided in this section. Those persons may also reach an agreement concerning a matter in RCW 11.96.070(4) as long as those persons, rather than the court, determine that the powers to be conferred are not inconsistent with the provisions or purposes of the will or trust.

(2) If necessary, the personal representative or trustee may petition the court for the appointment of a special representative to represent a person interested in the estate or trust who is a minor, incompetent, disabled, or who is yet unborn or unascertained, or a person whose identity or address is unknown. The special representative has authority to enter into a binding agreement on behalf of the person or beneficiary. The special representative may be appointed for more than one person or class of persons if the interests of such persons or class are not in conflict. Those entitled to receive notice for persons or beneficiaries described in RCW 11.96.110 may enter into a binding agreement on behalf of such persons or beneficiaries.

(3) The special representative shall be a lawyer licensed to practice before the courts of this state or an individual with special skill or training in the administration of estates or trusts. The special representative shall have no interest in any affected estate or trust, and shall not be related to any personal representative, trustee, beneficiary, or other person interested in the estate or trust. The special representative is entitled to reasonable compensation for services which shall be paid from the principal of the estate or trust whose beneficiaries are represented. Upon execution of the written agreement, the special representative shall be discharged of any further responsibility with respect to the estate or trust.

(4) The written agreement or a memorandum summarizing the provisions of the written agreement may, at the option of any person interested in the estate or trust, be filed with the court having jurisdiction over the estate or trust. The person filing the agreement or memorandum shall within five days thereof mail a copy of the agreement and a notice of the filing to each person interested in the estate or trust whose address is known. Notice shall be in substantially the following form:

CAPTION
OF CASE

NOTICE OF FILING OF
AGREEMENT OR MEMORANDUM
OF AGREEMENT

Notice is hereby given that the attached document was filed by the undersigned in the above entitled court on the day of 19... Unless you file a petition objecting to the agreement within 30 days of the above specified date the agreement will be deemed approved and will be equivalent to a final order binding on all persons interested in the estate or trust.

If you file and serve a petition within the period specified, you should ask the court to fix a time and place for the hearing on the petition and provide for at least a ten days' notice to all persons interested in the estate or trust.

DATED this day of 19...

.....
(Party to the agreement)

(5) Unless a person interested in the estate or trust files a petition objecting to the agreement within thirty days of the filing of the agreement or the memorandum, the agreement will be deemed approved and will be equivalent to a final order binding on all persons interested in the estate or trust. If all persons interested in the estate or trust waive the notice required by this section, the agreement will be deemed approved and will be equivalent to a final order binding on all persons interested in the estate or trust effective upon the date of filing.

Sec. 19. Section 62, chapter 149, Laws of 1984 and RCW 11.96.180 are each reenacted to read as follows:

(1) The court, upon its own motion or on request of a person interested in the trust or estate, at any stage of a judicial proceeding or at any time in a nonjudicial resolution procedure, may appoint a guardian ad litem to represent the interests of a minor, incapacitated, unborn, or unascertained person, or person whose identity and address are unknown, or a designated class of persons who are not ascertained or are not in being. When not precluded by a conflict of interest, a guardian ad litem may be appointed to represent several persons or interests.

(2) For the purposes of this section, a trustee is a person interested in the trust and a personal representative is a person interested in an estate.

(3) The court appointed guardian ad litem supersedes the special representative if so provided in the court order.

(4) The court may appoint the guardian ad litem at an ex parte hearing, or the court may order a hearing as provided in RCW 11.96.070 with notice as provided in RCW 11.96.080, 11.96.100, and 11.96.110.

NEW SECTION. Sec. 20. 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. 21. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, on line 6 of the title, after "11.96.160," strike "11.96.170," and on page 1, on line 6 of the title, after "11.96.180;" insert "reenacting and amending RCW 11.96.170;"

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTIONS

On motion of Senator Talmadge, the Senate concurred in the House amendment to Senate Bill No. 3079.

On motion of Senator Bender, Senator Owen was excused.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3079, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3079, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Peterson, Pullen, Rasmussen, Rinehart, Sealing, Sellar, Stratton, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Zimmerman - 44.

Absent: Senator McDonald - 1.

Excused: Senators Benitz, Owen, Patterson, Wojahn - 4.

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.

MOTION

At 10:31 a.m., on motion of Senator Vognlid, the Senate recessed until 11:00 a.m.

SECOND MORNING SESSION

The Senate was called to order at 11:20 p.m. by President Cherberg.

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

MOTION

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

SENATE RESOLUTION 1985-44

by Senator Sellar and Hansen

WHEREAS, The Cle Elum High School Women's Basketball Team has won the Washington State Women's Class A Basketball Championship for 1985; and

WHEREAS, Last weekend's tournament victory in the Tacoma Dome was an unprecedented fourth state title in five years for the Cle Elum Warriors Women's team; and

WHEREAS, The team previously captured the Class A state championship in 1981, 1982, and 1983 and finished third in the state in 1984; and

WHEREAS, The Cle Elum team finished this year's season with an outstanding record of twenty-six wins and one loss; and

WHEREAS, Cle Elum Women's Basketball Coach Janis Kendrick has proven herself an outstanding instructor in this her first year of coaching at Cle Elum High School; and

WHEREAS, The Cle Elum Warriors have demonstrated skill, teamwork, and determination; and

WHEREAS, Individual players gave of themselves with unswerving commitment in hours of practice and unselfish team play; and

WHEREAS, This championship team includes: Kerri Browitt, Theresa Montgomery, Kelly Kretshman, Tabetha Hansen, Lisa Malcolm, Trina Borek, Melissa Wood, Sandra Reddy, April Ficca and Christa Roseburg; and

WHEREAS, Theresa Montgomery deserves special recognition as the team's only senior; and

WHEREAS, The people of Cle Elum are very proud of the young people on this team, and have every right to be;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate congratulates the Cle Elum High School Women's Basketball Team on its outstanding achievements; and

BE IT FURTHER RESOLVED, That the Washington State Senate congratulates the people of Cle Elum for raising such fine, competitive young women; and

BE IT FURTHER RESOLVED, That the Washington State Senate extends its best wishes to the members of this outstanding team for success in whatever future endeavors they choose; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Cle Elum High School Principal Bill Tracy, Coach Kendrick, Assistant coach Laura James, Manager Susan Gould, and each member of the team mentioned in this resolution.

INTRODUCTION OF SPECIAL GUESTS

The President introduced the members of the Cle Elum High School Women's Basketball team and their coaches who were seated in the gallery.

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

SECOND READING

ENGROSSED HOUSE BILL NO. 21, by Representatives Vekich, C. Smith, Rayburn, Chandler, Tilly and Sayan

Revising provisions relating to horticultural nursery dealers.

The bill was read the second time.

MOTIONS

On motion of Senator Hansen, the following Committee on Agriculture amendment was adopted:

On page 5, beginning on line 21, after "(2)" strike all material through "director," on line 28 and insert "In lieu of any other penalty imposed under this section, a person who acts as a nursery dealer without the license required by RCW 15.13.280 or the permit required by RCW 15.13.270 is subject to a civil penalty of up to two hundred dollars for each violation. The director may impose the penalty and the penalty shall be subject to appeal in accordance with chapter 34.04 RCW."

Senator Lee moved that the following amendments be considered simultaneously and adopted:

On page 4, line 5, after "exceed" strike "two thousand five hundred" and insert "twelve thousand"

On page 4, line 8, after "between" strike "two thousand five hundred dollars and fifteen thousand dollars;" and insert "twelve thousand dollars and fifty thousand dollars;"

On page 4, line 11, after "are" strike "fifteen" and insert "fifty"

On page 4, line 14, after "than" strike "fifteen" and insert "twelve"

On page 4, line 17, after "are" strike "fifteen" and insert "twelve"

Debate ensued.

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

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

MOTION

On motion of Senator Hansen, the rules were suspended, Engrossed House Bill No. 21, 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 House Bill No. 21, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 21, as amended by the Senate, the bill passed the Senate by the following vote: Yeas, 43; nays, 3; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senators Garrett, Guess, Pullen - 3.

Excused: Senators Benitz, Owen, Patterson - 3.

ENGROSSED HOUSE BILL NO. 21, as amended by the Senate, having received the constitutional majority, 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. 409, by Representatives Sayan, Betzoff, Wang, J. Williams, Hine, Barrett, Fisher, Addison, O'Brien, Hastings, Fisch, B. Williams, Cole, Ebersole, Niemi, Hankins, Locke, G. Nelson, P. King, Walker and Long

Regulating the practice of architecture.

The bill was read the second time.

MOTIONS

On motion of Senator Warnke, the following Committee on Commerce and Labor amendment was adopted:

On page 1, line 16, after "chapter," insert "The provisions of this section shall not affect the use of the words 'architect,' 'architecture,' or 'architectural' where a person does not practice or offer to practice architecture."

On motion of Senator Warnke, the rules were suspended, Engrossed House Bill No. 409, 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 Newhouse: "Senator Warnke, for the record, does the bill allow the continuation of the current practice where nonlicensed people doing building design work may submit their plan for a building permit, if their plans are stamped by a registered engineer--even if the engineer writes below his stamp 'for structural only?'"

Senator Warnke: "Probably so, unless local building departments require more, or other regulatory requirements apply."

Senator Newhouse: "The second question, is paragraph 17, sub (1) designed to create additional liability or responsibility for public building officials or the entity which they represent?"

Senator Warnke: "No, Senator Newhouse, the language is the same as in the present engineer's statute. Nothing in this bill changes the existing law with respect to the responsibility of public officials to enforce the law or be cognizant of the law in their specific areas of jurisdictional or subject matter authority."

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 409, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 409, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; nays, 3; absent, 4; excused, 3.

Voting yea: Senators Bailey, Bauer, Bender, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 39.

Voting nay: Senators Barr, Bluechel, Pullen - 3.

Absent: Senators Conner, Metcalf, Stratton, Vognlid - 4.

Excused: Senators Benitz, Owen, Patterson - 3.

ENGROSSED HOUSE BILL NO. 409, as amended by the Senate, having received the 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 eighth order of business.

MOTION

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

SENATE RESOLUTION 1985-45

by Senators Hayner, Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn and Zimmerman; Lieutenant Governor John A. Cherberg; Sid Snyder, Secretary of the Senate; Bill Gleason, Assistant Secretary of the Senate; Ole Scarpelli, Sergeant at Arms

WHEREAS, Washington State University is a valued state institution and nationally respected center of learning and research; and

WHEREAS, Washington State University has achieved its prominent place among schools of higher education due in large part to the efforts, work, and inspiration of its president, Glenn Terrell; and

WHEREAS, President Terrell has served Washington State University, and the people of this state, since 1967 as president of the University; and

WHEREAS, President Terrell's bright summer of accomplishments is passing into a golden autumn of retirement, during which he will be expected to continue to offer this state his wisdom and good counsel; and

WHEREAS, Dr. Terrell is respected by his colleagues, proudly holds advanced degrees from a number of universities, and has been honored with an honorary doctorate in law from Gonzaga University; and

WHEREAS, This is a fitting time to acknowledge our debt of gratitude to President Terrell and our best wishes for his future;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington that Dr. Glenn Terrell be deeply and gratefully thanked for his long-time service to the people of this state, and furthermore, that his retirement as president of Washington State University be marked with our sincere best wishes for the next chapter of his distinguished career.

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1063, by Committee on Trade and Economic Development (originally sponsored by Representatives Rayburn, C. Smith, McMullen, Vekich, West, Sayan, Hastings, Ballard, Lewis, Isaacson, Baugher, Kremen, Fuhrman, Nealey, J. Williams, Haugen and Armstrong)

Authorizing a permanent international marketing program for agricultural commodities and trade impact center.

The bill was read the second time.

MOTIONS

On motion of Senator Warnke, the following Committee on Commerce and Labor amendment was adopted:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 1, chapter 57, Laws of 1984 (uncodified) is amended to read as follows:

There is created ~~((a provisional))~~ an international marketing program for agricultural commodities and trade (IMPACT) center at Washington State University ~~((which shall terminate on June 30, 1985, and which shall be referred to in this act as "the center."))~~.

In carrying out each of its responsibilities under section 2 of this 1985 act, the primary functions of the center shall be: Providing practical solutions to marketing-related problems; and developing and disseminating information which is directly applicable to the marketing of agricultural commodities and goods from this state in foreign countries or to introducing the production of commodities and goods in this state for marketing in foreign countries.

Sec. 2. Section 2, chapter 57, Laws of 1984 (uncodified) is amended to read as follows:

The ~~((provisional))~~ IMPACT center shall:

(1) Coordinate the teaching, research, and extension expertise of the college of agriculture and home economics at Washington State University to assist in:

(a) The design and development of information and strategies to expand the long-term international markets for Washington agricultural products; and

(b) The dissemination of such information and strategies to Washington exporters, overseas users, and public and private trade organizations;

(2) Research and identify current impediments to increased exports of Washington agricultural products, and determine methods of surmounting those impediments and opportunities for exporting new agricultural products and commodities to foreign markets;

(3) Prepare curricula to present and distribute information concerning international trade in agricultural commodities and products to students, exporters, international traders, and the public; ~~((and))~~

(4) Provide high-quality research and graduate education and professional nondegree training in international trade in agricultural commodities in cooperation with other existing programs;

(5) Ensure that activities of the center adequately reflect the objectives for the state's agricultural market development programs established by the department of agriculture as the lead state agency for such programs under chapter 43.23 RCW;

(6) Link itself through cooperative agreements with the ~~((provisional))~~ center for international trade in forest products at the University of Washington, the state department of agriculture, the state department of commerce and economic development, Washington's agriculture businesses and associations, and other state agency data collection, processing, and dissemination efforts; and

(7) Report to the governor and legislature December 1 of each year on the IMPACT center, state agricultural commodities marketing programs, and the center's success in obtaining non-state funding for its operation.

Sec. 3. Section 3, chapter 57, Laws of 1984 (uncodified) is amended to read as follows:

The ~~((provisional))~~ IMPACT center shall be administered by a director appointed by the dean of the college of agriculture and home economics of Washington State University.

Sec. 4. Section 6, chapter 57, Laws of 1984 (uncodified) is amended to read as follows:

The governor, the legislature, state agencies, and the public may use the IMPACT center's trade policy research and advisory services as may be needed. The IMPACT center shall establish a schedule of fees for actual services rendered.

Sec. 5. Section 7, chapter 57, Laws of 1984 (uncodified) is amended to read as follows:

The IMPACT center shall ~~((seek))~~ aggressively solicit financial contributions and support from nonstate sources, including the agricultural industries and producer organizations and individuals, to help fund its research and education programs, and shall use previously appropriated funds of Washington State University and existing resources as much as is possible to further the center's activities.

NEW SECTION. Sec. 6. Sections 1 through 5 of this act are each added to chapter 28B.30 RCW.

NEW SECTION. Sec. 7. The following acts or parts of acts are each repealed:

- (1) Section 4, chapter 57, Laws of 1984 (uncodified);
- (2) Section 5, chapter 57, Laws of 1984 (uncodified); and
- (3) Section 8, chapter 57, Laws of 1984 (uncodified).

NEW SECTION. Sec. 8. A new section is added to chapter 43.131 RCW to read as follows:

The international marketing program for agricultural commodities and trade at Washington State University shall be terminated on June 30, 1990, as provided in section 9 of this 1985 act.

NEW SECTION. Sec. 9. A new section is added to chapter 43.131 RCW to read as follows:

The following acts, or parts of acts, as now existing or as hereafter amended, are each repealed, effective June 30, 1991:

- (1) Section 1, chapter 57, Laws of 1984, section 1 of this 1985 act and RCW 28B.30.---;
- (2) Section 2, chapter 57, Laws of 1984, section 2 of this 1985 act and RCW 28B.30.---;
- (3) Section 3, chapter 57, Laws of 1984, section 3 of this 1985 act and RCW 28B.30.---;
- (4) Section 6, chapter 57, Laws of 1984, section 4 of this 1985 act and RCW 28B.30.---; and
- (5) Section 7, chapter 57, Laws of 1984, section 5 of this 1985 act and RCW 28B.30.---.

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 June 30, 1985."

On motion of Senator Warnke, the rules were suspended, Substitute House Bill No. 1063, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1063, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1063, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; absent, 5; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 41.

Absent: Senators Craswell, Gaspard, Hayner, Metcalf, Vognild - 5.

Excused: Senators Benitz, Owen, Patterson - 3.

SUBSTITUTE HOUSE BILL NO. 1063, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 149, by Representatives Nutley, B. Williams and Haugen

Clarifying under what conditions a county treasurer shall prepare distraint papers.

The bill was read the second time.

MOTION

Senator Pullen moved that the following amendments be considered simultaneously and adopted:

On page 1, line 9, after "or" and before "is" insert "the assessor or the county treasurer is certain that the property"

On page 1, line 24, after "or" and before "is" insert "the assessor or the county treasurer is certain that the property"

Debate ensued.

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

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

MOTION

On motion of Senator Thompson, the rules were suspended, House Bill No. 149, 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 Newhouse: "Senator Thompson, I watched the operation of this chapter for some years and I really haven't seen any inadequacy of the current law. Was there any need for this to be brought before us?"

Senator Thompson: "Thank you, Senator Newhouse. Curiously, there appears to be two chapters upon distraint and this one is inconsistent with the other and the confusion apparently arises out of modern day understanding of the word 'dissipate' in relation to an action toward property and this simply adds the additional words to clarify that 'dissipate,' in effect, means disposed of, removed or otherwise placing the property in some jeopardy with regard to the collection of taxes."

The President declared the question before the Senate to be the roll call on final passage of House No. 149, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 149, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; nays, 3; absent, 3; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Deccio, DeJarnatt, Fleming, Garrett, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wajahn, Zimmerman - 40.

Voting nay: Senators Craswell, McCaslin, Newhouse - 3.

Absent: Senators Conner, Gaspard, Hayner - 3.

Excused: Senators Benitz, Owen, Patterson - 3.

HOUSE BILL NO. 149, as amended by the Senate, having received the 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 eighth order of business.

MOTION

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

SENATE RESOLUTION 1985-41

by Senators DeJarnatt and Zimmerman

WHEREAS, A state song captures the purpose, identity, and quality of the people for whom it is sung; and

WHEREAS, The state of Washington has a state song which reflects its diversity, beauty, energy and history; and

WHEREAS, "Washington My Home" has been the recognized and official state song of Washington for twenty-five years; and

WHEREAS, The state and all her citizens are grateful to Mrs. Helen Davis, the composer of the state song, for the strength, sincerity, and grace with which she has combined words and music to honor Washington and her citizens; and

WHEREAS, Helen Davis remains an active, vitally involved member of her community, reflecting in her personal life the quality her song describes for the state of Washington; and

WHEREAS, Helen Davis has been a good sport, responding to the acclaim given the song, "Louie, Louie" with grace and good nature; and

WHEREAS, Helen Davis recognizes that the citizens of Washington include people who are not part of the baby boom generation, who do not understand the words "Louie, Louie" and don't care to learn them; and

WHEREAS, Many of the citizens of Washington enjoy a tune which is a hybrid of a waltz and a polka emphasizing that the thrust of her song comes from the heart, not the hip;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington, by the adoption of this resolution, recognizes and praises the good work done by Helen Davis and heartily thanks her for her skill, her many contributions, and for "Washington My Home," the official song of the state of Washington; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate shall immediately transmit a copy of this resolution to Helen Davis, composer of "Washington My Home."

INTRODUCTION OF SPECIAL GUEST

The President introduced Mrs. Helen Davis, composer of the state song, 'Washington, My Home,' who was seated with him on the rostrum. With permission of the Senate, business was suspended to permit Mrs. Davis to address the Senate.

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

REPORTS OF STANDING COMMITTEES

March 28, 1985

HB 27 Prime Sponsor, Representative Haugen: Authorizing a reduction in councilmanic offices in certain code cities. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; DeJarnatt, Garrett, Granlund, Saling.

MINORITY recommendation: Do not pass. Signed by Senators Bailey, Zimmerman.

Passed to Committee on Rules for second reading.

March 28,

SHB 28 Prime Sponsor, Committee on Local Government: Authorizing biennial municipal budgets. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

March 28, 1985

EHB 31 Prime Sponsor, Representative Haugen: Removing restrictions on the taking of salmon by use of monofilament gill net webbing. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Stratton, Vice Chairman; Barr, Metcalf, Peterson, Rasmussen.

Passed to Committee on Rules for second reading.

March 25, 1985

SHB 53 Prime Sponsor, Committee on State Government: Reauthorizing the Center for Voluntary Action. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman, McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

March 28, 1985

EHB 54 Prime Sponsor, Representative Armstrong: Defining the tort liability of operators of radioactive waste repositories. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Halsan, Kreidler, McCaslin, Owen, Saling, Stratton.

Passed to Committee on Rules for second reading.

March 28, 1985

EHB 55 Prime Sponsor, Representative D. Nelson: Providing for a study of the transportation of radioactive materials. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Halsan, Kreidler, McCaslin, Owen, Saling, Stratton.

Passed to Committee on Rules for second reading.

March 28, 1985

SHB 108 Prime Sponsor, Committee on Constitution, Elections and Ethics: Requiring declarations of candidacy from write-in candidates. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Rinehart.

MINORITY recommendation: Do not pass as amended. Signed by Senator Zimmerman.

Passed to Committee on Rules for second reading.

March 28, 1985

SHB 124 Prime Sponsor, Committee on State Government: Authorizing the defense, payment, or settlement of claims against volunteers of the state. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, McCaslin, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

March 28, 1985

HB 139 Prime Sponsor, Representative Locke: Authorizing cities to be responsible for enforcement of uniform fire code in air navigation facilities. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

March 28, 1985

HB 175 Prime Sponsor, Representative Belcher: Extending the career executive program. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, McCaslin, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

March 28, 1985

ESHB 189 Prime Sponsor, Committee on Local Government: Modifying provisions relating to property tax levies by fire protection districts. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, McCaslin, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

March 28, 1985

HB 191 Prime Sponsor, Representative McMullen: Providing for rewards for information about violations of the food fish and shellfish laws. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Stratton, Vice Chairman; Halsan, Johnson, Lee, Peterson.

MINORITY recommendation: Do not pass. Signed by Senators Metcalf, Rasmussen.

Passed to Committee on Rules for second reading.

March 28, 1985

HB 213 Prime Sponsor, Representative Haugen: Modifying port commissioners' insurance. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bailey, DeJarnatt, Garrett, Granlund, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

March 28, 1985

SHB 389 Prime Sponsor, Committee on State Government: Clarifying collection of vending machine revenue in public buildings. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, McCaslin, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

March 28, 1985

SHB 403 Prime Sponsor, Committee on Local Government: Including aquifers in pollution protection provisions of sewer districts. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Hansen, Williams.

Passed to Committee on Rules for second reading.

March 28, 1985

SHB 596 Prime Sponsor, Committee on Local Government: Authorizing transaction assistance as a remedial program for property in a noise abatement impacted area. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, Zimmerman.

Passed to Committee on Rules for second reading.

March 28, 1985

SHB 831 Prime Sponsor, Committee on Local Government: Publicizing local government bond information. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; Bailey, DeJarnatt, Garrett, Granlund, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

March 28, 1985

SHB 890 Prime Sponsor, Committee on Agriculture: Reestablishing procedures for certain agricultural liens. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass as amended. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Bailey, Barr, Bauer, Benitz, Bottiger, Gaspard.

Passed to Committee on Rules for second reading.

March 28, 1985

EHB 914 Prime Sponsor, Representative Appelwick: Modifying the distribution of timber taxes. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Cantu, Craswell, Deccio, Fleming, Hayner, Lee, McDonald, Rasmussen, Rinehart, Talmadge, Thompson, Wojahn.

Passed to Committee on Rules for second reading.

March 28, 1985

SHB 958 Prime Sponsor, Committee on Natural Resources: Transferring certain trust lands to the parks and recreation commission. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Hansen.

Passed to Committee on Rules for second reading.

March 28, 1985

EHB 1001 Prime Sponsor, Representative Appelwick: Modifying provisions on property taxes. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Craswell, Deccio, Goltz, Lee, Moore, Talmadge, Thompson, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

March 28, 1985

SHB 1046 Prime Sponsor, Committee on Financial Institutions and Insurance: Expanding authority for disapproval of health maintenance contracts. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Bottiger, Deccio, Newhouse, Sellar, Vognild, Wojahn.

Passed to Committee on Rules for second reading.

March 28, 1985

EHJR 42 Prime Sponsor, Representative Baugher: Permitting agricultural assessments for agricultural development or trade promotion as a public use. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Bailey, Barr, Bauer, Benitz, Bottiger, Gaspard.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

March 29, 1985

GA 13 DAVID COHN, to the position of member of the University of Washington Board of Regents, appointed by the Governor on January 28, 1985, for the term ending September 30, 1989. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman, Craswell, Fleming, Goltz, Guess, Johnson, McDermott, Saling, Stratton.

Passed to Committee on Rules.

March 27, 1985

GA 16 BRUCE WILKES to the position of member of the Central Washington University Board of Trustees, appointed by the Governor on January 28, 1985, for the term ending September 30, 1989. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman, Bender, Fleming, Goltz, Guess, Johnson, McDermott, Saling, Stratton.

Passed to Committee on Rules.

March 27, 1985

GA 21 RICHARD PAGE to the position of member of the Evergreen State College Board of Trustees, appointed by the Governor on January 28, 1985, for the term ending September 30, 1990. 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, Johnson, McDermott, McManus, Saling, Stratton, Warnke.

Passed to Committee on Rules.

March 28, 1985

GA 67 SHARON NELSON to the position of member of the Washington Utilities and Transportation Commission, appointed by the Governor on February 11, 1985, for the term ending December 30, 1990, succeeding Robert Bratton. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Halsan, Kiskaddon, Kreidler, McCaslin, Owen, Saling, Stratton.

Passed to Committee on Rules.

March 29, 1985

GA 71 MAY GERSTLE to the position of member of the State Board for Community College Education (District No. 1), appointed by the Governor on February 12, 1985, for the term ending April 3, 1988, succeeding Charles LeCocq. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Fleming, Goltz, Guess, Johnson, McDermott, Saling, Stratton.

Passed to Committee on Rules.

March 29, 1985

GA 72 DR. MAX M. SNYDER, to the position of member of the State Board for Community College Education (District No. 5), appointed by the Governor on February 12, 1985, for the term ending April 3, 1986, succeeding Robert T. Greene. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Craswell, Fleming, Goltz, Guess, Johnson, McDermott, Saling, Stratton.

Passed to Committee on Rules.

MOTION

At 12:13 p.m., on motion of Senator Vognild, the Senate adjourned until 11:30 a.m., Monday, April 1, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

SEVENTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, April 1, 1985

The Senate was called to order at 11:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Pullen. On motion of Senator von Reichbauer, Senator Pullen was excused.

The Sergeant at Arms Color Guard, consisting of Pages Michele DeWalt and Emily Mason, presented the Colors. Reverend Henry S. Rahn, retired pastor of the First Baptist Church of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

March 29, 1985

Mr. President:

The House has passed:

SUBSTITUTE SENATE BILL NO. 3047,

SENATE BILL NO. 3121,

SENATE BILL NO. 3144,

SENATE BILL NO. 3551, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

March 29, 1985

Mr. President:

The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 490 and has passed the bill as amended by the Senate.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 3047,

SENATE BILL NO. 3121,

SENATE BILL NO. 3144,

SENATE BILL NO. 3551,

SENATE BILL NO. 3072,

SENATE BILL NO. 3073,

SENATE BILL NO. 3076,

SENATE BILL NO. 3079.

MOTION

At 11:36 a.m., on motion of Senator Vognild, the Senate recessed until 12:00 noon.

AFTERNOON SESSION

The Senate was called to order at 1:08 p.m. by President Cherberg.

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

REPORTS OF STANDING COMMITTEES

March 29, 1985

SHB 48

Prime Sponsor, Committee on Commerce and Labor: Adding life support technicians to employees covered by uniformed personnel collective

bargaining procedures. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, Moore, Williams, Wojahn.

MINORITY recommendation: Do not pass. Signed by Senators Cantu, McDonald, Newhouse.

Passed to Committee on Rules for second reading.

March 27, 1985

SHB 68 Prime Sponsor, Committee on Social and Health Services: Providing additional requirements for the storage and cremation of human remains. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Johnson, Peterson, Stratton.

Passed to Committee on Rules for second reading.

March 28, 1985

SHB 131 Prime Sponsor, Committee on Social and Health Services: Revising the regulation of health-related professions. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Johnson, Peterson, Stratton.

Passed to Committee on Rules for second reading.

March 28, 1985

HB 1000 Prime Sponsor, Representative Appelwick: Exempting trade-in property of like kind from use taxation. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Bauer, Bluechel, Bottiger, Cantu, Craswell, Deccio, Goltz, Hayner, Lee, McDonald, Moore, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

MOTION

At 1:09 p.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Tuesday, April 2, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

SEVENTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, April 2, 1985

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, Cantu, Kreidler, Lee, McDermott, Metcalf, Owen, Pullen and Williams. On motion of Senator von Reichbauer, Senators Lee, Metcalf and Pullen were excused. On motion of Senator Bender, Senator McDermott was excused.

The Sergeant at Arms Color Guard, consisting of Pages Callie Kuitkey and Mike Lorrain presented the Colors. Reverend Tim Dolan, pastor of the Westminster Presbyterian Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

April 1, 1985

EHB 99 Prime Sponsor, Representative Zellinsky: Exempting fish farming from excise taxation. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Cantu, Craswell, Goltz, Hayner, Lee, McDonald, Moore, Thompson, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

April 1, 1985

SHB 127 Prime Sponsor, Committee on Natural Resources: Empowering wildlife agents and fisheries patrol officers to enforce state traffic and criminal laws. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Stratton, Vice Chairman; Conner, Johnson, Lee, Metcalf.

Passed to Committee on Rules for second reading.

March 29, 1985

HB 153 Prime Sponsor, Representative Armstrong: Revising the enforcement of child support obligations. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, McCaslin, Metcalf, Moore, Newhouse, Thompson.

Passed to Committee on Rules for second reading.

April 1, 1985

HB 156 Prime Sponsor, Representative Winsley: Revising provisions relating to driver's financial responsibility. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Deccio, McDermott, Newhouse, Sellar, Vognild, von Reichbauer, Wojahn.

Passed to Committee on Rules for second reading.

April 1, 1985

SHB 243 Prime Sponsor, Committee on Natural Resources: Authorizing a voluntary food fish or shellfish license suspension program in conservation crisis. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Stratton, Vice Chairman; Barr, Conner, Halsan, Johnson, Metcalf, Peterson.

Passed to Committee on Rules for second reading.

March 29, 1985

SHB 272 Prime Sponsor, Committee on Judiciary: Allowing admission of children's statements in criminal and dependency proceedings. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, McCaslin, Metcalf, Moore, Newhouse, Pullen, Thompson.

Passed to Committee on Rules for second reading.

March 29, 1985

EHB 492 Prime Sponsor, Representative Lewis: Establishing certain rights in child abuse and neglect proceedings. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, McCaslin, Metcalf, Moore, Newhouse, Thompson.

Passed to Committee on Rules for second reading.

April 1, 1985

HB 670 Prime Sponsor, Representative Basich: Changing salmon troll license provisions. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Stratton, Vice Chairman; Barr, Johnson, Metcalf, Patterson, Peterson.

Passed to Committee on Rules for second reading.

April 1, 1985

ESHB 781 Prime Sponsor, Committee on Higher Education: Creating a Washington distinguished professorship program. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Goltz, Guess, Johnson, Patterson, Saling, Stratton.

Passed to Committee on Rules for second reading.

March 29, 1985

SHB 805 Prime Sponsor, Committee on Education: Requiring training in recognizing potential victims of child abuse. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, Johnson, McDermott, McManus, Saling, Stratton, Warnke.

Passed to Committee on Rules for second reading.

March 29, 1985

2SHB 1056 Prime Sponsor, Committee on Ways and Means: Establishing school-based management pilot projects. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, McDermott, McManus, Stratton, Warnke.

Passed to Committee on Rules for second reading.

March 29, 1985

2SHB 1065 Prime Sponsor, Committee on Ways and Means: Providing funds for an in-service program on academic efficiency and classroom management. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Bender, Craswell, Fleming, Goltz, Johnson, McDermott, McManus, Saling, Stratton, Warnke.

Passed to Committee on Rules for second reading.

April 1, 1985

SHB 1190 Prime Sponsor, Committee on Higher Education: Changing provisions relating to the joint center for education. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Benitz, Goltz, Guess, Johnson, Patterson, Saling, Stratton.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

April 1, 1985

Mr. President:

The House has passed:

SUBSTITUTE SENATE BILL NO. 3068,

SENATE BILL NO. 3312,

SENATE BILL NO. 3576,

SENATE BILL NO. 4121,

SENATE BILL NO. 4122,

ENGROSSED SENATE BILL NO. 4169, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 3068,

SENATE BILL NO. 3312,

SENATE BILL NO. 3576,

SENATE BILL NO. 4121,

SENATE BILL NO. 4122,

ENGROSSED SENATE BILL NO. 4169.

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

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Granlund, the appointment of Paul Dziejdzic as Director of the Department of Services for the Blind was confirmed.

APPOINTMENT OF PAUL DZIEDZIC

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 38; absent, 7; excused, 4.

Voting yeas: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, McCaslin, McDonald, McManus, Moore, Newhouse, Patterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Zimmerman - 38.

Absent: Senators Bauer, Cantu, Hayner, Kreidler, Owen, Peterson, Williams - 7.

Excused: Senators Lee, McDermott, Metcalf, Pullen - 4.

MOTION

On motion of Senator Gaspard, the appointment of David Cohn as a member of the Board of Regents for the University of Washington was confirmed.

APPOINTMENT OF DAVID COHN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; absent, 3; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, McCaslin, McDermott, McDonald, McManus, Newhouse, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Absent: Senators Kreidler, Moore, Owen - 3.

Excused: Senators Lee, Metcalf, Pullen - 3.

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

MOTION

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

SENATE RESOLUTION 1985-46

by Senators Fleming, McDermott and Zimmerman

WHEREAS, The Total Experience Choir has been rightfully hailed as one of the Northwest's finest vocal ensembles; and

WHEREAS, This enthusiastic and talented group of inner-city youth from Seattle has lifted the spirits of many and moved audiences to tears of joy while performing at our nation's Bicentennial Celebration, and at a number of historical landmarks, churches, and universities all over the country; and

WHEREAS, Country western star Charlie Daniel, multi-talented composer, writer and arranger Quincey Jones, and the great Ray Charles have had the pleasure of having the energetic and disciplined Total Experience Choir sing background vocals for them; and

WHEREAS, Pat Wright has unselfishly devoted much love, energy, and direction to each member of the Total Experience Choir over the years, encouraging the choir as individuals to strive for their best, at home, at school, and at church; and

WHEREAS, Success in academic pursuits, personal life, and participation in the community are equally important goals as a member of the Total Experience Choir;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate issues this resolution in recognition of the Total Experience Choir's high goals and ideals and the tremendous example they set for our youth through their discipline, integrity, and zeal when they sing so beautifully and proudly representing not only themselves, but the Prince of Peace Baptist Church and their community; and

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Pat Wright and the Total Experience Choir.

The President introduced the member of the Total Experience Choir, guests of Senators Bottiger and Fleming, who were seated in the gallery.

MOTION

At 10:26 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 11:43 a.m. by President Cherberg.

MOTIONS

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, the Committee on Human Services and Corrections was relieved of further consideration of Substitute House Bill No. 197.

On motion of Senator Vognild, Substitute House Bill No. 197 was referred to the Committee on Ways and Means.

On motion of Senator Vognild, the Committee on Human Services and Corrections was relieved of further consideration of House Bill No. 357.

On motion of Senator Vognild, House Bill No. 357 was referred to the Committee on Governmental Operations.

MOTION

At 11:45 a.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Wednesday, April 3, 1985.

SID SNYDER, Secretary of the Senate.

JOHN A. CHERBERG, President of the Senate.

EIGHTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, April 3, 1985

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, Benitz, Craswell, McDermott, McManus, Owen, Stratton, Williams and Wojahn.

The Sergeant at Arms Color Guard, consisting of Pages Angela Crossler and Matthew Loe, presented the Colors. Reverend Tim Dolan, pastor of the Westminster Presbyterian Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

April 1, 1985

SB 3920 Prime Sponsor, Senator Peterson: Relating to transportation. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 3920 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, DeJarnatt, Garrett, Granlund, Guess, Johnson, Patterson, Sellar, Vognild.

Passed to Committee on Rules for second reading.

April 1, 1985

SB 3927 Prime Sponsor, Senator Peterson: Relating to the department of licensing. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 3927 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Bender, Conner, DeJarnatt, Granlund, Guess, Patterson, Vognild.

Passed to Committee on Rules for second reading.

April 1, 1985

SHB 39 Prime Sponsor, Committee on Financial Institutions and Insurance: Making miscellaneous changes to the insurance code. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Deccio, Newhouse, Sellar, Vognild, Wojahn.

Passed to Committee on Rules for second reading.

April 1, 1985

SHB 69 Prime Sponsor, Committee on Environmental Affairs: Requiring solid waste facilities to establish trust funds. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass as amended. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Hansen, Williams.

Passed to Committee on Rules for second reading.

April 1, 1985

HB 77 Prime Sponsor, Representative Walk: Removing the performance requirements for high-speed passenger ferries from the 1977 bond authorization. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Conner, DeJarnatt, Garrett, Granlund, Guess, Patterson, Vognild.

Passed to Committee on Rules for second reading.

April 1, 1985

SHB 84 Prime Sponsor, Committee on Ways and Means: Authorizing school districts to self-fund their employees' loss of time and health benefits. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman, Bauer, Cantu, Craswell, Deccio, Fleming, Goltz, Rinehart, Talmadge, Thompson, Warnke.

Passed to Committee on Rules for second reading.

April 2, 1985

ESHB 91 Prime Sponsor, Committee on Natural Resources: Providing a public benefit system for approving for classification and valuing open space land with no current use. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Owen, Chairman; Stratton, Vice Chairman; Barr, Halsan, Johnson, Metcalf, Patterson, Peterson, Rasmussen.

Passed to Committee on Rules for second reading.

April 1, 1985

SHB 137 Prime Sponsor, Committee on Transportation: Permitting freight compartments on truck tractors. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; Hansen, Vice Chairman; Barr, Conner, Guess, Patterson, Sellar, Vognild.

MINORITY recommendation: Do not pass as amended. Signed by Senators Bender, DeJarnatt, Garrett, Granlund.

Passed to Committee on Rules for second reading.

April 1, 1985

SHB 150 Prime Sponsor, Committee on Local Government: Providing uniform procedures for the creation, elections, and operations of various special purpose districts. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

April 2, 1985

SHB 163 Prime Sponsor, Committee on Social and Health Services: Restricting the issuance of drivers' licenses to persons evaluated as alcohol or drug abusers. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Deccio, Johnson, Kiskaddon, Peterson, Stratton.

Passed to Committee on Rules for second reading.

March 29, 1985

HB 168 Prime Sponsor, Representative R. King: Exempting UW printing craft employees from state higher education personnel law. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, Moore, Williams, Wojahn.

Passed to Committee on Rules for second reading.

April 1, 1985

SHB 178 Prime Sponsor, Committee on State Government: Establishing the Washington state internship program. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bailey, DeJarnatt, Granlund, McCaslin, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

April 1, 1985

SHB 187 Prime Sponsor, Committee on Transportation: Allowing counties to make state-authorized improvements to state highways. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Conner, DeJarnatt, Garrett, Granlund, Guess, Johnson, Patterson, Sellar, Vognild.

Passed to Committee on Rules for second reading.

April 2, 1985

SHB 270 Prime Sponsor, Committee on Social and Health Services: Certifying the practice of acupuncture. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Conner, Johnson, Kiskaddon, Peterson, Stratton.

Passed to Committee on Rules for second reading.

April 2, 1985

SHB 297 Prime Sponsor, Committee on Agriculture: Establishing standards for organic food products. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass as amended. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Bauer, Bottiger, Gaspard.

MINORITY recommendation: Do not pass as amended. Signed by Senators Bailey, Barr.

Passed to Committee on Rules for second reading.

April 1, 1985

ESHB 379 Prime Sponsor, Committee on Local Government: Revising LID laws. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Zimmerman.

Passed to Committee on Rules for second reading.

April 1, 1985

SHB 444 Prime Sponsor, Committee on Ways and Means: Revising provisions relating to disability benefits for the law enforcement officers' and fire fighters' retirement system. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Cantu, Craswell, Deccio, Goltz, Lee, McDonald, Rinehart, Talmadge, Warnke, Zimmerman.

Passed to Committee on Rules for second reading.

April 2, 1985

ESHB 459 Prime Sponsor, Committee on Agriculture: Regulating the sale of kosher foods. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, McDonald, Moore, Williams.

Passed to Committee on Rules for second reading.

April 2, 1985

SHB 469 Prime Sponsor, Committee on Social and Health Services: Updating definitions used in naturopathic medicine. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Conner, Johnson, Kiskaddon, Peterson, Stratton.

Passed to Committee on Rules for second reading.

April 1, 1985

ESHB 494 Prime Sponsor, Committee on Higher Education: Creating a board of regents to govern Washington state and Eastern Washington Universities and establishing a joint center on higher education. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman, Rinehart, Vice Chairman; Bender, Benitz, Fleming, Goltz, Guess, McManus, Patterson, Saling, Stratton.

Passed to Committee on Rules for second reading.

April 2, 1985

HB 575 Prime Sponsor, Representative Fisher: Authorizing payroll deductions for political contributions by public transportation employees. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, Moore, Williams, Wojahn.

MINORITY recommendation: Do not pass. Signed by Senators Cantu, McDonald.

Passed to Committee on Rules for second reading.

April 1, 1985

ESHB 577 Prime Sponsor, Committee on Trade and Economic Development: Studying employee stock ownership plans. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, Moore, Williams, Wojahn.

Passed to Committee on Rules for second reading.

April 1, 1985

SHB 606 Prime Sponsor, Committee on Local Government: Providing for lake management districts. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass as amended. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Kiskaddon, Williams.

Passed to Committee on Rules for second reading.

April 1, 1985

HB 657 Prime Sponsor, Representative Sommers: Revising provisions relating to disability benefits under the law enforcement officers' and fire fighters' retirement system. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Cantu, Craswell, Deccio, Goltz, Hayner, Lee, McDonald, Moore, Talmadge, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

April 1, 1985

SHB 837 Prime Sponsor, Committee on Trade and Economic Development: Establishing the center for international trade in forest products. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Moore, Newhouse, Williams, Wojahn.

Passed to Committee on Rules for second reading.

April 2, 1985

SHB 843 Prime Sponsor, Committee on Agriculture: Modifying provisions relating to livestock. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass as amended. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Bailey, Barr, Bauer, Gaspard.

Passed to Committee on Rules for second reading.

April 2, 1985

SHB 855 Prime Sponsor, Committee on Trade and Economic Development: Establishing the Washington state development finance authority. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, Moore, Williams, Wojahn.

Passed to Committee on Rules for second reading.

April 1, 1985

ESHB 863 Prime Sponsor, Committee on Transportation: Funding transportation improvements necessitated by planned economic development. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, DeJarnatt, Garrett, Granlund, Patterson, Vognild.

Passed to Committee on Rules for second reading.

April 1, 1985

SHB 891 Prime Sponsor, Committee on Local Government: Revising provisions of park district annexation. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Cantu, Hansen, Kiskaddon, Williams.

Passed to Committee on Rules for second reading.

April 1, 1985

SHB 1129 Prime Sponsor, Committee on Local Government: Expanding the authorized purposes of parking and of business improvement areas. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, Zimmerman.

Passed to Committee on Rules for second reading.

April 2, 1985

SHB 1134 Prime Sponsor, Committee on Social and Health Services: Requiring department of social and health services to screen employees dealing with children and developmentally disabled persons. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Deccio, Johnson, Kiskaddon, Peterson, Stratton.

Passed to Committee on Rules for second reading.

April 2, 1985

SHB 1169 Prime Sponsor, Committee on Financial Institutions and Insurance: Enacting the Community Reinvestment Act. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, McDermott, Vognild, Wojahn.

Passed to Committee on Rules for second reading.

April 2, 1985

ESHB 1234 Prime Sponsor, Committee on Agriculture: Designating state agency responsibilities for agricultural market development programs and activities. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Bailey, Barr, Bauer, Benitz, Newhouse.

Passed to Committee on Rules for second reading.

April 1, 1985

HJM 12 Prime Sponsor, Representative Thomas: Requesting Congress to retain the small business administration. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, Moore, Williams, Wojahn.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE GOVERNOR

April 2, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to advise you that on April 2, 1985, Governor Gardner approved the following Senate Bills entitled:

Senate Bill No. 3040

Relating to the department of community development.

Senate Bill No. 3041

Relating to obsolete statutory references and nomenclature in the Revised Code of Washington.

Senate Bill No. 3074

Relating to partnerships.

Senate Bill No. 3075

Relating to declaratory judgments.

Senate Bill No. 3077

Relating to joint tenancies.

Senate Bill No. 3078

Relating to statutes of limitation.

Senate Bill No. 3131

Relating to dredge spoil.

Senate Bill No. 3270

Relating to retirement from public service.

Sincerely,

TERRY SEBRING, Counsel to the Governor

INTRODUCTION AND FIRST READING OF HOUSE BILL

SHB 1170 by Committee on Environmental Affairs (originally sponsored by Representatives Lux, Wang, Rust, Ebersole, Valle, Cole, Scott, D. Nelson, Unsoeld, Leonard, Sayan, Wineberry, Hine, Fisher and Todd)

Adding requirements to the worker and community right to know act.

Referred to Committee on Commerce and Labor.

There being no objection, the President Pro Tempore advanced the Senate to the sixth order of business.

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Granlund, the appointment of Joseph E. Hunt as a member of the Hospital Commission was confirmed.

APPOINTMENT OF JOSEPH E. HUNT

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 40; absent, 9.

Voting yea: Senators Bailey, Barr, Bender, Bluechel, Bottiger, Cantu, Conner, Decchio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Zimmerman - 40.

Absent: Senators Bauer, Benitz, Craswell, McDermott, McManus, Owen, Stratton, Williams, Wojahn - 9.

MOTION

On motion of Senator von Reichbauer, Senator Benitz was excused.

MOTION

On motion of Senator Granlund, the appointment of Judith A. Klayman as a member of the Hospital Commission was confirmed.

APPOINTMENT OF JUDITH A. KLAYMAN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent, 4; excused, 1.

Voting yea: Senators Bailey, Barr, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Decchio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Zimmerman - 44.

Absent: Senators Bauer, Owen, Williams, Wojahn - 4.

Excused: Senator Benitz - 1.

SECOND READING

ENGROSSED HOUSE BILL NO. 601, by Representatives Nutley, J. King, Perry, Sutherland, Tanner, Zellinsky, Walk, Lux, Appelwick, Fuhrman, L. Smith and Isaacson

Authorizing the advertisement of prices as including sales tax.

The bill was read the second time.

MOTIONS

On motion of Senator Warnke, the following Committee on Commerce and Labor amendment was adopted:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 82.08.050, chapter 15, Laws of 1961 as last amended by section 7, chapter 299, Laws of 1971 ex. sess. and RCW 82.08.050 are each amended to read as follows:

The tax hereby imposed 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 in accordance with the schedule of collections adopted by the department pursuant to the provisions of RCW 82.08.060. The tax required by this chapter, to be collected by the seller, shall be deemed to be held in trust by the seller until paid to the department, and any seller who appropriates or converts the tax collected to his own use or to any use other than the payment of the tax to the extent that the money required to be collected is not available for payment on the due date as prescribed in this chapter shall be guilty of a gross misdemeanor.

In case any seller fails to collect the tax herein imposed or having collected the tax, fails to pay it to the department in the manner prescribed by this chapter, whether such failure is the result of his own acts or the result of acts or conditions beyond his control, he shall, nevertheless, be personally liable to the state for the amount of the tax.

The amount of tax, until paid by the buyer to the seller or to the department, shall constitute a debt from the buyer to the seller and any seller who fails or refuses to collect the tax as

required with intent to violate the provisions of this chapter or to gain some advantage or benefit, either direct or indirect, and any buyer who refuses to pay any tax due under this chapter shall be guilty of a misdemeanor. The tax required by this chapter to be collected by the seller shall be stated separately from the selling price ((and)) in any sales invoice or other instrument of sale. For purposes of determining the tax due from the buyer to the seller and from the seller to the department it shall be conclusively presumed that the selling price quoted in any price list, sales document, contract or other agreement between the parties does not include the tax imposed by this chapter, but if the seller advertises the price as including the tax or that the seller is paying the tax, the advertised price shall not be considered the selling price.

Where a buyer has failed to pay to the seller the tax imposed by this chapter and the seller has not paid the amount of the tax to the department, the department may, in its discretion, proceed directly against the buyer for collection of the tax, in which case a penalty of ten percent may be added to the amount of the tax for failure of the buyer to pay the same to the seller, regardless of when the tax may be collected by the department; and all of the provisions of chapter 82.32 RCW, including those relative to interest and penalties, shall apply in addition; and, for the sole purpose of applying the various provisions of chapter 82.32 RCW, the fifteenth day of the month following the tax period in which the purchase was made shall be considered as the due date of the tax.

NEW SECTION. Sec. 2. A new section is added to chapter 82.08 RCW to read as follows:

A seller may advertise the price as including the tax or that the seller is paying the tax, subject to the following conditions:

(1) Unless the advertised price is one in a listed series, the words "tax included" are stated immediately following the advertised price and in print size at least half as large as the advertised price;

(2) If the advertised prices are listed in a series, the words "tax included in all prices" are placed conspicuously at the head of the list and in the same print size as the advertised prices;

(3) If a price is advertised as "tax included," the price listed on any price tag shall be shown in the same manner; and

(4) All advertised prices and the words "tax included" are stated in the same medium, be it oral or visual, and if oral, in substantially the same inflection and volume.

Sec. 3. Section 82.08.010, chapter 15, Laws of 1961 as last amended by section 2, chapter 2, Laws of 1985 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 except trade-in property of like kind, expressed in the terms of money paid or delivered by a buyer to a seller without any deduction on account of the cost of tangible property sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes other than taxes imposed under this chapter if the seller advertises the price as including the tax or that the seller is paying the tax, 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 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. 4. Section 82.08.120, chapter 15, Laws of 1961 as amended by section 51, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.08.120 are each amended to read as follows:

Whoever, excepting as expressly authorized by this chapter, refunds, remits, or rebates to a buyer, either directly or indirectly and by whatever means, all or any part of the tax levied by this chapter ~~((or makes in any form of advertising, verbal or otherwise, any statements~~

which might infer that he is absorbing the tax or paying the tax for the buyer by an adjustment of prices, or at a price including the tax, or in any other manner whatsoever)) shall be guilty of a misdemeanor. The violation of this section by any person holding a license granted by the state or any political subdivision thereof shall be sufficient grounds for the cancellation of the license of such person upon written notification by the department of revenue to the proper officer of the department granting the license that such person has violated the provisions of this section. Before any license shall be canceled hereunder, the licensee shall be entitled to a hearing before the department granting the license under such regulations as the department may prescribe.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

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

On page 1, line 1 of the title, after "taxes;" strike the remainder of the title and insert "amending RCW 82.08.050, 82.08.010, and 82.08.120; adding a new section to chapter 82.08 RCW; and declaring an emergency."

MOTION

On motion of Senator Warnke, the rules were suspended Engrossed House Bill No. 601, 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 Bauer, that last scheme that the border counties dreamed up cost the state fifty-three million dollars in lost sales tax. Is this going to cost us more money?"

Senator Bauer: "No, Senator Rasmussen, this won't cost us any money. It ought to enhance the sales on the border which in turn will increase the revenue to the state in the B & O and other areas."

Senator Rasmussen: "I have a question in relation to that. I'm a merchant and I'm selling watches and I don't decide to do this--include the sales tax in my advertised price. Next door, I've got another merchant and he's selling watches also, and he decides to do that. How does this equalize between merchants?"

Senator Bauer: "That's their option. The merchant has that option."

Senator Rasmussen: "And, also, between counties not on the border, but further up, they practically have to do this, also, in order to compete with the Hazel Dell merchants or the Vancouver city merchants?"

Senator Bauer: "I'm glad you know where Hazel Dell is. I didn't know it was on the map. I appreciate that, but it's strictly optional and it goes back to what it was for years and years in this state before we changed it to take it out."

"I just want to make one comment. I heard your reference, Senator, about the border's fifty-three million, or whatever it was, lost sales tax. I disagree with that interpretation. I think it was a fair and equitable decision by this legislature. I was considerably aggrieved that Justice Dore and the court made that decision. I still question whether or not it was an appropriate decision, however, that's water under the bridge. It was not fifty-three million. Our merchants enhanced their business as a consequence of what this legislature very wisely did and as a consequence of that, business picked up on the border. There was an increase of the B & O tax on that border; the merchants paid more money on B & O tax. It enhanced the business, so they paid an increasing amount of taxes."

Further debate ensued.

POINT OF INQUIRY

Senator Vognild: "Senator Halsan, does Section 2, sub (3) of Engrossed House Bill No. 106, as amended by the Senate Commerce and Labor Committee, allow the seller to add the sales tax to the selling price listed on all tags and labels if the seller posts a sign stating that the sales tax is included in all prices?"

Senator Halsan: "Yes, Senator Vognild. RCW 82.01.060 (2) and 82.32.300 grant the Department of Revenue authority to draft and implement rules that would allow the seller to include the sales tax in all prices listed on items, contingent upon the posting of a sign stating, 'tax included in all prices.'"

Further debate ensued.

MOTION

On motion of Senator Bender, Senator Williams was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 601, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 601, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; nays, 11; absent, 1; excused, 1.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Sellar, Talmadge, Thompson, Vognilid, Warnke, Wojahn, Zimmerman - 36.

Voting nay: Senators Bailey, Bluechel, Cantu, Craswell, Gaspard, McDonald, Pullen, Rasmussen, Rinehart, Saling, von Reichbauer - 11.

Absent: Senator Stratton - 1.

Excused: Senator Williams - 1.

ENGROSSED HOUSE BILL NO. 601, as amended by the Senate, having received the constitutional 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 10:38 a.m., on motion of Senator Vognilid, the Senate was declared to be at ease.

The Senate was called to order at 1:10 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

April 3, 1985

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 3047,

SENATE BILL NO. 3072,

SENATE BILL NO. 3073,

SENATE BILL NO. 3076,

SENATE BILL NO. 3079,

SENATE BILL NO. 3121,

SENATE BILL NO. 3144,

SENATE BILL NO. 3551, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 3, 1985

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 3068,

SENATE BILL NO. 3312,

SENATE BILL NO. 3576,

SENATE BILL NO. 4121,

SENATE BILL NO. 4122,

SENATE BILL NO. 4169, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 3, 1985

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 490, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 3, 1985

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 16.

HOUSE BILL NO. 312.

SUBSTITUTE HOUSE BILL NO. 850, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 3, 1985

Mr. President:

The Speaker has signed:

SENATE BILL NO. 3368, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 3, 1985

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 625, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 16.

HOUSE BILL NO. 312.

SUBSTITUTE HOUSE BILL NO. 490.

SUBSTITUTE HOUSE BILL NO. 850.

There being no objection, the President Pro Tempore advanced the Senate to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILL

SHB 625 by Committee on Trade and Economic Development (originally sponsored by Representative McMullen)

Establishing a department of trade and economic development.

Referred to Committee on Commerce and Labor.

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

REPORTS OF STANDING COMMITTEES

April 2, 1985

SHB 2 Prime Sponsor, Committee on State Government: Government employee exchange program. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, McCaslin, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

April 2, 1985

SHB 4 Prime Sponsor, Committee on Local Government: Changing requirements for the removal of county seats. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, McCaslin, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

April 2, 1985

HB 132 Prime Sponsor, Representative Tanner: Repealing the laws authorizing a county tax on nonresidents of the state employed in the county. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Craswell, Fleming, McDonald, Moore, Rinehart, Talmadge, Thompson, Warnke.

Passed to Committee on Rules for second reading.

April 2, 1985

EHB 222 Prime Sponsor, Representative Wineberry: Creating a state holiday observing the birth of Martin Luther King, Jr. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; DeJarnatt, Garrett, Granlund, Rinehart.

Passed to Committee on Rules for second reading.

April 2, 1985

SHB 232 Prime Sponsor, Committee on Environmental Affairs: Establishing groundwater management plan procedures and advisory committee. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass and refer to Committee on Ways and Means. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Hansen, Williams.

Referred to Committee on Ways and Means.

April 2, 1985

HB 480 Prime Sponsor, Representative Appelwick: Specifying taxable value of improvements owned or being acquired by lessees. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Fleming, Goltz, Moore, Rinehart, Talmadge, Thompson, Warnke.

Passed to Committee on Rules for second reading.

April 2, 1985

ESHB 804 Prime Sponsor, Committee on Environmental Affairs: Establishing a program to recycle auto and truck tires. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass as amended and refer to Committee on Ways and Means. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Kiskaddon, Williams.

Referred to Committee on Ways and Means.

April 2, 1985

SHB 1003 Prime Sponsor, Committee on Ways and Means: Modifying administrative provisions on excise taxes. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Fleming, Goltz, Moore, Rinehart, Talmadge, Thompson, Warnke.

Passed to Committee on Rules for second reading.

April 2, 1985

SHJM 24 Prime Sponsor, Committee on State Government: Petitioning Congress to halt deportation of Central American refugees. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; DeJarnatt, Garrett, Granlund, Rinehart.

Passed to Committee on Rules or second reading.

April 1, 1985

HCR 3 Prime Sponsor, Representative Sommers: Continuing the joint interim committee on public retirement. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Fleming, Goltz, Hayner, Lee, McDonald, Moore, Talmadge, Warnke, Zimmerman.

Passed to Committee on Rules for second reading.

MOTION

At 1:14 p.m., on motion of Senator Vognild, the Senate adjourned until 11:30 a.m., Thursday, April 4, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

EIGHTY-FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, April 4, 1985

The Senate was called to order at 11:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, McCaslin, McDermott, Pullen, Williams and Wojahn. On motion of Senator von Reichbauer, Senator Pullen was excused. On motion of Senator Bender, Senator McDermott was excused.

The Sergeant at Arms Color Guard, consisting of Pages Stephanie Ogle and Kara Wright, presented the Colors. Reverend Tim Dolan, pastor of the Westminster Presbyterian Church of Olympia, offered the prayer.

MOTION

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

MESSAGE FROM THE HOUSE

April 3, 1985

Mr. President:

The House has passed:

SUBSTITUTE SENATE BILL NO. 3198,

SUBSTITUTE SENATE BILL NO. 3240, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 3198,

SUBSTITUTE SENATE BILL NO. 3240.

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

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Granlund, the appointment of Phyllis M. Kenney as a member of the Prison Terms and Paroles 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, 43; absent, 4; excused, 2.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Zimmerman - 43.

Absent: Senators Bauer, McCaslin, Williams, Wojahn - 4.

Excused: Senators McDermott, Pullen - 2.

MOTION

At 11:50 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 12:18 p.m. by President Cherberg.

MOTIONS

On motion of Senator Vognild, the Senate advanced to the ninth order of business.

On motion of Senator Vognild, the rules were suspended and the Committee on Rules was relieved of further consideration of Substitute House Bill No. 270.

On motion of Senator Vognild, Substitute House Bill No. 270 was referred to the Committee on Ways and Means.

MOTION

At 12:20 a.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Friday, April 5, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

EIGHTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, April 5, 1985

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, Deccio, Patterson, Pullen and Williams. On motion of Senator von Reichbauer, Senators Patterson and Pullen were excused. On motion of Senator Bender, Senator Williams was excused.

The Sergeant at Arms Color Guard, consisting of Pages Todd LaVack and Bill Pritchard, presented the Colors. Reverend Tim Dolan, pastor of the Westminster Presbyterian Church of Olympia, offered the prayer.

MOTION

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

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Granlund, the appointment of Jon D. Smiley as a member of the Hospital Commission was confirmed.

APPOINTMENT OF JON D. SMILEY

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 Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Zimmerman - 44.

Absent: Senators Bauer, Deccio - 2.

Excused: Senators Patterson, Pullen, Williams - 3.

MOTION

On motion of Senator von Reichbauer, Senator Deccio was excused.

MESSAGE FROM THE HOUSE

March 29, 1985

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 3096 with the following amendments:

On page 5, after line 7, strike all material through "29.54.180;" on line 9.

Re-number the remaining subsections accordingly.

On page 1, line 3 of the title after "repealing" strike "RCW 29.54.180.,"

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendments to Engrossed Senate Bill No. 3096.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3096, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus,

Metcalfe, Moore, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Zimmerman - 45.

Excused: Senators Deccio, Patterson, Pullen, Williams - 4.

ENGROSSED SENATE BILL NO. 3096, 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

April 1, 1985

Mr. President:

The House has passed SENATE BILL NO. 3070 with the following amendments:

On page 10, after line 5, insert the following:

"Sec. 19, Section 1, chapter 16, Laws of 1949 as last amended by section 1, chapter 84, Laws of 1984 and RCW 73.04.120 are each amended to read as follows:

County clerks and county auditors, respectively, are authorized and directed to furnish free of charge to the legal representative, surviving spouse, child or parent of any deceased veteran certified copies of marriage certificates, decrees of divorce or annulment, or other documents contained in their files and to record and issue, free of charge, certified copies of such documents from other states, territories, or foreign countries affecting the marital status of such veteran whenever any such document shall be required in connection with any claim pending before the United States veterans' bureau or other governmental agency administering benefits to war veterans. Where these same documents are required of service personnel of the armed forces of the United States for determining entitlement to family allowances and other benefits, they shall be provided without charge by county clerks and county auditors upon request of the person in the service or his dependents."

Renumber the sections consecutively.

On page 1, line 4 of the title, after "65.04.060," insert "73.04.120,"

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Thompson, the Senate concurred in the House amendments to Senate Bill No. 3070.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3070, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalfe, Moore, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Zimmerman - 45.

Excused: Senators Deccio, Patterson, Pullen, Williams - 4.

SENATE BILL NO. 3070, 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 recessed until 11:00 a.m.

SECOND MORNING SESSION

The Senate was called to order at 11:46 a.m. by President Cherberg.

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

MOTION

On motion of Senator von Reichbauer, Senator Benitz was excused.

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Peterson, the appointment of Richard D. Odabashian as a member of the Transportation Commission was confirmed.

APPOINTMENT OF RICHARD D. ODABASHIAN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Zimmerman - 44.

Absent: Senator Hayner - 1.

Excused: Senators Benitz, Deccio, Patterson, Williams - 4.

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

REPORTS OF STANDING COMMITTEES

April 3, 1985

E2SHB 3 Prime Sponsor, Committee on Ways and Means: Providing for protection from radiation. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Benitz, Halsan, Kreidler, Owen, Saling, Stratton.

Passed to Committee on Rules for second reading.

April 4, 1985

SHB 14 Prime Sponsor, Committee on Natural Resources: Modifying provisions relating to salmon angling licenses. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Stratton, Vice Chairman; Barr, Conner, Halsan, Johnson, Metcalf, Patterson, Peterson.

Passed to Committee on Rules for second reading.

April 3, 1985

EHB 22 Prime Sponsor, Representative Vekich: Providing remedies to protect ground water rights. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass and refer to Committee on Ways and Means. Signed by Senators Hansen, Chairman; Bailey, Barr, Bauer, Benitz.

Referred to Committee on Ways and Means.

April 3, 1985

HB 66 Prime Sponsor, Representative R. King: Establishing a training certificate for plumbing construction work contractors. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, Moore, Williams, Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1985

HB 73 Prime Sponsor, Representative Kremen: Permitting designees of certain agency directors to serve on the commission on equipment. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, DeJarnatt, Garrett, Granlund, Guess, Johnson, Metcalf, Patterson, Vognild.

Passed to Committee on Rules for second reading.

April 1, 1985

ESHB 101 Prime Sponsor, Committee on Commerce and Labor: Revising requirements for chance drawings by in-state grocery retail outlets. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Lee, McDonald, Moore, Newhouse, Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1985

EHB 134 Prime Sponsor, Representative Jacobsen: Regulating the use of automatic dialing and announcing devices. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Benitz, Halsan, Kreidler, McCaslin, Owen, Saling, Stratton.

Passed to Committee on Rules for second reading.

April 3, 1985

2SHB 141 Prime Sponsor, Committee on Ways and Means: Providing for a tenth grade achievement test. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Bender, Benitz, Fleming, Goltz, McDermott, Patterson, Saling, Warnke.

Passed to Committee on Rules for second reading.

April 2, 1985

HB 158 Prime Sponsor, Representative Winsley: Requiring payment of a fee for reinstatement of a driver's license suspended for a financial responsibility violation. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, DeJarnatt, Garrett, Granlund, Guess, Metcalf, Patterson, Vognild.

Passed to Committee on Rules for second reading.

April 4, 1985

SHB 179 Prime Sponsor, Committee on Natural Resources: Requiring a migratory waterfowl stamp to hunt migratory waterfowl. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Owen, Chairman; Barr, Conner, Halsan, Johnson, Metcalf, Patterson, Peterson, Rasmussen.

Passed to Committee on Rules for second reading.

April 2, 1985

HB 183 Prime Sponsor, Representative Day: Expanding the sales and use tax exemption for meals furnished to senior citizens. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Deccio, Johnson, Kiskaddon, Peterson, Stratton.

Passed to Committee on Rules for second reading.

April 3, 1985

SHB 190 Prime Sponsor, Committee on Commerce and Labor: Revising provisions relating to escrow agents. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Moore, Newhouse.

Passed to Committee on Rules for second reading.

April 2, 1985

ESHB 203 Prime Sponsor, Committee on Transportation: Directing the state auditor to study diversion of county road property tax revenues. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Bender, DeJarnatt, Garrett, Granlund, Patterson, Vognild.

Passed to Committee on Rules for second reading.

April 3, 1985

ESHB 214 Prime Sponsor, Committee on Judiciary: Prohibiting operation of a watercraft while under the influence of alcohol or drugs. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Hayner, Moore, Owen, Thompson.

Passed to Committee on Rules for second reading.

April 3, 1985

EHB 228 Prime Sponsor, Representative Peery: Exempting from registration small craft used on those waters not subject to federal jurisdiction. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, DeJarnatt, Garrett, Granlund, Guess, Johnson, Metcalf, Patterson, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

April 4, 1985

SHB 232 Prime Sponsor, Committee on Environmental Affairs: Establishing groundwater management plan procedures and advisory committee. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as recommended by Committee on Parks and Ecology. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Fleming, Goltz, Lee, Moore, Talmadge, Thompson, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

April 3, 1985

HB 251 Prime Sponsor, Representative Tilly: Prescribing penalties for fraudulent use of ski area facilities. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Hayner, Metcalf, Moore, Newhouse, Thompson.

Passed to Committee on Rules for second reading.

April 3, 1985

HB 271 Prime Sponsor, Representative Patrick: Allowing assistance vans to stop on limited access facilities. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, DeJarnatt, Garrett, Granlund, Guess, Metcalf, Patterson, Vognild.

Passed to Committee on Rules for second reading.

April 31, 1985

HB 293 Prime Sponsor, Representative Unsoeld: Increasing members of the boards of trustees of the regional universities and The Evergreen State College. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, McDermott, Patterson, Stratton, Warnke.

Passed to Committee on Rules for second reading.

April 2, 1985

HB 318 Prime Sponsor, Representative Walk: Extending the current Advance Construction-Interstate Highway bond authorization to 1989. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, DeJarnatt, Garrett, Granlund, Patterson, Vognild.

Passed to Committee on Rules for second reading.

April 3, 1985

EHB 327 Prime Sponsor, Representative Baugher: Restricting the use of optical strobe light devices to publicly-owned emergency and law enforcement vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, DeJarnatt, Garrett, Granlund, Guess, Johnson, Metcalf, Patterson, Vognild.

Passed to Committee on Rules for second reading.

April 4, 1985

HB 351 Prime Sponsor, Representative Appelwick: Permitting teachers to receive pension payments under certain circumstances while teaching. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Cantu, Fleming, Goltz, Hayner, Lee, McDonald, Moore, Rasmussen, Talmadge, Thompson, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

April 2, 1985

2SHB 356 Prime Sponsor, Committee on Ways and Means: Changing provisions relating to reimbursement for social and health services. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Conner, Craswell, Deccio, Johnson, Kiskaddon, Peterson, Stratton.

Passed to Committee on Rules for second reading.

April 4, 1985

SHB 358 Prime Sponsor, Committee on Commerce and Labor: Authorizing employees to inspect their personnel files for irrelevant or erroneous information. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, McDonald, Williams, Wojahn.

Passed to Committee on Rules for second reading.

April 4, 1985

SHB 375 Prime Sponsor, Committee on Ways and Means: Revising provisions relating to unfunded retirement system liability. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Cantu, Fleming, Goltz, Hayner, Lee, McDonald, Rasmussen, Talmadge, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1985

ESHB 396 Prime Sponsor, Committee on Social and Health Services: Changing state public assistance eligibility requirements. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Conner, Peterson, Stratton.

Passed to Committee on Rules for second reading.

April 3, 1985

2SHB 428 Prime Sponsor, Committee on Commerce and Labor: Revising education requirements for real estate license application. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Moore, Newhouse, Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1985

SHB 460 Prime Sponsor, Committee on Energy and Utilities: Restricting telephone solicitation. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Benitz, Halsan, Kreidler, McCaslin, Owen, Saling, Stratton.

Passed to Committee on Rules for second reading.

April 4, 1985

HB 464 Prime Sponsor, Representative Patrick: Restricting the sale of wildlife skins and furs at auction. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Stratton, Vice Chairman; Barr, Conner, Halsan, Johnson, Metcalf, Patterson, Peterson, Rasmussen.

Passed to Committee on Rules for second reading.

April 4, 1985

SHB 466 Prime Sponsor, Committee on Natural Resources: Revising provisions relating to wholesale fish dealers. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Owen, Chairman; Stratton, Vice Chairman; Barr, Conner, Halsan, Johnson, Metcalf, Patterson, Peterson.

Passed to Committee on Rules for second reading.

April 3, 1985

ESHB 470 Prime Sponsor, Committee on Social and Health Services: Providing for the registration and certification of mental health professionals. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass as amended and refer to Committee on Ways and Means. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Conner, Peterson, Stratton.

MINORITY recommendation: Do not pass as amended. Signed by Senators Craswell, Deccio, Johnson, Kiskaddon.

Hold.

April 3, 1985

SHB 481 Prime Sponsor, Committee on Social and Health Services: Authorizing the director of licensing to appoint temporary members of licensing boards. Reported by Committee on Human Services and Correction

MAJORITY recommendation: Do pass. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Conner, Peterson, Stratton.

Passed to Committee on Rules for second reading.

April 3, 1985

SHB 482 Prime Sponsor, Committee on Social and Health Services: Revising provisions relating to licensing of health care assistants. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Conner, Peterson, Stratton.

Passed to Committee on Rules for second reading.

April 3, 1985

HB 507 Prime Sponsor, Representative Berozoff: Improving freeway traffic flow. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Bender, DeJarnatt, Garrett, Granlund, Guess, Johnson, Metcalf, Patterson.

Passed to Committee on Rules for second reading.

April 3, 1985

HB 593 Prime Sponsor, Representative Armstrong: Removing provisions for administrative revocation of drivers' licenses for all alcohol violations and restoring provisions allowing revocation for breathalyzer refusal. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Hayner, Moore, Newhouse, Owen, Thompson.

Passed to Committee on Rules for second reading.

April 4, 1985

SHB 594 Prime Sponsor, Committee on Social and Health Services: Establishing plans for institutional industries and requiring purchase of products from institutional industries. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Conner, Kiskaddon, Peterson, Stratton.

Passed to Committee on Rules for second reading.

April 3, 1985

EHB 610 Prime Sponsor, Representative Brekke: Modifying provisions relating to the board of health. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Conner, Deccio, Kiskaddon, Peterson.

Passed to Committee on Rules for second reading.

April 3, 1985

E2SHB 627 Prime Sponsor, Committee on Ways and Means: Establishing the Washington state economic development board. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, Moore, Williams, Wojahn.

Passed to Committee on Rules for second reading.

April 2, 1985

SHB 660 Prime Sponsor, Committee on Transportation: Authorizing the state patrol and the utilities and transportation commission to establish standards for private carriers. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Bender, Conner, DeJarnatt, Garrett, Granlund, Patterson, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

April 3, 1985

HB 675 Prime Sponsor, Representative Niemi: Including stepchildren as potential plaintiffs in wrongful death action. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Moore, Newhouse, Thompson.

Passed to Committee on Rules for second reading.

April 4, 1985

SHB 712 Prime Sponsor, Committee on Commerce and Labor: Permitting claimants to review their industrial insurance files. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, McDonald, Williams, Wojahn.

Passed to Committee on Rules for second reading.

April 2, 1985

EHB 718 Prime Sponsor, Representative Todd: Clarifying taxation and assessments provisions pertaining to mobile homes. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Cantu, Craswell, Goltz, Hayner, Lee, McDonald, Moore, Rinehart, Talmadge, Thompson, Warnke, Zimmerman.

Passed to Committee on Rules for second reading.

April 2, 1985

HB 720 Prime Sponsor, Representative Walk: Establishing the highway construction stabilization account. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, DeJarnatt, Garrett, Granlund, Patterson, Vognild.

Passed to Committee on Rules for second reading.

April 2, 1985

EHB 723 Prime Sponsor, Representative Armstrong: Modifying provisions relating to B & O tax on persons disposing of radioactive waste. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Fleming, Goltz, McDonald, Moore, Rinehart, Talmadge, Thompson, Warnke.

Passed to Committee on Rules for second reading.

April 3, 1985

EHB 758 Prime Sponsor, Representative Locke: Imposing civil liability for the theft of utility services. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Benitz, Halsan, Kreidler, Owen.

Passed to Committee on Rules for second reading.

April 3, 1985

EHB 787 Prime Sponsor, Representative Tilly: Exempting avalanche control activities from the state explosive act. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Moore, Newhouse, Wojahn.

Passed to Committee on Rules for second reading.

April 2, 1985

EHB 808 Prime Sponsor, Representative Appelwick: Providing for the property tax valuation of destroyed property which is replaced. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Cantu, Craswell, Fleming, Goltz, Lee, McDonald, Moore, Rinehart, Talmadge, Thompson, Warnke.

Passed to Committee on Rules for second reading.

April 3, 1985

HB 832 Prime Sponsor, Representative Kremen: Authorizing the acceptance of gifts by the world fair commission. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Moore, Newhouse, Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1985

HB 853 Prime Sponsor, Representative Appelwick: Establishing a system of certificates of title for vessels and watercraft. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, DeJarnatt, Garrett, Granlund, Guess, Johnson, Metcalf, Patterson, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

April 3, 1985

E2SHB 879 Prime Sponsor, Committee on Ways and Means: Revising laws against drunk driving. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended and refer to Committee on Ways and Means. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Metcalf, Moore, Newhouse, Owen, Thompson.

Referred to Committee on Ways and Means.

April 3, 1985

SHB 894 Prime Sponsor, Committee on Energy and Utilities: Providing for radon detectors. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Benitz, Halsan, Kreidler, McCaslin, Owen, Saling, Stratton.

Passed to Committee on Rules for second reading.

April 4, 1985

E2SHB 930 Prime Sponsor, Committee on Ways and Means: Establishing a pilot project to provide social and health services to urban "street kids." Reported by Committee on Human Services and Corrections

MAJORITY recommendation: Do pass as amended and refer to Committee on Ways and Means. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Conner, Peterson, Stratton.

Referred to Committee on Ways and Means.

April 3, 1985

HB 949 Prime Sponsor, Representative D. Nelson: Establishing alternative procedures for municipalities to enter into performance-based contracts for

energy equipment and services. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Halsan, Kreidler, McCaslin, Owen, Saling, Stratton.

Passed to Committee on Rules for second reading.

April 2, 1985

HB 1004 Prime Sponsor, Representative Appelwick: Authorizing the director of revenue to administer certain estates having escheat property. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Goltz, Hayner, Lee, McDonald, Moore, Rinehart, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

April 2, 1985

HB 1006 Prime Sponsor, Representative Appelwick: Modifying the definition of consumer for excise tax purposes. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Goltz, Lee, McDonald, Moore, Rasmussen, Rinehart, Talmadge, Zimmerman.

Passed to Committee on Rules for second reading.

April 2, 1985

HB 1009 Prime Sponsor, Representative Appelwick: Modifying excise tax provisions. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Craswell, Deccio, Goltz, Lee, McDonald, Moore, Rasmussen, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

April 4, 1985

EHB 1021 Prime Sponsor, Representative Vekich: Providing civil penalties and enforcement for violations of certain pesticide control laws. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Bailey, Barr, Bauer, Benitz, Gaspard, Newhouse.

Passed to Committee on Rules for second reading.

April 3, 1985

SHB 1044 Prime Sponsor, Committee on Agriculture: Requiring plats in irrigation districts to provide for irrigation before approval. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Barr, Benitz, Newhouse.

Passed to Committee on Rules for second reading.

April 3, 1985

E2SHB 1078 Prime Sponsor, Committee on Ways and Means: Providing an early childhood assistance program. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, McDermott, Saling, Warnke.

Passed to Committee on Rules for second reading.

April 3, 1985

SHB 1079 Prime Sponsor, Committee on Trade and Economic Development: Authorizing sales tax deferrals for investment projects. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Moore, Newhouse, Wojahn.

Passed to Committee on Rules for second reading.

April 2, 1985

HB 1094 Prime Sponsor, Representative L. Smith: Expanding eligibility for issuance of identicards. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, DeJarnatt, Garrett, Granlund, Guess, Metcalf, Patterson, Vognild.

Passed to Committee on Rules for second reading.

April 3, 1985

SHB 1107 Prime Sponsor, Committee on Transportation: Requiring a valid driver's license for issuance of a vehicle license. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Bender, DeJarnatt, Garrett, Granlund, Guess, Metcalf, Patterson, Vognild.

Passed to Committee on Rules for second reading.

April 4, 1985

SHB 1153 Prime Sponsor, Committee on Constitution, Elections and Ethics: Facilitating registration and voting by handicapped persons. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Hayner, McCaslin, Newhouse, Owen, Williams.

Passed to Committee on Rules for second reading.

April 3, 1985

ESHB 1207 Prime Sponsor, Committee on Trade and Economic Development: Establishing an emergency pilot vocational training program. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, Moore, Williams, Wojahn.

Passed to Committee on Rules for second reading.

April 4, 1985

HJM 17 Prime Sponsor, Representative K. Wilson: Requesting federal funds for treaty fish management. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Barr, Conner, Halsan, Johnson, Metcalf, Patterson, Peterson, Rasmussen.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

April 3, 1985

GA 68 CURTIS ESCHELS, to the position of Chairman of the Energy Facility Site Evaluation Council, appointed by the Governor on February 7, 1985, for the term ending co-extensive with term of Governor, succeeding Nicholas Lewis.
Reported by Committee on Energy and Utilities

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Benitz, Halsan, Kreidler, McCaslin, Owen, Saling, Stratton.

Passed to Committee on Rules.

April 3, 1985

GA 109 RICHARD D. CASAD, to the position of member of the Utilities and Transportation Commission, appointed by the Governor on March 12, 1985, for the term ending January 1, 1989, succeeding A. J. "Bud" Pardini.
Reported by Committee on Energy and Utilities

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Benitz, Halsan, Kreidler, Owen, Stratton.

Passed to Committee on Rules.

MOTIONS

On motion of Senator Vognild, all bills were referred to the Committees as listed on the desks of each member with the exception of Engrossed Substitute House Bill No. 470.

Senator Vognild moved that the rules be suspended and Engrossed Substitute House Bill No. 470 be referred to the Committee on Rules.

Senator Kiskaddon moved that Engrossed Substitute House Bill No. 470 be referred to the Committee on Ways and Means.

REPLY BY THE PRESIDENT

President Cherberg: "Senator Kiskaddon, the two motions are of equal right. The President believes that we should act upon Senator Vognild's motion first and if that fails then the measure would be in order for you to refer the bill to the Committee on Ways and Means."

REMARKS BY SENATOR KISKADDON

Senator Kiskaddon: "Mr. President and fellow Senators, the sheet and the way the bill came out of committee was that it be referred to Ways and Means. That was on the basis that there was an appropriation of approximately eight hundred and seventy thousand dollars in the bill. Our customary policy is to send that kind of bill to Ways and Means.

"Now, yesterday, Senator Vognild came over because he wanted us to remove a bill from the Rules Committee and send it to Ways and Means--that was Substitute House Bill No. 270 and it dealt with acupuncture, and the bill had an appropriation of eighty-seven thousand dollars on it. So, what we were saying--yesterday that it was appropriate to send a bill with eighty-seven thousand dollars to Ways and Means--today eight hundred and seventy thousand, it is not. I believe the process of this body is important and that we really want to work for consistency and if it's our process to send them to Ways and Means--that you do so.

"There is a committee meeting this afternoon and it would be possible for the bills to come back. It would not be killing the bill any more that it was killing the bill yesterday, so I believe that both of those bills deserve the same treatment. If we decide to leave this bill and to have Engrossed Substitute House Bill No. 470 go directly to Rules, it would be appropriate then to remove Substitute House Bill No. 270 from Ways and Means and send it to Rules at this time, also. So, at this point, I argue against sending this bill to Rules."

REMARKS BY SENATOR McDERMOTT

Senator McDermott: "Senator Vognild, yesterday, stuck a very painless needle into Ways and Means, but we are crashing toward the end of this session, and it seems to me--I've looked over Engrossed Substitute House Bill No. 470--and it is a bill paid for by fees from counselors and it's not going to cost the general fund anything and for that reason, I don't think it needs to come to Ways and Means. We have about twelve hours left before all the bills have to be read out of committee and into Rules, if they are going to be dealt with, and I think this is a public policy issue that should not be killed in Ways and Means."

REMARKS BY SENATOR McDONALD

Senator McDonald: "Both of these appropriations, once again were from the health professionals account of the general fund. One was larger than the other. The one we're dealing with now is about ten times the amount of the acupuncture bill. Senator McDermott has moved very judiciously and very quickly with bills in the Ways and Means Committee and I suspect that if this bill was before us in the Ways and Means Committee, it would mean, maybe, a ten minute longer committee meeting than we have presently. It is the process that seems to me to be at stake here and not a killing motion for this particular bill. I would urge, as Senator Kiskaddon did, that we defeat the motion to send it to Rules and then take one up that would send it to the Ways and Means Committee to keep the process consistent. I'll hope you vote 'no.'"

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, there is a difference. There is a difference in twenty-four hours, which is time to schedule and to get all of the information ready for the Ways and Means Committee. There's another difference. This bill was out of committee, but because of the delay in getting the sign-up sheet signed, it's here now instead of two days ago when it would have been had someone not said you had to get a minority report sign-up sheet filed at the same time, so there is a substantial difference. This bill is a revolving fund. It is not an impact on the general fund and had the acupuncture bill come out in the same time on the last day, the same motion would have been made. It is not a money loser. It is not anything of that nature. There was time for the acupuncture bill. There is not time with this bill."

POINT OF INQUIRY

Senator Zimmerman: "Senator McDermott, is it going to be the policy, in the future, that all bills that deal with licensing or that have licensing fees involved will go directly to Rules or will they be able to go to Ways and Means?"

"Senator McDermott: "Senator Zimmerman, consistency is the hobgoblin of small minds. There are times and places when certain things are done one way and other times they are done another way. As long as we balance the budget and leave here on the 28th of April, I think the people will be pleased. The policy will be determined as we have issues before us."

Senator Zimmerman: "But in this particular instance, it does show an inconsistency that I think that most of us are concerned about and I'm also wondering whether or not this doesn't deserve what Senator Kiskaddon alluded to?"

Further debate ensued.

The President declared the question before the Senate to be adoption of the motion by Senator Vognild to suspend the rules and refer Engrossed Substitute House Bill No. 470 to the Committee on Rules.

The motion by Senator Vognild carried on a rising vote and Engrossed House Bill No. 470 was referred to the Committee on Rules.

MOTION

Senator Kiskaddon moved that the Committee on Ways and Means be relieved of further consideration of Substitute House Bill No. 270 and that Substitute House Bill No. 270 be referred to the Committee on Rules.

MOTION

At 12:03 p.m., Senator Bottiger moved that the Senate recess until 5:00 p.m.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Bottiger that the Senate recess until 5:00 p.m.

The motion by Senator Bottiger carried on a rising vote and at 12:06 p.m., the Senate recessed until 5:00 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:33 p.m. by President Cherberg for the purpose of reading in the following Reports of Standing Committees (the bills were on

the agenda for the Committee on Ways and Means meeting scheduled for 3:00 p.m. this afternoon).

REPORTS OF STANDING COMMITTEES

April 4, 1985

SHB 205 Prime Sponsor, Committee on Ways and Means: Authorizing a limited offering exemption to the securities act. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass and refer to the Committee on Ways and Means. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, McDermott, Newhouse, Vognild, Wojahn.

Referred to Committee on Ways and Means.

April 4, 1985

SHB 814 Prime Sponsor, Committee on Clean-up and Management of Puget Sound: Requiring the department of ecology to review Puget Sound wastewater standards. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass as amended and refer to Committee on Ways and Means. Signed by Senators Kreidler, Chairman; Bluechel, Cantu, Hansen, Kiskaddon, Williams.

Referred to Committee on Ways and Means.

April 4, 1985

SHB 815 Prime Sponsor, Committee on Clean-up and Management of Puget Sound: Revising provisions relating to sewage treatment facilities. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass as amended and refer to Committee on Ways and Means. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman, Bluechel, Cantu, Kiskaddon, Williams.

Referred to Committee on Ways and Means.

At 1:34 p.m., there being no objection, the President declared the Senate to be at recess until 5:00 p.m.

SECOND AFTERNOON SESSION

The Senate was called to order at 5:00 p.m. by President Cherberg.

At 5:00 p.m., the President declared the Senate to be at ease.

The Senate was called to order at 5:13 p.m. by President Cherberg.

REPORTS OF STANDING COMMITTEES

April 4, 1985

HB 10 Prime Sponsor, Representative Dellwo: Returning a regular driver's license to certain persons. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Peterson, Chairman; Bender, DeJarnatt, Garrett, Granlund, Guess, Johnson, Metcalf, Patterson, Vognild.

Passed to Committee on Rules for second reading.

April 4, 1985

ReSHB 23 Prime Sponsor, Committee on Local Government: Providing regulations for compensation for members of special district governing bodies. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garnett, Rinehart.

MINORITY recommendation: Do not pass as amended. Signed by Senator Saling.

Passed to Committee on Rules for second reading.

April 1, 1985

ESHB 32 Prime Sponsor, Committee on Commerce and Labor: Providing collective bargaining for institutions of higher education. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Vice Chairman; Bauer, Bottiger, Fleming, Goltz, Moore, Rinehart, Talmadge, Thompson, Warnke, Wojahn.

MINORITY recommendation: Do not pass. Signed by Senators Bluechel, Cantu, Craswell, Hayner, Lee, McDonald, Zimmerman.

Passed to Committee on Rules for second reading.

April 4, 1985

HB 43 Prime Sponsor, Representative Lux: Requiring insurers to file their annual statement convention blank. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman, Bender, Vice Chairman; Bottiger, McDermott, Vognilid, von Reichbauer, Wojahn.

MINORITY recommendation: Do not pass. Signed by Senators Deccio, Newhouse, Sellar.

Passed to Committee on Rules for second reading.

April 5, 1985

EHB 51 Prime Sponsor, Representative O'Brien: Requiring public restrooms in grocery stores. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Vognilid, Vice Chairman; Halsan, Moore, Williams, Wojahn.

Passed to Committee on Rules for second reading.

April 4, 1985

SHB 61 Prime Sponsor, Committee on Financial Institutions and Insurance: Revising provisions relating to health insurance for public employees. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Bender, Vice Chairman, Bottiger, McDermott, Vognilid, Wojahn

Passed to Committee on Rules for second reading.

April 5, 1985

SHB 81 Prime Sponsor, Committee on Judiciary: Prohibiting teaching, exhibiting, or demonstrating the use of or using firearms in civil disorders. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; DeJarnatt, Fleming, Hayner, Moore, Owen, Williams.

MINORITY recommendation: Do not pass as amended. Signed by Senators Halsan, Vice Chairman; McCaslin, Metcalf, Pullen, Thompson.

Passed to Committee on Rules for second reading.

April 4, 1985

SHB 112 Prime Sponsor, Committee on Judiciary: Authorizing petitions to the courts for disclosure of identity of adoptees and parents. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Moore, Thompson, Williams.

Passed to Committee on Rules for second reading.

April 5, 1985

SHB 114 Prime Sponsor, Committee on Constitution, Elections and Ethics: Prohibiting alteration and use of official election materials in political campaigns. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Moore, Owen, Pullen, Williams.

Passed to Committee on Rules for second reading.

April 4, 1985

EHB 116 Prime Sponsor, Representative Belcher: Requiring that seniority determine salary increases, layoffs, and rehiring of state employees; that ratio of management and direct service employees be maintained; and providing mobility between personnel systems. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman, McManus, Vice Chairman; DeJarnatt, Garrett, Granlund, Rinehart.

MINORITY recommendation: Do not pass. Signed by Senators Bailey, Zimmerman.

Passed to Committee on Rules for second reading.

April 4, 1985

ESHB 133 Prime Sponsor, Committee on Transportation: Revising placement restrictions and listing requirements on highway information panels. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Barr, Bender, DeJarnatt, Garrett, Guess, Johnson, Patterson, Vognild.

Passed to Committee on Rules for second reading.

April 4, 1985

HB 151 Prime Sponsor, Representative Nealey: Authorizing expanded use of the state seal. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; Bailey, DeJarnatt, Garrett, Granlund, Saling.

Passed to Committee on Rules for second reading.

April 5, 1985

E2SHB 174 Prime Sponsor, Committee on Ways and Means: Establishing the beginning teachers assistance pilot program. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Benitz, Fleming, Goltz, Johnson, Kiskaddon, McDermott, McManus, Saling, Stratton.

Passed to Committee on Rules for second reading.

April 4, 1985

SHB 194 Prime Sponsor, Committee on Local Government: Establishing an alternative procedure for commencing withdrawal of territory from a water or sewer district. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, McCaslin, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

April 5, 1985

ESHB 204 Prime Sponsor, Committee on Social and Health Services: Changing provisions relating to the board of prison terms and paroles. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Hayner, McCaslin, Metcalf, Moore, Newhouse, Owen, Thompson, Williams.

Passed to Committee on Rules for second reading.

April 5, 1985

SHB 205 Prime Sponsor, Committee on Ways and Means: Authorizing a limited offering exemption to the securities act. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bottiger, Fleming, Goltz, Lee, Moore, Rasmussen, Talmadge, Thompson, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

April 4, 1985

SHB 220 Prime Sponsor, Committee on State Government: Modifying provisions relating to the productivity board. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Rinehart .

Passed to Committee on Rules for second reading.

April 4, 1985

SHB 227 Prime Sponsor, Committee on Financial Institutions and Insurance: Requiring liability insurance or other proof of financial responsibility for operation of a motor vehicle. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Deccio, McDermott, Newhouse, Sellar, Vognil, von Reichbauer, Wojahn.

Passed to Committee on Rules for second reading.

April 4, 1985

SHB 242 Prime Sponsor, Committee on Judiciary: Modifying provisions concerning rights of crime victims, their survivors, and witnesses of crime. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Hayner, McCaslin, Metcalf, Moore, Newhouse, Owen.

Passed to Committee on Rules for second reading.

April 4, 1985

HB 244 Prime Sponsor, Representative O'Brien: Creating a state medal of merit. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bailey, DeJarnatt, Garrett, Granlund, Rinehart.

Passed to Committee on Rules for second reading.

April 4, 1985

ESHB 253 Prime Sponsor, Committee on Local Government: Revising authority of code cities to annex unincorporated areas. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, McCaslin, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

April 5, 1985

ESHB 254 Prime Sponsor, Committee on Commerce and Labor: Requiring permits and inspections for the operation of amusement rides. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, McDonald, Moore.

Passed to Committee on Rules for second reading.

April 5, 1985

SHB 270 Prime Sponsor, Committee on Social and Health Services: Certifying the practice of acupuncture. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended by Committee on Human Services and Corrections. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Bottiger, Fleming, Goltz, Lee, Moore, Rasmussen, Rinehart, Talmadge, Thompson, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

April 4, 1985

ESHB 317 Prime Sponsor, Committee on State Government: Changing provisions relating to personal services contracts. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; Bailey, DeJarnatt, Garrett, Granlund, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

April 4, 1985

SHB 323 Prime Sponsor, Committee on Environmental Affairs: Requiring a management program for the Nisqually river system. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass as amended. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Cantu, Hansen, Kiskaddon, Williams.

Passed to Committee on Rules for second reading.

April 5, 1985

EHB 331 Prime Sponsor, Representative Sommers: Revising certain laws governing higher education. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Benitz, Craswell, Fleming, Goltz, Johnson, Kiskaddon, McManus, Saling, Stratton.

Passed to Committee on Rules for second reading.

April 4, 1985

ESHB 339 Prime Sponsor, Committee on Energy and Utilities: Mandating the adoption of procedures for decommissioning major energy facilities. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Benitz, Halsan, Kiskaddon, Kreidler, McCaslin, Owen, Saling, Stratton.

Passed to Committee on Rules for second reading.

April 5, 1985

E2SHB 348 Prime Sponsor, Committee on Ways and Means: Revising sentencing provisions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Hayner, McCaslin, Metcalf, Newhouse, Owen, Williams.

Passed to Committee on Rules for second reading.

April 4, 1985

HB 357 Prime Sponsor, Representative Brekke: Establishing procedures for the disclosure by state agencies of personal records for research purposes. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; DeJarnatt, Garrett, Rinehart, Saling, Zimmerman.

MINORITY recommendation: Do not pass. Signed by Senators Bailey, McCaslin.

Passed to Committee on Rules for second reading.

April 5, 1985

SHB 376 Prime Sponsor, Committee on Ways and Means: Providing for actuarial fiscal notes for retirement legislation. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Bottiger, Fleming, McDonald, Moore, Talmadge, Thompson, Warnke, Zimmerman.

Passed to Committee on Rules for second reading.

April 4, 1985

SHB 380 Prime Sponsor, Committee on Environmental Affairs: Requiring the department of ecology to adopt rules and regulations to preclude flood damage. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass as amended. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Hansen, Williams.

Passed to Committee on Rules for second reading.

April 4, 1985

HB 392 Prime Sponsor, Representative Baugher: Repealing the laws requiring the purchase by the state of fuel produced in this state. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, McCaslin, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

April 4, 1985

HB 405 Prime Sponsor, Representative Baugher: Repealing provisions relating to state purchases of foreign-made items. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bailey, DeJarnatt, Garrett, Granlund, McCaslin, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

April 5, 1985

HB 419 Prime Sponsor, Representative Leonard: Establishing custody and access to voter registration records. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Metcalf, Newhouse, Owen, Thompson, Williams.

Passed to Committee on Rules for second reading.

April 3, 1985

ESHB 433 Prime Sponsor, Committee on Constitution, Elections and Ethics: Submitting establishment of a state presidential preference primary to a vote of the people. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Moore, Owen, Thompson.

MINORITY recommendation: Do not pass as amended. Signed by Senators Hayner, Metcalf, Newhouse, Pullen.

Passed to Committee on Rules for second reading.

April 3, 1985

ESHB 435 Prime Sponsor, Committee on Commerce and Labor: Revising provisions relating to law enforcement officers and fire fighters. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, Moore, Williams, Wojahn.

MINORITY recommendation: Do not pass. Signed by Senators Cantu, Lee, Newhouse.

Passed to Committee on Rules for second reading.

April 5, 1985

ESHB 461 Prime Sponsor, Committee on Trade and Economic Development: Modifying provisions on loans and grants to political subdivisions for public facilities. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, Moore, Wojahn.

Passed to Committee on Rules for second reading.

April 4, 1985

HB 479 Prime Sponsor, Representative Appelwick: Authorizing state park passes and fishing licenses for disabled persons. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Cantu, Hansen, Kiskaddon, Williams.

Passed to Committee on Rules for second reading.

April 4, 1985

SHB 493 Prime Sponsor, Committee on State Government: Establishing a seismic safety commission. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

April 5, 1985

ESHB 495 Prime Sponsor, Committee on Judiciary: Authorizing retrocession of jurisdiction over certain Indian land. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Moore, Owen, Williams.

Passed to Committee on Rules for second reading.

April 4, 1985

ESHB 506 Prime Sponsor, Select Committee on the Clean-up and Management of Puget Sound: Establishing a Puget Sound institute. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass as amended. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Cantu, Hansen, Kiskaddon, Williams.

Passed to Committee on Rules for second reading.

April 4, 1985

SHB 512 Prime Sponsor, Committee on Judiciary: Establishing a bill of rights for children who are victims or witnesses to crime. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, McCaslin, Moore, Owen, Williams.

Passed to Committee on Rules for second reading.

April 4, 1985

EHB 542 Prime Sponsor, Representative Day: Permitting voter registration officers to require proof of age from applicants. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bailey, DeJarnatt, Garrett, McCaslin, Saling, Zimmerman.

MINORITY recommendation: Do not pass. Signed by Senators McManus, Vice Chairman; Granlund, Rinehart.

Passed to Committee on Rules for second reading.

April 4, 1985

ESHB 543 Prime Sponsor, Committee on Local Government: Establishing uniform laws on city consolidation. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

April 2, 1985

SHB 545 Prime Sponsor, Committee on Constitution, Elections and Ethics: Permitting voters to deposit their own ballots in the ballot box. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Moore, Newhouse, Owen.

Passed to Committee on Rules for second reading.

April 5, 1985

ESHB 550 Prime Sponsor, Committee on Judiciary: Penalizing the theft of cable television services. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Hayner, Metcalf, Moore, Newhouse, Owen.

Passed to Committee on Rules for second reading.

April 5, 1985

SHB 566 Prime Sponsor, Committee on Higher Education: Changing provisions relating to higher education tuition and fees. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Benitz, Craswell, Fleming, Goltz, Johnson, McManus, Saling, Stratton.

Passed to Committee on Rules for second reading.

April 4, 1985

HB 576 Prime Sponsor, Representative Haugen: Increasing contract amounts for approved use of small works roster. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, McCaslin, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

April 4, 1985

SHB 622 Prime Sponsor, Committee on Trade and Economic Development: Modifying provisions on the Washington centennial commission. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass as amended. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Cantu, Hansen, Kiskaddon, Williams.

Passed to Committee on Rules for second reading.

April 5, 1985

SHB 625 Prime Sponsor, Committee on Trade and Economic Development: Establishing a department of trade and economic development. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, McDonald, Moore, Wojahn.

Passed to Committee on Rules for second reading.

April 4, 1985

HB 643 Prime Sponsor, Representative Grimm: Permitting direct billing of employers for payments to the public employees' retirement system. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bottiger, Goltz, Hayner, Lee, Moore, Rasmussen, Thompson, Warnke, Zimmerman.

Passed to Committee on Rules for second reading.

April 5, 1985

2SHB 738 Prime Sponsor, Committee on Ways and Means: Establishing a community revitalization team. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Fleming, Goltz, Moore, Rasmussen, Rinehart, Talmadge, Thompson, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

April 4, 1985

SHB 744 Prime Sponsor, Committee on Energy and Utilities: Authorizing the Pacific Northwest Electric Power and Conservation Planning Council to implement the Northwest Conservation and Electric Power Plan. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Halsan, Kreidler, Owen.

Passed to Committee on Rules for second reading.

April 3, 1985

ESHB 760 Prime Sponsor, Committee on Trade and Economic Development: Establishing the youth conservation corps. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, Moore, Wojahn.

Passed to Committee on Rules for second reading.

April 4, 1985

ESHB 767 Prime Sponsor, Committee on Judiciary: Revising laws on criminal profiteering. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Fleming, Hayner, McCaslin, Metcalf, Moore, Newhouse.

Passed to Committee on Rules for second reading.

April 5, 1985

ESHB 804 Prime Sponsor, Committee on Environmental Affairs: Establishing a program to recycle auto and truck tires. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended by Committee on Parks and Ecology. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bottiger, Fleming, Goltz, Moore, Rinehart, Talmadge, Thompson, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

April 5, 1985

SHB 814 Prime Sponsor, Select Committee on the Clean-up and Management of Puget Sound: Requiring the department of ecology to review Puget Sound wastewater standards. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended by Committee on Parks and Ecology. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Fleming, Lee, Moore, Rinehart, Thompson, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

April 5, 1985

ESHB 815 Prime Sponsor, Select Committee on Clean-up and Management of Puget Sound: Revising provisions relating to sewage treatment facilities. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended by Committee on Parks and Ecology. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Fleming, Lee, Moore, Rinehart, Talmadge, Thompson, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

April 4, 1985

SHB 839 Prime Sponsor, Select Committee on the Clean-up and Management of Puget Sound: Requiring comprehensive land use plans to consider and provide corrective action against discharges into waters entering Puget Sound. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Hansen, Kiskaddon, Williams.

Passed to Committee on Rules for second reading.

April 4, 1985

ESHB 846 Prime Sponsor, Committee on Energy and Utilities: Authorizing municipalities to develop electric generation capabilities. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Benitz, Halsan, Kiskaddon, Kreidler, Owen, Saling, Stratton.

Passed to Committee on Rules for second reading.

April 3, 1985

SHB 848 Prime Sponsor, Committee on Judiciary: Requiring the department of corrections to notify certain people of the disposition of inmates convicted of violent offenses. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Hayner, Metcalf, Moore, Newhouse.

Passed to Committee on Rules for second reading.

April 5, 1985

E2SHB 849 Prime Sponsor, Committee on Ways and Means: Providing for teacher evaluation. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Benitz, Fleming, Goltz, Kiskaddon, McDermott, McManus, Saling, Stratton.

Passed to Committee on Rules for second reading.

April 4, 1985

EHB 856 Prime Sponsor, Representative B. Williams: Modifying provisions on the termination and repeal of agencies and programs. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; Bailey, Vice Chairman; DeJarnatt, Garrett, Granlund, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

April 5, 1985

SHB 877 Prime Sponsor, Committee on Judiciary: Changing provisions relating to adoptions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Halsan, Vice Chairman; DeJarnatt, Moore, Newhouse, Thompson, Williams.

Passed to Committee on Rules for second reading.

April 5, 1985

E2SHB 879 Prime Sponsor, Committee on Ways and Means: Revising laws against drunk driving. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended by the Committee on Judiciary. Signed by Senators Gaspard, Vice Chairman; Bottiger, Cantu, Fleming, Lee, McDonald, Moore, Rinehart, Talmadge, Thompson, Wojahn.

Passed to Committee on Rules for second reading.

April 3, 1985

EHB 943 Prime Sponsor, Representative Scott: Establishing a Washington technology exchange. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Halsan, Moore, Williams, Wojahn.

Passed to Committee on Rules for second reading.

April 4, 1985

SHB 956 Prime Sponsor, Committee on Local Government: Relating to the powers of local government in relation to federal grants and programs. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; Bailey, DeJarnatt, Garrett, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

April 4, 1985

ESHB 957 Prime Sponsor, Committee on Financial Institutions and Insurance: Revising coverage requirements on underinsured motor vehicles. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass as amended. Signed by Senators Bender, Vice Chairman; Bottiger, Deccio, McDermott, Newhouse, Sellar, Vognil, Wojahn.

Passed to Committee on Rules for second reading.

April 4, 1985

ESHB 974 Prime Sponsor, Committee on Ways and Means: Modifying provisions on acid rain. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Hansen, Williams.

Passed to Committee on Rules for second reading.

April 5, 1985

HB 999 Prime Sponsor, Representative Appelwick: Providing for the allocation of funds and programs for educational clinics. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Bender, Benitz, Craswell, Johnson, Kiskaddon, McDermott, Saling, Stratton.

Passed to Committee on Rules for second reading.

April 3, 1985

SHB 1037 Prime Sponsor, Committee on Transportation: Revising procedures and amounts in records of accident reports. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Bender, Conner, DeJarnatt, Granlund, Johnson, Paterson.

MINORITY recommendation: Do not pass. Signed by Senators Garrett, Guess, Metcalf.

Passed to Committee on Rules for second reading.

April 5, 1985

SHB 1060 Prime Sponsor, Committee on Ways and Means: Modifying provisions on the taxation of food fish and shellfish. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Bottiger, Cantu, Fleming, Goltz, Lee, McDonald, Moore, Rasmussen, Rinehart, Talmadge, Thompson, Wojahn.

Passed to Committee on Rules for second reading.

April 5, 1985

SHB 1074 Prime Sponsor, Committee on State Government: Authorizing self-funding or self-insurance by the state employees' insurance board. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Cantu, Fleming, Goltz, Lee, McDonald, Moore, Thompson, Warnke.

Passed to Committee on Rules for second reading.

April 5, 1985

ESHB 1077 Prime Sponsor, Committee on Ways and Means: Implementing procedures to control and monitor health care costs. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Fleming, Goltz, Moore, Rinehart, Talmadge, Thompson, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

April 4, 1985

SHB 1080 Prime Sponsor, Committee on State Government: Increasing the number of certain positions exempt from state civil service law. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

SHB 1102 Prime Sponsor, Committee on Energy and Utilities: Changing provisions relating to utility deposits. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Benitz, Halsan, Kiskaddon, Kreidler, McCaslin, Owen, Saling, Stratton.

Passed to Committee on Rules for second reading.

April 5, 1985

ESHB 1106 Prime Sponsor, Committee on Education: Providing grants to schools using parents, teachers aides, and volunteers for certain instructional purposes. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Bender, Benitz, Craswell, Guess, Johnson, Kiskaddon, Patterson, Saling, Stratton.

Passed to Committee on Rules for second reading.

April 4, 1985

SHB 1114 Prime Sponsor, Committee on Energy and Utilities: Revising procedures for adoption of energy related building standards. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Williams, Chairman; McManus, Vice Chairman; Bailey, Halsan, Kiskaddon, Kreidler, Owen.

Passed to Committee on Rules for second reading.

April 4, 1985

SHB 1116 Prime Sponsor, Committee on Local Government: Authorizing the establishment of aquifer protection areas. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass as amended. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Cantu, Kiskaddon, Williams.

Passed to Committee on Rules for second reading.

April 5, 1985

SHB 1170 Prime Sponsor, Committee on Environmental Affairs: Adding requirements to the worker and community right to know act. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Vognild, Vice Chairman; Cantu, Halsan, Lee, McDonald, Moore, Wojahn.

Passed to Committee on Rules for second reading.

April 4, 1985

ESHB 1182 Prime Sponsor, Committee on Transportation: Requiring the use of safety belts and child safety seats in motor vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Peterson, Chairman; Bender, DeJarnatt, Garrett, Granlund, Guess, Johnson, Metcalf, Patterson, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

April 4, 1985

SHB 1191 Prime Sponsor, Committee on Local Government: Providing for equitable distribution of county property to new city. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Rinehart, Saling.

Passed to Committee on Rules for second reading.

April 4, 1985

SHB 1195 Prime Sponsor, Committee on State Government: Directing state agencies to establish flexible-time work schedules for employees. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

April 4, 1985

SHB 1232 Prime Sponsor, Committee on Local Government: Changing provisions relating to sewer and water district annexations. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bailey, DeJarnatt, Garrett, Rinehart, Saling.

Passed to Committee on Rules for second reading.

April 4, 1985

ESHB 1269 Prime Sponsor, Committee on Local Government: Authorizing emergency medical service levies. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Rinehart, Saling.

Passed to Committee on Rules for second reading.

April 4, 1985

SHJM 16 Prime Sponsor, Committee on Local Government: Requesting the federal government transfer ownership of the South Lake Union Naval Reserve Base. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass. Signed by Senators Kreidler, Chairman; Talmadge, Vice Chairman; Bluechel, Cantu, Hansen, Kiskaddon, Williams.

Passed to Committee on Rules for second reading.

April 4, 1985

ESHJR 6 Prime Sponsor, Committee on State Government: Providing for the organization of state government. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; DeJarnatt, Garrett, Granlund, Rinehart.

MINORITY recommendation: Do not pass as amended. Signed by Senators Bailey, McCaslin, Zimmerman.

Passed to Committee on Rules for second reading.

April 4, 1985

HJR 23 Prime Sponsor, Representative Tanner: Authorizing ad valorem taxing districts for public improvements. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; McManus, Vice Chairman; Bailey, DeJarnatt, Garrett, Granlund, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

April 4, 1985

ESHJR 25 Prime Sponsor, Committee on Constitution, Elections and Ethics: Providing for the alteration of counties. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; Bailey, DeJarnatt, Garrett, Granlund, Rinehart, Saling, Zimmerman.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Bottiger, all bills were referred to the Committees as listed on the desks of each members.

MOTION

At 5:14 p.m., on motion of Senator Bottiger, the Senate adjourned until 10:00 a.m., Monday, April 8, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

EIGHTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, April 8, 1985

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, Craswell, Fleming, Pullen, Williams and Wojahn. On motion of Senator Bender, Senators Fleming, Williams and Wojahn were excused. On motion of Senator Zimmerman, Senators Bluechel and Pullen were excused.

The Sergeant at Arms Color Guard, consisting of Pages Julie Ostenson and Alan Brine, presented the Colors. Reverend Michael S. Black, minister of the First Christian Church of Seattle, and a guest of Senator Bill Kiskaddon, offered the prayer.

MOTION

On motion of Senator Vognild, 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 Gaspard, the appointment of Bruce Wilkes as a member of the Board of Trustees for Central Washington University was confirmed.

APPOINTMENT OF BRUCE WILKES

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; absent, 1; excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Zimmerman - 43.

Absent: Senator Craswell - 1.

Excused: Senators Bluechel, Fleming, Pullen, Williams, Wojahn - 5.

MOTION

On motion of Senator von Reichbauer, Senator Craswell was excused.

MOTION

On motion of Senator Gaspard, the appointment of Richard Page as a member of the Board of Trustees for The Evergreen State College was confirmed.

APPOINTMENT OF RICHARD PAGE

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

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Zimmerman - 44.

Excused: Senators Craswell, Fleming, Pullen, Williams, Wojahn - 5.

SECOND READING

HOUSE BILL NO. 402, by Representatives R. King, Patrick, Sayan, S. Wilson, J. Williams, Gallagher, Fisch, Doty, Barrett, Cole and P. King

Authorizing nonprofit organizations to increase price of raffle tickets.

The bill was read the second time.

MOTION

Senator Metcalf moved that the following amendment be adopted:

On page 6, line 28, after "chance," insert "A bona fide charitable or non-profit organization as defined herein, but no government agency, may expend funds to advertise games, lotteries, and contests of chance."

Debate ensued.

POINT OF ORDER

Senator Warnke: "Mr. President, a point of order. I ask for a ruling of scope and object on Senator Metcalf's amendment. The title of this bill is an act relating to raffle tickets. The amendment is dealing with the advertising by state agencies."

Debate ensued.

MOTION

On motion of Senator Metcalf, and there being no objection, the amendment was withdrawn.

MOTION

On motion of Senator Warnke, the rules were suspended, House Bill No. 402 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. 402.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 402 and the bill passed the Senate by the following vote: Yeas, 40; nays, 5; absent, 1; excused, 3.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Zimmerman - 40.

Voting nay: Senators Bluechel, Kreidler, Metcalf, Pullen, Rasmussen - 5.

Absent: Senator Barr - 1.

Excused: Senators Craswell, Williams, Wojahn - 3.

HOUSE BILL NO. 402, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 177, by Committee on Local Government (originally sponsored by Representatives Ebersole, Taylor, Vekich, Basich, Hankins, Sutherland, Patrick, Sander, Fisch, Winsley, S. Wilson, Kremen, Schoon, Bond, G. Nelson and Isaacson)

Increasing funds available to veterans organizations for hall rental.

The bill was read the second time.

MOTIONS

On motion of Senator Thompson, the following Committee on Governmental Operations amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 64, Laws of 1909 as last amended by section 7, chapter 180, Laws of 1947 and RCW 73.04.080 are each amended to read as follows:

Any post, camp or chapter of any national organization of veterans now, or which may hereafter be, chartered by an act of congress which has qualified to accept relief from the

((~~indigent soldiers' relief~~)) veteran's assistance fund of any county may draw upon said county fund for the payment of the rent of its regular meeting place: PROVIDED, That no post, camp or chapter shall be allowed to draw on such fund for this purpose to exceed ~~((the sum of one hundred eighty dollars))~~ a reasonable amount approved by the county legislative authority in any one year, or in any amount for hall rental where said post, camp or chapter is furnished quarters by the state or by any municipality.

Before such claims are ordered paid by the county ~~((commissioners))~~ legislative authority, the commander or authorized disbursing officer of such posts, camps or chapters shall file a proper claim each month with the county auditor for such rental.

Sec. 2. Section 7, page 210, Laws of 1888 as last amended by section 6, chapter 295, Laws of 1983 and RCW 73.08.080 are each amended to read as follows:

The legislative authorities of the several counties in this state shall levy, in addition to the taxes now levied by law, a tax in a sum equal to the amount which would be raised by not less than one and one-eighth cents per thousand dollars of assessed value, and not greater than twenty-seven cents per thousand dollars of assessed value against the taxable property of their respective counties, to be levied and collected as now prescribed by law for the assessment and collection of taxes, for the purpose of creating the veteran's ~~((relief))~~ assistance fund for the relief of honorably discharged veterans as defined in RCW 41.04.005 and the indigent wives, husbands, widows, widowers and minor children of such indigent or deceased veterans, to be disbursed for such relief by such county legislative authority: PROVIDED, That if the funds on deposit, less outstanding warrants, residing in the veteran's ~~((relief))~~ assistance fund on the first Tuesday in September exceed the expected yield of one and one-eighth cents per thousand dollars of assessed value against the taxable property of the county, the county legislative authority may levy a lesser amount: PROVIDED FURTHER, That the costs incurred in the administration of said veteran's ~~((relief))~~ assistance fund shall be computed by the county treasurer not less than annually and such amount may then be transferred from the veteran's ~~((relief))~~ assistance fund as herein provided for to the county current expense fund.

The amount of a levy allocated to the purposes specified in this section may be reduced in the same proportion as the regular property tax levy of the county is reduced by chapter 84.55 RCW."

On motion of Senator Thompson, the following title amendment was adopted:
On page 1, on line 1 of the title, after "73.04.080" insert "and 73.08.080"

On motion of Senator Thompson, the rules were suspended, Substitute House Bill No. 177, 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. 177, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 177, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Taimadge, Thompson, Vognild, von Reichbauer, Warnke, Zimmerman - 46.

Excused: Senators Craswell, Williams, Wojahn - 3.

SUBSTITUTE HOUSE NO. 177, as amended by the Senate, having received the constitutional majority, 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. 310, by Representatives Fisch, Dellwo, Day, Gallagher, Wang, Patrick and Lewis

Permitting wagering under certain circumstances.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, House Bill No. 310 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 McCaslin: "Senator Warnke, if I stopped at my local tavern tonight to have a beer and play a little music or whatever else you do in a tavern, is there anything, at all, in the statute now that would prevent me from flipping for anything?"

Senator Warnke: "The Gambling Commission has ruled that flipping a coin for music or rolling dice to play music, to put a coin in a coin-operated machine is wagering and it is prohibited by law. This will allow that to be done."

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 310.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 310 and the bill passed the Senate by the following vote: Yeas, 37; nays, 9; excused, 3.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke - 37.

Voting nay: Senators Bailey, Cantu, Goltz, Hayner, Pullen, Rasmussen, Saling, Stratton, Zimmerman - 9.

Excused: Senators Craswell, Williams, Wojahn - 3.

HOUSE BILL NO. 310, having received the constitutional 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 Bender, Senator Peterson was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 155, by Committee on Judiciary (originally sponsored by Representative P. King)

Changing requirements relating to notaries.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 2, strike line 21 and insert "(b) resides in Washington state, or resides in an adjoining state and is regularly employed in Washington state or carries on business in Washington state; and"

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 14, after line 7, insert the following:

"NEW SECTION, Sec. 27. Sections 1 through 19, 21, and 23 through 26 shall take effect on January 1, 1986."

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

On page 1, line 5 of the title, after "43.131.300;" strike "and" and insert "providing an effective date; and"

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 155, 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. 155, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 155, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner,

Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Zimmerman - 45.

Excused: Senators Craswell, Peterson, Williams, Wojahn - 4.

SUBSTITUTE HOUSE BILL NO. 155, as amended by the Senate, having received the constitutional majority, 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. 830, by Representatives Kremen, Braddock, McMullen, Haugen, Tanner, Day and Sayan

Facilitating the siting and expansion of business.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, Engrossed House Bill No. 830 was advanced to third reading, the second reading considered the third, and the bill was passed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 830.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 830 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 46.

Excused: Senators Craswell, Peterson, Wojahn - 3.

ENGROSSED HOUSE BILL NO. 830, having received the constitutional majority, 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. 52, by Committee on State Government (originally sponsored by Representatives Niemi, Belcher, Hankins, Vekich, Baugher and Walk)

Revising provisions relating to the human rights commission.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendments were considered simultaneously and adopted:

On page 20, line 11, strike "1987" and insert "1989"

On page 20, line 15, strike "1988" and insert "1990"

Senator Talmadge moved that the following amendment by Senators Talmadge and Fleming be adopted:

On page 18, after line 32, insert:

NEW SECTION. Sec. 31. For the purposes of this chapter, "municipal employee" means any employee of a city, town, county, special purpose district, municipal corporation, or political subdivision of the state of Washington.

NEW SECTION. Sec. 32. If approved by the state human rights commission, any municipal employee or the living surviving spouse of a municipal employee who, due to the promulgation of federal Executive Order 9066, was dismissed, terminated from a temporary position, or rejected during the person's probationary period, or who voluntarily resigned in lieu of dismissal from municipal employment, and who incurred salary and other employment related losses as a result thereof, is eligible to file a claim with a municipality that authorizes by ordinance or resolution the reparation of those losses.

NEW SECTION. Sec. 33. A claim may be submitted to the appropriate municipality for the reparation of salary and other employment related losses suffered during the years 1942 through 1947. The claim shall be supported by appropriate verification, such as the person's name at the time of the dismissal, the name of the employing department, a social security

number, and by evidence of official action of termination. The claimant shall also provide an address to which the municipality shall mail notification of its determination regarding the claimant's eligibility.

NEW SECTION. Sec. 34. (1) A municipality has no obligation to adopt an ordinance or resolution providing for reparation of salary and other employment related losses.

(2) If a municipality determines by ordinance or resolution to make reparations for salary and other employment related loss, it has no obligation to directly notify one person of possible eligibility for reparation of salary and other employment related losses under this chapter.

(3) A municipality may determine in its sole discretion the monetary amount of reparation for salary and other employment related losses attributable to an employee's dismissal, termination, rejection during probation, or resignation in lieu of dismissal during the years 1942 through 1947.

(4) Payments shall be made from municipal funds.

NEW SECTION. Sec. 35. Sections 31 through 34 of this act shall constitute new sections in chapter 49.60 RCW.

Renumber the remaining sections accordingly.

Debate ensued.

POINT OF ORDER

Senator Hayner: "Mr. President, a point of order. I would like to challenge the scope and object of this amendment. The bill before us deals with vacancies on the Human Rights Commission; it deals with some of the powers and authorization of the Human Rights Commission. The amendment before us does nothing but deal with city, county and municipal problems and just requires that the Human Rights Commission approve it. This is certainly not within the scope and object of this bill. The object of the bill is to deal with the inner workings of the Human Rights Commission and I contend that the amendment is not within the scope and object of the bill."

Debate ensued.

MOTION

On motion of Senator Vognild, further consideration of Substitute House Bill No. 52 was deferred.

SECOND READING

HOUSE BILL NO. 268, by Representatives Tanner, B. Williams, Brekke, Lewis and Ebersole (by Department of Corrections request)

Allowing institutional industries to purchase products and services for resale.

The bill was read the second time.

MOTIONS

On motion of Senator Granlund, the following Committee on Human Services and Corrections amendments were considered simultaneously and adopted:

On page 3, line 31, after "on" strike "probation" and insert "~~(probation)~~ community supervision"

On page 3, after line 35, insert the following:

"The department of corrections shall reimburse participating units of local government and nonprofit agencies for workers compensation insurance costs.

NEW SECTION. Sec. 2. There is appropriated from the general fund to the department of corrections for the biennium ending June 30, 1987, the sum of forty thousand dollars, or so much thereof as may be necessary, to provide reimbursement under section 1 (5) of this act."

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

On page 1, line 1 of the title, after "industries;" strike the remainder of the title and insert "amending RCW 72.09.100; and making an appropriation."

On motion of Senator Granlund, the rules were suspended, House Bill No. 268, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 268, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 268, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 46.

Excused: Senators Craswell, Peterson, Wojahn - 3.

HOUSE BILL NO. 268, as amended by the Senate, having received the constitutional majority, 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. 546, by Committee on Agriculture (originally sponsored by Representatives Kremen, Vekich, McMullen, Lundquist, Haugen, S. Wilson, K. Wilson, Betrozoff, Ebersole, Zellinsky, C. Smith, Bristow, Ballard, Doty, Peery, Baugher, Nealey, Madsen, Brooks and O'Brien)

Modifying provisions on agricultural commodity assessments.

The bill was read the second time.

MOTIONS

On motion of Senator Hansen, the following Committee on Agriculture amendments were considered simultaneously and adopted:

On page 1, line 24, after "means" insert "any animal or"

On page 1, at the beginning of line 26, strike "animal"

On page 15, after line 24, insert the following:

"Sec. 17. Section 15.44.010, chapter 11, Laws of 1961 as amended by section 1, chapter 238, Laws of 1979 ex. sess. and RCW 15.44.010 are each amended to read as follows:

As used in this chapter:

"Commission" means the Washington state dairy products commission;

To "ship" means to deliver or consign milk or cream to a person dealing in, processing, distributing, or manufacturing dairy products for sale, for human consumption or industrial or medicinal uses;

"Handler" means one who purchases milk, cream, or skimmed milk for processing, manufacturing, sale, or distribution;

"Dealer" means one who handles, ships, buys, and sells dairy products, or who acts as sales or purchasing agent, broker, or factor of dairy products;

"Processor" means a person who uses milk or cream for canning, drying, manufacturing, preparing, or packaging or for use in producing or manufacturing any product therefrom;

"Producer" means a person who produces milk from cows and sells it for human or animal food, or medicinal or industrial uses;

"Maximum authorized assessment rate" means the level of assessment most recently approved by a referendum of producers;

"Current level of assessment" means the level of assessment paid by the producer as set by the commission which cannot exceed the maximum authorized assessment rate.

Sec. 18. Section 15.44.080, chapter 11, Laws of 1961 as last amended by section 1, chapter 41, Laws of 1973 1st ex. sess. and RCW 15.44.080 are each amended to read as follows:

(1) There is hereby levied upon all milk produced in this state an assessment of 0.6% of class I price for 3.5% butter fat milk as established in any market area by a market order in effect in that area or by the state department of agriculture in case there is no market order for that area; and

(2) Subject to approval by a producer referendum as provided in this section, the commission shall have the further power and duty to increase the amount of the maximum authorized assessment rate to be levied upon either milk or cream according to the necessities required to effectuate the stated purpose of the commission.

In determining such necessities, the commission shall consider one or more of the following:

(a) The necessities of—

(i) developing better and more efficient methods of marketing milk and related dairy products;

(ii) aiding dairy producers in preventing economic waste in the marketing of their commodities;

(iii) developing and engaging in research for developing better and more efficient production, marketing and utilization of agricultural products;

(iv) establishing orderly marketing of dairy products;

(v) providing for uniform grading and proper preparation of dairy products for market;

(vi) providing methods and means including but not limited to public relations and promotion, for the maintenance of present markets, for development of new or larger markets, both domestic and foreign, for dairy products produced within this state, and for the prevention, modification or elimination of trade barriers which obstruct the free flow of such agricultural commodities to market;

(vii) restoring and maintaining adequate purchasing power for dairy producers of this state; and

(viii) protecting the interest of consumers by assuring a sufficient pure and wholesome supply of milk and cream of good quality;

(b) The extent and probable cost of required research and market promotion and advertising;

(c) The extent of public convenience, interest and necessity; and

(d) The probable revenue from the assessment as a consequence of its being revised.

This section shall apply where milk or cream is marketed either in bulk or package. However, this section shall not apply to milk or cream used upon the farm or in the household where produced.

The increase in the maximum authorized assessment (~~or any part thereof~~) rate to be charged producers on milk and cream provided for in this section shall not become effective until approved by fifty-one percent of the producers voting in a referendum conducted by the commission.

The referendum for approval of any increase in the maximum authorized assessment (~~or part thereof~~) rate provided for in this section shall be by secret mail ballot furnished to all producers paying assessments to the commission. The commission shall furnish ballots to producers at least ten days in advance of the day it has set for concluding the referendum and counting the ballots. Any interested producer may be present at such time the commission counts said ballots.

~~((Any proposed increase in assessments by the commission subsequent to a decrease in assessments as provided for in RCW 15.44.130(2) shall be subject to a referendum and approval by producers as herein provided.))~~

Sec. 19. Section 15.44.130, chapter 11, Laws of 1961 as amended by section 2, chapter 60, Laws of 1969 and RCW 15.44.130 are each amended to read as follows:

(1) In order to adequately advertise and market Washington dairy products in the domestic, national and foreign markets, and to make such advertising and marketing research and development as extensive as public interest and necessity require, and to put into force and effect the policy of this chapter 15.44 RCW, the commission shall provide for and conduct a comprehensive and extensive research, advertising and educational campaign, and keep such research, advertising and education as continuous as the production, sales, and market conditions reasonably require.

(2) The commission shall investigate and ascertain the needs of dairy products and producers, the conditions of the markets, and the extent to which public convenience and necessity require advertising and research to be conducted. ~~((If upon such investigation, it shall appear that the revenue from an assessment provided for in RCW 15.44.080 is more than adequate to accomplish the purposes and objects of this chapter, it shall file a request with the director of agriculture showing the necessities of the industry, the extent and probable cost of the required research and advertising, the extent of public convenience, interest and necessity, and the probable revenue from the assessment herein levied and imposed. If such probable revenue is more than the amount reasonably necessary to conduct the research and advertising that the public interest and convenience require to accomplish the objects and purposes hereof, the commission shall decrease the assessment to a sum that the commission shall determine adequate to effectuate the purposes hereof. PROVIDED: That no such change shall be made in rate of assessment until the commission shall have filed with the director a full report of such investigations and findings. Such change in assessment shall be effective thirty days after such report is filed.))~~

(3)(a) The commission may decrease or increase the current level of assessment provided for in RCW 15.44.080 following a hearing conducted in accordance with the Administrative Procedure Act, chapter 34.04 RCW: PROVIDED, That the current level of assessment established in this manner shall not exceed the maximum authorized assessment rate established by producers in the most recent referendum.

(b) Upon receipt of a petition bearing the names of twenty percent of the producers requesting a reduction in the current level of assessment, the commission shall hold a hearing in accordance with chapter 34.04 RCW to receive producer testimony. After considering the testimony of the producer, the commission may adjust the current level of assessment.

Sec. 20. Section 15.66.140, chapter 11, Laws of 1961 as amended by section 2, chapter 81, Laws of 1982 and RCW 15.66.140 are each amended to read as follows:

Every marketing commission shall have such powers and duties in accordance with provisions of this chapter as may be provided in the marketing order and shall have the following powers and duties:

- (1) To elect a chairman and such other officers as determined advisable;
- (2) To adopt, rescind and amend rules and regulations reasonably necessary for the administration and operation of the commission and the enforcement of its duties under the marketing order;
- (3) To administer, enforce, direct and control the provisions of the marketing order and of this chapter relating thereto;
- (4) To employ and discharge at its discretion such administrators and additional personnel, attorneys, advertising and research agencies and other persons and firms that it may deem appropriate and pay compensation to the same;
- (5) To acquire personal property and lease office space and other necessary real property and transfer and convey the same;
- (6) To institute and maintain in its own name any and all legal actions, including actions by injunction, mandatory injunction or civil recovery, or proceedings before administrative tribunals or other governmental authorities necessary to carry out the provisions of this chapter and of the marketing order;
- (7) To keep accurate records of all its receipts and disbursements, which records shall be open to inspection and audit by the state auditor at least every five years;
- (8) Borrow money and incur indebtedness;
- (9) Make necessary disbursements for routine operating expenses;
- (10) To expend funds for commodity-related education, training, and leadership programs as each commission deems expedient;

(11) Such other powers and duties that are necessary to carry out the purposes of this chapter.

NEW SECTION. Sec. 21. Section 2, chapter 64, Laws of 1971 and RCW 16.67.124 are each repealed."

On motion of Senator Hansen, the following title amendment was adopted:

On page 1, line 4 of the title, after "15.65.440," strike the remainder of the title and insert "15.65.630, 15.44.010, 15.44.080, 15.44.130, and 15.66.140; and repealing RCW 16.67.124."

On motion of Senator Hansen, the rules were suspended, Substitute House Bill No. 546, 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. 546, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 546, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Decchio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 47.

Excused: Senators Craswell, Wojahn - 2.

SUBSTITUTE HOUSE BILL NO. 546, as amended by the Senate, having received the constitutional 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 11:07 a.m., on motion of Senator Vognild, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order at 2:00 p.m. by President Cherberg.

MOTION

On motion of Senator Bender, Senator Owen was excused.

There being no objection, the President reverted the Senate to the fourth order of business.

MESSAGES FROM THE HOUSE

April 5, 1985

Mr. President:

The House has passed:
 SENATE BILL NO. 3406,
 SUBSTITUTE SENATE BILL NO. 3407,
 SENATE BILL NO. 3408,
 SENATE BILL NO. 3409, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 8, 1985

Mr. President:

The Speaker has signed:
 SUBSTITUTE SENATE BILL NO. 3198,
 SUBSTITUTE SENATE BILL NO. 3240, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 5, 1985

Mr. President:

The House has concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 21 and has passed the bill as amended by the Senate.

DENNIS L. HECK, Chief Clerk

April 5, 1985

Mr. President:

The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 601 and has passed the bill as amended by the Senate.

DENNIS L. HECK, Chief Clerk

April 5, 1985

Mr. President:

The House has concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 409 and has passed the bill as amended by the Senate.

DENNIS L. HECK, Chief Clerk

April 5, 1985

Mr. President:

The House has concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1063 and has passed the bill as amended by the Senate.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 3406,
 SUBSTITUTE SENATE BILL NO. 3407,
 SENATE BILL NO. 3408,
 SENATE BILL NO. 3409.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 3070,
 SENATE BILL NO. 3096.

There being no objection, the President advanced the Senate to the sixth order of business.

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Williams, the appointment of Sharon L. Nelson as a member of the Utilities and Transportation Commission was confirmed.

APPOINTMENT OF SHARON L. NELSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 42; nays, 2; absent, 2; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 42.

Voting nay: Senators Metcalf, Moore - 2.

Absent: Senators Bluechel, McDonald - 2.

Excused: Senators Craswell, Owen, Wojahn - 3.

REMARKS BY SENATOR BOTTIGER FOR THE RECORD

Senator Bottiger: "Mr. President, for purposes of the record, and I'm not clear as to whether the chair placed the motion that Sharon Nelson would be appointed as chairman of the UTC, I don't believe it's within the power of the Senate to confirm this chairmanship, but only the appointment."

REPLY BY THE PRESIDENT

President Cherberg: "Your remarks are well taken, Senator. The Senate has confirmed Sharon L. Nelson as a member of the Utilities and Transportation Commission."

SECOND READING

HOUSE BILL NO. 12, by Representatives Tilly, Ballard, Bristow and Fuhrman

Expanding television reception improvement districts to include FM radio.

The bill was read the second time.

MOTION

On motion of Senator Williams, the rules were suspended, House Bill No. 12 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. 12.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 12 and the bill passed the Senate by the following vote: Yeas, 42; nays, 3; absent, 2; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 42.

Voting nay: Senators Bender, Pullen, Talmadge - 3.

Absent: Senators Benitz, Conner - 2.

Excused: Senators Owen, Wojahn - 2.

HOUSE BILL NO. 12, having received the constitutional majority, 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. 520, by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Lux, Sanders, Winsley, Holland, Grimm, Zellinsky, Hankins, P. King, Madsen, Barrett, Day, Ballard and Nutley)

Revising industrial loan company provisions.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Substitute House Bill No. 520 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. 520.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 520 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Seilar, Stratton, Talmadge, Thompson, Vogt, von Reichbauer, Warnke, Williams, Zimmerman - 47.

Excused: Senators Owen, Wojahn - 2.

SUBSTITUTE HOUSE BILL NO. 520, having received the constitutional majority, 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. 28, by Committee on Local Government (originally sponsored by Representatives Haugen, Brough, P. King, Crane and Rayburn)

Authorizing biennial municipal budgets.

The bill was read the second time.

MOTIONS

On motion of Senator Thompson, the following Committee on Governmental Operations amendments were considered simultaneously and adopted:

On page 7, line 33, after "chapter" strike "may" and insert "shall"

On page 20, line 2, after "chapter" strike "may" and insert "shall"

On motion of Senator Thompson, the following Committee on Governmental Operations amendment was adopted:

On page 26, after line 20, insert the following:

"Sec. 62. Section 5, chapter 7, Laws of 1967 and RCW 35.32A.030 are each amended to read as follows:

The heads of all departments, divisions or agencies of the city government, including the library department, and departments headed by commissions or elected officials shall submit to the mayor estimates of revenues and necessary expenditures for the ensuing fiscal year in such detail, in such form and at such time as the mayor shall prescribe.

The budget director shall assemble all estimates of revenues; necessary departmental expenditures; interest and redemption requirements for any city debt; and other pertinent budgetary information as may be required by uniform regulations of the state auditor; and, under the direction of the mayor, prepare a proposed budget for presentation to the city council.

The revenue estimates shall be based primarily on the collection experience of the first six months of the current fiscal year and the last six months of the preceding fiscal year and shall not include revenue from any source in excess of the amount so collected unless it shall be reasonably anticipated that such excess amounts will in fact be realized. The estimated revenues shall ~~((be only from))~~ include sources previously established by law(;) and unencumbered fund balances estimated to be available at the close of the current fiscal year. The estimated expenditures in the proposed budget shall, in no event, exceed such estimated revenues: PROVIDED, That the mayor may recommend expenditures exceeding the estimated revenues when accompanied by proposed legislation to raise at least an equivalent amount of additional revenue.

The mayor shall submit the proposed budget to the city council not later than ninety days prior to the beginning of the ensuing fiscal year.

The budget director shall cause sufficient copies of the proposed budget to be prepared and made available to all interested persons and shall cause a summary of the proposed budget to be published at least once in the city official newspaper.

Sec. 63. Section 6, chapter 7, Laws of 1967 and RCW 35.32A.040 are each amended to read as follows:

The city council shall forthwith consider the proposed budget submitted by the mayor and shall cause such public hearings to be scheduled on two or more days to allow all interested persons to be heard. Such hearings shall be announced by public notice published in the city official newspaper as well as provided to general news media.

The city council may insert new expenditure allowances, increase or decrease expenditure allowances recommended by the mayor, or revise estimates of revenues subject to the same restrictions as are herein imposed on the mayor; but may not adopt a budget in which the total expenditure allowances exceed the total estimated revenues as defined in RCW 35.32A.030 for the ensuing fiscal year.

Sec. 64, Section 8, chapter 7, Laws of 1967 as amended by section 20, chapter 195, Laws of 1973 1st ex. sess. and RCW 35.32A.060 are each amended to read as follows:

Every city having a population of over three hundred thousand may maintain an emergency fund, which fund balance shall not exceed thirty-seven and one-half cents per thousand dollars of assessed value. Such fund shall be maintained by an annual budget allowance. When the necessity therefor arises transfers may be made to the emergency fund from any tax-supported fund except bond interest and redemption funds.

The city council by an ordinance approved by two-thirds of all of its members may authorize the expenditure of sufficient money from the emergency fund, or other designated funds, to meet the expenses or obligations:

(1) Caused by fire, flood, explosion, storm, earthquake, epidemic, riot, insurrection, act of God, act of the public enemy or any other such happening that could not have been anticipated; or

(2) For the immediate preservation of order or public health or for the restoration to a condition of usefulness of public property the usefulness of which has been destroyed by accident; or

(3) In settlement of approved claims for personal injuries or property damages, exclusive of claims arising from the operation of a public utility owned by the city; or

(4) To meet mandatory expenditures required by laws enacted since the last budget was adopted.

The city council by an ordinance approved by three-fourths of all its members may appropriate from the emergency fund, or other designated funds, an amount sufficient to meet the actual necessary expenditures of the city for which insufficient or no appropriations have been made due to causes which could not reasonably have been foreseen at the time of the making of the budget.

An ordinance authorizing an emergency expenditure shall become effective immediately upon being approved by the mayor or upon being passed over his veto as provided by the city charter."

On motion of Senator Thompson, the following title amendment was adopted:
In line 2 of the title, after "35.32A.010," insert "35.32A.030, 35.32A.040, 35.32A.060."

On motion of Senator Thompson, the rules were suspended, Substitute House Bill No. 28, 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. 28, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 28, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 46.

Voting nay: Senator Pullen - 1.

Excused: Senators Owen, Wojahn - 2.

SUBSTITUTE HOUSE BILL NO. 28, as amended by the Senate, having received the constitutional majority, 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. 15, by Committee on Local Government (originally sponsored by Representatives Fisch, Winsley, Wang, Gallagher, Hankins, Belcher, Allen, Isaacson and Sayan)

Modifying provisions relating to security for the payment of the prevailing wages under public works contracts.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Substitute House Bill No. 15 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. 15.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 15 and the bill passed the Senate by the following vote: Yeas, 43; nays, 4; excused, 2.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 43.

Voting nay: Senators Bailey, Bluechel, Cantu, Guess - 4.

Excused: Senators Owen, Wojahn - 2.

SUBSTITUTE HOUSE BILL NO. 15, having received the 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 Mr. Toshihiro Menju, an employee of the Hyogo Prefectural Government of Japan and a student at The Evergreen State College, working on his masters degree in Public Administration. Mr. Menju, a guest of Senator Goltz, and seated with the President, will be observing the Senate during the month of April.

With permission of the Senate, business was suspended to permit Mr. Menju to address the Senate.

SECOND READING

HOUSE BILL NO. 92, by Representatives K. Wilson, Lundquist, Sutherland and Brekke

Authorizing designees of state officials to sit on the interagency committee for outdoor recreation.

The bill was read the second time.

MOTION

On motion of Senator Kreidler, the rules were suspended, House Bill No. 92 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. 92.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 92 and the bill passed the Senate by the following vote: Yeas, 39; nays, 8; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McManus, Metcalf, Moore, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 39.

Voting nay: Senators Bottiger, Deccio, Hayner, Lee, McDonald, Newhouse, Patterson, Pullen - 8.

Excused: Senators Owen, Wojahn - 2.

HOUSE BILL NO. 92, having received the constitutional majority, 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. 188, by Committee on Judiciary (originally sponsored by Representatives Madsen, Todd and P. King)

Revising provisions to require removal of repossessed mobile homes from mobile home parks.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 188 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. 188.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 188 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vogniid, von Reichbauer, Warnke, Williams, Zimmerman - 46.

Absent: Senator Cantu - 1.

Excused: Senators Owen, Wojahn - 2.

SUBSTITUTE HOUSE BILL NO. 188, having received the constitutional majority, 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. 914, by Representatives Appelwick, and Grimm

Modifying the distribution of timber taxes.

The bill was read the second time.

MOTIONS

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:

*Sec. 1. Section 9, chapter 204, Laws of 1984 and RCW 84.33.081 are each amended to read as follows:

(1) On the last business day of the second month of each calendar quarter, the state treasurer shall distribute from the timber tax distribution account to each county the amount of tax collected on behalf of each county under RCW 84.33.051, less each county's proportionate share of appropriations for collection and administration activities under RCW 84.33.051, and shall transfer to the state general fund the amount of tax collected on behalf of the state under RCW 84.33.041, less the state's proportionate share of appropriations for collection and administration activities under RCW 84.33.041. The county treasurer shall deposit moneys received under this section in a county timber tax account which shall be established by each county. Following receipt of moneys under this section, the county treasurer shall make distributions from any moneys available in the county timber tax account to taxing districts in the county, except the state, under subsections (2) through (4) of this section.

(2) 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 for a capital project fund authorized pursuant to RCW 84.52.053, of an amount equal to the timber assessed value of the district multiplied by the tax rate levied for payment of the debt service and capital projects: PROVIDED, That in respect to levies for a debt service or capital project fund authorized before July 1, 1984, 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 1984. Distribution under this subsection (2) shall be used only for debt service and capital projects payments. The distribution under this subsection shall be made as follows: One-half of such amount shall be distributed in the first quarter of the year and one-half shall be distributed in the third quarter of the year.

(3) From the moneys remaining after the distributions under subsection (2) of this section, the county treasurer shall distribute to each school 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 this chapter, 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) of this section. The distribution under this subsection shall be made as follows: One-half of such amount shall be distributed in the first quarter of the year and one-half shall be distributed in the third quarter of the year.

(4) After the distributions directed under subsections (2) and (3) 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 or as a special levy not included in subsection (2) or (3) of this section.

(5) If there are insufficient moneys in the county timber tax account to make full distribution under subsection (4) of this section, the county treasurer shall multiply the amount to be distributed to each taxing district under that subsection by a fraction. The numerator of the fraction is the county timber tax account balance before making the distribution under that subsection. The denominator of the fraction is the account balance which would be required to make full distribution under that subsection.

(6) After making the distributions under subsections (2) through (4) of this section in the full amount indicated for the calendar year, the county treasurer shall place any excess revenue up to twenty percent of the total distributions made for the year under subsections (2) through (4) of this section in a reserve status until the beginning of the next calendar year. Any moneys remaining in the county timber tax account after this amount is placed in reserve shall be distributed to each taxing district in the county in the same proportions as the distributions made under subsection (4) of this section.

Sec. 2. Section 84.52.080, chapter 15, Laws of 1961 as last amended by section 14, chapter 204, Laws of 1984 and RCW 84.52.080 are each amended to read as follows:

(1) The county assessor shall extend the taxes upon the tax rolls in the form herein prescribed. The rate percent necessary to raise the amounts of taxes levied for state and county purposes, and for purposes of taxing districts coextensive with the county, shall be computed upon the assessed value of the property of the county; the rate percent necessary to raise the amount of taxes levied for any taxing district within the county shall be computed upon the assessed value of the property of the district; all taxes assessed against any property shall be added together and extended on the rolls in a column headed consolidated or total tax. In extending any tax, whenever it amounts to a fractional part of a cent greater than five mills it shall be made one cent, and whenever it amounts to five mills or less than five mills it shall be dropped. The amount of all taxes shall be entered in the proper columns, as shown by entering the rate percent necessary to raise the consolidated or total tax and the total tax assessed against the property.

(2) For the purpose of computing the rate necessary to raise the amount of any excess levy in a taxing district which has classified or designated forest land under chapter 84.33 RCW, other than the state, the county assessor shall add the district's timber assessed value, as defined in RCW 84.33.035, to the assessed value of the property: PROVIDED, That for school districts maintenance and operations levies only one-half of the district's timber assessed value or eighty percent of the timber roll of such district in calendar year 1983 as determined under chapter 84.33 RCW, whichever is greater, shall be added.

(3) Upon the completion of such tax extension, it shall be the duty of the county assessor to make in each assessment book, tax roll or list a certificate in the following form:

I,, assessor of county, state of Washington, do hereby certify that the foregoing is a correct list of taxes levied on the real and personal property in the county of for the year one thousand nine hundred and

Witness my hand this day of, 19...

....., County Assessor

(4) The county assessor shall deliver said tax rolls to the county treasurer on or before the fifteenth day of December, taking his receipt therefor, and at the same time the county assessor shall provide the county auditor with an abstract of the tax rolls showing the total amount of taxes collectible in each of the taxing districts.

NEW SECTION. Sec. 3. Section 1 of this act applies to distributions beginning in 1986, and thereafter.

NEW SECTION. Sec. 4. Section 2 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately, and shall be effective for taxes levied for collection in 1986 and thereafter."

On motion of Senator McDermott, the following title amendment was adopted:

On page 1, line 1 of the title, after "distributions;" strike the remainder of the title and insert "amending RCW 84.33.081 and 84.52.080; creating a new section; and declaring an emergency."

On motion of Senator McDermott, the rules were suspended, Engrossed House Bill No. 914, 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 House Bill No. 914, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 914, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Bailey, Barr, Brauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Zimmerman - 47.

Excused: Senators Owen, Wojahn - 2.

ENGROSSED HOUSE BILL NO. 914, as amended by the Senate, having received the constitutional majority, 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. 565, by Committee on Local Government (originally sponsored by Representatives Nutley, Ballard, Haugen, B. Williams and Isaacson),

Authorizing county treasurer to serve as fiscal agent for certain local government units.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Substitute House Bill No. 565 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. 565.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 565 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Bailey, Barr, Brauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Zimmerman - 47.

Excused: Senators Owen, Wojahn - 2.

SUBSTITUTE HOUSE BILL NO. 565, having received the 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 eighth order of business.

MOTION

On motion of Senator Halsan, the following resolution was adopted:

SENATE RESOLUTION 1985-27

by Senators Halsan, Warnke, Moore, Bender, Johnson, Vognilid, Goltz, Deccio, Talmadge, Conner, Kreidler, Hayner, Lee, Thompson, Stratton, Owen, Garrett, Kiskaddon, Rasmussen, Peterson, Metcalf, Zimmerman, Hansen, Barr, von Reichbauer, McDonald, Craswell, Pullen, Benitz, Guess, Patterson, Cantu, Saling, Newhouse, DeJarnatt, Sellar, McCaslin, Brauer and Bailey

WHEREAS, The right to keep and bear arms is guaranteed to the people of this state and nation under the second amendment to the United States Constitution; and

WHEREAS, The National Rifle Association, founded shortly after the Civil War, has long protected the right to bear arms, integral to a free society; and

WHEREAS, The National Rifle Association has an impressive list of past and current members including Ulysses S. Grant, Roy Rogers, Clint Eastwood, Charlton Heston, and President Ronald Reagan; and

WHEREAS, The National Rifle Association offers numerous programs in this state and throughout this nation in the safe use of firearms both to private citizens and law enforcement agencies; and

WHEREAS, The National Rifle Association offers extensive programs in safety and marksmanship for the youth of this state and nation; and

WHEREAS, The spirit of competition and athletic self-discipline is promoted through the nearly ten thousand tournaments sponsored by the National Rifle Association, and these tournaments have produced many champions including gold medal winner Matt Dryke from Sequim who won the Olympic skeet competition in Los Angeles; and

WHEREAS, The National Rifle Association, in promoting a safe environment, has been active in developing and offering women's self-defense programs; and

WHEREAS, The National Rifle Association in this state has worked closely with the departments of fisheries and game offering programs in hunter safety and wildlife management and providing booklets on firearms laws; and

WHEREAS, The National Rifle Association, an organization with over three million members, will have its annual convention in Seattle from April 19 through April 23; and

WHEREAS, Between twenty thousand and thirty thousand people are expected to attend the convention in Seattle;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Senate of the state of Washington welcome the members of the National Rifle Association to this state and heartily commend the members of the association for their educational work and efforts in promoting firearms safety; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit copies of this resolution to Roger E. Hawkins, a representative from the State of Washington on the board of directors of the National Rifle Association, for Mr. Hawkins to present at the convention.

MOTION

At 2:57 p.m., on motion of Senator Vognild, the Senate adjourned until 9:00 a.m., Tuesday, April 9, 1985.

JOHN A. CHERBERG, President of the Senate.
SID SNYDER, Secretary of the Senate.

EIGHTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, April 9, 1985

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, Bottiger, Hayner, Kiskaddon, Lee, McDermott, McManus, Peterson, Stratton, Thompson and Wojahn. On motion of Senator Bender, Senators Bottiger, McDermott, McManus, Thompson and Wojahn were excused. On motion of Senator von Reichbauer, Senator Benitz was excused.

The Sergeant at Arms Color Guard, consisting of Pages Megan Wink and Jim Engell, presented the Colors. Reverend Peter Mans, pastor of the Evergreen Christian Reformed Church of Olympia, offered the prayer.

MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

MESSAGES FROM THE HOUSE

April 8, 1985

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 21,

HOUSE BILL NO. 409,

HOUSE BILL NO. 601,

SUBSTITUTE HOUSE BILL NO. 1063, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 8, 1985

Mr. President:

The Speaker has signed:

SENATE BILL NO. 3070,

SENATE BILL NO. 3096,

SENATE BILL NO. 3406,

SUBSTITUTE SENATE BILL NO. 3407,

SENATE BILL NO. 3408,

SENATE BILL NO. 3409, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 8, 1985

Mr. President:

The House has passed:

SUBSTITUTE SENATE BILL NO. 3015,

SENATE BILL NO. 3081,

SUBSTITUTE SENATE BILL NO. 3087,

SUBSTITUTE SENATE BILL NO. 3090,

SENATE BILL NO. 3129,

SENATE BILL NO. 3143,

SENATE BILL NO. 3148,

SUBSTITUTE SENATE BILL NO. 3162,

SUBSTITUTE SENATE BILL NO. 3175,

SUBSTITUTE SENATE BILL NO. 3398,

SUBSTITUTE SENATE BILL NO. 3594,

SENATE BILL NO. 3826,

SUBSTITUTE SENATE BILL NO. 3989, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
 HOUSE BILL NO. 21.
 HOUSE BILL NO. 409.
 HOUSE BILL NO. 601.
 SUBSTITUTE HOUSE BILL NO. 1063.

There being no objection, the President advanced the Senate to the sixth order of business.

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Rinehart, the appointment of Marian May Gerstle as a member of the Board for Community College Education, District No. 1, was confirmed.

APPOINTMENT OF MARIAN MAY GERSTLE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 37; absent, 8; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Kreidler, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 37.

Absent: Senators Cantu, Hayner, Johnson, Kiskaddon, Lee, McDonald, Peterson, Stratton - 8.
 Excused: Senators Benitz, Bottiger, McDermott, Thompson - 4.

MOTION

On motion of Senator von Reichbauer, Senators Johnson, Kiskaddon, Lee and Cantu were excused.

MOTION

On motion of Senator Rinehart, the appointment of Dr. Max M. Snyder as a member of the Board for Community College Education, District No. 5, was confirmed.

APPOINTMENT OF DR. MAX M. SNYDER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 39; absent, 3; excused, 7.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Kreidler, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 39.

Absent: Senators Hayner, McDonald, Stratton - 3.

Excused: Senators Benitz, Bottiger, Cantu, Johnson, Kiskaddon, Lee, McDermott - 7.

MOTION

On motion of Senator von Reichbauer, Senators Hayner and McDonald were excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 802, by Committee on Trade and Economic Development (originally sponsored by Representatives Scott, Silver, McMullen, Lundquist, Appelwick, Schmidt, Wineberry and May)

Declaring economic development programs with nonprofit corporations to be a public purpose for cities and counties.

The bill was read the second time.

MOTION

Senator Warnke moved that the following Committee on Commerce and Labor amendments be considered simultaneously and adopted:

On page 1, beginning on line 5, strike all material through "development." on line 16.

Renumber the sections consecutively.

On page 1, beginning on line 23, strike all material through "immediately," on line 26.

Debate ensued.

POINT OF INQUIRY

Senator Barr: "Senator Warnke, does this, in any way, interfere with the bill or how does it relate to Senate Bill 3214? If you remember, is that bill progressing and has this got anything to do with that other bill's progress?"

Senator Warnke: "The bill that went over to the House dealt only with cities and counties. The bill that came over from the House dealt with cities, counties and ports. The bill on cities and counties is in Rules and coming out on the House calendar, apparently today, so we just took out cities and counties here and left ports in this bill."

The President declared the question before the Senate to be adoption of the Committee on Commerce and Labor amendments.

The motion by Senator Warnke carried and the committee amendments were adopted.

MOTIONS

On motion of Senator Warnke, the following title amendment was adopted:

On page 1, line 1 of the title, after "development," strike the remainder of the title and insert "and adding a new section to chapter 53.08 RCW."

On motion of Senator Warnke, the rules were suspended, Substitute House Bill No. 802, 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 Warnke, could you explain what this would do that the ports cannot already do? They're engaged in economic development and how do they propose to contract with private developers? Are they going to use port tax money or what?"

Senator Warnke: "Senator Rasmussen, the cities, counties and ports are already engaged in economic development programs. Apparently, there is no place in the law which allows them the clear authority to engage in economic development programs, so this bill takes care of that issue. In contracting with private nonprofit corporations in the development, they will do the same thing they are doing now."

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 802, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 802, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; nays, 2; absent, 2; excused, 9.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Kreidler, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 36.

Voting nay: Senators Craswell, Rasmussen - 2.

Absent: Senators Bluechel, Peterson - 2.

Excused: Senators Benitz, Bottiger, Cantu, Hayner, Johnson, Kiskaddon, Lee, McDermott, McDonald - 9.

SUBSTITUTE HOUSE BILL NO. 802, as amended by the Senate, having received the constitutional majority, 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. 213, by Representatives Haugen, Smitherman, O'Brien and Isaacson

Modifying port commissioner's insurance.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, House Bill No. 213 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. 213.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 213 and the bill passed the Senate by the following vote: Yeas, 43; absent, 1; excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Kiskaddon, Kreidler, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Absent: Senator Bluechel - 1.

Excused: Senators Benitz, Hayner, Johnson, McDermott, McDonald - 5.

HOUSE BILL NO. 213, having received the constitutional majority, 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. 279, by Committee on Local Government (originally sponsored by Representatives Haugen, S. Wilson, Ballard, Fisch, Isaacson, Leonard and Day)

Extending confidentiality privilege to cover meetings of public hospital commissions when discussing specified status of health care providers.

The bill was read the second time.

MOTION

On motion of Senator Vognild, further consideration of Substitute House Bill No. 279 was deferred.

SECOND READING

HOUSE BILL NO. 398, by Representatives Walk and Betzoff (by Department of Licensing request)

Requiring payment of the federal heavy vehicle use tax for state vehicle registration.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended, House Bill No. 398 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. 398.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 398 and the bill passed the Senate by the following vote: Yeas, 41; nays, 2; absent, 1; excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Kiskaddon, Kreidler, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senators Pullen, Rinehart - 2.

Absent: Senator Bluechel - 1.

Excused: Senators Benitz, Hayner, Johnson, McDermott, McDonald - 5.

HOUSE BILL NO. 398, having received the 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 House Bill No. 279, deferred on second reading earlier today.

MOTION

Senator Talmadge moved that the following amendment be adopted:

On page 1, line 13, after "session" insert ": PROVIDED, That the final action of the board as to the denial, revocation, or restriction of clinical or staff privileges of a physician or other health care provider as defined in RCW 7.70.020 shall be done in public session."

Debate ensued.

POINT OF INQUIRY

Senator McCaslin: "Senator Talmadge, your definition of final action--would final action be up to the decision of the board to notify the clinical or staff privileges of a physician to be revoked? In other words, do you notify the individual or person involved before the final action takes place?"

Senator Talmadge: "I'm sure that would be the case, Senator McCaslin. It's very similar to what's in Senate Bill 3386 and that is if there's to be some kind of, in effect, discipline of the physician by the public hospital district, the hearing process will be confidential. The taking of testimony would be confidential and done in executive session, but there would have to be some notation in the public records of the hospital district that the clinical privileges of physician 'X' were denied, or something like that. There has to be some public notation about what finally occurred--the final action itself."

Senator McCaslin: "I would envision a scenario where a physician might be on vacation when the board met and I would hope that your amendment would deal with notifying him or her when she returned, rather than giving it to the public prior to their knowledge themselves."

Senator Talmadge: "There would have to be notification to the physician--the health care provider--as to the hearing process, with respect to the discipline. I think the intention is that that would be the notice and that there would be an opportunity to be heard and to raise any questions about it. All this is, is the final action."

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.

MOTION

On motion of Senator Granlund, the rules were suspended, Substitute House Bill No. 279, 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. 279, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 279, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent, 1; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senator Pullen - 1.

Absent: Senator Bluechel - 1.

Excused: Senators Benitz, Hayner, McDermott, McDonald - 4.

SUBSTITUTE HOUSE BILL NO. 279, as amended by the Senate, having received the 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 House Bill No. 52 and the pending amendment by Senators Talmadge and Fleming, deferred April 8, 1985.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Hayner, the President finds that Substitute House Bill No. 52 is a measure revising and updating provisions relating to the Human Rights Commission.

"The amendment proposed by Senators Talmadge and Fleming allows local governments to make reparations to an employee dismissed from 1942 to 1947 as a result of Federal Executive Order 9066 if authorized by the Human Rights Commission.

"The President, therefore, finds that the proposed amendment does change 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 Pullen, the following amendment was adopted:
On page 4, line 6, after "property" strike the period and insert ";

On motion of Senator Pullen, the following amendment was adopted:
On page 5, line 6 after "guarantee" insert ", to the extent possible."

Senator Metcalf moved that the following amendment be adopted:
On page 11, line 7-23, strike section 18

Debate ensued.

Senator Talmadge demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Metcalf.

ROLL CALL

The Secretary called the roll and the motion by Senator Metcalf carried and the amendment was adopted by the following vote: Yeas, 26; nays, 21; excused, 2.

Voting yea: Senators Bailey, Barr, Bluechel, Cantu, Conner, Craswell, Deccio, Garrett, Goltz, Guess, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, von Reichbauer, Zimmerman - 26.

Voting nay: Senators Bauer, Bender, Bottiger, DeJarnatt, Fleming, Gaspard, Granlund, Halsan, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 21.

Excused: Senators Benitz, McDonald - 2.

MOTIONS

On motion of Senator Vognild, further consideration of Substitute House Bill No. 52 was deferred.

At 10:05 a.m., on motion of Senator Vognild, 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 reverted the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

April 8, 1985

Mr. President:

The House has passed:

SUBSTITUTE SENATE BILL NO. 4138,

SUBSTITUTE SENATE BILL NO. 4229,

ENGROSSED SENATE JOINT MEMORIAL NO. 107,

SENATE JOINT MEMORIAL NO. 108,

SUBSTITUTE SENATE JOINT MEMORIAL NO. 121, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 4138,
 SUBSTITUTE SENATE BILL NO. 4229,
 ENGROSSED SENATE JOINT MEMORIAL NO. 107,
 SENATE JOINT MEMORIAL NO. 108,
 SUBSTITUTE SENATE JOINT MEMORIAL NO. 121.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 3015,
 SENATE BILL NO. 3081,
 SUBSTITUTE SENATE BILL NO. 3087,
 SUBSTITUTE SENATE BILL NO. 3090,
 SENATE BILL NO. 3129,
 SENATE BILL NO. 3143,
 SENATE BILL NO. 3148,
 SUBSTITUTE SENATE BILL NO. 3162,
 SUBSTITUTE SENATE BILL NO. 3175,
 SUBSTITUTE SENATE BILL NO. 3398,
 SUBSTITUTE SENATE BILL NO. 3594,
 SENATE BILL NO. 3826,
 SUBSTITUTE SENATE BILL NO. 3989.

At 1:32 p.m., and there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 2:03 p.m. by President Cherberg.

There being no objection, the President advanced the Senate to the sixth order of business.

MOTION

On motion of Senator Bender, Senators Bottiger and Gaspard were excused.

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Williams, the appointment of Curtis Eschels as chairman of the Energy Facility Site Evaluation Council was confirmed.

APPOINTMENT OF CURTIS ESCHELS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent, 3; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Deccio, Lee, Peterson - 3.

Excused: Senators Bottiger, Gaspard - 2.

MOTION

On motion of Senator von Reichbauer, Senator Lee was excused.

MOTION

On motion of Senator Williams, the appointment of Richard D. Casad as a member of the Utilities and Transportation Commission was confirmed.

APPOINTMENT OF RICHARD D. CASAD

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse,

Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senator Bluechel - 1.

Excused: Senators Bottiger, Gaspard, Lee - 3.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

April 5, 1985

Mr. President:

The House refuses to concur in the Senate amendment to HOUSE BILL NO. 149 and asks the Senate to recede therefrom, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

Senator Thompson moved that the Senate recede from the amendment to House Bill No. 149.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Thompson that the Senate do recede from the amendment to House Bill No. 149.

The motion by Senator Thompson carried and the Senate receded from the amendment to House Bill No. 149.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 149, without the Senate amendment.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 149, without the Senate amendment, and the bill passed the Senate by the following vote: Yeas, 41; nays, 4; absent, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senators Craswell, McCaslin, Pullen, Rasmussen - 4.

Absent: Senator Bluechel - 1.

Excused: Senators Bottiger, Gaspard, Lee - 3.

HOUSE BILL NO. 149, without the Senate amendment, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator von Reichbauer, Senator Bluechel was excused.

MESSAGE FROM THE HOUSE

March 29, 1985

Mr. President:

The House has passed SENATE BILL NO. 3028 with the following amendment:

On page 1, line 16, after "officer," insert "Whenever a request for permission to remove records or material is received, the state historic preservation officer shall notify the affected Indian tribe or tribes."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Kreidler, the Senate concurred in the House amendment to Senate Bill No. 3028.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3028, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3028, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; absent, 2; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 44.

Absent: Senators McDermott, Wojahn - 2.

Excused: Senators Bluechel, Gaspard, Lee - 3.

SENATE BILL NO. 3028, 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

April 3, 1985

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 3176 with the following amendment:

On page 2, line 12, after "release", strike the remainder of the sentence down to the period on line 15.

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTIONS

Senator Granlund moved that the Senate do concur in the House amendment to Engrossed Senate Bill No. 3176.

Senator Pullen moved that Engrossed Senate Bill No. 3176 be referred to the Committee on Human Services and Corrections.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Pullen to refer Engrossed Senate Bill No. 3176 to the Committee on Human Services and Corrections.

The motion by Senator Pullen failed.

The President declared the question before the Senate to be the motion by Senator Granlund to concur in the House amendment to Engrossed Senate Bill No. 3176.

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 Granlund that the Senate do concur in the House amendment to Engrossed Senate Bill No. 3176.

ROLL CALL

The Secretary called the roll and the motion by Senator Granlund failed and the Senate did not concur in the House amendment to Engrossed Senate Bill No. 3176 by the following vote:

Yeas, 22; nays, 24; absent, 2; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Halsan, Hansen, Kiskaddon, Kreidler, McDermott, McManus, Peterson, Rinehart, Talmadge, Thompson, Vognild, Williams, Wojahn - 22.

Voting nay: Senators Bailey, Benitz, Cantu, Craswell, Deccio, Garrett, Guess, Hayner, Johnson, Lee, McCaslin, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Saling, Stratton, von Reichbauer, Warnke, Zimmerman - 24.

Absent: Senators Barr, Sellar - 2.

Excused: Senator Bluechel - 1.

MOTION

On motion of Senator Granlund, the Senate refuses to concur in the House amendment to Engrossed Senate Bill No. 3176 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 3, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3201 with the following amendment:

On page 1, line 6, after "as dangerous wastes" and insert "under chapter 70.105 RCW", and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Kreidler, the Senate concurred in the House amendment to Substitute Senate Bill No. 3201.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3201, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3201, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vogt, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Bluechel - 1.

SUBSTITUTE SENATE BILL NO. 3201, 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

April 5, 1985

Mr. President:

The House has passed SENATE BILL NO. 3547 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 3, chapter 118, Laws of 1979 ex. sess. and RCW 28A.31.104 are each amended to read as follows:

The attendance of every child at every public and private school in the state and licensed day care center shall be conditioned upon the presentation (~~(within forty-five days of)~~) before or on each child's first day of attendance at a particular school or center, of proof of either (1) full immunization, (2) the initiation of and compliance with a schedule of immunization, as required by rules of the state board of health, or (3) a certificate of exemption as provided for in RCW 28A.31.106. The attendance at the school or the day care center during any subsequent school year of a child who has initiated a schedule of immunization shall be conditioned upon the presentation of proof of compliance with the schedule on the child's first day of attendance during the subsequent school year. Once proof of full immunization or proof of completion of an approved schedule has been presented, no further proof shall be required as a condition to attendance at the particular school or center.

Sec. 2. Section 2, chapter 118, Laws of 1979 ex. sess. as amended by section 4, chapter 40, Laws of 1984 and RCW 28A.31.102 are each amended to read as follows:

As used in RCW 28A.31.100 through 28A.31.120:

(1) "Chief administrator" shall mean the person with the authority and responsibility for the immediate supervision of the operation of a school or day care center as defined in this section or, in the alternative, such other person as may hereafter be designated in writing for the purposes of RCW 28A.31.100 through 28A.31.120 by the statutory or corporate board of directors of the school district, school, or day care center or, if none, such other persons or person with the authority and responsibility for the general supervision of the operation of the school district, school or day care center.

(2) "Full immunization" shall mean immunization against certain vaccine-preventable diseases in accordance with schedules and with immunizing agents approved by the state board of health.

(3) "Local health department" shall mean the city, town, county, district or combined city-county health department, board of health, or health officer which provides public health services.

(4) "School" shall mean and include each building, facility, and location at or within which any or all portions of a preschool, kindergarten and grades one through twelve program of

education and related activities are conducted for two or more children by or in behalf of any public school district and by or in behalf of any private school or private institution subject to approval by the state board of education pursuant to RCW 28A.04.120(4) and 28A.02.201 through 28A.02.260, each as now or hereafter amended.

(5) "Day care center" shall mean an agency which regularly provides care for a group of thirteen or more children for periods of less than twenty-four hours and is licensed pursuant to chapter 74.15 RCW.

(6) "Child" shall mean any person, regardless of age, in attendance at a public or private school or a licensed day care center.

Sec. 3. Section 8, chapter 118, Laws of 1979 ex. sess. as amended by section 8, chapter 40, Laws of 1984 and RCW 28A.31.114 are each amended to read as follows:

~~((Upon notification by the local health department:))~~ It shall be the duty of the chief administrator of every public and private school and day care center to prohibit the further presence at the school or day care center for any and all purposes of each child for whom proof of immunization, certification of exemption, or proof of compliance with an approved schedule of immunization has not been provided in accordance with RCW 28A.31.104 and to continue to prohibit the child's presence until such proof of immunization, certification of exemption, or approved schedule has been provided. The exclusion of a child from a school shall be accomplished in accordance with rules of the state board of education. The exclusion of a child from a day care center shall be accomplished in accordance with rules of the department of social and health services. Prior to the exclusion of a child ~~((from a)), each school or day care center ((each local health department))~~ shall provide written notice to the parent(s) or legal guardian(s) of each child or to the adult(s) in loco parentis to each child, who is not in compliance with the requirements of RCW 28A.31.104. The notice shall fully inform such person(s) of the following: (1) The requirements established by and pursuant to RCW 28A.31.100 through 28A.31.120; (2) the fact that the child will be prohibited from further attendance at the school unless RCW 28A.31.104 is complied with; (3) such procedural due process rights as are hereafter established pursuant to RCW 28A.31.118 and/or 28A.31.120, as appropriate; and (4) the immunization services that are available from or through the local health department and other public agencies.

NEW SECTION, Sec. 4. A new section is added to chapter 28A.31 RCW to read as follows:

The superintendent of public instruction shall provide for information about the immunization program and requirements under RCW 28A.31.100 through 28A.31.120 to be widely available throughout the state in order to promote full use of the program.

NEW SECTION, Sec. 5. A new section is added to chapter 28A.31 RCW to read as follows:

The superintendent of public instruction by rule shall provide procedures for schools to quickly verify the immunization records of students transferring from one school to another before the immunization records are received.

NEW SECTION, Sec. 6. Section 5, chapter 118, Laws of 1979 ex. sess., section 6, chapter 40, Laws of 1984 and RCW 28A.31.108 are each repealed.

NEW SECTION, Sec. 7. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "28A.31.104" insert ", 28A.31.102, and 28A.31.114".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Granlund, the Senate concurred in the House amendments to Senate Bill No. 3547.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3547, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3547, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbrauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senators Barr, Pullen - 2.

Excused: Senator Bluechel - 1.

SENATE BILL NO. 3547, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 27, 1985

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 3572 with the following amendments:

On page 56, on line 18, insert a new section to read as follows:

"NEW SECTION, Sec. 89. On and after the effective date of this act all accounts heretofore or hereafter created in the state general fund shall be designated and treated as accounts in the state treasury. Unless otherwise designated by statute, all earnings on balances of such accounts shall be credited to the general fund."

Renumber the sections consecutively.

On page 1, line 17 of the title, after "43.84 RCW;" insert "creating a new section;"

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator McDermott, the Senate concurred in the House amendments to Engrossed Senate Bill No. 3572.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3572, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3572, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent, 2.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senator Patterson - 1.

Absent: Senators Bauer, Hayner - 2.

ENGROSSED SENATE BILL NO. 3572, 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

April 5, 1985

Mr. President:

The House has passed SENATE BILL NO. 4266 with the following amendment:

On page 1, line 19, after "shall" insert "with the concurrence of the council".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Williams, the Senate concurred in the House amendment to Senate Bill No. 4266.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4266, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4266, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; nays, 11; absent, 2.

Voting yea: Senators Bailey, Bender, Benitz, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen,

Rinehart, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 36.

Voting nay: Senators Barr, Bluechel, Craswell, Deccio, Guess, McCaslin, McDonald, Pullen, Saling, Sellar, Stratton - 11.

Absent: Senators Bauer, Hayner - 2.

SENATE BILL NO. 4266, 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

April 5, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3361 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 32.04.020, chapter 13, Laws of 1955 as amended by section 106, chapter 85, Laws of 1981 and RCW 32.04.020 are each amended to read as follows:

The use of the term "savings bank" in this title refers to mutual savings banks and converted mutual savings banks only.

The use of the words "mutual savings" as part of a name under which business of any kind is or may be transacted by any person, firm, or corporation, except such as were organized and in actual operation on June 9, 1915, or as may be thereafter organized and operated under the requirements of this title is hereby prohibited.

The use of the term "supervisor" in this title refers to the supervisor of banking.

The use of the word "branch" in this title refers to an established manned place of business or manned mobile facility or other manned facility of a savings bank, other than the principal office, at which deposits may be taken.

Sec. 2. Section 32.04.030, chapter 13, Laws of 1955 as amended by section 1, chapter 80, Laws of 1955 and RCW 32.04.030 are each amended to read as follows:

~~((+)) A savings bank ((shall not do business or be located in the same room with, or in a room connecting with, any other bank, or a trust company that receives deposits of money or commercial paper, or a national banking association:~~

~~(2) No savings bank, or any officer or director thereof, shall receive deposits or transact any of its usual business at any place other than its principal place of business or an authorized branch:~~

~~(3) A savings bank, with the approval of the supervisor, may establish and operate branches but only upon the conditions and subject to the limitations following:~~

~~(a) if its guaranty fund is not less than the aggregate paid-in capital which would be required by law as a prerequisite to the establishment and operation of an equal number of branches in like locations by a bank:~~

~~(b) Branches may be established in any county of the state; and~~

~~(c) A branch shall not be established at a place at which the supervisor would not permit a proposed new savings bank to engage in business, by reason of any consideration contemplated by RCW 32.08.040, 32.08.050 and 32.08.060; the provisions of which, insofar as applicable, including those relating to appeals, shall extend to applications to establish branches);~~
with the written approval of the supervisor, may establish and operate branches in any place within the state.

A savings bank desiring to establish a branch shall file a written application therefor with the supervisor, who shall approve or disapprove the application.

The supervisor's approval shall be conditioned on a finding that the resources in the market area of the proposed location offer a reasonable promise of adequate support for the proposed branch and that the proposed branch is not being formed for other than the legitimate purposes under this title. A branch shall not be established or permitted if the capital of the savings bank, including paid-in surplus, guaranty fund, and undivided profits, is less than the aggregate paid-in capital which would be required by law as a prerequisite to the establishment and operation of an equal number of branches in like locations by a commercial bank. If the application for a branch is not approved, the savings bank shall have the right to appeal in the same manner and within the same time as provided by RCW 32.08.050 and 32.08.060. The savings bank when delivering the application to the supervisor shall transmit to the supervisor a check in an amount established by rule to cover the expense of the investigation. A savings bank shall not move any branch more than two miles from its existing location without prior approval of the supervisor. Not less than twenty days prior to the date on which it opens any office at which it will transact business, a mutual savings bank shall give written notice to the supervisor of the location and business hours of this office. No such notice shall become effective until it has been delivered to the office of the supervisor.

The board of trustees of a savings bank, after notice to the supervisor, may discontinue the operation of a branch. The savings bank shall keep the supervisor informed in the matter and shall notify the supervisor of the date operation of the branch is discontinued.

Sec. 3. Section 10, chapter 86, Laws of 1981 and RCW 32.08.142 are each amended to read as follows:

Notwithstanding any restrictions, limitations, and requirements of law, in addition to all powers, express or implied, that a mutual savings bank has under the laws of this state, a mutual savings bank shall have the powers and authorities of federal mutual savings banks formed under the provisions of 12 U.S.C. Sec. 1464.

The restrictions, limitations, and requirements applicable to specific powers or authorities of federal mutual savings banks shall apply to mutual savings banks exercising those powers or authorities permitted under this section but only insofar as the restrictions, limitations, and requirements relate to exercising the powers or authorities granted mutual savings banks solely under this section.

NEW SECTION. Sec. 4. A new section is added to chapter 32.08 RCW to read as follows:

No mutual savings bank or wholly owned subsidiary thereof shall act as trustee for common trust funds established for the benefit of more than one beneficiary under more than one trust agreement, unless the savings bank or subsidiary trust company shall first give written notice to the supervisor, at least sixty days prior to the creation of any such fund.

Sec. 5. Section 12, chapter 86, Laws of 1981 and RCW 32.08.225 are each amended to read as follows:

Any mutual savings bank may through any device sell, purchase, exchange, issue evidence of a sale or exchange of, or in any manner deal in any form of sale or exchange of interest rate exchange agreements, loans, or any interest therein including but not being limited to mortgage passthrough issues, mortgage backed bond issues, and loan participations and may purchase a subordinated portion thereof, issue letters of credit to insure against losses on a portion thereof, agree to repurchase all or a portion thereof, guarantee all or a portion of the payments thereof, and without any implied limitation by the foregoing or otherwise, do any and all things necessary or convenient to take part in or effectuate any ((loan)) such sales or exchanges by a mutual savings bank itself or by a subsidiary thereof.

Sec. 6. Section 32.12.020, chapter 13, Laws of 1955 as last amended by section 53, chapter 3, Laws of 1983 and RCW 32.12.020 are each amended to read as follows:

The sums deposited with any savings bank, together with any dividends or interest credited thereto, shall be repaid to the depositors thereof respectively, or to their legal representatives, after demand in such manner, and at such times, and under such regulations, as the board of trustees shall prescribe, subject to the provisions of this section and chapter 30.22 RCW. Such regulations shall be posted in a conspicuous place in the room where the business of such savings bank shall be transacted, and shall be available to depositors upon request. All such rules and regulations, and all amendments thereto, from time to time in effect, shall be binding upon all depositors.

(1) Such bank may at any time by a resolution of its board of trustees require a notice of not more than six months before repaying deposits, in which event no deposit shall be due or payable until the required notice of intention to withdraw the same shall have been personally given by the depositor: PROVIDED, That such bank at its option may pay any deposit or deposits before the expiration of such notice. But no bank shall agree with its depositors or any of them in advance to waive the requirement of notice as herein provided: PROVIDED, That the bank may create a special class of depositors who shall be entitled to receive their deposits upon demand.

(2) Except as provided in subdivisions (3), (4), and (5) of this section the savings bank shall not pay any dividend, or interest, or deposit, or portion thereof, or any check drawn upon it by a depositor unless the certificate of deposit is produced or bears a legend stating it may be paid without production, or the passbook of the depositor is produced and the proper entry is made therein, at the time of the payment.

(3) The board of trustees of any such bank may by its bylaws provide for making payments in cases of loss of passbook or certificate of deposit, or other exceptional cases where the passbooks or certificates of deposit cannot be produced without loss or serious inconvenience to depositors, the right to make such payments to cease when so directed by the supervisor upon his being satisfied that such right is being improperly exercised by any such bank; but payments may be made at any time upon the judgment or order of a court.

(4) The board of trustees of any such bank may by its bylaws provide for making payments to depositors at their request, of dividends or interest payable on any deposit, without requiring the production of the passbook or certificate of deposit of the depositor, and any payment made in accordance with any such request and the receipt or acquittance of the one to whom such payment is made shall be a valid and sufficient release and discharge to such savings bank for all payments made on account of such request prior to receipt by such savings bank of notice in writing not to pay such sums in accordance with the terms of such request.

(5) The issuance of a passbook or certificate of deposit may be omitted for any account if ~~((a ledger))~~ an adequate record thereof is maintained, in lieu of a passbook or certificate of deposit, on which shall be entered deposits, withdrawals, and interest credited: PROVIDED, That in any event a passbook ~~((or certificate of deposit))~~ shall be issued upon the request of any passbook account depositor.

Sec. 7. Section 32.12.050, chapter 13, Laws of 1955 as amended by section 1, chapter 44, Laws of 1983 and RCW 32.12.050 are each amended to read as follows:

(1) No savings bank shall by any system of accounting, or any device of bookkeeping, directly or indirectly, enter any of its assets upon its books in the name of any other individual, partnership, unincorporated association, or corporation, or under any title or designation that is not in accordance with the actual facts.

(2) The bonds, notes, mortgages, or other interest bearing obligations purchased or acquired by a savings bank, shall not be entered on its books at more than the actual cost thereof, and shall not thereafter be carried upon its books for a longer period than until the next declaration of dividends, or in any event for more than one year, at a valuation exceeding their present cost as determined by amortization, that is, by deducting from the cost of any such security purchased for a sum in excess of the amount payable thereon at maturity and charging to "profit and loss" a sufficient sum to bring it to par at maturity, or adding to the cost of any such security purchased at less than the amount payable thereon at maturity and crediting to "profit and loss" a sufficient sum to bring it to par at maturity.

(3) No such bank shall enter, or at any time carry on its books, the real estate and the building or buildings thereon used by it as its place of business at a valuation exceeding their actual cost to the bank.

(4) Every such bank shall conform its methods of keeping its books and records to such orders in respect thereof as shall have been made and promulgated by the supervisor. Any officer, agent, or employee of any savings bank who refuses or neglects to obey any such order shall be punished as hereinafter provided.

(5) Real estate acquired by a savings bank, other than that acquired for use as a place of business, may be entered on the books of the bank at the actual cost thereof but shall not be carried beyond the current dividend period at an amount in excess of the amount of the debt in protection of which such real estate was acquired, plus the cost of any improvements thereto.

An appraisal ~~((made by two or more persons appointed by the board of trustees;))~~ shall be made by a qualified person of every such parcel of real estate within six months from the date of conveyance ~~((and also within six months from date when any expenditure to improve such real estate is added to the book value)).~~ If the value at which such real estate is carried on the books is in excess of the value found on appraisal the book value shall, at the end of the dividend period during which such appraisal was made, be reduced to an amount not in excess of such appraised value.

(6) No such bank shall enter or carry on its books any asset which has been disallowed by the supervisor or the trustees of such bank, or any debt owing to it which has remained due without prosecution and upon which no interest has been paid for more than one year, or on which a judgment has been recovered which has remained unsatisfied for more than two years, unless the supervisor upon application by such savings bank has fixed a valuation at which such debt may be carried as an asset, or unless such debt is secured by first mortgage upon real estate, in which latter case it may be carried at the actual cash value of such real estate as determined by written appraisal signed by two or more persons appointed by the board of trustees and filed with it.

(7) Notwithstanding the prohibitions of this section, a savings bank may maintain its books and records and may enter and carry on its books any asset or liability at any valuation in accordance with any accounting rules promulgated or adopted by the federal deposit insurance corporation or the financial accounting standards board or the supervisor of banking.

Sec. 8. Section 32.16.010, chapter 13, Laws of 1955 and RCW 32.16.010 are each amended to read as follows:

(1) There shall be a board of trustees who shall have the entire management and control of the affairs of the savings bank. The persons named in the certificate of authorization shall be the first trustees. The board shall consist of not less than nine nor more than thirty members.

(2) A person shall not be a trustee of a savings bank, if he

(a) Is not a resident of ~~((this))~~ a state of the United States;

(b) Has been adjudicated a bankrupt or has taken the benefit of any insolvency law, or has made a general assignment for the benefit of creditors;

(c) Has suffered a judgment recovered against him for a sum of money to remain unsatisfied of record or unsecured on appeal for a period of more than three months;

(d) Is a trustee, officer, clerk, or other employee of any other savings bank.

(3) Nor shall a person be a trustee of a savings bank solely by reason of his holding public office.

Sec. 9. Section 32.16.040, chapter 13, Laws of 1955 as amended by section 4, chapter 55, Laws of 1969 and RCW 32.16.040 are each amended to read as follows:

(1) A quorum at any regular or special or adjourned meeting of the board of trustees shall consist of not less than five of whom the ~~((president))~~ chief executive officer shall be one, except when he is prevented from attending by sickness or other unavoidable detention, when he may be represented in forming a quorum by ~~((the first vice president, or in case of his absence for like cause, by the second vice president))~~ such other officer as the board may designate; but less than a quorum shall have power to adjourn from time to time until the next regular meeting. However, a savings bank may adopt procedures which provide that, in the event of a national emergency, any trustee may act on behalf of the board to continue the operations of the savings bank. For purposes of this subsection, a national emergency is an emergency declared by the president of the United States or the person performing the president's functions, or a war, or natural disaster.

Regular meetings of the board of trustees shall be held ~~((at least once a month))~~ as established from time to time by the board, not less than nine times during each year.

(2) The board of trustees shall by resolution duly recorded in the minutes, designate an officer or officers whose duty it shall be to prepare and submit to the trustees at each regular meeting of the board, or to an executive committee of not less than five members of such board, a written statement of the purchases and sales of securities, and of loans, made since the last regular meeting of the board. The statement shall be in such form as the board from time to time shall determine and there may be omitted from the statement such purchases and sales of securities and such loans as determined by the board.

Sec. 10, Section 32.16.050, chapter 13, Laws of 1955 as amended by section 6, chapter 80, Laws of 1957 and RCW 32.16.050 are each amended to read as follows:

(1) A trustee of a savings bank shall not directly or indirectly receive any pay or emolument for services as trustee, except as provided in this section.

(2) A trustee may receive, by affirmative vote of a majority of all the trustees, reasonable compensation for (a) attendance at meetings of the board of trustees; (b) service as an officer of the savings bank, provided his duties as officer require and receive his regular and faithful attendance at the savings bank; (c) service in appraising real property for the savings bank; and (d) service as a member of a committee of the board of trustees: PROVIDED, That a trustee receiving compensation for service as an officer pursuant to (b) shall not receive any additional compensation for service under (a), (c) or (d).

(3) An attorney for a savings bank, although he is a trustee thereof, may receive a reasonable compensation for his professional services, including examinations and certificates of title to real property on which mortgage loans are made by the savings bank; or if the bank requires the borrowers to pay all expenses of searches, examinations, and certificates of title, including the drawing, perfecting, and recording of papers, such attorney may collect of the borrower and retain for his own use the usual fees for such services, excepting any commissions as broker or on account of placing or accepting such mortgage loans.

(4) All incentive compensation, bonus, or supplemental compensation plans for officers and employees of a savings bank shall be approved by a majority of nonofficer trustees of the savings bank. No such plan shall permit any officer or employee of a savings bank who has or exercises final authority with regard to any loan or investment to receive any commission on such loan or investment.

(5) If an officer or attorney of a savings bank receives, on any loan made by the bank, any commission which he is not authorized by this section to retain for his own use, he shall immediately pay the same over to the savings bank.

Sec. 11, Section 32.20.090, chapter 13, Laws of 1955 and RCW 32.20.090 are each amended to read as follows:

A mutual savings bank may invest ((its funds in the bonds of any county, incorporated city, or the school district of any such city, situated in the United States: PROVIDED, That such county, city, or school district has a population as shown by the federal census next preceding the investment, of not less than forty-five thousand inhabitants, and has power to levy taxes on the taxable real property therein for the payment of such obligations without limitation of rate or amount, and at the time of the investment the indebtedness of such county does not exceed seven percent of the valuation of such county for the purposes of taxation, or the indebtedness of such city or school district, together with the indebtedness of any district (other than local improvement district) or other municipal corporation or subdivision, except a county, which is wholly or in part included within the bounds or limits of said city or school district, less its water debt and sinking fund, does not exceed twelve percent of the valuation of such city or school district for purposes of taxation: OR PROVIDED, That such county, city, or school district has a population as shown by the last decennial federal census of not less than one hundred fifty thousand inhabitants, and has taxable real property with an assessed valuation in excess of two hundred million dollars, and has power to levy taxes on the taxable real property therein for the payment of such obligations without limitation of rate or amount)) in housing or industrial development bonds or municipal obligations issued by a state, county, parish, borough, city, or district situated in the United States, or by any instrumentality thereof, provided such bonds or obligations at the time of purchase are prudent investments.

Sec. 12. Section 32.20.220, chapter 13, Laws of 1955 and RCW 32.20.220 are each amended to read as follows:

A mutual savings bank may invest not to exceed twenty percent of its funds in ~~((bankers' acceptances and bills of exchange of the kind and character))~~ the following:

(1) Bankers' acceptances, and bills of exchange made eligible by law for rediscount with federal reserve banks, provided the same are accepted by a bank or trust company which is a member of the federal reserve system and which has a capital and surplus of not less than two million dollars, or commercial paper which is a prudent investment.

(2) Bills of exchange drawn by the seller on the purchaser of goods and accepted by such purchaser, of the kind made eligible by law for rediscount with federal reserve banks, provided the same are indorsed by a bank or trust company which is a member of the federal reserve system and which has a capital and surplus of not less than two million dollars.

The aggregate amount of the liability of any bank or trust company to any mutual savings bank, whether as principal or indorser, for acceptances held by such savings bank and deposits made with it, shall not exceed twenty-five percent of the paid up capital and surplus of such bank or trust company, and not more than five percent of the funds of any mutual savings bank shall be invested in the acceptances of or deposited with a bank or trust company of which a trustee of such mutual savings bank is a director.

Sec. 13. Section 6, chapter 80, Laws of 1955 as last amended by section 7, chapter 31, Laws of 1973 1st ex. sess. and RCW 32.20.330 are each amended to read as follows:

A mutual savings bank may invest ~~((not to exceed fifteen percent of its funds in such))~~ in preferred stock, or in discounted or other interest bearing obligations issued, guaranteed or assumed by corporations commonly accepted as industrial corporations or engaged in communications, transportation, furnishing utility or telephone services, manufacturing, mining, merchandising, banking, or commercial financing, incorporated under the laws of the United States, or any state thereof, or the District of Columbia, or the Dominion of Canada, or any province thereof, ~~((as mature within thirty years from the time of the investment;))~~ subject to the following conditions:

(1) Not more than two percent of said bank's funds shall be invested in ~~((such obligations))~~ securities of any one such corporation, pursuant to this section ~~((or otherwise)).~~

(2) Such ~~((obligations at the time of purchase are rated among the three highest classifications of one or more nationally recognized investment rating services))~~ securities shall be prudent investments.

(3) Pursuant to this section, the total amount a savings bank may invest shall not exceed fifty percent of its funds, and not more than fifteen percent of the bank's funds may be invested in such securities of any industry.

Sec. 14. Section 32.24.030, chapter 13, Laws of 1955 and RCW 32.24.030 are each amended to read as follows:

~~((A))~~ An unconverted mutual savings bank may for the purpose of consolidation, acquisition, pooling of assets, merger, or voluntary liquidation ~~((transfer))~~ arrange for its assets and liabilities to become assets and liabilities of another mutual savings bank, by the affirmative vote or with the written consent of two-thirds of the whole number of its trustees, but only with the written consent of the supervisor and upon such terms and conditions as he may prescribe.

Upon any such transfer being made, or upon the liquidation of any such mutual savings bank for any cause whatever, or upon its being no longer engaged in the business of a mutual savings bank, the supervisor shall terminate its certificate of authority, which shall not thereafter be revived or renewed. When the certificate of authority of any such corporation has been revoked, it shall forthwith collect and distribute its remaining assets, and when that is done, the supervisor shall certify the fact to the secretary of state, whereupon the corporation shall cease to exist and the secretary of state shall note the fact upon his records.

In case of the consolidation with or voluntary liquidation of a mutual savings bank by another mutual savings bank, as herein provided, any sums advanced by its incorporators, or others, to create or maintain its guaranty fund or its expense fund shall not be liabilities of such mutual savings bank unless the mutual savings bank, so assuming its liabilities shall specifically undertake to pay the same, or a stated portion thereof.

Sec. 15. Section 32.24.080, chapter 13, Laws of 1955 and RCW 32.24.080 are each amended to read as follows:

Every transfer of its property or assets by any mutual savings bank in this state, made ~~((in contemplation of insolvency, or))~~ (1) after it has become insolvent, (2) within ninety days before the date the supervisor takes possession of such savings bank under RCW 32.24.050 or the federal deposit insurance corporation is appointed as receiver or liquidator of such savings bank under RCW 32.24.090, and (3) with the view to the preference of one creditor over another~~(:))~~ or to prevent equal distribution of its property and assets among its creditors, shall be void. Every trustee, officer, or employee making any such transfer shall be guilty of a felony.

Sec. 16. Section 4, chapter 85, Laws of 1981 and RCW 32.32.025 are each amended to read as follows:

As used in this chapter, the following definitions apply, unless the context otherwise requires:

(1) Except as provided in RCW 32.32.230, an "affiliate" of, or a person "affiliated" with, a specified person, is a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

(2) The term "amount", when used in regard to securities, means the principal amount if relating to evidences of indebtedness, the number of shares if relating to shares, and the number of units if relating to any other kind of security.

(3) An "applicant" is a mutual savings bank which has applied to convert pursuant to this chapter.

(4) The term "associate", when used to indicate a relationship with any person, means (a) any corporation or organization (other than the applicant or a majority-owned subsidiary of the applicant) of which the person is an officer or partner or is, directly or indirectly, the beneficial owner of ten percent or more of any class of equity securities, (b) any trust or other estate in which the person has a substantial beneficial interest or as to which the person serves as trustee or in a similar fiduciary capacity, and (c) any relative who would be a "class A beneficiary" under RCW 83.08.005 if the person were a decedent.

(5) The term "broker" means any person engaged in the business of effecting transactions in securities for the account of others.

(6) The term "capital stock" includes permanent stock, guaranty stock, permanent reserve stock, ~~(or)~~ any similar certificate evidencing nonwithdrawable capital, or preferred stock, of a savings bank converted under this chapter or of a subsidiary institution or holding company.

(7) The term "charter" includes articles of incorporation, articles of reincorporation, and certificates of incorporation, as amended, effecting (either with or without filing with any governmental agency) the organization or creation of an incorporated person.

(8) Except as provided in RCW 32.32.230, the term "control" (including the terms "controlling", "controlled by", and "under common control with") means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract, or otherwise.

(9) The term "dealer" means any person who engages either for all or part of his time, directly or indirectly, as agent, broker, or principal, in the business of offering, buying, selling, or otherwise dealing or trading in securities issued by another person.

(10) The term "director" means any director of a corporation, any trustee of a mutual savings bank, or any person performing similar functions with respect to any organization whether incorporated or unincorporated.

(11) The term "eligibility record date" means the record date for determining eligible account holders of a converting mutual savings bank.

(12) The term "eligible account holder" means any person holding a qualifying deposit as determined in accordance with RCW 32.32.180.

(13) The term "employee" does not include a director or officer.

(14) The term "equity security" means any stock or similar security; or any security convertible, with or without consideration, into such a security, or carrying any warrant or right to subscribe to or purchase such a security; or any such warrant or right.

(15) The term "market maker" means a dealer who, with respect to a particular security, (a) regularly publishes bona fide, competitive bid and offer quotations in a recognized interdealer quotation system; or (b) furnishes bona fide competitive bid and offer quotations on request; and (c) is ready, willing, and able to effect transaction in reasonable quantities at his quoted prices with other brokers or dealers.

(16) The term "material", when used to qualify a requirement for the furnishing of information as to any subject, limits the information required to those matters as to which an average prudent investor ought reasonably to be informed before purchasing an equity security of the applicant.

(17) The term "mutual savings bank" means a mutual savings bank organized and operating under Title 32 RCW.

(18) Except as provided in RCW 32.32.435, the term "offer", "offer to sell", or "offer of sale" shall include every attempt or offer to dispose of, or solicitation of an offer to buy, a security or interest in a security, for value. These terms shall not include preliminary negotiations or agreements between an applicant and any underwriter or among underwriters who are or are to be in privity of contract with an applicant.

(19) The term "officer", for purposes of the purchase of stock in a conversion under this chapter or the sale of this stock, means the chairman of the board, president, vice president, secretary, treasurer or principal financial officer, comptroller or principal accounting officer, and any other person performing similar functions with respect to any organization whether incorporated or unincorporated.

(20) Except as provided in RCW 32.32.435, the term "person" means an individual, a corporation, a partnership, an association, a joint-stock company, a trust, any unincorporated organization, or a government or political subdivision thereof.

(21) The term "proxy" includes every form of authorization by which a person is or may be deemed to be designated to act for a stockholder in the exercise of his voting rights in the affairs of an institution. Such an authorization may take the form of failure to dissent or object.

(22) The terms "purchase" and "buy" include every contract to purchase, buy, or otherwise acquire a security or interest in a security for value.

(23) The terms "sale" and "sell" include every contract to sell or otherwise dispose of a security or interest in a security for value; but these terms do not include an exchange of securities in connection with a merger or acquisition approved by the supervisor.

(24) The term "savings account" means deposits established in a mutual savings bank and includes certificates of deposit.

(25) Except as provided in RCW 32.32.435, the term "security" includes any note, stock, treasury stock, bond, debenture, transferable share, investment contract, voting-trust certificate, or in general, any instrument commonly known as a "security"; or any certificate of interest or participation in, temporary or interim certificate for, receipt for, or warrant or right to subscribe to or purchase any of the foregoing.

(26) The term "subscription offering" refers to the offering of shares of capital stock, through nontransferable subscription rights issued to: (a) Eligible account holders as required by RCW 32.32.045; (b) supplemental eligible account holders as required by RCW 32.32.055; (c) directors, officers, and employees, as permitted by RCW 32.32.140; and (d) eligible account holders and supplemental eligible account holders as permitted by RCW 32.32.145.

(27) A "subsidiary" of a specified person is an affiliate controlled by the person, directly or indirectly through one or more intermediaries.

(28) The term "supervisor" means the supervisor of banking.

(29) The term "supplemental eligibility record date" means the supplemental record date for determining supplemental eligible account holders of a converting savings bank required by RCW 32.32.055. The date shall be the last day of the calendar quarter preceding supervisor approval of the application for conversion.

(30) The term "supplemental eligible account holder" means any person holding a qualifying deposit, except officers, directors, and their associates, as of the supplemental eligibility record date.

(31) The term "underwriter" means any person who has purchased from an applicant with a view to, or offers or sells for an applicant in connection with, the distribution of any security, or participates or has a direct or indirect participation in the direct or indirect underwriting of any such undertaking; but the term does not include a person whose interest is limited to a commission from an underwriter or dealer not in excess of the usual and customary distributors' or sellers commission. The term "principal underwriter" means an underwriter in privity of contract with the applicant or other issuer of securities as to which that person is the underwriter.

Terms defined in other chapters of this title, when used in this chapter, shall have the meanings given in those definitions, to the extent those definitions are not inconsistent with the definitions contained in this chapter unless the context otherwise requires.

Sec. 17, Section 7, chapter 85, Laws of 1981 and RCW 32.32.040 are each amended to read as follows:

((The converting)) A converted savings bank or a holding company organized pursuant to chapter 32.34 RCW shall issue and sell ((its)) capital stock at a total price equal to the estimated pro forma market value of the stock ((in the converted savings bank)) issued in connection with the conversion, based on an independent valuation, as provided in RCW 32.32.305. In the conversion of a mutual savings bank or holding company, either of which is in the process of merging with, being acquired by, or consolidating with a stock savings bank, or a savings bank holding company owned by stockholders, or a subsidiary thereof, the following subsections apply:

(1) The price per share of the shares offered for subscription and issued in the conversion shall be not less than the price reported for stock which is listed on a national or regional stock exchange, or the bid price for stock which is traded on the NASDAQ system, as of the day before any public offering or other completion of the sale of stock in the conversion: PROVIDED, That for stock not so listed and not traded on the NASDAQ system, and any stock whose price has been affected, as of the day specified above, by a violation of RCW 32.32.225, the price per share shall be determined by the supervisor, upon the submission of such information as the supervisor may request.

(2) The independent valuation as provided in RCW 32.32.305 shall determine the aggregate value of shares for which subscription rights are granted pursuant to RCW 32.32.045, 32.32.050, and 32.32.055, rather than a price per share or number of shares as provided in RCW 32.32.290, 32.32.325, and 32.32.330. This independent valuation may be replaced by a demonstration, to the satisfaction of the supervisor, of the fairness of the price of the shares issued.

Sec. 18, Section 22, chapter 85, Laws of 1981 and RCW 32.32.115 are each amended to read as follows:

In connection with shares of capital stock subject to restriction on sale for a period of time:

(1) Each certificate for the stock shall bear a legend giving appropriate notice of the restriction:

(2) Appropriate instructions shall be issued to the transfer agent for the ((converted savings bank's)) capital stock with respect to applicable restrictions on transfer of any such restricted stock; and

(3) Any shares issued as a stock dividend, stock split, or otherwise with respect to any such restricted stock shall be subject to the same restrictions as may apply to the restricted stock.

Sec. 19. Section 23, chapter 85, Laws of 1981 and RCW 32.32.120 are each amended to read as follows:

~~((The converting))~~ A converted savings bank or holding company formed under chapter 32.34 RCW shall:

(1) Promptly following ~~((the))~~ its conversion register the securities issued in connection therewith pursuant to the Securities and Exchange Act of 1934 and undertake not to deregister the securities for a period of three years thereafter;

(2) Use its best efforts to encourage and assist a market maker to establish and maintain a market for the securities issued in connection with the conversion; and

(3) Use its best efforts to list those shares issued in connection with the conversion on a national or regional securities exchange or on the NASDAQ quotation system.

Sec. 20. Section 29, chapter 85, Laws of 1981 and RCW 32.32.150 are each amended to read as follows:

Any insignificant residue of shares ~~((of the converting savings bank))~~ not sold in the subscription offering or in a public offering referred to in RCW 32.32.060 may be sold in such other manner as provided in the plan with the supervisor's approval.

Sec. 21. Section 41, chapter 85, Laws of 1981 and RCW 32.32.210 are each amended to read as follows:

No converted savings bank may repurchase any of its capital stock from any person unless the repurchase is approved by the supervisor either in advance or at the time of repurchase.

Sec. 22. Section 42, chapter 85, Laws of 1981 and RCW 32.32.215 are each amended to read as follows:

Except as provided in section 24 of this 1985 act, no converted savings bank may declare or pay a cash dividend unless the declaration or payment of the dividend would be in accordance with the requirements of RCW 30.04.180 and would not have the effect of reducing the net worth of the converted savings bank below (1) the amount required for the liquidation account or (2) the amount required by the supervisor.

Sec. 23. Section 43, chapter 85, Laws of 1981 and RCW 32.32.220 are each amended to read as follows:

Except as provided in section 24 of this 1985 act, no converted savings bank may, without the prior approval of the supervisor, ~~((no converted savings bank may))~~ for a period of ten years after the date of its conversion, declare or pay a cash dividend on its capital stock in an amount in excess of one-half of the greater of:

(1) The savings bank's net income for the current fiscal year; or

(2) The average of the savings bank's net income for the current fiscal year and not more than two of the immediately preceding fiscal years.

For purposes of this chapter, "net income" shall be determined by generally accepted accounting principles.

NEW SECTION, Sec. 24. A new section is added to chapter 32.32 RCW to read as follows:

A converted mutual savings bank may pay dividends on preferred stock at the rate or rates agreed in connection with the issuance of preferred stock if such issuance has been approved by the supervisor.

NEW SECTION, Sec. 25. A new section is added to chapter 32.32 RCW to read as follows:

(1) As used in this section, the following definitions apply:

(a) "Control" means directly or indirectly alone or in concert with others to own, control, or hold the power to vote twenty-five percent or more of the outstanding stock or voting power of the controlled entity;

(b) "Acquiring party" means the person acquiring control of a bank through the purchase of stock;

(c) "Person" means any individual, corporation, partnership, group acting in concert, association, business trust, or other organization.

(2) (a) It is unlawful for any person to acquire control of a converted savings bank until thirty days after filing with the supervisor a completed application. The application shall be under oath or affirmation, and shall contain substantially all of the following information plus any additional information that the supervisor may prescribe as necessary or appropriate in the particular instance for the protection of bank depositors, borrowers, or shareholders and the public interest:

(i) The identity and banking and business experience of each person by whom or on whose behalf acquisition is to be made;

(ii) The financial and managerial resources and future prospects of each person involved in the acquisition;

(iii) The terms and conditions of any proposed acquisition and the manner in which the acquisition is to be made;

(iv) The source and amount of the funds or other consideration used or to be used in making the acquisition, and a description of the transaction and the names of the parties if any part

of these funds or other consideration has been or is to be borrowed or otherwise obtained for the purpose of making the acquisition:

(v) Any plan or proposal which any person making the acquisition may have to liquidate the bank, to sell its assets, to merge it with any other bank, or to make any other major change in its business or corporate structure or management;

(vi) The identification of any person employed, retained, or to be compensated by the acquiring party, or by any person on its behalf, who makes solicitations or recommendations to shareholders for the purpose of assisting in the acquisition and a brief description of the terms of the employment, retainer, or arrangement for compensation;

(vii) Copies of all invitations for tenders or advertisements making a tender offer to shareholders for the purchase of their stock to be used in connection with the proposed acquisition; and

(viii) Such additional information as shall be necessary to satisfy the supervisor, in the exercise of the supervisor's discretion, that each such person and associate meets the standards of character, responsibility, and general fitness established for incorporators of a savings bank under RCW 32.08.040.

(b) Notwithstanding any other provision of this section, a bank or bank holding company which has been in operation for at least three consecutive years or a converted mutual savings bank or the holding company of a mutual savings bank need only notify the supervisor and the savings bank to be acquired of an intent to acquire control and the date of the proposed acquisition of control at least thirty days before the date of the acquisition of control.

(c) When a person, other than an individual or corporation, is required to file an application under this section, the supervisor may require that the information required by (a) (i), (ii), (vi), and (viii) of this subsection be given with respect to each person, as defined in subsection (1)(c) of this section, who has an interest in or controls a person filing an application under this subsection.

(d) When a corporation is required to file an application under this section, the supervisor may require that information required by (a) (i), (ii), (vi), and (viii) of this subsection be given for the corporation, each officer and director of the corporation, and each person who is directly or indirectly the beneficial owner of twenty-five percent or more of the outstanding voting securities of the corporation.

(e) If any tender offer, request, or invitation for tenders or other agreements to acquire control is proposed to be made by means of a registration statement under the securities act of 1933 (48 Stat. 74, 15 U.S.C. Sec. 77(a)), as amended, or in circumstances requiring the disclosure of similar information under the securities exchange act of 1934 (48 Stat. 881, 15 U.S.C. Sec. 78(a)), as amended, the registration statement or application may be filed with the supervisor in lieu of the requirements of this section.

(f) Any acquiring party shall also deliver a copy of any notice or application required by this section to the savings bank proposed to be acquired within two days after such notice or application is filed with the supervisor.

(g) Any acquisition of control in violation of this section shall be ineffective and void.

(h) Any person who willfully or intentionally violates this section or any rule adopted under this section is guilty of a gross misdemeanor pursuant to chapter 9A.20 RCW. Each day's violation shall be considered a separate violation, and any person shall upon conviction be fined not more than one thousand dollars for each day the violation continues.

(3) The supervisor may file an action in the superior court of the county in which the bank is located to restrain the pending acquisition of control of a savings bank if he finds after considering the application and within thirty days after its filing any of the following:

(a) The poor financial condition of any acquiring party might jeopardize the financial stability of the savings bank or might prejudice the interest of depositors, borrowers, or shareholders;

(b) The plan or proposal of the acquiring party to liquidate the savings bank, to sell its assets, to merge it with any person, or to make any other major change in its business or corporate structure or management is not fair and reasonable to its depositors, borrowers, or stockholders or is not in public interest;

(c) The banking and business experience and integrity of any acquiring party who would control the operation of the savings bank indicates that approval would not be in the interest of the savings bank's depositors, borrowers, or shareholders;

(d) The information provided by the application is insufficient for the supervisor to make a determination or there has been insufficient time to verify the information provided and conduct an examination of the qualification of the acquiring party; or

(e) The acquisition would not be in the public interest.

(4) (a) For a period of ten years following the acquisition of control by any person, neither such acquiring party nor any associate shall receive any loan or the use of any of the funds of, nor purchase, lease, or otherwise receive any property from, nor receive any consideration from the sale, lease, or any other conveyance of property to, any savings bank in which the acquiring party has control except as provided in (b) of this subsection.

(b) Upon application by any acquiring party or associate subject to (a) of this subsection, the supervisor may approve a transaction between a converted savings bank and such acquiring party, person, or associate, upon finding that the terms and conditions of the transaction are at least as advantageous to the savings bank as the savings bank would obtain in a comparable transaction with an unaffiliated person.

(5) Except with the consent of the supervisor, no converted savings bank shall, for the purpose of enabling any person to purchase any or all shares of its capital stock, pledge or otherwise transfer any of its assets as security for a loan to such person or to any associate, or pay any dividend to any such person or associate. Nothing in this section shall prohibit a dividend of stock among shareholders in proportion to their shareholdings. In the event any clause of this section is declared to be unconstitutional or otherwise invalid, all remaining dependent and independent clauses of this section shall remain in full force and effect.

Sec. 26. Section 45, chapter 85, Laws of 1981 and RCW 32.32.230 are each amended to read as follows:

(1) No conversion may be approved by the supervisor unless the plan of conversion provides that the converted savings bank shall enter into an agreement with the supervisor, in form satisfactory to the supervisor, which shall provide that for a period of three years following the conversion any company significantly engaged in an unrelated business activity, either directly or through an affiliate thereof, shall not be permitted, regardless of the form of the transaction, to acquire control of the converted savings bank. Any acquisition of a converted savings bank shall also comply with (~~RCW 30.04.400 through 30.04.410~~) section 25 of this 1985 act.

(2) As used in this section:

(a) The term "affiliate" means any person or company which controls, is controlled by, or is under common control with, a specified company.

(b) A person or company shall be deemed to have "control" of:

(i) A savings bank if the person directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, or holds with power to vote, or holds proxies representing, more than twenty-five percent of the voting shares of the savings bank, or controls in any manner the election of a majority of the directors of the bank;

(ii) Any other company if the person directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, or holds with power to vote, or holds proxies representing, more than twenty-five percent of the voting shares or rights of the other company, or controls in any manner the election or appointment of a majority of the directors or trustees of the other company, or is a general partner in or has contributed more than twenty-five percent of the capital of the other company;

(iii) A trust if the person is a trustee thereof; or

(iv) A savings bank or any other company if the supervisor determines, after reasonable notice and opportunity for hearing, that the person directly or indirectly exercises a controlling influence over the management or policies of the savings bank or other company.

(c) A company shall be deemed to be "significantly engaged" in an unrelated business activity if its unrelated business activities would represent, on either an actual or a pro forma basis, more than fifteen percent of its consolidated net worth at the close of this preceding fiscal year or of its consolidated net earnings for such fiscal year.

(d) The term "unrelated business activity" means any business activity not authorized for a savings bank or any subsidiary thereof.

Sec. 27. Section 52, chapter 85, Laws of 1981 and RCW 32.32.265 are each amended to read as follows:

Upon determination that an application for conversion is properly executed and is not materially incomplete, the supervisor shall advise the applicant, in writing, to publish notices of the filing of the application. Promptly after receipt of the advice, the applicant shall furnish a written notice of the filing to each eligible account holder and also publish a notice of the filing in a newspaper printed in the English language and having general circulation in each community in which an office of the applicant is located, as follows:

NOTICE OF FILING OF AN APPLICATION FOR APPROVAL TO CONVERT TO A STOCK SAVINGS BANK

Notice is hereby given that, pursuant to chapter 32.32 of the Revised Code of Washington

.....
(fill in name of applicant)

has filed an application with the Supervisor of Banking for approval to convert to the stock form of organization. Copies of the application have been delivered to _____
(address)

Written comments, including objections to the plan of conversion and materials supporting the objections, from any account holder of the applicant or aggrieved person, will be considered by the supervisor if filed within twenty business days after the date of this notice. Failure to make written comments in objection may preclude

the pursuit of any administrative or judicial remedies. Three copies of the comments should be sent to the aforementioned. The proposed plan of conversion and any comments thereon will be available for inspection by any account holder of the applicant at _____ (address) _____. A copy of the plan may also be inspected at each office of the applicant.

If a significant number of the applicant's account holders speak a language other than English and a newspaper in that language is published in the area served by the applicant, an appropriate translation of the notice shall also be published in that newspaper. A notice sent by mail may be accompanied by the statement that the converting institution will not mail a subscription offering circular to an eligible account holder or a supplemental eligible account holder unless the eligible account holder or the supplemental eligible account holder, prior to the commencement of the subscription offering, requests the subscription offering circular by returning a postcard. The issuer of stock in the conversion shall pay the postage of this postcard and shall inform the eligible account holder or supplemental eligible holder that the postage is paid.

Sec. 28. Section 97, chapter 85, Laws of 1981 and RCW 32.32.490 are each amended to read as follows:

Amendments to the articles of incorporation of the converted savings bank shall be made ~~((in accordance with the procedures specified in RCW 30.08.088 and 30.08.090, provided that the amendments are also approved by the supervisor))~~ only with the approvals of the supervisor, of two-thirds of the directors of the savings bank, and of the holders of a majority of each class of the outstanding shares of capital stock or such greater percentage of these shares as may be specified in the articles of the converted savings bank.

Sec. 29. Section 98, chapter 85, Laws of 1981 as amended by section 3, chapter 44, Laws of 1983 and RCW 32.32.495 are each amended to read as follows:

(1) Every converted savings bank shall be managed by not less than five directors, except that a bank having a capital of fifty thousand dollars or less may have only three directors. Directors shall be elected by the stockholders and hold office for one year and until their successors are elected and have qualified. In the first instance the directors shall be those named in the articles of incorporation and afterwards, those elected at the annual meeting of the stockholders to be held at least once each year on a day to be specified by the converted savings bank's bylaws but not later than May 15th of each year. If for any cause an election is not held at that time, it may be held at an adjourned meeting or at a subsequent meeting called for that purpose in the manner prescribed by the corporation's bylaws. Each director shall be a resident of a state of the United States. The directors shall meet at least ~~((once))~~ nine times each ((month)) year and whenever required by the supervisor. A majority of the board of directors shall constitute a quorum for the transaction of business. At all stockholders' meetings, each share shall be entitled to one vote, unless the articles of incorporation provide otherwise. Any stockholder may vote in person or by written proxy.

(2) If the board of directors consists of nine or more members, in lieu of electing the entire number of directors annually, the converted savings bank's articles of incorporation or bylaws may provide that the directors be divided into either two or three classes, each class to be as nearly equal in number as possible, the term of office of directors of the first class to expire at the first annual meeting of shareholders after their election, that of the second class to expire at the second annual meeting after their election, and that of the third class, if any, to expire at the third annual meeting after their election. At each annual meeting after such classification, the number of directors equal to the number of the class whose term expires at the time of such meeting shall be elected to hold office until the second succeeding annual meeting, if there are two classes, or until the third succeeding annual meeting, if there are three classes. A classification of directors shall not be effective prior to the first annual meeting of shareholders.

(3) Immediately upon election, each director shall take, subscribe, swear to, and file with the supervisor an oath that he will, so far as the duty devolves upon him, diligently and honestly administer the affairs of the corporation and will not knowingly violate or willingly permit to be violated any provision of law applicable to the corporation.

(4) A vacancy occurring in the board of directors may be filled by the affirmative vote of a majority of the remaining directors. A director elected to fill a vacancy shall be elected for the unexpired term of the director's predecessor in office. A directorship to be filled by reason of an increase in the number of directors may be filled by the board of directors for a term of office continuing only until the next election of directors by the shareholders.

NEW SECTION. Sec. 30. A new section is added to chapter 32.32 RCW to read as follows:

(1) In a conversion of an unconverted mutual savings bank that is in the process of acquisition by a savings bank holding company or in the process of merger or consolidation with a subsidiary of a savings bank holding company, the restrictions imposed by RCW 32.32.110 on resale of stock apply to shares of the holding company purchased on original issue by any director or officer of the converting savings bank that is in the process of acquisition, merger, or consolidation, and the restrictions imposed by this chapter apply to the ownership of capital

stock in the holding company with the same force and effect as they would apply to the ownership of capital stock of the unconverted mutual savings bank if shares of this savings bank were offered to depositors or the public pursuant to this chapter.

(2) The tender of shares by directors and officers of a converted savings bank in exchange for shares of another converted savings bank, or for shares of a holding company, do not constitute a sale for purposes of RCW 32.32.110. However, the restrictions of RCW 32.32.110 and 32.32.115 apply to the resale of the shares they receive in such an exchange with the same force and effect as to the shares of the converted savings bank they purchased on original issue for a period of three years following the date of such purchase on original issue.

Sec. 31. Section 99, chapter 85, Laws of 1981 and RCW 32.32.500 are each amended to read as follows:

A mutual savings bank or bank converted under this chapter may merge with, consolidate with, convert into, acquire the assets of, or sell its assets to any other financial institution chartered under Titles 30, 32, or 33 RCW or under the National Bank Act, as amended, or the National Housing Act, as amended, or to a holding company thereof, subject to (1) the approval of the supervisor of banking if the surviving institution is one chartered under Title 30 or 32 RCW, or (2) approval of the supervisor of savings and loans if the surviving institution is one chartered under Title 33 RCW, or (3) if the surviving institution is to be a national bank, the comptroller of currency under 12 U.S.C. Sec. 35, 12 U.S.C. Sec. 215, 12 U.S.C. Sec. 215a, and 12 U.S.C. Sec. 1828c, or (4) if the surviving institution is to be a federal savings and loan association, the Federal Home Loan Bank Board under 12 U.S.C. Sec. 1464 (d)(11), or (5) if the surviving institution is to be a bank holding company, the Federal Reserve Board under 12 U.S.C. Sec. 1842 (a) and (d).

In the case of a liquidation, acquisition, merger, consolidation, or conversion of a converted savings bank, chapter ~~(32.30.44 and 30.49)~~ 32.34 RCW shall apply.

Sec. 32. Section 100, chapter 85, Laws of 1981 and RCW 32.32.505 are each amended to read as follows:

(1) It is the intention of the legislature to grant, by this chapter, authority to permit conversions by mutual savings banks to capital stock form, and the rights, powers, restrictions, limitations, and requirements of Title 32 RCW shall apply to a converted mutual savings bank except that, in the event of conflict between the provisions of this chapter and other provisions of Title 32 RCW, the other provisions shall be construed in favor of the accomplishment of the purposes of this chapter.

(2) References in the Revised Code of Washington as of the most recent effective date of any amendment, to mutual savings banks shall refer also to stock savings banks converted from mutual form under this chapter. References in the Revised Code of Washington to the board of trustees of a mutual savings bank shall refer also to the board of directors of a stock savings bank converted from mutual form under this chapter. The provisions of Title 30 RCW shall not apply to a converted mutual savings bank except insofar as the provisions would apply to a mutual savings bank.

NEW SECTION. Sec. 33. (1) The voluntary liquidation of a mutual savings bank converted to the stock form requires the affirmative vote or written consent of two-thirds of the directors of the converted savings bank, requires the affirmative vote of two-thirds of the outstanding stock of the savings bank, shall proceed as prescribed in chapter 32.24 RCW, and shall be complete upon the payment of any surplus remaining, after satisfaction of all debts and liabilities of the savings bank, to shareholders in accordance with their legal rights to such surplus.

(2) A savings bank which has converted to the stock form may sell all its assets and transfer all its liabilities upon the affirmative vote or with the written consent of two-thirds of its directors, and upon the affirmative vote of the holders of two-thirds of the outstanding voting shares in each class entitled to vote.

(3) Any merger or consolidation involving a mutual savings bank converted to stock form requires approval by two-thirds of the directors and by the holders of a majority of the outstanding voting shares in each class except that a merger or consolidation approved by two-thirds of the outstanding voting shares in each class requires approval by only a majority of the directors of the converted savings bank, and except as provided in subsection (4) of this section.

(4) A savings bank that has converted to the stock form may engage in a consolidation and pooling of assets upon the affirmative vote of two-thirds of its directors, if (a) the total assets of the converted savings bank, immediately prior to the day of the consolidation and pooling of assets, exceed two-thirds of the assets of the institution that would result from the consolidation and pooling of assets, (b) the converted savings bank will survive the consolidation and pooling of assets, without its shareholders surrendering their shares of stock in the converted savings bank, and (c) the other institution being merged or consolidated is a savings bank or savings and loan association.

(5) Any converted savings bank may provide in its articles of incorporation for a higher percentage of affirmative shareholder votes to approve any liquidation, sale of assets, merger, or consolidation.

NEW SECTION. Sec. 34. (1) No savings bank having capital stock may establish a holding company to own all its stock without the approval of the supervisor. Upon tender of their shares of the converted savings bank, the shareholders of the savings bank shall receive all the shares of the holding company which are outstanding at the time of this tender.

(2) Any company owning more than twenty-five percent of the outstanding voting stock of a savings bank doing business under this Title 32 RCW shall, in addition to the restrictions of section 25 of this act, be subject to regulation as a savings bank holding company. Any savings bank holding company which is not subject to regulation by the federal reserve board or the federal home loan bank board, and all holding company subsidiaries engaging in businesses which are not subject to regulation or licensing by the federal home loan bank board, the supervisor of savings and loan associations, the commissioner of insurance, or the administrator authorized to regulate loan companies doing business under Title 31 RCW, will be subject to such regulation of accounting practices and of the qualifications of directors and officers, and such inspection and visitation by the supervisor of banking as the supervisor shall deem appropriate, subject to the limitations imposed on regulation, inspection, and visitation of a savings bank under this title. In addition, any savings bank holding company and all holding company subsidiaries will be subject to visitation by the supervisor of banking as such shall deem appropriate, subject to the limitations imposed on visitation of a savings bank under this Title 32 RCW and under the supremacy clause of the Constitution of the United States. The savings bank subsidiary of this holding corporation may engage in subsequent mergers, consolidations, acquisitions, and conversions, only to the extent authorized by RCW 32.32.500, and only upon complying with the applicable requirements in section 33 of this act and this chapter.

(3) In the event a savings bank forms a subsidiary to carry out any of the powers of savings banks under this title, any institution with which this subsidiary merges shall continue to be subject to regulation, inspection, and visitation by the supervisor of savings and loans if the subsidiary is authorized to do business by Title 33 RCW.

NEW SECTION. Sec. 35. A savings bank not having capital stock may establish a business trust for the benefit of its depositors, with the approval of the supervisor and subject to such rules and regulations as the supervisor may adopt. The supervisor may permit this business trust to become a mutual holding company owning all shares of an interim stock savings bank, the sole purpose of which shall be to merge into the mutual savings bank that formed the business trust. The depositors in an unconverted savings bank which has merged with the subsidiary of such a mutual holding company, in the event of a later conversion of this mutual holding company to the stock form, shall retain all their rights to their deposits in the savings bank, and shall also receive, without payment, nontransferable rights to subscribe for the stock of the holding company, and rights to a liquidation account maintained by the holding company in proportion to their deposits in the savings bank, to the same extent that they would receive these rights in a stock conversion of the savings bank as prescribed in chapter 32.32 RCW.

NEW SECTION. Sec. 36. (1) Any holder of shares of a savings bank shall be entitled to receive the value of these shares, as specified in subsection (2) of this section, if (a) the savings bank is voluntarily liquidating, being acquired, merging, or consolidating, (b) the shareholder voted, in person or by proxy, against the liquidation, acquisition, merger, or consolidation, at a meeting of shareholders called for the purpose of voting on such transaction, and (c) the shareholder delivers a written demand for payment, with the stock certificates, to the savings bank within thirty days after such meeting of shareholders. The value of shares shall be paid in cash, within ten days after receipt of the written demand and stock certificates, except that if three appraisers are appointed as specified in subsection (2) of this section, the payment shall be due forty-five days after receipt of such demand and stock certificates.

(2) The value of such shares shall be the price published for shares listed on a national securities exchange, and shall be the bid price published for shares traded over the counter, at the close of business on the business day before the shareholders' meeting at which the shareholder dissented, except that if such shares are not so listed or traded, or if the value so determined differs by twenty percent or more from the average of such prices for the shares during the thirty days prior to this business day, or if a violation of RCW 32.32.225 has affected such determination, then the value of the shares shall be determined, within forty days after delivery of the stock certificates, by three appraisers appointed as provided in RCW 30.49.090.

NEW SECTION. Sec. 37. Sections 33 through 36 of this act are each added to chapter 32.34 RCW.

NEW SECTION. Sec. 38. The following acts or parts of acts are each repealed:

- (1) Section 32.20.140, chapter 13, Laws of 1955 and RCW 32.20.140;
- (2) Section 32.20.150, chapter 13, Laws of 1955 and RCW 32.20.150;
- (3) Section 32.20.170, chapter 13, Laws of 1955, section 4, chapter 80, Laws of 1955 and RCW 32.20.170;
- (4) Section 32.20.180, chapter 13, Laws of 1955 and RCW 32.20.180; and
- (5) Section 32.20.190, chapter 13, Laws of 1955 and RCW 32.20.190.;

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

Senator Moore moved that the Senate do concur in the House amendment to Substitute Senate Bill No. 3361.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Moore, I'm looking at page 7, and it looks like little odds and ends that you were speaking of. It says in Section 6, sub (1), 'anybody can withdraw, but they have to wait six months to get their money' and then there is a proviso, 'provided the bank may create a special class of depositors, who shall be entitled to receive their deposits upon demand and this can be enacted by the trustees at any time.' That is something new. I thought we were all one class in the savings banks. My question is--presumably, the trustees might say, 'well, if you have a hundred thousand dollars, you will be a special depositor and you can get your deposit back on demand,' but if I only have five thousand dollars, which is my life savings, I've got to wait six months for it.

"If you can't answer it, Gene's there and he's probably got the answer. It just doesn't sound right, Senator Moore, to have a special class. I thought we were all one and I hope you can explain it satisfactorily."

Senator Moore: "Senator Rasmussen, as you know when you drive by any institution, you will see outside advertised 'three months' certificates, six-months' certificates, ten-year certificates' and so on. This merely clarifies the fact of what is going on already and making it possible for the directors of an institution to decide, in their wisdom, to offer to somebody the fact that if they take a lesser interest rate, they can get their money instantly. If they want to leave it in longer and get a higher rate, it is now mandated that they can do that."

Senator Rasmussen: "But it indicates that the Board of Trustees can do this at any time and it doesn't spell it out. A certificate of deposit, I can understand, but it just says you can create special groups of depositors and you may change the rules of the game after you get the money in there."

Senator Moore: "I do not believe that that is the intent, nor do I believe that is what it really says."

Senator Rasmussen: "I am only trying to read the printed. I don't know what the intent is."

Senator Moore: "Well, I think it is well for us to remember that a contract is a contract and if somebody puts his money in on a certain basis, that cannot be pre-empted by the bank except in a failing condition."

Senator Rasmussen: "That's what I'm afraid of. There are lots of them failing."

The President declared the question before the Senate to be the motion by Senator Moore that the Senate do concur in the House amendment to Substitute Senate Bill No. 3361.

The motion by Senator Moore carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 3361.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3361, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3361, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; nays, 3; absent, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Sellar, Talmadge, Thompson, Vogniid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senators Pullen, Rasmussen, Stratton - 3.

Absent: Senators Deccio, Guess, Patterson, Rinehart, Saling - 5.

SUBSTITUTE SENATE BILL NO. 3361, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President advanced the Senate to the sixth order of business.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 52, deferred on second reading earlier today.

MOTION

Senator Craswell moved that the following amendment be adopted:
On page 7, line 16, strike subsection (8)

Debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Talmadge, would you give the body an example of the kind of format that the Human Rights Commission would use to go out and do all these good little things? They are going to teach all these employers on how to avoid discriminating against their employees. I think that would be very interesting."

Senator Talmadge: "Senator, for example, if you take a look at the regulations of the Human Rights Commission, they have in them examples of what you can do to avoid problems with respect to a claim for discrimination, i.e., how to avoid asking questions in a certain fashion that would create a violation of the law, and how to ask for information in a way that is appropriate and how to establish bonafide occupational qualifications. For example, where you have a particular need to have a special qualification for a job--all those things are in the regulations and there have been seminars, to my knowledge, that provide that kind of information to employers to avoid a claim. In fact, I think a lot of good law firms in the state of Washington provide that kind of service to their clients in conjunction with the Human Rights Commission, so that they avoid those kinds of problems, but if you look at the regulations of the Commission, they are right in there as to how to avoid specific problems with respect to the anti-discrimination law."

The President declared the question before the Senate to be adoption of the amendment by Senator Craswell.

The motion by Senator Craswell failed and the amendment was not adopted on a rising vote.

MOTION

On motion of Senator Talmadge, the rules were suspended, 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.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 52, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 52, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Seilar, Stratton, Talmadge, Thompson, Vogtild, von Reichbauer, Warnke, Williams, Wojahn - 44.

Voting nay: Senators Guess, Hayner, McCaslin, Pullen, Zimmerman - 5.

SUBSTITUTE HOUSE BILL NO. 52, as amended by the Senate, having received the 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

April 3, 1985

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3012 with the following amendments:

Strike everything after the enacting clause and insert the following:

***NEW SECTION, Sec. 1.** The legislature finds that the prevention of serious, personal harassment is an important government objective. Toward that end, this chapter is aimed at making unlawful the repeated invasions of a person's privacy by acts and threats which show a pattern of harassment designed to coerce, intimidate, or humiliate the victim.

The legislature further finds that the protection of such persons from harassment can be accomplished without infringing on constitutionally protected speech or activity.

NEW SECTION. Sec. 2. (1) A person is guilty of harassment if:

(a) Without lawful authority, the person knowingly threatens:

(i) To cause bodily injury in the future to the person threatened or to any other person; or

(ii) To cause physical damage to the property of a person other than the actor; or

(iii) To subject the person threatened or any other person to physical confinement or restraint; or

(iv) Maliciously to do any other act which is intended to substantially harm the person threatened or another with respect to his or her physical or mental health or safety; and

(b) The person by words or conduct places the person threatened in reasonable fear that the threat will be carried out.

(2) A person who harasses another is guilty of a gross misdemeanor punishable under chapter 9A.20 RCW, unless the person has previously been convicted in this or any other state of any crime of harassment, as defined in section 6 of this act, of the same victim or members of the victim's family or household or any person specifically named in a no-contact or no-harassment order, in which case the person is guilty of a class C felony punishable under chapter 9A.20 RCW.

(3) The penalties provided in this section for harassment do not preclude the victim from seeking any other remedy otherwise available under law.

NEW SECTION. Sec. 3. Any harassment offense committed as set forth in section 2 of this act may be deemed to have been committed where the conduct occurred or at the place from which the threat or threats were made or at the place where the threats were received.

NEW SECTION. Sec. 4. (1) Because of the likelihood of repeated harassment directed at those who have been victims of harassment in the past, when any defendant charged with a crime involving harassment is released from custody before trial on bail or personal recognizance, the court authorizing the release may require that the defendant:

(a) Stay away from the home, school, business, or place of employment of the victim or victims of the alleged offense or other location, as shall be specifically named by the court in the order;

(b) Refrain from contacting, intimidating, threatening, or otherwise interfering with the victim or victims of the alleged offense and such other persons, including but not limited to members of the family or household of the victim, as shall be specifically named by the court in the order.

(2) An intentional violation of a court order issued under this section is a gross misdemeanor. The written order releasing the defendant shall contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under chapter ___ RCW (chapter ___, Laws of 1985). A certified copy of the order shall be provided to the victim by the clerk of the court.

NEW SECTION. Sec. 5. A defendant who is charged by citation, complaint, or information with an offense involving harassment and not arrested shall appear in court for arraignment in person as soon as practicable, but in no event later than fourteen days after the next day on which court is in session following the issuance of the citation or the filing of the complaint or information. At that appearance, the court shall determine the necessity of imposing a no-contact or no-harassment order or other conditions of pretrial release according to the procedures established by court rule for preliminary appearance or an arraignment.

NEW SECTION. Sec. 6. As used in this chapter, "harassment" may include but is not limited to any of the following crimes:

- (1) Harassment (section 2 of this act);
- (2) Malicious harassment (RCW 9A.36.080);
- (3) Telephone harassment (RCW 9.61.230);
- (4) Assault in the first degree (RCW 9A.36.010);
- (5) Assault in the second degree (RCW 9A.36.020);
- (6) Simple assault (RCW 9A.36.040);
- (7) Reckless endangerment (RCW 9A.36.050);
- (8) Extortion in the first degree (RCW 9A.56.120);
- (9) Extortion in the second degree (RCW 9A.56.130);
- (10) Coercion (RCW 9A.36.070);
- (11) Burglary in the first degree (RCW 9A.52.020);
- (12) Burglary in the second degree (RCW 9A.52.030);
- (13) Criminal trespass in the first degree (RCW 9A.52.070);
- (14) Criminal trespass in the second degree (RCW 9A.52.080);
- (15) Malicious mischief in the first degree (RCW 9A.48.070);
- (16) Malicious mischief in the second degree (RCW 9A.48.080);
- (17) Malicious mischief in the third degree (RCW 9A.48.090);
- (18) Kidnapping in the first degree (RCW 9A.40.020);
- (19) Kidnapping in the second degree (RCW 9A.40.030);
- (20) Unlawful imprisonment (RCW 9A.40.040);

- (21) Rape in the first degree (RCW 9A.44.040);
- (22) Rape in the second degree (RCW 9A.44.050);
- (23) Rape in the third degree (RCW 9A.44.060);
- (24) Indecent liberties (RCW 9A.44.100);
- (25) Statutory rape in the first degree (RCW 9A.44.070);
- (26) Statutory rape in the second degree (RCW 9A.44.080); and
- (27) Statutory rape in the third degree (RCW 9A.44.090).

NEW SECTION. Sec. 7. Any law enforcement agency in this state may force this chapter as it relates to orders restricting the defendants' ability to have contact with the victim or others.

NEW SECTION. Sec. 8. The victim shall be informed by local law enforcement agencies or the prosecuting attorney of the final disposition of the case in which the victim is involved. If a defendant is found guilty of a crime of harassment and a condition of the sentence restricts the defendant's ability to have contact with the victim or witnesses, the condition shall be recorded and a written certified copy of that order shall be provided to the victim or witnesses by the clerk of the court.

NEW SECTION. Sec. 9. A peace officer shall not be held liable in any civil action for an arrest based on probable cause, enforcement in good faith of a court order, or any other action or omission in good faith under this chapter arising from an alleged incident of harassment brought by any party to the incident.

NEW SECTION. Sec. 10. As used in RCW 9.61.230 or section 2 of this act, a person has been "convicted" at such time as a plea of guilty has been accepted or a verdict of guilty has been filed, notwithstanding the pendency of any future proceedings including but not limited to sentencing, posttrial motions, and appeals.

Sec. 11. Section 1, chapter 16, Laws of 1967 and RCW 9.61.230 are each amended to read as follows:

Every person who, with intent to harass, intimidate, torment or embarrass any other person, shall make a telephone call to such other person:

- (1) Using any lewd, lascivious, profane, indecent, or obscene words or language, or suggesting the commission of any lewd or lascivious act; or
- (2) Anonymously or repeatedly or at an extremely inconvenient hour, whether or not conversation ensues; or
- (3) Threatening to inflict injury on the person or property of the person called or any member of his or her family(~~or~~

~~(4) without purpose of legitimate communication)) or household;~~
 shall be guilty of a (~~misdemeanor~~) gross misdemeanor, unless that person has previously been convicted of any crime of harassment, as defined in section 6 of this 1985 act, with the same victim or member of the victim's family or household or any person specifically named in a no-contact or no-harassment order in this or any other state, in which case the person is guilty of a class C felony punishable under chapter 9A.20 RCW.

NEW SECTION. Sec. 12. This act shall be known as the anti-harassment act of 1985.

NEW SECTION. Sec. 13. Sections 1 through 10 of this act shall constitute a new chapter in Title 9A RCW.

NEW SECTION. Sec. 14. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 15. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect May 1, 1985."

On page 1, beginning on line 2 of the title, strike "repealing RCW 9.58.110 and 9.58.120:"

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

Senator Talmadge moved that the Senate do not concur in the House amendments to Engrossed Substitute Senate Bill No. 3012 and asks the House to recede therefrom.

Debate ensued.

POINT OF INQUIRY

Senator Metcalf: "Senator Talmadge, as you envision it, we're going to send the bill back for another purpose. Would you advocate that the House amendments stay on the bill or not stay on the bill? I thought they were pretty good amendments."

Senator Talmadge: "It would be my intention, Senator Metcalf, to leave the amendments that are contained thereon--just as they appear. There is a section that was added, in fact, to 3254 by the House that relates to the penalties for the

violation of a no-contact order. That was a very sensible idea and we wanted to mirror that particular pattern from 3254--this proposal."

The President declared the question before the Senate to be the motion by Senator Talmadge that the Senate do not concur in the House amendments to Engrossed Substitute Senate Bill No. 3012.

The motion by Senator Talmadge carried and the Senate did not concur in the House amendments to Engrossed Senate Bill No. 3012 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 3, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3254 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 3, chapter 263, Laws of 1984 and RCW 26.50.020 are each amended to read as follows:

(1) Any person may seek relief under this chapter by filing a petition with a court alleging that the person has been the victim of domestic violence committed by the respondent. The person may petition for relief on behalf of himself or herself and on behalf of minor family or household members.

(2) The courts defined in RCW 26.50.010(3) have jurisdiction over proceedings under this chapter. ~~((If a proceeding under chapter 26.09, 26.12, or 26.26 RCW is commenced in a superior court before or after the filing of an action in a district or municipal court under this chapter, then the superior court shall have exclusive jurisdiction over proceedings under this chapter. Any municipal or district court order entered while that court had jurisdiction remains valid until superseded by a superior court order.))~~ The jurisdiction of district or municipal courts under this chapter shall be limited to the issuance and enforcement of temporary orders for protection provided for in RCW 26.50.070 if: (a) A superior court has exercised or is exercising jurisdiction over a proceeding under this title or chapter 13.34 RCW involving the parties; (b) the petition for relief under this chapter presents a child custody or visitation issue; or (c) the petition for relief under this chapter requests the court to exclude a party from the dwelling which the parties share. When the jurisdiction of a district or municipal court is limited to the issuance and enforcement of a temporary order, the district or municipal court shall set the full hearing provided for in RCW 26.50.050 in superior court and transfer the case. If the notice and order are not served on the respondent in time for the full hearing, the issuing court shall have concurrent jurisdiction with the superior court to extend the order for protection.

(3) An action under this chapter shall be filed in the county or the municipality where the petitioner resides, unless the petitioner has left the residence or household to avoid abuse. In that case, the petitioner may bring an action in the county or municipality of the previous or the new household or residence.

(4) A person's right to petition for relief under this chapter is not affected by the person leaving the residence or household to avoid abuse.

~~((5) If an action under this chapter is commenced in a district or municipal court and a petitioner or respondent contests custody or visitation rights, then, upon the motion of either party containing proof that the petition for relief under this chapter has been filed with the superior court, the district or municipal court shall dismiss the action.))~~

Sec. 2. Section 4, chapter 263, Laws of 1984 and RCW 26.50.030 are each amended to read as follows:

There shall exist an action known as a petition for an order for protection in cases of domestic violence.

(1) A petition for relief shall allege the existence of domestic violence, and shall be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought.

(2) A petition for relief may be made regardless of whether or not there is a pending lawsuit, complaint, petition, or other action between the parties except in cases where the court realigns petitioner and respondent in accordance with RCW 26.50.060(3).

(3) All court clerk's offices shall make available simplified forms and instructional brochures. Any assistance or information provided by clerks under this section does not constitute the practice of law and clerks are not responsible for incorrect information contained in a petition.

(4) A filing fee of twenty dollars shall be charged for proceedings under this section. No filing fee may be charged for: (a) A petition filed in an existing action or under an existing cause number brought under this chapter in the jurisdiction where the relief is sought; or (b) the transfer of a case from district or municipal court to superior court under RCW 26.50.020(2). Forms and instructional brochures shall be provided free of charge.

(5) A person is not required to post a bond to obtain relief in any proceeding under this section.

Sec. 3. Section 31, chapter 263, Laws of 1984 and RCW 26.50.035 are each amended to read as follows:

The administrator for the courts shall develop and prepare, in consultation with interested persons, the forms and instructional brochures required under RCW 26.50.030(3). ~~((These forms shall be distributed to and available for use by the court clerks before September 1, 1984.))~~ The administrator for the courts shall distribute a master copy of the forms and instructional brochures to all court clerks.

Sec. 4. Section 5, chapter 263, Laws of 1984 and RCW 26.50.040 are each amended to read as follows:

(1) Persons seeking relief under this chapter may file an application for leave to proceed in forma pauperis on forms supplied by the court. If the court determines that a petitioner lacks the funds to pay the costs of filing, the petitioner shall be granted leave to proceed in forma pauperis and no filing fee or any other court related fees shall be charged by the court to the petitioner for relief sought under this chapter. If the petitioner is granted leave to proceed in forma pauperis, then no fees for service may be charged to the petitioner.

(2) For the purpose of determining whether a petitioner has the funds available to pay the costs of filing an action under this chapter, the income of the household or family member named as the respondent is not considered.

Sec. 5. Section 7, chapter 263, Laws of 1984 and RCW 26.50.060 are each amended to read as follows:

(1) Upon notice and after hearing, the court may provide relief as follows:

~~((1))~~ (a) Restrain a party from committing acts of domestic violence;

~~((2))~~ (b) Exclude the respondent from the dwelling which the parties share or from the residence of the petitioner;

~~((3))~~ (c) On the same basis as is provided in chapter 26.09 RCW, award temporary custody and establish temporary visitation with regard to minor children of the parties, and restrain any party from interfering with the custody of the minor children;

~~((4))~~ (d) Order the respondent to participate in treatment or counseling services;

~~((5))~~ (e) Order other relief as it deems necessary for the protection of a family or household member, including orders or directives to a peace officer, as allowed under this chapter; and

~~((6))~~ (f) Require the respondent to pay the filing fee and court costs, including service fees, and to reimburse the petitioner for costs incurred in bringing the action, including a reasonable attorney's fee. If the petitioner has been granted leave to proceed in forma pauperis, the court may require the respondent to pay the filing fee and costs, including services fees, to the county or municipality incurring the expense.

(2) Any relief granted by the order for protection, other than a judgment for costs, shall be for a fixed period not to exceed one year.

(3) In providing relief under this chapter, the court may realign the designation of the parties as "petitioner" and "respondent" where the court finds that the original petitioner is the abuser and the original respondent is the victim of domestic violence.

Sec. 6. Section 10, chapter 263, Laws of 1984 and RCW 26.50.090 are each amended to read as follows:

(1) An order issued under this chapter shall be personally served upon the respondent, except as provided in subsection (6) of this section.

(2) The sheriff of the county or the peace officers of the municipality in which the respondent resides shall serve the respondent personally unless the petitioner elects to have the respondent served by a private party.

(3) If service by a sheriff or municipal peace officer is to be used, the clerk of the court shall have a copy of any order issued under this chapter forwarded on or before the next judicial day to the appropriate law enforcement agency specified in the order for service upon the respondent. Service of an order issued under this chapter shall take precedence over the service of other documents unless they are of a similar emergency nature.

(4) If the sheriff or municipal peace officer cannot complete service upon the respondent within ten days, the sheriff or municipal peace officer shall notify the petitioner. The petitioner shall provide information sufficient to permit notification.

(5) Returns of service under this chapter shall be made in accordance with the applicable court rules.

(6) If an order entered by the court recites that the respondent appeared in person before the court, the necessity for further service is waived and proof of service of that order is not necessary.

(7) Except in cases where the petitioner is granted leave to proceed in forma pauperis, municipal police departments serving documents as required under this chapter may collect the same fees for service and mileage authorized by RCW 36.18.040 to be collected by sheriffs.

Sec. 7. Section 15, chapter 263, Laws of 1984 and RCW 26.50.200 are each amended to read as follows:

Nothing in this ~~((act))~~ chapter may affect the title to real estate: PROVIDED, That a judgment for costs or fees awarded under this chapter shall constitute a lien on real estate to the extent provided in chapter 4.56 RCW.

Sec. 8. Section 9A.36.040, chapter 260, Laws of 1975 1st ex. sess. as amended by section 18, chapter 263, Laws of 1984 and RCW 9A.36.040 are each amended to read as follows:

(1) Every person who shall commit an assault or an assault and battery not amounting to assault in either the first, second, or third degree shall be guilty of simple assault.

(2) Simple assault is a gross misdemeanor.

~~(((3) Every person convicted of three offenses under this section against a family or household member as defined in RCW 10.99.020 is guilty of a class C felony.))~~

Sec. 9. Section 1, chapter 198, Laws of 1969 ex. sess. as last amended by section 19, chapter 263, Laws of 1984 and RCW 10.31.100 are each amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of the officer, except as provided in subsections (1) through (4) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) An order has been issued of which the person has knowledge under RCW 10.99.040(2), 10.99.050, 26.09.060, chapter 26.26 RCW, or chapter 26.50 RCW restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence or excluding the person from a residence; or

(b) The person is eighteen years or older and within the preceding four hours has assaulted that person's spouse, former spouse, or ~~((other))~~ a person eighteen years or older with whom the person resides or has formerly resided. An officer shall make an arrest if the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that spouses, former spouses, or other persons who reside together or formerly resided together have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary physical aggressor. In making this determination, the officer shall make every reasonable effort to consider: (i) The intent to protect victims of domestic violence under RCW 10.99.010; (ii) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (iii) the history of domestic violence between the persons involved.

(3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

(b) RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;

(f) RCW 46.61.525, relating to operating a motor vehicle in a negligent manner.

(4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed in connection with the accident a violation of any traffic law or regulation.

(5) Except as specifically provided in subsections (2), (3), and (4) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

(6) No police officer may be held criminally or civilly liable for making an arrest pursuant to RCW 10.31.100(2) if the police officer acts in good faith and without malice.

Sec. 10. Section 4, chapter 105, Laws of 1979 ex. sess. as last amended by section 22, chapter 263, Laws of 1984 and RCW 10.99.040 are each amended to read as follows:

(1) Because of the serious nature of domestic violence, the court in domestic violence actions:

(a) Shall not dismiss any charge or delay disposition because of concurrent dissolution or other civil proceedings;

(b) Shall not require proof that either party is seeking a dissolution of marriage prior to instigation of criminal proceedings;

(c) Shall waive any requirement that the victim's location be disclosed to any person, other than the attorney of a criminal defendant, upon a showing that there is a possibility of further violence: PROVIDED, That the court may order a criminal defense attorney not to disclose to his client the victim's location; and

(d) Shall identify by any reasonable means on docket sheets those criminal actions arising from acts of domestic violence.

(2) Because of the likelihood of repeated violence directed at those who have been victims of domestic violence in the past, when any ((defendant)) person charged with or arrested for a crime involving domestic violence is released from custody before arraignment or trial on bail or personal recognizance, the court authorizing the release may prohibit ((the defendant)) that person from having any contact with the victim. The ((arresting)) jurisdiction authorizing the release shall determine whether ((the defendant)) that person should be prohibited from having any contact with the victim. If there is no outstanding restraining or protective order prohibiting ((the defendant)) that person from having contact with the victim, the court authorizing release may issue, by telephone, a no-contact order prohibiting the ((defendant)) person charged or arrested from having contact with the victim. The no-contact order shall also be issued in writing as soon as possible. If the court has probable cause to believe that the ((defendant)) person charged or arrested is likely to use or display or threaten to use a deadly weapon as defined in RCW 9A.04.110 in any further acts of violence, the court may also require ((the defendant)) that person to surrender any deadly weapon in ((the defendant's)) that person's immediate possession or control, or subject to ((the defendant's)) that person's immediate possession or control, to the sheriff of the county or chief of police of the municipality in which ((the defendant)) that person resides or to the defendant's counsel for safekeeping.

(3) At the time of arraignment the court shall determine whether a no-contact order shall be issued or extended.

(4) Willful violation of a court order issued under subsection (2) or (3) of this section is a misdemeanor. The written order releasing the ((defendant)) person charged or arrested shall contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under chapter 10.99 RCW and will subject a violator to arrest. A certified copy of the order shall be provided to the victim. If a no-contact order has been issued prior to charging, that order shall expire at arraignment or within fifteen days if charges are not filed. Such orders need not be entered into the computer information system in this state which is used by law enforcement agencies to list outstanding warrants.

((4*)) (5) Whenever an order prohibiting contact is issued, modified, or terminated under subsection (2) or (3) of this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall forthwith enter the order for one year or until the expiration date specified on the order into any ((computer-based criminal intelligence)) computer information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state.

Sec. 11. Section 46.64.015, chapter 12, Laws of 1961 as last amended by section 2, chapter 28, Laws of 1979 ex. sess. and RCW 46.64.015 are each amended to read as follows:

Whenever any person is arrested for any violation of the traffic laws or regulations which is punishable as a misdemeanor or by imposition of a fine, the arresting officer may serve upon him a traffic citation and notice to appear in court. Such citation and notice shall conform to the requirements of RCW 46.64.010, and in addition, shall include spaces for the name and address of the person arrested, the license number of the vehicle involved, the driver's license number of such person, if any, the offense or violation charged, the time and place where such person shall appear in court, and a place where the person arrested may sign. Such spaces shall be filled with the appropriate information by the arresting officer. The arrested person, in order to secure release, and when permitted by the arresting officer, must give his written promise to appear in court as required by the citation and notice by signing in the appropriate place the written citation and notice served by the arresting officer. An officer may not serve or issue any traffic citation or notice for any offense or violation except either when the offense or violation is committed in his presence or when a person may be arrested pursuant to RCW 10.31.100, as now or hereafter amended. The detention arising from an arrest under this section may not be for a period of time longer than is reasonably necessary to issue and serve a citation and notice, except that the time limitation does not apply under any of the following circumstances:

(1) Where the arrested person refuses to sign a written promise to appear in court as required by the citation and notice provisions of this section;

(2) Where the arresting officer has probable cause to believe that the arrested person has committed any of the offenses enumerated in RCW 10.31.100~~((2))~~(3), as now or hereafter amended.

Sec. 12. Section 5, chapter 105, Laws of 1979 ex. sess. as amended by section 24, chapter 263, Laws of 1984 and RCW 10.99.050 are each amended to read as follows:

(1) When a defendant is found guilty of a crime and a condition of the sentence restricts the defendant's ability to have contact with the victim, such condition shall be recorded and a written certified copy of that order shall be provided to the victim.

(2) Wilful violation of a court order issued under this section is a misdemeanor. The written order shall contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under chapter 10.99 RCW and will subject a violator to arrest.

(3) Whenever an order prohibiting contact is issued pursuant to this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall forthwith enter the order for one year into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state.

Sec. 13. Section 37, chapter 299, Laws of 1961 and RCW 3.46.030 are each amended to read as follows:

A municipal department shall have exclusive jurisdiction of matters arising from ordinances of the city, and no jurisdiction of other matters except as conferred by statute.

Sec. 14. Section 51, chapter 299, Laws of 1961 as last amended by section 104, chapter 258, Laws of 1984 and RCW 3.50.020 are each amended to read as follows:

The municipal court shall have exclusive original jurisdiction over traffic infractions arising under city ordinances and exclusive original criminal jurisdiction of all violations of city ordinances duly adopted by the city in which the municipal court is located and shall have original jurisdiction of all other actions brought to enforce or recover license penalties or forfeitures declared or given by such ordinances or by state statutes. The municipal court shall also have the jurisdiction as conferred by statute. The municipal court is empowered to forfeit cash bail or bail bonds and issue execution thereon; and in general to hear and determine all causes, civil or criminal, including traffic infractions, arising under such ordinances and to pronounce judgment in accordance therewith."

On page 1, line 1 of the title, after "violence," strike the remainder of the title and insert "and amending RCW 3.46.030, 3.50.020, 26.50.020, 26.50.030, 26.50.035, 26.50.040, 26.50.060, 26.50.090, 26.50.200, 9A.36.040, 10.31.100, 10.99.040, 10.99.050, and 46.64.015."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate did not concur in the House amendments to Substitute Senate Bill No. 3254 and asks the House to recede therefrom.

MOTION

At 3:29 p.m. on motion of Senator Vognild, the Senate recessed until 4:20 p.m.

SECOND AFTERNOON SESSION

The Senate was called to order at 4:29 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. 391, by Committee on State Government (originally sponsored by Representatives Brooks, Belcher, O'Brien and Hankins) (by Department of General Administration request)

Modifying competitive bidding requirements for state purchasing.

The bill was read the second time.

MOTION

Senator Thompson moved that the following Committee on Governmental Operations amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 43.19.1906, chapter 8, Laws of 1965 as last amended by section 3, chapter 102, Laws of 1984 and RCW 43.19.1906 are each amended to read as follows:

Insofar as practicable, all purchases and sales shall be based on competitive bids, and a formal sealed bid procedure shall be used as standard procedure for all purchases and contracts for purchases and sales executed by the state purchasing and material control director and under the powers granted by RCW 43.19.190 through 43.19.1939, as now or hereafter amended. This requirement also applies to purchases and contracts for purchases and sales executed by agencies, including educational institutions, under delegated authority granted in accordance with provisions of RCW 43.19.190 as now or hereafter amended. However, formal sealed bidding is not necessary for:

(1) Emergency purchases made pursuant to RCW 43.19.200 if the sealed bidding procedure would prevent or hinder the emergency from being met appropriately;

(2) Purchases not exceeding (~~((twenty-five hundred))~~ five thousand dollars: PROVIDED, That the state director of general administration shall establish procedures to assure that purchases made by or on behalf of the various state agencies shall not be made so as to avoid the (~~((twenty-five hundred))~~ five thousand dollar bid limitation: PROVIDED FURTHER, That the state purchasing and material control director is authorized to reduce this formal sealed bid limit of (~~((twenty-five hundred))~~ five thousand dollars to a lower dollar amount for purchases by individual state agencies, including purchases of specialized equipment, instructional, and research materials by colleges and universities, if considered necessary to maintain full disclosure of competitive procurement or otherwise to achieve overall state efficiency and economy in purchasing and material control. Quotations from four hundred dollars to (~~((twenty-five hundred))~~ five thousand dollars shall be secured from enough vendors to assure establishment of a competitive price. A record of competition for all such purchases from four hundred dollars to (~~((twenty-five hundred))~~ five thousand dollars shall be documented for audit purposes on a standard state form approved by the forms management center under the provisions of RCW 43.19.510. Purchases up to four hundred dollars may be made without competitive bids based on buyer experience and knowledge of the market in achieving maximum quality at minimum cost: PROVIDED, That this four hundred dollar direct buy limit without competitive bids may be increased incrementally as required to a maximum of eight hundred dollars with the approval of at least ten of the members of the state supply management advisory board, if warranted by increases in purchasing costs due to inflationary trends;

(3) Purchases which are clearly and legitimately limited to a single source of supply and purchases involving special facilities, services, or market conditions, in which instances the purchase price may be best established by direct negotiation;

(4) Purchases of insurance and bonds by the risk management office under RCW 43.19.1935 as now or hereafter amended;

(5) Purchases and contracts for vocational rehabilitation clients of the department of social and health services: PROVIDED, That this exemption is effective only when the state purchasing and material control director, after consultation with the director of the division of vocational rehabilitation and appropriate department of social and health services procurement personnel, declares that such purchases may be best executed through direct negotiation with one or more suppliers in order to expeditiously meet the special needs of the state's vocational rehabilitation clients; and

(6) Purchases by universities for hospital operation made by participating in contracts for materials, supplies, and equipment entered into by cooperative hospital service organizations as defined in section 501(e) of the Internal Revenue Code, or its successor."

MOTION

Senator Bluechel moved that the following amendment to the amendment be adopted:

On page 4, line 15, after "successor" insert "; and (7) For advertisement and competitive bidding to be dispensed with as to purchases between four hundred five thousand dollars, the purchasing authority shall authorize a procedure for securing telephone and/or written quotations from enough vendors to assure establishment of a competitive price and for awarding such contracts for purchase of materials, equipment, or services to the lowest responsible bidder. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Bluechel to the Committee on Governmental Operations amendment.

The motion by Senator Bluechel 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 Governmental Operations amendment, as amended.

The motion by Senator Thompson carried and the committee amendment, as amended, was adopted.

MOTIONS

On motion of Senator Bender, Senator Peterson was excused.

On motion of Senator Zimmerman, Senator Kiskaddon was excused.

On motion of Senator Thompson, the rules were suspended, Substitute House Bill No. 391, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 391, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 391, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 45.

Absent: Senators Benitz, Wojahn - 2.

Excused: Senators Kiskaddon, Peterson - 2.

SUBSTITUTE HOUSE BILL NO. 391, as amended by the Senate, having received the constitutional majority, 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. 831, by Committee on Local Government (originally sponsored by Representatives Kremen, Isaacson, Smitherman, Crane, McMullen, Brekke, Allen, Lux, Wineberry and Ebersole)

Publicizing local government bond information.

The bill was read the second time.

MOTIONS

On motion of Senator Thompson, the following Committee on Governmental Operations amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 39.44 RCW to read as follows:

Each local government that issues any type of bond, where the state fiscal agency does not act as the bond registrar for the bond issue, shall supply the department of community development with information on the bond issue within thirty days of its issuance. The bond issue information shall be provided on a form prescribed by the department of community development and shall include: (1) The par value of the bond issue; (2) the effective interest rates; (3) a schedule of maturities; (4) the purposes of the bond issue; and (5) the type of bonds that are issued. A copy of the bond covenants shall be supplied with this information.

NEW SECTION. Sec. 2. A new section is added to chapter 39.44 RCW to read as follows:

Whenever the state fiscal agency acts as the bond registrar for a local government which issues any type of bond, the state fiscal agency shall supply the department of community development within thirty days of the issuance with the information on the bond issue that is required to be supplied by a local government pursuant to section 1 of this act.

NEW SECTION. Sec. 3. A new section is added to chapter 39.44 RCW to read as follows:

The department of community development may adopt rules and regulations pursuant to the administrative procedure act to require the submission of additional information on bond issues by local governments, including summaries of outstanding bond issues.

NEW SECTION. Sec. 4. A new section is added to chapter 39.44 RCW to read as follows:

Failure to file the information required by sections 1 through 3 of this act shall not affect the validity of the bonds that are issued.

NEW SECTION. Sec. 5. A new section is added to chapter 39.44 RCW to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 1 through 5 of this act.

(1) "Bond" means "bond" as defined in RCW 39.46.020, but also includes any other indebtedness that may be issued by any local government to fund private activities or purposes

where the indebtedness is of a nonrecourse nature payable from private sources, except obligations subject to chapter 39.84 RCW.

(2) "Local government" means "local government" as defined in RCW 39.46.020.

(3) "Type of bond" includes: (a) General obligation bonds; (b) revenue bonds; (c) local improvement district bonds; (d) special assessment bonds such as those issued by irrigation districts and diking districts; and (e) other classes of bonds.

NEW SECTION. Sec. 6. A new section is added to chapter 43.63A RCW to read as follows:

The department of community development shall retain the bond information it receives under sections 1 through 3 of this act and shall publish summaries of local government bond issues at least once a year.

The department of community development shall adopt rules under chapter 34.04 RCW to implement sections 1 through 3 of this act."

On motion of Senator Thompson, the rules were suspended, Substitute House Bill No. 831, 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. 831, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 831, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Kiskaddon, Peterson - 2.

SUBSTITUTE HOUSE BILL NO. 831, as amended by the Senate, having received the constitutional majority, 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. 303, by Committee on Energy and Utilities (originally sponsored by Representatives Gallagher and O'Brien) (by Utilities and Transportation Commission request)

Redefining water company for purposes of public utilities regulations.

The bill was read the second time.

MOTIONS

On motion of Senator Williams, the following amendment was adopted.

On page 4, after line 2 insert the following:

"Sec. 2. Section 80.04.130, chapter 14, Laws of 1961 as amended by section 2, chapter 3, Laws of 1984 and RCW 80.04.130 are each amended to read as follows:

(1) Except as provided in subsection (3) of this section, whenever any public service company shall file with the commission any schedule, classification, rule or regulation, the effect of which is to change any rate, charge, rental or toll theretofore charged, the commission shall have power, either upon its own motion or upon complaint, upon notice, to enter upon a hearing concerning such proposed change and the reasonableness and justness thereof, and pending such hearing and the decision thereon the commission may suspend the operation of such rate, charge, rental or toll for a period not exceeding ten months from the time the same would otherwise go into effect, and after a full hearing the commission may make such order in reference thereto as would be provided in a hearing initiated after the same had become effective.

The commission may suspend the initial tariff filing of any water company removed from and later subject to commission jurisdiction because of the number of customers or the average annual gross revenue per customer provisions of RCW 80.04.010. The commission may allow temporary rates during the suspension period. These rates shall not exceed the rates charged when the company was last regulated. Upon a showing of good cause by the company, the commission may establish a different level of temporary rates.

(2) At any hearing involving any change in any schedule, classification, rule or regulation the effect of which is to increase any rate, charge, rental or toll theretofore charged, the burden of proof to show that such increase is just and reasonable shall be upon the public service company.

(3) The implementation of mandatory local measured telephone service is a major policy change in available telephone service. The commission shall not approve, prior to June 1, 1985, any filings which are under suspension as of February 16, 1984, which are awaiting an order by the commission, or which are filed on or after February 16, 1984, if the filing involuntarily requires any telephone user to pay for all outgoing local telephone calls based on time and/or distance. As to any such filing, the requirements in subsection (1) of this section for the commission to act on that filing within ten months from the date the filing would otherwise go into effect are suspended under this subsection from February 16, 1984, until June 1, 1985. This subsection shall not apply to any service such as land, marine, or air mobile service, or any like service that has traditionally been offered on a measured-service basis."

On motion of Senator Williams, the following title amendment was adopted:
On page 1, on line 2 of the title, after "80.04.010" insert "and 80.04.130"

On motion of Senator Williams, the rules were suspended, Substitute House Bill No. 303, 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. 303, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 303, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senators Bottiger, Guess - 2.

Excused: Senators Kiskaddon, Peterson - 2.

SUBSTITUTE HOUSE BILL NO. 303, as amended by the Senate, having received the constitutional majority, 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. 890, by Committee on Agriculture (originally sponsored by Representatives Nealey and Baugher)

Reestablishing procedures for certain agricultural liens.

The bill was read the second time.

MOTIONS

On motion of Senator Hansen, the following Committee on Agriculture amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. As used in this chapter, the terms defined in this section have the meanings indicated unless the context clearly requires otherwise.

(1) "Agricultural product," "conditioner," "consignor," "person," "processor," and "producer" have the meanings defined in RCW 20.01.010.

(2) "Preparer" means a person engaged in the business of feeding livestock or preparing livestock products for market.

NEW SECTION, Sec. 2. Starting on the date a producer delivers any agricultural product to a processor or conditioner, the producer has a first priority statutory lien, referred to as a "processor lien." This processor lien shall continue until twenty days after payment for the product is due and remains unpaid, without filing any notice of lien, for the contract price, if any, or the fair market value of the products delivered. The processor lien attaches to the agricultural products delivered, to the processor's or conditioner's inventory, and to the processor's or conditioner's accounts receivable. However, no processor lien may attach to agricultural products delivered by a producer, or on the producer's behalf, to a processor which is organized and operated on a cooperative basis and of which the producer is a member, nor may such lien attach to such processor's inventory or accounts receivable.

NEW SECTION, Sec. 3. Starting on the date a producer delivers grain, hay, or straw to a preparer, the producer has a first priority statutory lien, referred to as a "preparer lien." This preparer lien shall continue twenty days after payment for the product is due and remains unpaid, without filing any notice of lien, for the contract price, if any, or the fair market value

of the products delivered. The preparer lien attaches to the agricultural products delivered by the producer to the preparer, and to the preparer's accounts receivable.

NEW SECTION. Sec. 4. (1) A producer claiming a processor or preparer lien may file a statement evidencing the lien with the department of licensing after payment from the processor, conditioner, or preparer to the producer is due and remains unpaid. For purposes of this subsection and section 5 of this act, payment is due on the date specified in the contract, or if not specified, then within thirty days from time of delivery.

(2) The statement shall be in writing, verified by the producer, and shall contain in substance the following information:

- (a) A true statement of the amount demanded after deducting all credits and offsets;
- (b) The name of the processor, conditioner, or preparer who received the agricultural product to be charged with the lien;
- (c) A description sufficient to identify the agricultural product to be charged with the lien;
- (d) A statement that the amount claimed is a true and bona fide existing debt as of the date of the filing of the notice evidencing the lien; and
- (e) The date on which payment was due for the agricultural product to be charged with the lien.

NEW SECTION. Sec. 5. (1) (a) If a statement is filed pursuant to section 4 of this act within twenty days of the date upon which payment from the processor, conditioner, or preparer to the producer is due and remains unpaid, the processor or preparer lien evidenced by the statement continues its priority over all other liens or security interests upon agricultural products, inventory, and accounts receivable, except as provided in (b) of this subsection. Such priority is without regard to whether the other liens or security interests attached before or after the date on which the processor or preparer lien attached.

(b) The processor or preparer lien shall be subordinate to liens for taxes or labor perfected before filing of the processor or preparer lien.

(2) If the statement provided for in section 4 of this act is not filed within twenty days of the date payment is due and remains unpaid, the processor or preparer lien shall thereupon become subordinate to:

- (a) A lien that has attached to the agricultural product, inventory, or accounts receivable before the date on which the processor or preparer lien attaches; and
- (b) A perfected security interest in the agricultural product, inventory, or accounts receivable.

NEW SECTION. Sec. 6. (1) The processor lien shall terminate six months after, and the preparer lien shall terminate fifty days after, the later of the date of attachment or filing, unless a suit to foreclose the lien has been filed before that time as provided in section 7 of this act.

(2) If a statement has been filed as provided in section 4 of this act and the producer has received payment for the obligation secured by the lien, the producer shall promptly file with the department of licensing a statement declaring that full payment has been received and that the lien is discharged. If, after payment, the producer fails to file such statement of discharge within ten days following a request to do so, the producer shall be liable to the processor, conditioner, or preparer in the sum of one hundred dollars plus actual damages caused by the failure.

NEW SECTION. Sec. 7. (1) The processor or preparer liens may be foreclosed and enforced by civil action in superior court.

(2) In all suits to enforce processor or preparer liens, the court shall, upon entering judgment, allow to the prevailing party as a part of the costs, all moneys paid for the filing and recording of the lien and reasonable attorney fees.

Sec. 8. Section 1, chapter 139, Laws of 1959 as last amended by section 1, chapter 305, Laws of 1983 and RCW 20.01.010 are each amended to read as follows:

As used in this title the terms defined in this section have the meanings indicated unless the context clearly requires otherwise.

- (1) "Director" means the director of agriculture or his duly authorized representative.
- (2) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any member, officer, or employee thereof or assignee for the benefit of creditors.
- (3) "Agricultural product" means any unprocessed horticultural, vermicultural and its byproducts, viticultural, berry, poultry, poultry product, grain, bee, or other agricultural products, and includes mint or mint oil processed by or for the producer thereof and hay and straw baled or prepared for market in any manner or form and livestock. When used in ~~((this chapter under the provisions of RCW 20.01.020))~~ section 2 of this 1985 act, "agricultural product" means horticultural, viticultural, and berry products, hay and straw, and turf and forage seed and applies only when such products are delivered to a processor or conditioner in an unprocessed form.
- (4) "Producer" means any person engaged in the business of growing or producing any agricultural product, whether as the owner of the products, or producing the products for others holding the title thereof.

(5) "Consignor" means any producer, person, or his agent who sells, ships, or delivers to any commission merchant, dealer, cash buyer, or agent, any agricultural product for processing, handling, sale, or resale.

(6) "Commission merchant" means any person who receives on consignment for sale or processing and sale from the consignor thereof any agricultural product for sale on commission on behalf of the consignor, or who accepts any farm product in trust from the consignor thereof for the purpose of resale, or who sells or offers for sale on commission any agricultural product, or who in any way handles for the account of or as an agent of the consignor thereof, any agricultural product.

(7) "Dealer" means any person other than a cash buyer, as defined in subsection (10) of this section, who solicits, contracts for, or obtains from the consignor thereof for reselling or processing, title, possession, or control of any agricultural product, or who buys or agrees to buy any agricultural product from the consignor thereof for sale or processing and includes any person, other than one who acts solely as a producer, who retains title in an agricultural product and delivers it to a producer for further production or increase. For the purposes of this chapter, the term dealer includes any person who purchases livestock on behalf of and for the account of another, or who purchases cattle in another state or country and imports these cattle into this state for resale.

(8) "Limited dealer" means any person operating under the alternative bonding provision in RCW 20.01.211.

(9) "Broker" means any person other than a commission merchant, dealer, or cash buyer who negotiates the purchase or sale of any agricultural product, but no broker may handle the agricultural products involved or proceeds of the sale.

(10) "Cash buyer" means any person other than a commission merchant, dealer, or broker, who obtains from the consignor thereof for the purpose of resale or processing, title, possession, or control of any agricultural product or who contracts for the title, possession, or control of any agricultural product, or who buys or agrees to buy any agricultural product by paying to the consignor at the time of obtaining possession or control of any agricultural product the full agreed price of the agricultural product, in coin or currency, lawful money of the United States. However, a cashier's check, certified check, or bankdraft may be used for the payment.

(11) "Agent" means any person who, on behalf of any commission merchant, dealer, broker, or cash buyer, acts as liaison between a consignor and a principal, or receives, contracts for, or solicits any agricultural product from the consignor thereof or who negotiates the consignment or purchase of any agricultural product on behalf of any commission merchant, dealer, broker, or cash buyer and who transacts all or a portion of that business at any location other than at the principal place of business of his employer. With the exception of an agent for a commission merchant or dealer handling horticultural products, an agent may operate only in the name of one principal and only to the account of that principal.

(12) "Retail merchant" means any person operating from a bona fide or established place of business selling agricultural products twelve months of each year. Any retailer may occasionally wholesale any agricultural product which he has in surplus; however, such wholesaling shall not be in excess of two percent of the retailer's gross business.

(13) "Fixed or established place of business" for the purpose of this chapter means any permanent warehouse, building, or structure, at which necessary and appropriate equipment and fixtures are maintained for properly handling those agricultural products generally dealt in, and at which supplies of the agricultural products being usually transported are stored, offered for sale, sold, delivered, and generally dealt in in quantities reasonably adequate for and usually carried for the requirements of such a business, and that is recognized as a permanent business at such place, and carried on as such in good faith and not for the purpose of evading this chapter, and where specifically designated personnel are available to handle transactions concerning those agricultural products generally dealt in, which personnel are available during designated and appropriate hours to that business, and shall not mean a residence, barn, garage, tent, temporary stand or other temporary quarters, any railway car, or permanent quarters occupied pursuant to any temporary arrangement.

(14) "Processor" means any person, firm, company, or other organization that purchases agricultural crops from a consignor and that cans, freezes, dries, dehydrates, cooks, presses, powders, or otherwise processes those crops in any manner whatsoever for eventual resale.

(15) "Pooling contract" means any written agreement whereby a consignor delivers a horticultural product to a commission merchant under terms whereby the commission merchant may commingle the consignor's horticultural products for sale with others similarly agreeing, which must include all of the following:

(a) A delivery receipt for the consignor that indicates the variety of horticultural product delivered, the number of containers, or the weight and tare thereof;

(b) Horticultural products received for handling and sale in the fresh market shall be accounted for to the consignor with individual pack-out records that shall include variety, grade, size, and date of delivery. Individual daily packing summaries shall be available

within forty-eight hours after packing occurs. However, platform inspection shall be acceptable by mutual contract agreement on small deliveries to determine variety, grade, size, and date of delivery:

(c) Terms under which the commission merchant may use his judgment in regard to the sale of the pooled horticultural product;

(d) The charges to be paid by the consignor as filed with the state of Washington;

(e) A provision that the consignor shall be paid for his pool contribution when the pool is in the process of being marketed in direct proportion, not less than eighty percent of his interest less expenses directly incurred, prior liens, and other advances on the grower's crop unless otherwise mutually agreed upon between grower and commission merchant.

(16) "Date of sale" means the date agricultural products are delivered to the person buying the products.

(17) "Boom loader" means a person who owns or operates, or both, a mechanical device mounted on a vehicle and used to load hay or straw for compensation.

(18) "Conditioner" means any person, firm, company, or other organization that receives turf, forage, or vegetable seeds from a consignor for drying or cleaning.

(19) "Seed bailment contract" means any contract meeting the requirements of chapter 15.48 RCW.

(20) "Proprietary seed" means any seed that is protected under the Federal Plant Variety Protection Act.

Sec. 9. Section 1, chapter 264, Laws of 1961 and RCW 60.22.010 are each amended to read as follows:

(1) Any person who furnishes commercial fertilizer, and/or pesticide, and/or weed killer to another for use on the lands owned, contracted to be purchased, used or rented by him, may have a lien upon all the crops on which the fertilizer, and/or pesticide, and/or weed killer are used to secure the payment of the purchase price thereof: PROVIDED, That if the commercial fertilizer, and/or pesticide, and/or weed killer is furnished to any tenant farmer, the lien shall apply only to the tenant farmer's interest in the crops unless written consent of the owner of the premises is obtained. (~~PROVIDED FURTHER, That such lien shall be subordinate to any crop lien or crop mortgage which has been filed for record prior to the furnishing of such materials or products~~). This lien shall take first priority over any other security interest in crops for which no new value was provided if such materials or services were given to enable the debtor to produce crops during the production season.

(2) If the crop, or any part thereof, is sold subsequent to the filing of the lien, or possession delivered to an agent, broker, cooperative agency or other person to be sold or otherwise disposed of and its identity lost, or the crop commingled with other property so that it cannot be segregated, and if the purchaser, agent, broker, cooperative agency or other person is notified of the filing of the lien by being served with a certified copy thereof, the lien shall attach to the proceeds of the sale of the crop or part thereof remaining in the possession of the purchaser, agent, broker, cooperative agency or other person at the time of the notice and to any proceeds of such sale that may thereafter come into the possession of any of such persons and the lien shall be as effective against such proceeds as against the crop itself.

Sec. 10. Section 9-310, chapter 157, Laws of 1965 ex. sess. as amended by section 76, chapter 305, Laws of 1983 and RCW 62A.9-310 are each amended to read as follows:

(1) When a person in the ordinary course of his business furnishes services or materials with respect to goods subject to a security interest, a lien upon goods in the possession of such person given by statute or rule of law for such materials or services takes priority over a perfected security interest only if the lien is statutory and the statute expressly provides for such priority.

(2) A preparer lien or processor lien created pursuant to chapter ~~((26-0+))~~ 60.— RCW (sections 1 through 7 of this 1985 act) or a depositor's lien created pursuant to chapter 22.09 RCW takes priority over any perfected or unperfected security interest.

(3) A commercial fertilizer, pesticide, or weed killer lien takes priority over any perfected or unperfected security interest for which no new value was provided if materials or services were given to enable the debtor to produce the crops during the production season.

Sec. 11. Section 9-104, chapter 157, Laws of 1965 ex. sess. as last amended by section 75, chapter 305, Laws of 1983 and RCW 62A.9-104 are each amended to read as follows:

This Article does not apply

(a) to a security interest subject to any statute of the United States to the extent that such statute governs the rights of parties to and third parties affected by transactions in particular types of property; or

(b) to a landlord's lien; or

(c) to a lien given by statute or other rule of law for services or materials or to a lien created under chapter ~~((26-0+))~~ 60.— (sections 1 through 7 of this 1985 act) or 22.09 RCW except as provided in RCW 62A.9-310 on priority of such liens; or

(d) to a transfer of a claim for wages, salary or other compensation of an employee; or

(e) to a transfer by a government or governmental subdivision or agency; or

(f) to a sale of accounts or chattel paper as part of a sale of the business out of which they arose, or an assignment of accounts or chattel paper which is for the purpose of collection only, or a transfer of a right to payment under a contract to an assignee who is also to do the performance under the contract or a transfer of a single account to an assignee in whole or partial satisfaction of a preexisting indebtedness; or

(g) to a transfer of an interest or claim in or under any policy of insurance, except as provided with respect to proceeds (RCW 62A.9-306) and priorities in proceeds (RCW 62A.9-312); or

(h) to a right represented by a judgment (other than a judgment taken on a right to payment which was collateral); or

(i) to any right of set-off; or

(j) except to the extent that provision is made for fixtures in RCW 62A.9-313, to the creation or transfer of an interest in or lien on real estate, including a lease or rents thereunder; or

(k) to a transfer in whole or in part of any claim arising out of tort; or

(l) to a transfer of an interest in any deposit account (subsection (1) of RCW 62A.9-105), except as provided with respect to proceeds (RCW 62A.9-306) and priorities in proceeds (RCW 62A.9-312).

Sec. 12. Section 9-203, chapter 157, Laws of 1965 ex. sess. as last amended by section 1, chapter 186, Laws of 1982 and RCW 62A.9-203 are each amended to read as follows:

(1) Subject to the provisions of RCW 62A.4-208 on the security interest of a collecting bank and RCW 62A.9-113 on a security interest arising under the Article on Sales, a security interest is not enforceable against the debtor or third parties with respect to the collateral and does not attach unless

(a) the collateral is in the possession of the secured party pursuant to agreement, or the debtor has signed a security agreement which contains a description of the collateral and in addition, when the security interest covers crops growing or to be grown or timber to be cut, a description of the land concerned; and

(b) value has been given; and

(c) the debtor has rights in the collateral.

(2) A security interest attaches when it becomes enforceable against the debtor with respect to the collateral. Attachment occurs as soon as all of the events specified in subsection (1) have taken place unless explicit agreement postpones the time of attaching.

(3) Unless otherwise agreed a security agreement gives the secured party the rights to proceeds provided by RCW 62A.9-306.

(4) A transaction, although subject to this Article, is also subject to chapters 31.04, 31.08, 31.12, 31.16, 31.20, and 31.24 RCW, and in the case of conflict between the provisions of this Article and any such statute, the provisions of such statute control. Failure to comply with any applicable statute has only the effect which is specified therein.

Sec. 13. Section 9-307, chapter 157, Laws of 1965 ex. sess. as amended by section 20, chapter 41, Laws of 1981 and RCW 62A.9-307 are each amended to read as follows:

(1) A buyer in ordinary course of business (subsection (9) of RCW 62A.1-201) other than a person buying farm products from a person engaged in farming operations takes free of a security interest created by his seller even though the security interest is perfected and even though the buyer knows of its existence.

(2) In the case of consumer goods, a buyer takes free of a security interest even though perfected if he buys without knowledge of the security interest, for value and for his own personal, family or household purposes unless prior to the purchase the secured party has filed a financing statement covering such goods.

(3) A buyer other than a buyer in ordinary course of business (subsection (1) of this section) takes free of a security interest to the extent that it secures future advances made after the secured party acquires knowledge of the purchase, unless made pursuant to a commitment entered into without knowledge of the purchase.

(4) Notwithstanding subsection (1) of this section, any person registered under the Federal Packers and Stockyard Act, 7 U.S.C. 181, who sells livestock for another for a fee or commission or who purchases livestock or livestock byproducts with the intent to resell takes free of a security interest created by the seller, even though the security interest is perfected, when such person is without knowledge of the security interest. For the purposes of this subsection, a person has "knowledge" if:

(a) Notice is furnished by the seller as provided in RCW 16.57.240; or

(b) A statement of the security interest is filed pursuant to chapter 16.— RCW (sections 14 through 20 of this 1985 act).

NEW SECTION. Sec. 14. For the purposes of this chapter:

(1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department or a duly authorized representative.

(3) "Secured party" means a lender, seller or other person in whose favor there is a security interest, including a person to whom accounts or chattel paper have been sold. When the holders of obligations issued under an indenture of trust, equipment trust agreement or the like are represented by a trustee or other person, the representative is the secured party.

NEW SECTION, Sec. 15. Any secured party who obtains or maintains a security interest in cattle situated in this state may file copies of an effective financing statement with the department. The provisions of chapter 62A.9 RCW apply to the filing of statements under this section as that chapter relates to the form, content, duration, and times for filing of the statements.

NEW SECTION, Sec. 16. A secured party who has filed a statement of security interest in cattle with the department shall, upon the termination of the security interest, promptly file a notice of termination with the department. If, after termination of the security interest, the secured party fails to file a statement of discharge within ten days following a request to do so, the secured party shall be liable to the debtor in the sum of one hundred dollars plus actual damages caused by the failure.

NEW SECTION, Sec. 17. A statement filed under section 15 of this act shall be accompanied by a filing fee from the secured party in an amount established by the director in accordance with chapter 34.04 RCW. The fee may differ by the type of statement and an additional fee may be required for each separate name or trade name under which the statement is filed or indexed.

NEW SECTION, Sec. 18. Upon receiving a statement and filing fee, the department shall index the statement according to the name and trade name, if any, of the debtor. The department shall regularly publish a listing of the filings of effective financing statements and statements of assignment. The department shall furnish the listings on a subscription basis.

NEW SECTION, Sec. 19. Neither the director nor any employee of the department is personally liable to any secured party, debtor, public livestock market operator, livestock dealer, or any other person for the administration of this chapter.

NEW SECTION, Sec. 20. The livestock security interest fund is hereby established in the custody of the state treasurer. The department shall deposit in the fund all moneys received from livestock security interest filing fees. Moneys in the fund shall be spent only for carrying out the purpose and provisions of this chapter. The fund is subject to the allotment procedure provided under chapter 43.88 RCW and an appropriation is required for disbursements.

NEW SECTION, Sec. 21. The following acts or parts of acts are each repealed:

- (1) Section 9, chapter 305, Laws of 1983 and RCW 20.01.620;
- (2) Section 10, chapter 305, Laws of 1983 and RCW 20.01.630;
- (3) Section 11, chapter 305, Laws of 1983 and RCW 20.01.640;
- (4) Section 12, chapter 305, Laws of 1983 and RCW 20.01.650;
- (5) Section 13, chapter 305, Laws of 1983 and RCW 20.01.660; and
- (6) Section 14, chapter 305, Laws of 1983 and RCW 20.01.670.

NEW SECTION, Sec. 22. Sections 1 through 7 of this act shall constitute a new chapter in Title 60 RCW.

NEW SECTION, Sec. 23. Sections 14 through 20 of this act shall constitute a new chapter in Title 16 RCW.

NEW SECTION, Sec. 24. Sections 13 through 20 of this act shall take effect on October 1, 1985, and shall apply to any then existing or future security interests."

On motion of Senator Hansen, the following title amendment was adopted:

On page 1, line 1 of the title, after "liens;" strike the remainder of the title and insert "amending RCW 20.01.010, 60.22.010, 62A.9-203, 62A.9-307, 62A.9-310, and 62A.9-104; adding a new chapter to Title 16 RCW; adding a new chapter to Title 60 RCW; repealing RCW 20.01.620, 20.01.630, 20.01.640, 20.01.650, 20.01.660, and 20.01.670; prescribing penalties; and providing an effective date."

On motion of Senator Hansen, the rules were suspended, Substitute House Bill No. 890, 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. 890, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 890, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Lee - 1.

Excused: Senators Kiskaddon, Peterson - 2.

SUBSTITUTE HOUSE BILL NO. 890, as amended by the Senate, having received the constitutional majority, 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. 142, by Representatives Rayburn, Dellwo, Ballard and Baugher

Revising provisions relating to marriage licenses.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Engrossed House Bill No. 142 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 Thompson, as I read page 2, Section 4, lines 10 and 11, it says, 'The county auditor may issue the marriage license at the time of application.' I understand that language. It would allow the license to be issued immediately at the time of application."

Senator Thompson: "I erred in my explanation. Your reading is correct. They can obtain the license immediately, unless it takes time to process."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 142.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 142 and the bill passed the Senate by the following vote: Yeas, 35; nays, 12; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 35.

Voting nay: Senators Cantu, Craswell, Deccio, Guess, Hayner, Johnson, McDonald, Metcalf, Pullen, Rasmussen, von Reichbauer, Zimmerman - 12.

Absent: Senator Lee - 1.

Excused: Senator Kiskaddon - 1.

ENGROSSED HOUSE BILL NO. 142, having received the 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

April 9, 1985

SB 3656 Prime Sponsor, Senator McDermott: Relating to the budget. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 3656 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Fleming, Goltz, Moore, Rasmussen, Rinehart, Talmadge, Thompson, Warnke, Wojahn.

Hold.

April 9, 1985

SB 3657 Prime Sponsor, Senator McDermott: Relating to the budget. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 3657 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Fleming, Moore, Rasmussen, Rinehart, Talmadge, Warnke, Wojahn.

Hold.

MOTIONS

On motion of Senator McDermott, the rules were suspended, Senate Bill No. 3656 was advanced to second reading and placed on the second reading calendar.

On motion of Senator McDermott, the rules were suspended, Senate Bill No. 3657 was advanced to second reading and placed on the second reading calendar.

There being no objection, the President advanced the Senate to the sixth order of business.

SECOND READING

SENATE BILL NO. 3656, by Senator McDermott

Relating to the budget.

MOTION

On motion of Senator McDermott, Substitute Senate Bill No. 3656 was substituted for Senate Bill No. 3656 and the substitute bill was advanced to second reading and read the second time.

REMARKS BY THE PRESIDENT

President Cherberg: "Honored members of the Senate, this omnibus budget bill is perhaps one of the most important bills that many of us will ever consider. Therefore, the President, respectfully, requests that each of you please remain in your seats and vote when your name is called by the Reading Secretary. Would the staff and visiting guests please be seated in the outer foyer?"

MOTION

Senator Metcalf moved that the following amendment be adopted:

On page 8, line 24, after "lapse", insert "; no amount of this appropriation may be expended to advertise games, lotteries or contests of chance";

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.

ROLL CALL

The Secretary called the roll and the motion by Senator Metcalf failed and the amendment was not adopted by the following vote: Yeas, 22; nays, 26; excused, 1.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Garrett, Granlund, Guess, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, Metcalf, Pullen, Rasmussen, Sellar, Wojahn, Zimmerman - 22.

Voting nay: Senators Bauer, Bender, Boltiger, Conner, DeJarnatt, Fleming, Gaspard, Goltz, Halsan, Hansen, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams - 26.

Excused: Senator Kiskaddon - 1.

MOTION

Senator Granlund moved that the following amendments by Senators Granlund, Bender and Rasmussen be considered simultaneously and adopted:

On page 49, line 29, delete "754,000 719,000" and insert "377,000 360,000"

On page 49, line 32, delete "\$1,715,000" and insert "\$959,000"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senators Granlund, Bender and Rasmussen.

The motion by Senator Granlund carried and the amendments were adopted on a rising vote.

MOTION

On motion of Senator Thompson, the following amendments were considered simultaneously and adopted:

On page 66, line 26, strike "240,249,000 239,144,000" and insert "241,241,000 240,237,000"

On page 66, line 32, strike "479,293.000" and insert "481,478.000"
 On page 67, line 12, strike "100,951.000" and insert "102,043.000"
 On page 67, line 13, strike "99,380.000" and insert "100,473.000"

MOTION

Senator Talmadge moved that the following amendment be adopted:

On page 53, line 26, after "enrollment," insert "A school district with an elementary school in which fewer than two hundred full time equivalent students are enrolled shall not use funds allocated from basic education to employ a full time principal in that school. A full time principal for the purpose of this subsection shall mean an individual who performs solely administrative duties. A school district may delegate supervisory duties to a certificated person teaching in such school and compensate that person for the extra duties under rules adopted by the superintendent of public instruction."

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.

MOTION

Senator Talmadge moved that the following amendments be considered simultaneously and adopted:

On page 68, line 1, strike "217,426.000" and insert "217,396.000"
 On page 68, line 1, strike "216,283.000" and insert "216,254.000"
 On page 68, line 6, strike "438,659.000" and insert "438,600.000"
 On page 68, line 29, strike "125,666.000" and insert "125,637.000"
 On page 68, line 39, strike "124,407.000" and insert "124,377.000"
 On page 68, line 30, strike "250,073.000" and insert "250,014.000"
 On page 69, line 21, strike "36,498.000" and insert "36,469.000"
 On page 69, line 22, strike "72,996.000" and insert "72,938.000"
 On page 70, line 8, strike "31,126.000" and insert "31,097.000"
 On page 70, line 8 strike "30,926.000" and insert "30,897.000"
 On page 70, line 9, strike "62,052.000" and insert "61,994.000"
 On page 70, line 33, strike "16,660.000" and insert "16,631.000"
 On page 70, line 33, strike "16,527.000" and insert "16,498.000"
 On page 70, line 34, strike "33,187.000" and insert "33,119.000"
 On page 71, line 30, strike "38,531.000" and insert "38,502.000"
 On page 71, line 30, strike "38,356.000" and insert "38,327.000"
 On page 71, line 31, strike "76,887.000" and insert "76,829.000"
 On page 71, line 13, insert the following:

NEW SECTION. Sec. 530. For the Council of Presidents

	FY 86	FY 87
General Fund		
Appropriation	\$175,000	\$175,000
Renumber the following sections accordingly.		

Debate ensued.

POINT OF INQUIRY

Senator Moore: "Mr. President, would Senator Rinehart yield to a question?"

Senator Rinehart did not yield.

The President declared the question before the Senate to be adoption of the amendments by Senator Talmadge.

The motion by Senator Talmadge failed and the amendments were not adopted on a rising vote.

MOTION

Senator McDermott moved that the following amendments be considered simultaneously and adopted:

On page 68, line 1, strike "217,426.000" and insert "218,974.000"
 On page 68, line 1, strike "216,283.000" and insert "216,931.000"
 On page 68, line 6, strike "438,659.000" and insert "439,955.000"
 On page 68, line 29, strike "125,666.000" and insert "125,806.000"
 On page 68, line 29, strike "124,407.000" and insert "124,547.000"
 On page 68, line 30, strike "250,073.000" and insert "250,353.000"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator McDermott.

The motion by Senator McDermott carried and the amendments were adopted.

MOTION

On motion of Senator McDermott, the following amendments were considered simultaneously and adopted:

On page 69, line 21, strike "\$36,498,000" and insert "\$36,612,000"

On page 69, line 22, strike "\$72,996,000" and insert "\$73,224,000"

MOTION

Senator Goltz moved that the following amendment be considered simultaneously and adopted:

On page 71, line 30, strike "\$38,531,000" and insert "\$39,329,000"

On page 71, line 30, strike "\$38,356,000" and insert "\$39,154,000"

On page 71, line 31, strike "\$76,887,000" and insert "\$78,483,000"

On page 72, line 15, insert the following:

"(5) \$798,000 from the FY 86 general fund appropriation and \$798,000 from the FY 87 appropriation is provided solely for a 50% equalization adjustment of per-student costs relating to non-physical plant programs. Provided that \$28,000 from the FY 86 appropriation and \$28,000 from the FY 87 appropriation contained in this equalization adjustment shall be used solely for minority student recruitment and support services"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator Goltz.

The motion by Senator Goltz failed and the amendments were not adopted on a rising vote.

MOTION

On motion of Senator McDermott, the following amendments were considered simultaneously and adopted:

On page 76, line 18, after "provided" strike "solely"

On page 76, line 21, after "84-3590" insert the following:

"and the implementation of comparable worth pursuant to RCW 28B.16.116 and 41.06.155"

On page 76, line 22, after "complete" strike all material beginning with "satisfaction" down to and including "41.06.155" on line 26 and insert the following: "discharge of all claims of any nature whatsoever of all plaintiffs and class members"

MOTION

Senator McDermott moved that the following amendments be considered simultaneously and adopted:

On page 12, line 19, strike "\$43,440,000" and "\$43,458,000" and insert "\$43,372,000 and \$43,390,000"

On page 12, line 20, strike "\$86,898,000" and insert "\$86,762,000"

On page 12, after line 20, insert "The appropriation in this section is subject to the following conditions and limitations: The Liquor Control Board shall not participate in any on-line or lotto games offered by the state lottery."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator McDermott.

The motion by Senator McDermott carried and the amendments were adopted.

MOTION

Senator Lee moved that the following amendment be adopted:

On page 6, line 22 through line 25, strike:

2,350,000

2,350.00

14,694,000

14,694.00

34,088,000

and insert:

2,659,620

2,659.62

17,179,519

17,179.51

39,678,278

Debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator Lee, do you know how many new assistant attorney generals this appropriation is designed to pay for?"

Senator Lee: "I have before me the letter the Attorney General sent to all of the members of the legislature, if I'm not mistaken. The Tort Claims Division would add three attorneys, three investigators, four secretaries and three clerks in the first year. In the second year of the biennium, they would need two additional attorneys and two additional investigators. That is the FTE's and of course, this is not all FTE's. It is, also, the cost you have to pay when you go to court for all of the various things, including the fees that this legislature has established."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Lee.

The motion by Senator Lee failed and the amendment was not adopted.

MOTION

Senator Hayner moved that the following amendment be adopted:

On page 6, line 28, after "of" strike "170,000" and after "and" strike "170,000" and insert: "479,620 479,620"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Hayner.

The motion by Senator Hayner failed and the amendment was not adopted.

MOTION

Senator Lee moved that the following amendments be considered simultaneously and adopted:

On page 7, line 2, strike "6,623,000" and "6,367,000" and insert "9,623,000" and "9,667,000"

On page 7, after line 27, insert a new subsection to read as follows:

"(5) \$3,000,000 of the fiscal year 1986 and \$3,000,000 of the fiscal year 1987 general fund appropriation are provided solely for prosecution and adjudication of serious traffic offenses, particularly for DWI offenses. The Office of Financial Management shall distribute these moneys in the form of grants to petitioning counties. The appropriation in this subsection shall lapse if SSB 3764 is not enacted by July 1, 1985."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator Lee.

The motion by Senator Lee failed and the amendments were not adopted.

MOTION

Senator Bailey moved the following amendments be considered simultaneously and adopted:

On page 16, line 8, strike "150,000" and "150,000" and insert "318,000" and "318,000"

On page 16, line 14, after "facilities" insert "; 336,000 of the impact account appropriation is provided solely for the biennial cost of the impact of the Monroe correctional facility"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator Bailey.

The motion by Senator Bailey failed and the amendments were not adopted.

MOTION

Senator Bailey moved that the following amendments be considered simultaneously and adopted:

On page 17, line 17, strike "62,614,000" and "60,993,000" and insert "64,410,000" and "62,789,000"

On page 18, line 6, after "(6)" strike all language through "\$3,370,000" and insert "\$5,450,000 for fiscal year 1986, of which \$5,166,000 is from the general fund—state appropriation, and \$5,450,000 for fiscal year 1987, of which \$5,166,000"

On line 19, strike "174,034,000" and insert \$177,626,000"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator Bailey.

The motion by Senator Bailey failed and the amendments were not adopted.

MOTION

Senator Lee moved that the following amendments be considered simultaneously and adopted:

On page 17, line 17, strike "\$62,614,000" and insert "\$61,807,000"

On page 17, line 19, strike "\$174,034,000" and insert "\$173,227,000"

On page 17, line 23, after "(2)" strike "\$2,423,000" and insert "1,616,000"

Debate ensued.

Senator Talmadge demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senator Lee.

ROLL CALL

The Secretary called the roll and the motion by Senator Lee failed and the amendments were not adopted by the following vote: Yeas, 11; nays, 35; absent, 2; excused, 1.

Voting yea: Senators Bailey, Bluechel, Cantu, Craswell, Hayner, Johnson, Lee, McDonald, Metcalf, Sellar, Zimmerman - 11.

Voting nay: Senators Barr, Bauer, Bender, Benitz, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McCaslin, McDermott, McManus, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn - 35.

Absent: Senators Guess, Newhouse - 2.

Excused: Senator Kiskaddon - 1.

MOTION

Senator Bailey moved that the following amendments be considered simultaneously and adopted:

On page 20, line 15, strike "50,057,000" and "50,057,000" and insert "50,532,000" and "50,532,000"

On page 20, line 18, strike "137,180,000" and insert "138,030,000"

On page 21, after line 22, after "eligibility," insert a new subsection to read as follows:

(g) \$475,000 for fiscal year 1986 and \$475,000 for fiscal year 1987 from the general fund—state are provided solely to Snohomish county for operation of community residential services facilities in the south county and the city of Everett."

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 amendments by Senator Bailey.

ROLL CALL

The Secretary called the roll and the motion by Senator Bailey failed and the amendments were not adopted by the following vote: Yeas, 21; nays, 25; absent, 2; excused, 1.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Deccio, Guess, Hayner, Johnson, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Patterson, Saling, Sellar, Vognlid, von Reichbauer, Zimmerman - 21.

Voting nay: Senators Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, Owen, Peterson, Pullen, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Warnke, Williams, Wojahn - 25.

Absent: Senators Bauer, Newhouse - 2.

Excused: Senator Kiskaddon - 1.

MOTION

Senator Lee moved that the following amendments be considered simultaneously and adopted:

On page 32, line 30, strike all language through "organization" on line 30 and insert: "for block grants to local governments for the purpose of allocating funds to public or private non-profit organizations"

On page 33, strike all of line 15 and insert: "block grants to local governments for the purpose of allocating funds to private nonprofit organizations operating foodbanks"

Debate ensued.

Senator McDonald 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 Lee.

ROLL CALL

The Secretary called the roll and the motion by Senator Lee failed and the amendments were not adopted by the following vote: Yeas, 21; nays, 27; excused, 1.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer, Zimmerman - 21.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 27.

Excused: Senator Kiskaddon - 1.

MOTION

Senator Bluechel moved that the following amendment be adopted:

On page 43, line 33, after "(7)" strike everything up to and including "capacity" on line 36, and insert:

"No grant or loan or combination thereof shall be made for preconstruction activities, not including planning, for any project whose financing requires an increase in the state bond debt limit."

Debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator Bluechel, it's your intention to make it a state statutory bond debt limit--right--not the state constitutional bond debt limit?"

Senator Bluechel: "I was trying to cover both of them by saying bond limit, but that's a good point. We didn't delineate between the two, but there is a difference in either case. Either one would prevail under the existing statutes--under the voter approved, which could go beyond, but it would still apply. You couldn't go beyond the constitutional limit anyway, but it is primarily directed at the state statutory limit."

Senator Talmadge: "Might it not make some sense to insert 'statutory' in there to make that clear?"

Senator Bluechel: "No, some of them are voted on and that was an issue we couldn't clarify at the time. I think this does the job. It's been in it for quite a few years in an erroneous manner. This is a much better version of the thing and I would recommend we look at it for now rather than to try and rewrite it. We went through a great deal of effort with both staffs trying to make the thing correct."

The President declared the question before the Senate to be adoption of the amendment by Senator Bluechel.

The motion by Senator Bluechel carried and the amendment was adopted.

MOTION

Senator Hayner moved that the following amendments by Senators Hayner, Bailey and Barr be considered simultaneously and adopted:

On page 49, lines 25 and 26, strike "182,000," and "182,000," and "364,000" and insert "432,000", "432,000" and "\$864,000."

On page 49, after line 26, after the appropriation, insert the following:

"\$250,000 for fiscal year 1986 and \$250,000 for fiscal year 1987 are appropriated to the state conservation commission to be used as matching grants to implement cost-effective activities identified in conservation district long-range programs. No less than ten statewide projects including, but not limited to, programs for erosion control, stream corridor environment, water quality and irrigation water management, prime agricultural land conservation, woodlot improvement, and range management shall be funded."

Debate ensued.

Senator Hayner demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senators Hayner, Bailey and Barr.

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, 20; nays, 28; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Deccio, Goltz, Guess, Hayner, Johnson, Lee, McDonald, Metcalf, Newhouse, Patterson, Saling, Sellar, von Reichbauer, Zimmerman - 20.

Voting nay: Senators Bender, Bottiger, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Granlund, Halsan, Hansen, Kreidler, McCaslin, McDermott, McManus, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 28.

Excused: Senator Kiskaddon - 1.

MOTION

Senator Bailey moved that the following amendment be adopted:

On page 51, after line 25, after "services" insert:

"NEW SECTION, Sec. 404. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

FY 86

FY 87

General Fund

Appropriation	\$250,000	\$250,000
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Total Appropriation	\$500,000	
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The appropriation in this section is for the sole purpose of providing the city of Everett with funds necessary to conduct a study on the impact of proposed expansion of naval installations in the Port of Everett.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Bailey.

The motion by Senator Bailey failed and the amendment was not adopted.

MOTION

Senator Zimmerman moved that the following amendment be adopted:

On page 78, line 28, strike all material through line 30 and insert:

"(2) Research universities may grant salary increases to faculty receiving compensation from other fund sources; Provided that such increases do not exceed the average percent increases specified in subsection (1) for their respective institutions. The increases are to be granted solely on the basis of formal merit evaluation procedures which shall take into account critical market disparities in research disciplines."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Zimmerman.

The motion by Senator Zimmerman carried and the amendment was adopted on a rising vote.

MOTION

Senator Barr moved that the following amendments be considered simultaneously and adopted:

On page 49, beginning on line 18, insert "(1)"

On page 49, following line 22, insert the following:

"(2) \$12,500 of the general fund—state appropriation shall be used each fiscal year for starling control."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Barr.

The motion by Senator Barr failed and the amendment was not adopted.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Williams moved that the Senate reconsider the vote by which the amendments on page 49, lines 29 and 32, by Senators Granlund, Bender and Rasmussen to Substitute Senate Bill No. 3656 were adopted earlier today.

POINT OF ORDER

Senator Granlund: "Mr. President, I'd like to know if Senator Williams voted on the prevailing side?"

REPLY BY THE PRESIDENT

President Cherberg: "Senator Granlund, the vote was a standing vote and Senator Williams--"

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, I can assure Senator Granlund that I tried to jerk his coat, but he was talking to somebody else and they stood up and he stood up."

Further debate ensued.

Senator Williams demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Williams to reconsider the vote by which the amendments by Senators Granlund, Bender and Rasmussen on page 49, lines 29 and 32, were adopted.

ROLL CALL

The Secretary called the roll and the motion by Senator Williams for reconsideration failed by the following vote: Yeas, 22; nays, 26; excused, 1.

Voting yea: Senators Bailey, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Halsan, Hansen, Kreidler, McDermott, Moore, Peterson, Sellar, Stratton, Talmadge, von Reichbauer, Warnke, Williams, Zimmerman - 22.

Voting nay: Senators Barr, Bauer, Bender, Benitz, Cantu, Craswell, Deccio, Granlund, Guess, Hayner, Johnson, Lee, McCaslin, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Thompson, Vognild, Wojahn - 26.

Excused: Senator Kiskaddon - 1.

MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute Senate Bill No. 3656 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 McDermott, there had been some confusion and a little bit of discussion this morning with some of the staff regarding the possibility of whether there is any money budgeted for vendor rate increases for hospitals. I want to know if there was some funding for hospitals and if you could give me the rate?"

Senator McDermott: "Senator Zimmerman, when we were reducing the vendor rates due to inflation reductions in the most recent forecast, the hospital inflation rate is at 4.1 percent. We put an additional percent above that, so that the inflation rate is at 5.1 percent, which is the standard that the Hospital Commission uses in setting hospital rates."

Senator Zimmerman: "That would be 5.4, I think. Your addition would be 5.4, as you indicated a point above."

Senator McDermott: "I think it's 4.1 and 5.1, but if you want me to check that number--"

Senator Zimmerman: "I think it's 5.4."

Senator McDermott: "My staff tells me you're right."

Senator Zimmerman: "That's fine. I just wanted to hear it from you. Thank you very much."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3656.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3656 and the bill passed the Senate by the following vote: Yeas, 25; nays, 23; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Granlund, Halsan, Hansen, McDermott, McManus, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 25.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Goltz, Guess, Hayner, Johnson, Kreidler, Lee, McCaslin, McDonald, Metcalf, Newhouse, Pullen, Saling, Sellar, Stratton, von Reichbauer, Zimmerman - 23.

Excused: Senator Kiskaddon - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3656, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 7:36 p.m., on motion of Senator Vognild, the Senate adjourned until 9:00 a.m., Wednesday, April 10, 1985.

JOHN A. CHERBERG, President of the Senate.
SID SNYDER, Secretary of the Senate.

EIGHTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, April 10, 1985

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, Guess, Owen, Patterson, Pullen, Saling, Thompson and Wojahn. On motion of Senator Bender, Senator Wojahn was excused. On motion of Senator Zimmerman, Senators Pullen, Patterson and Saling were excused.

The Sergeant at Arms Color Guard, consisting of Pages Kate McInturf and Ryan Murphy, presented the Colors. Reverend Peter Mans, pastor of the Evergreen Christian Reformed Church of Olympia, offered the prayer.

MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

MESSAGE FROM THE HOUSE

April 9, 1985

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1084,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1085,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1089, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 3028,

SUBSTITUTE SENATE BILL NO. 3201,

SUBSTITUTE SENATE BILL NO. 3361,

SENATE BILL NO. 3547,

SENATE BILL NO. 3572,

SENATE BILL NO. 4266.

There being no objection, the President advanced the Senate to the sixth order of business.

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Granlund, the appointment of Kathryn S. Bail as a member of the Prison Terms and Paroles Board was confirmed.

APPOINTMENT OF KATHRYN S. BAIL

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 40; absent, 5; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Rasmussen, Rinehart, Sellar, Stratton, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 40.

Absent: Senators Benitz, Guess, Owen, Peterson, Thompson - 5.

Excused: Senators Patterson, Pullen, Saling, Wojahn - 4.

MOTION

On motion of Senator Granlund, the appointment of Paul C. Mena as a member of the Prison Terms and Paroles Board was confirmed.

APPOINTMENT OF PAUL C. MENA

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; absent, 2; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Rasmussen, Rinehart, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 43.

Absent: Senators Guess, Peterson - 2.

Excused: Senators Patterson, Pullen, Saling, Wojahn - 4.

INTRODUCTION OF SPECIAL GUESTS

The President introduced the following members of the Port Townsend Rhododendron Festival Royalty, and guests of Senator Paul Conner, who were seated with him on the rostrum: Miranda Landau, Noel Lavier, Jennifer Martin and Wendy Ridgway.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 389, by Committee on State Government (originally sponsored by Representatives Nutley, Belcher, Hankins and Winsley (by Department of Services for the Blind request)

Clarifying collection of vending machine revenue in public building.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Substitute House Bill No. 389 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 Bluechel: "Senator Thompson, I've had some correspondence with various people regarding a problem with Xerox-type copiers or copying machines in the libraries in various areas. There seems to be an argument as to whether this type of machine is mandated to be covered under this contract. On one side, the people who have this contract say the copying machines in libraries are mandated and on the other hand, the libraries, themselves, say they aren't and there is a serious problem involved."

Senator Thompson: "It is my understanding, Senator Bluechel, that this vending service and these arrangements do not cover anything other than food service, and that the Xerox arrangements that you speak to aren't covered or affected by this legislation or this program."

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 389.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 389 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 47.

Excused: Senators Pullen, Wojahn - 2.

SUBSTITUTE HOUSE BILL NO. 389, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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 1985-49

by Senators Owen, Metcalf, Stratton, Zimmerman and Cantu

WHEREAS, The trees of Washington, the Evergreen State, form a vital foundation to this state's economy and environment, providing jobs, a source of food and materials, including lumber for buildings and tools, fruits, nuts, medicine, and cellulose for paper and fiber; and

WHEREAS, Trees beautify our landscape, refresh our minds and bodies, and nurture our state's wildlife, providing food and shelter for birds and animals; and

WHEREAS, Twenty-eight years ago the Washington State Legislature established a day of recognition for our state's valuable and renewable tree resources; and

WHEREAS, The United States of America, all fifty individual states, and a growing number of other nations have established a special day to honor the annual observance that many consider the "granddaddy of our country's conservation movements";

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington shall proclaim April 10, 1985, as the official 28th annual observance of Arbor Day in Washington State, and invites citizens across the state to join and support the many Arbor Day celebrations which will rededicate our commitment to protect and perpetuate our valuable tree resources.

There being no objection, the President returned the Senate to the sixth order of business.

SECOND READING

HOUSE BILL NO. 399, by Representatives K. Wilson, Schmidt, Walk, Patrick and P. King (by Department of Licensing request)

Authorizing staggered licensing for motor vehicle related businesses.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended, House Bill No. 399 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. 399.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 399 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 48.

Excused: Senator Wojahn - 1.

HOUSE BILL NO. 399, having received the constitutional majority, 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. 175, by Representatives Belcher, Hankins, Unsoeld, Allen, Baugher, Todd, Dellwo, Niemi, Smitherman, Peery, Locke, Leonard, K. Wilson, Prince, Lewis, Sayan, P. King, B. Williams, Schoon and Addison (by Department of Personnel request)

Extending the career executive program.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, House Bill No. 175 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. 175.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 175 and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; absent, 1; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 45.

Voting nay: Senators Barr, Pullen - 2.

Absent: Senator Hayner - 1.

Excused: Senator Wojahn - 1.

HOUSE BILL NO. 175, having received the constitutional majority, 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. 166, by Committee on Higher Education (originally sponsored by Representatives Sayan, Sommers, Belcher, Prince and Jacobsen)

Changing provisions relating to public university and college construction bids.

The bill was read the second time.

MOTIONS

On motion of Senator Gaspard, the following Committee on Education amendment was adopted:

On page 1, line 10, after "other than" delete "ordinary" and insert "((ordinary))"

On motion of Senator Gaspard, the rules were suspended, Engrossed Substitute House Bill No. 166, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

MOTION

Senator Bluechel moved that the rules be suspended and Engrossed Substitute House Bill No. 166 be returned to second reading.

MOTION

On motion of Senator Gaspard, further consideration of Engrossed Substitute House Bill No. 166 was deferred.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 86, by Committee on State Government (originally sponsored by Representatives Walk, Schmidt, S. Wilson, Gallagher, J. Williams and Fisch)

Directing civil service exemptions for certain positions within the department of transportation.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the following Committee on Transportation amendment was adopted:

On page 1, line 16, after "board" insert "pursuant to the provisions of RCW 41.06.070(26)"

MOTION

On motion of Senator Peterson, the rules were suspended, Substitute House Bill No. 86, 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 Peterson, was that six new exempt positions or sixty?"

Senator Peterson: "Six."

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 86, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 86, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; nays, 8; absent, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJamatt, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Newhouse, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Thompson, Warnke, Wojahn, Zimmerman - 39.

Voting nay: Senators Bottiger, Fleming, Moore, Pullen, Talmadge, Vognild, von Reichbauer, Williams - 8.

Absent: Senators Johnson, Owen - 2.

SUBSTITUTE HOUSE BILL NO. 86, as amended by the Senate, having received the constitutional majority, 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. 50, by Committee on Judiciary (originally sponsored by Representatives Fisher, Armstrong, Brekke, Padden, Sayan, Baugher, Rayburn and Taylor (by Department of Social and Health Services request)

Making certain reimbursements for social security assistance retroactive.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute House Bill No. 50 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. 50.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 50 and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJamatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Absent: Senator Johnson - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 50, having received the 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 eighth order of business.

MOTION

On motion of Senator Thompson, the following resolution was adopted:

SENATE RESOLUTION 1985-47

by Senators Thompson, DeJarnatt, Guess, Zimmerman and Bauer

WHEREAS, Effective management in the public interest requires imagination, resourcefulness, and the willingness to tackle formidable challenges; and

WHEREAS, Dedicated public service demands the most cost-effective application and use of public resources and personnel; and

WHEREAS, Those public officers who have distinguished themselves by combining strong leadership and management skills in serving their country deserve individual recognition; and

WHEREAS, Robert L. Friedenwald has achieved noteworthy success in directing the United States Army Corps of Engineers in the Pacific Northwest; and

WHEREAS, In his twenty-seven years of service with the Corps, Robert Friedenwald has successfully managed many large-scale engineering projects for the Corps, enabling them to be completed ahead of schedule and below budget on numerous occasions, including the planning and execution of the Corps' work to remedy the devastation and aftermath of the eruption of Mt. St. Helens; and

WHEREAS, Colonel Friedenwald's long career in government service is highlighted by many similar achievements;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That the Senate recognize Robert L. Friedenwald for his distinguished service and innumerable achievements in carrying out the mission of the United States Army Corps of Engineers in the Pacific Northwest; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Robert L. Friedenwald and his family, and to the Chief of Engineers, Corps of Engineers, United States Department of Defense, Washington, D.C.

INTRODUCTION OF SPECIAL GUEST

The President introduced Colonel Robert L. Friedenwald, an engineer with the United States Army Corps of Engineers in the Pacific Northwest, who was seated with him on the rostrum.

The President presented Colonel Friedenwald with a certificate designating him a distinguished citizen of the state of Washington.

With permission of the Senate, business was suspended to permit Colonel Friedenwald to address the Senate.

MOTION

At 10:11 a.m., on motion of Senator Vognild, the Senate recessed until 11:00 a.m.

SECOND MORNING SESSION

The Senate was called to order at 11:33 a.m. by President Cherberg.

There being no objection, the President reverted the Senate to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1084 by Committee on Commerce and Labor (originally sponsored by Representatives R. King, Wang, Patrick, McMullen, Sayan, Basich, Fisch, Gallagher, Ballard, Winsley, Hine, Ebersole, Todd and Dellwo) (by Joint Select Committee on Workers' Compensation request)

Revising vocational rehabilitation laws.

Referred to Committee on Commerce and Labor.

ESHB 1085 by Committee on Commerce and Labor (originally sponsored by Representatives Rayburn, Patrick, Baugher, Wang, McMullen, R. King, Bristow, Sayan, Basich, Peery, Leonard, Gallagher, Ballard, Cole, Unsoeld, Winsley, K. Wilson, Haugen, Ebersole,

Wineberry, Todd, Dellwo and Armstrong) (by Joint Select Committee on Workers' Compensation request)

Revising provisions relating to prompt actions by the department of labor and industries.

Referred to Committee on Commerce and Labor.

ESHB 1089 by Committee on Commerce and Labor (originally sponsored by Representatives McMullen, R. King, Patrick, Wang and Sayan) (by Joint Select Committee on Workers' Compensation request)

Revising provisions relating to industrial insurance penalties.

Referred to Committee on Commerce and Labor.

There being no objection, the President reverted the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

April 9, 1985

Mr. President:

The House has passed:

SENATE BILL NO. 3104,

SENATE BILL NO. 3204,

ENGROSSED SENATE BILL NO. 3319,

SENATE BILL NO. 3322,

SUBSTITUTE SENATE BILL NO. 3350,

SENATE BILL NO. 3363,

ENGROSSED SENATE BILL NO. 3538,

ENGROSSED SENATE BILL NO. 3782,

ENGROSSED SENATE BILL NO. 4143, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 3104,

SENATE BILL NO. 3204,

SENATE BILL NO. 3319,

SENATE BILL NO. 3322,

SUBSTITUTE SENATE BILL NO. 3350,

SENATE BILL NO. 3363,

SENATE BILL NO. 3538,

SENATE BILL NO. 3782,

SENATE BILL NO. 4143.

MESSAGE FROM THE HOUSE

April 9, 1985

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 3214 with the following amendments:

On page 1, after line 15, insert the following section:

"NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "35.21 RCW;" strike "and" and after "36.01 RCW" insert "; and declaring an emergency".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Warnke, the Senate concurred in the House amendments to Engrossed Senate Bill No. 3214.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3214, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3214, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; nays, 6; absent, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kiskaddon, Kridler, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vogt, von Reichbauer, Warnke, Wojahn, Zimmerman - 40.

Voting nay: Senators Craswell, Guess, McCaslin, McDonald, Pullen, Rasmussen - 6.
Absent: Senators Hayner, Metcalf, Williams - 3.

ENGROSSED SENATE BILL NO. 3214, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 8, 1985

Mr. President:

The House has passed SENATE BILL NO. 3167 with the following amendments:

On page 2, beginning on line 21, strike all of section 2

On page 1, line 1 of the title after "64.36.010" strike all material through "64.36.903" on line 2.

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate did not concur in the House amendments to Senate Bill No. 3167 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 8, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4424 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 4, chapter 216, Laws of 1979 ex. sess. and RCW 90.14.043 are each amended to read as follows:

(1) Notwithstanding any time restrictions imposed by the provisions of chapter 90.14 RCW, a person may file a claim pursuant to RCW 90.14.041 if such person obtains a certification from the pollution control hearings board as provided in this section.

(2) A certification shall be issued by the pollution control hearings board if, upon petition to the board, it is shown to the satisfaction of the board that:

(a) Waters of the state have been applied to beneficial use continuously (with no period of nonuse exceeding five consecutive years) in the case of surface water beginning not later than June 7, 1917, and in the case of ground water beginning not later than June 7, 1945, or

(b) Waters of the state have been applied to beneficial use continuously (with no period of nonuse exceeding five consecutive years) from the date of entry of a court decree confirming a water right and any failure to register a claim resulted from a reasonable misinterpretation of the requirements as they related to such court decreed rights.

(3) The board shall have jurisdiction to accept petitions for certification from any person through December 31, ~~((1979))~~ 1985, and not thereafter.

(4) A petition for certification shall include complete information on the claim pursuant to RCW 90.14.051 (1) through (8), and any such information as the board may require.

(5) The department of ecology is directed to accept for filing any claim certified by the board as provided in subsection (2) of this section. The department of ecology, upon request of the board, may provide assistance to the board pertinent to any certification petition.

(6) A certification by the pollution control hearings board or a filing with the department of ecology of a claim under this section shall not constitute a determination or confirmation that a water right exists.

(7) The provisions of RCW 90.14.071 shall have no applicability to certified claims filed pursuant to this section.

(8) This section shall have no applicability to ground waters resulting from the operations of reclamation projects.

NEW SECTION. Sec. 2. A new section is added to chapter 90.14 RCW to read as follows:

The provisions of this 1985 amendatory act authorizing the acceptance of a petition for certification filed during the period beginning on the effective date of this 1985 amendatory act and ending on midnight, December 31, 1985, shall not affect or impair in any respect whatsoever any water right existing prior to the effective date of this 1985 act, and any water right claimed as a result of a filing made during such period shall be junior to rights existing prior to this 1985 act.

NEW SECTION, Sec. 3. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, on line 1 of the title, after "RCW 90.14.043," insert "adding a new section to chapter 90.14 RCW:".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Hansen, the Senate did not concur in the House amendments to Substitute Senate Bill No. 4424 and asks the House to recede therefrom.

MOTION

At 11:54 a.m., on motion of Senator Vognild, the Senate recessed until 2:00 p.m. or until after the Committee on Rules meeting.

AFTERNOON SESSION

The Senate was called to order at 2:43 p.m. by President Cherberg.

There being no objection, the President advanced the Senate to the sixth order of business.

MOTION

On motion of Senator Zimmerman, Senator Kiskaddon was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 444, by Committee on Ways and Means (originally sponsored by Representatives Sommers, Grimm, Patrick, Tilly, Wang, Ballard and Isaacson) (by Department of Retirement Systems request)

Revising provisions relating to disability benefits for the law enforcement officers' and fire fighters' retirement system.

The bill was read the second time.

MOTION

On motion of Senator McDermott, the rules were suspended. Substitute House Bill No. 444 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. 444.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 444 and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalfe, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Craswell, Patterson - 2.

Excused: Senator Kiskaddon - 1.

SUBSTITUTE HOUSE BILL NO. 444, having received the 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.

MESSAGE FROM THE HOUSE

April 8, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3001 with the following amendment:

On page 1, line 29, after "qualified" insert "at the next district general election occurring sixty or more days after the vacancy has occurred. The person who is elected shall take office immediately after he or she is qualified and shall serve the remainder of the unexpired term. However, if at this next district general election an election would have otherwise been held to elect a person to the position in which a vacancy has occurred, a separate election shall not be held to elect a person to fill the vacancy during the remainder of the unexpired term. The person who is elected at this election for this position shall take office immediately upon being qualified and shall serve for both the remainder of the unexpired term in addition to the full term to which he or she is elected."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Thompson, the Senate concurred in the House amendment to Substitute Senate Bill No. 3001.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3001, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3001, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Decio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Kiskaddon - 1.

SUBSTITUTE SENATE BILL NO. 3001, 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

April 9, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3170 with the following amendments:

On page 1, line 14, after "before" strike "July 30" and insert "October 30"

On page 2, line 4, after "before" strike "July 1" and insert "October 30"

On page 2, line 24, after "before" strike "July 30" and insert "October 30"

On page 2, line 30, after "agreements," insert "the adopted sustainable harvest compared to the sales program."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Owen, the Senate concurred in the House amendments to Substitute Senate Bill No. 3170.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3170, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3170, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen,

Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vogt, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Deccio - 1.

Excused: Senator Kiskaddon - 1.

SUBSTITUTE SENATE BILL NO. 3170, 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

April 3, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3180 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 11, chapter 36, Laws of 1969 ex. sess. as last amended by section 3, chapter 11, Laws of 1980 and RCW 28B.16.110 are each amended to read as follows:

The salary schedules and compensation plans, adopted and revised as provided in RCW 28B.16.100 as now or hereafter amended, shall reflect prevailing rates in other public employment and in private employment in this state or in the locality in which the institution or related board is located. For this purpose comprehensive salary and fringe benefit surveys shall be undertaken by the board with the assistance of the various personnel officers of the institutions of higher education and on a joint basis with the department of personnel, with such surveys to be conducted ~~((at least))~~ in the year prior to the convening of ~~((each))~~ every other one hundred five day regular session of the state legislature. In the year prior to the convening of each one hundred five day regular session during which a comprehensive salary and fringe benefit survey is not conducted, the board with assistance of the various personnel officers of the institutions of higher education and on a joint basis with the department of personnel, shall conduct a trend salary and fringe benefit survey. This survey shall measure average salary and fringe benefit movement for broad occupational groups which has occurred since the last comprehensive salary and fringe benefit survey was conducted. The results of ((such)) each comprehensive and trend salary and fringe benefit survey shall be completed and forwarded by September 30 with recommended salary adjustments, which recommendations shall be advisory only, to the governor and the director of financial management for their use in preparing budgets to be submitted to the succeeding legislature. A copy of the data and supporting documentation shall be furnished by the board to the standing committees for appropriations of the senate and house of representatives.

In the case of comprehensive salary and fringe benefit surveys, the board shall furnish the following supplementary data in support of its recommended salary schedule:

(1) A total dollar figure which reflects the recommended increase or decrease in state salaries as a direct result of the specific salary and fringe benefit survey that has been conducted and which is categorized to indicate what portion of the increase or decrease is represented by salary survey data and what portion is represented by fringe benefit survey data;

(2) An additional total dollar figure which reflects the impact of recommended increases or decreases to state salaries based on other factors rather than directly on prevailing rate data obtained through the survey process and which is categorized to indicate the sources of the requests for deviation from prevailing rates and the reasons for the changes;

(3) A list of class codes and titles indicating recommended monthly salary ranges for all state classes under the control of the higher education personnel board with:

(a) Those salary ranges which do not substantially conform to the prevailing rates developed from the salary and fringe benefit survey distinctly marked and an explanation of the reason for the deviation included; and

(b) Those higher education personnel board classes which are substantially the same as classes being used by the department of personnel clearly marked to show the commonality of the classes between the two jurisdictions;

(4) A supplemental salary schedule which indicates the additional salary to be paid state employees for hazardous duties or other considerations requiring extra compensation under specific circumstances. Additional compensation for these circumstances shall not be included in the basic salary schedule but shall be maintained as a separate pay schedule for purposes of full disclosure and visibility; and

(5) A supplemental salary schedule which indicates those cases where the board determines that prevailing rates do not provide similar salaries for positions that require or impose similar responsibilities, judgment, knowledge, skills, and working conditions. This supplementary salary schedule shall contain proposed salary adjustments necessary to eliminate any such dissimilarities in compensation. Additional compensation needed to eliminate such salary dissimilarities shall not be included in the basic salary schedule but shall be maintained as a separate salary schedule for purposes of full disclosure and visibility.

It is the intention of the legislature that requests for funds to support recommendations for salary deviations from the prevailing rate survey data shall be kept to a minimum, and that the requests be fully documented when forwarded by the board. Further, it is the intention of the legislature that the department of personnel and the higher education personnel board jointly determine job classes which are substantially common to both jurisdictions and that basic salaries for these job classes shall be equal based on salary and fringe benefit survey findings.

Salary and fringe benefit survey information collected from private employers which identifies a specific employer with the salary and fringe benefit rates which that employer pays to its employees shall not be subject to public disclosure under chapter 42.17 RCW.

The first comprehensive salary and fringe benefit survey required by this section shall be completed and forwarded to the governor and the director of financial management by September 30, 1986. The first trend salary and fringe benefit survey required by this section shall be completed and forwarded to the governor and the director of financial management by September 30, 1988.

Sec. 2. Section 16, chapter 1, Laws of 1961 as last amended by section 1, chapter 11, Laws of 1980 and RCW 41.06.160 are each amended to read as follows:

In preparing classification and salary schedules as set forth in RCW 41.06.150 as now or hereafter amended the department of personnel shall give full consideration to prevailing rates in other public employment and in private employment in this state. For this purpose the department shall undertake comprehensive salary and fringe benefit surveys to be planned and conducted on a joint basis with the higher education personnel board, with such surveys to be conducted ((at least)) in the year prior to the convening of ((each)) every other one hundred five day regular session of the state legislature. In the year prior to the convening of each one hundred five day regular session during which a comprehensive salary and fringe benefit survey is not conducted, the department shall plan and conduct on a joint basis with the higher education personnel board a trend salary and fringe benefit survey. This survey shall measure average salary and fringe benefit movement for broad occupational groups which has occurred since the last comprehensive salary and fringe benefit survey was conducted. The results of each comprehensive and trend salary and fringe benefit survey shall be completed and forwarded by September 30 with a recommended state salary schedule to the governor and director of financial management for their use in preparing budgets to be submitted to the succeeding legislature. A copy of the data and supporting documentation shall be furnished by the department of personnel to the standing committees for appropriations of the senate and house of representatives.

In the case of comprehensive salary and fringe benefit surveys, the department shall furnish the following supplementary data in support of its recommended salary schedule:

(1) A total dollar figure which reflects the recommended increase or decrease in state salaries as a direct result of the specific salary and fringe benefit survey that has been conducted and which is categorized to indicate what portion of the increase or decrease is represented by salary survey data and what portion is represented by fringe benefit survey data;

(2) An additional total dollar figure which reflects the impact of recommended increases or decreases to state salaries based on other factors rather than directly on prevailing rate data obtained through the survey process and which is categorized to indicate the sources of the requests for deviation from prevailing rates and the reasons for the changes;

(3) A list of class codes and titles indicating recommended monthly salary ranges for all state classes under the control of the department of personnel with:

(a) Those salary ranges which do not substantially conform to the prevailing rates developed from the salary and fringe benefit survey distinctly marked and an explanation of the reason for the deviation included; and

(b) Those department of personnel classes which are substantially the same as classes being used by the higher education personnel board clearly marked to show the commonality of the classes between the two jurisdictions;

(4) A supplemental salary schedule which indicates the additional salary to be paid state employees for hazardous duties or other considerations requiring extra compensation under specific circumstances. Additional compensation for these circumstances shall not be included in the basic salary schedule but shall be maintained as a separate pay schedule for purposes of full disclosure and visibility; and

(5) A supplemental salary schedule which indicates those cases where the board determines that prevailing rates do not provide similar salaries for positions that require or impose similar responsibilities, judgment, knowledge, skills, and working conditions. This supplementary salary schedule shall contain proposed salary adjustments necessary to eliminate any such dissimilarities in compensation. Additional compensation needed to eliminate such salary dissimilarities shall not be included in the basic salary schedule but shall be maintained as a separate salary schedule for purposes of full disclosure and visibility.

It is the intention of the legislature that requests for funds to support recommendations for salary deviations from the prevailing rate survey data shall be kept to a minimum, and that the requests be fully documented when forwarded by the department of personnel. Further, it

is the intention of the legislature that the department of personnel and the higher education personnel board jointly determine job classes which are substantially common to both jurisdictions and that basic salaries for these job classes shall be equal based on salary and fringe benefit survey findings.

Salary and fringe benefit survey information collected from private employers which identifies a specific employer with the salary and fringe benefit rates which that employer pays to its employees shall not be subject to public disclosure under chapter 42.17 RCW.

The first comprehensive salary and fringe benefit survey required by this section shall be completed and forwarded to the governor and the director of financial management by September 30, 1986. The first trend salary and fringe benefit survey required by this section shall be completed and forwarded to the governor and the director of financial management by September 30, 1988.

Sec. 3. Section 5, chapter 152, Laws of 1977 ex. sess. as last amended by section 2, chapter 11, Laws of 1980 and RCW 41.06.167 are each amended to read as follows:

The department of personnel shall undertake comprehensive salary and fringe benefit surveys for officers of the Washington state patrol, with such surveys to be conducted ((at least)) in the year prior to the convening of ((each)) every other one hundred five day regular session of the state legislature. In the year prior to the convening of each one hundred five day regular session during which a comprehensive salary and fringe benefit survey is not conducted, the department shall conduct a trend salary and fringe benefit survey. This survey shall measure average salary and fringe benefit movement which has occurred since the last comprehensive salary and fringe benefit survey was conducted. The results of each ((such)) comprehensive and trend survey shall be completed and forwarded by September 30, after review and concurrence by the chief of the Washington state patrol, to the governor and director of financial management for their use in preparing budgets to be submitted to the succeeding legislature. A copy of the data and supporting documentation shall be furnished by the department of personnel to the legislative budget committee and the standing committees for appropriations of the senate and house of representatives. The office of financial management shall analyze the survey results and conduct investigations which may be necessary to arbitrate differences between interested parties regarding the accuracy of collected survey data and the use of such data for salary adjustment.

Surveys conducted by the department of personnel for the Washington state patrol shall be undertaken in a manner consistent with statistically accurate sampling techniques, including comparisons of weighted averages of salaries. This service performed by the department of personnel shall be on a reimbursable basis in accordance with the provisions of RCW 41.06.080 as now existing or hereafter amended.

A comprehensive salary and fringe benefits survey plan shall be submitted jointly by the department of personnel and the Washington state patrol to the director of financial management, the committee on ways and means of the senate, the committee on appropriations of the house of representatives and to the legislative budget committee six months before the beginning of each periodic survey. The legislative budget committee shall review and evaluate the survey plan before final implementation.

The first comprehensive salary and fringe benefit survey required by this section shall be completed and forwarded to the governor and the director of financial management by September 30, 1986. The first trend salary and fringe benefit survey required by this section shall be completed and forwarded to the governor and the director of financial management by September 30, 1988.*

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Thompson, the Senate concurred in the House amendment to Substitute Senate Bill No. 3180.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3180, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3180, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; nays, 5; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senators Barr, Cantu, Craswell, Hayner, Patterson - 5.

Excused: Senator Kiskaddon - 1.

SUBSTITUTE SENATE BILL NO. 3180, 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

April 8, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3207 with the following amendment:

On page 1, line 17, after "72.09.100" insert ": PROVIDED, That no prison work program may be established within two miles of a public or private school".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Granlund, the Senate did not concur in the House amendment to Substitute Senate Bill No. 3207 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 8, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3536 with the following amendment:

On page 1, line 22, after "building" strike "plans" and insert "codes".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Warnke, the Senate concurred in the House amendment to Substitute Senate Bill No. 3536.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3536, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3536, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Boltiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Granlund, McDonald - 2.

Excused: Senator Kiskaddon - 1.

SUBSTITUTE SENATE BILL NO. 3536, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President advanced the Senate to the sixth order of business.

SECOND READING

SENATE BILL NO. 3920, by Senator Peterson

Relating to transportation.

MOTIONS

On motion of Senator Peterson, Substitute Senate Bill No. 3920 was substituted for Senate Bill No. 3920 and the substitute bill was advanced to second reading and read the second time.

Senator Wojahn moved that the following amendment by Senators Wojahn, Talmadge, Guess, Johnson, Stratton, Garrett, Lee, Fleming, Peterson and Granlund be adopted:

On page 9, after line 13, insert the following:

*Sec. 20. Section 1, chapter 181, Laws of 1979 ex. sess. and RCW 82.39.010 are each amended to read as follows:

The legislative authority of any city having a population ~~((of))~~ over ~~((four hundred))~~ one hundred-forty thousand may, by resolution or ordinance for the purposes authorized by RCW 82.39.030, fix and impose an excise tax on the sale or distribution of motor vehicle fuel and special fuel within such city. The rate of such tax shall be in increments of one-tenth of a cent per gallon and shall not exceed two cents per gallon. Any person paying such excise tax who, in turn, sells or distributes such fuel to another, whether or not for use, shall include the tax as part of the selling price of the fuel. Any person thereafter paying a price for such fuel which includes an increment for the tax imposed hereunder, and who subsequently resells said fuel, shall include the increment so paid as part of the selling price of the fuel.

The tax so imposed shall be collected and paid to the city imposing it but once in respect to any motor vehicle fuel or special fuel. Such tax shall be in addition to any other tax authorized or imposed by law. The total proceeds of such tax shall not exceed the sum of twenty-five million dollars plus administration and collection expenses pursuant to RCW 82.39.040 and refunds, if any, during the period July 1, ~~((1979))~~ 1985, through June 30, ~~((1985))~~ 1991.

Sec. 21. Section 3, chapter 181, Laws of 1979 ex. sess. and RCW 82.39.030 are each amended to read as follows:

The entire proceeds of the tax imposed under this chapter, less refunds and less amounts deducted by the state department of licensing for administration and collection expenses pursuant to RCW 82.39.040, shall be used solely to finance the local share of preliminary engineering, right of way acquisition, and construction expenditures for any project located on one or more adjacent city streets, forming a state corridor ~~((with existing average weekday traffic in excess of sixty-five thousand vehicles)),~~ which includes a high-level crossing of a waterway ~~((used for international commercial navigation))~~ within the city limits of a city having a population of more than 140,000.

Sec. 22. Section 9, chapter 181, Laws of 1979 ex. sess. (unmodified) is amended to read as follows:

~~((Sections 1 through 3 of this 1979 act))~~ RCW 82.39.010 through 82.39.030 shall expire on June 30, ~~((1985))~~ 1991, and ~~((section 4 of this 1979 act))~~ RCW 82.39.040 shall expire on June 30, ~~((1986))~~ 1992."

Renumber the remaining sections accordingly.

Debate ensued.

POINTS OF INQUIRY

Senator Patterson: "Senator Talmadge, this bill provides for the collection of up to two cents a gallon in tax on gasoline and I was wondering, do you have any estimate at all of the cost of the project you are contemplating in Seattle and the area where the gasoline stations are located--the proximity of them to the taxing area? What is the taxing area and what is the cost of the project?"

Senator Talmadge: "My recollection, Senator Patterson, is the total cost of the project in 1984-1985 dollars is somewhere between fifty and sixty million dollars. The First Avenue South Bridge is within the city limits of the city of Seattle and is a major route into the city of Seattle from southwest King County--State Route 509. The bridge is actually on the state route and then feeds into the city street system for the city of Seattle."

Senator Patterson: "I used to use it every day. I'm primarily concerned in the cutoff date on the gas tax being authorized and whether or not the magnitude of the project can be retired by 1992. I just wonder to what extent you have gone into the actual financing of the project, because I would suggest, following your remarks, that maybe the state in a year or two might come in and help out, also."

"It is somewhat bothersome to me since you we are providing this kind of roadway throughout the state of Washington. I just don't want to get ourselves in a position that the state is going to be expected to come back and pick up the balance of some sixty million dollar project for Seattle alone. I don't know what the cost of the waterway in Tacoma is going to be or what the outstanding bond issue is on the Spokane Maple Street Bridge, but I think we have to look at it from a standpoint of whether it can be funded under the proposal."

Senator Talmadge: "I think your remarks, Senator Patterson, are very appropriate. Your concern is a very appropriate one, also. My understanding is that this

tax proposal is local option. If the city council of the city of Seattle chose not to do it, they didn't have to. It's in increments of one-tenth of a cent, so they can justify their share of the overall project that way. When I said I hope the state comes in sometime in the future, what I meant by that is, this project is in the Category C priority scheme. It's simply a question of when that money will be made available under Category C for projects such as the First Avenue South Bridge.

"We have, so far, had very excellent cooperation from the State Department of Transportation, the Port of Seattle, King County, and the city of Seattle--each contributing money to design proposals for this particular project. I think that cooperative attitude--county, city, port and state--will continue. It's not expected that the city of Seattle would be able to fund this whole project from this gas tax. Rather, as I said, it's only one piece of an overall funding mechanism that would be beneficial."

Senator Patterson: "But the city is committed, Senator, to taking some portion of the gas tax revenue they now get for cities distributed statewide into this project. Have they allocated some of their share of their gas tax resources to this particular bridge?"

Senator Talmadge: "They did for purposes of that design endeavor that I mentioned earlier. It is my understanding that that is what occurred. They have spent jointly with the port, the county and the state for design from that money that they have received."

Senator Patterson: "Thank you very much, Senator Talmadge. I guess I would, also, like to ask Senator Wojahn if you have any kind of firm estimates on the cost of the Waterway Bridge in the city of Tacoma?"

Senator Wojahn: "Yes, the estimated amount is sixteen million. They have generated through their own efforts and through the highway budget, about ninety million--that is committed--but they're short and I've been told that it would be about sixteen million at this particular time. This came from the city of Tacoma--"

Senator Patterson: "Do you think 1992 is long enough?"

Senator Wojahn: "They seem to think so, because that was the date that they gave me when they asked for the amendment."

Senator Patterson: "I thank you very much. I don't need to ask about Maple Street. Senator Guess, could you respond in the same way as to what the costs will be to pick up the tab on the Maple Street Toll Bridge?"

Senator Guess: "Five-and-a-half million in five-and-a-half years."

The President declared the question before the Senate to be adoption of the amendment by Senators Wojahn, Talmadge, Guess, Johnson, Stratton, Garrett, Lee, Fleming, Peterson and Granlund.

The motion by Senator Wojahn carried and the amendment was adopted.

MOTION

Senator Fleming moved that the following amendments by Senators Fleming and Rinehart be considered simultaneously and adopted:

On page 3, line 38, strike "38,720,000" and insert "40,020,000"

On page 3, line 42, strike "88,868,000" and insert "90,168,000"

On page 4, beginning on line 6, strike "no moneys" and insert "\$1,300,000"

On page 4, beginning on line 8, after "department" strike all material down to and including "purpose" on line 9

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senators Fleming and Rinehart.

The motion by Senator Fleming failed and the amendments were not adopted on a rising vote.

MOTION

Senator Halsan moved that the following amendments be considered simultaneously and adopted:

On page 2, line 6, strike "118,428,000" and insert "119,853,000"

On page 2, line 8, after "salaries," insert "The state patrol shall implement the traffic safety education program in the public schools."

Debate ensued.

Senator Halsan 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 Halsan.

ROLL CALL

The Secretary called the roll and the motion by Senator Halsan failed and the amendments were not adopted by the following vote: Yeas, 17; nays, 31; excused, 1.

Voting yea: Senators DeJarnatt, Fleming, Granlund, Halsan, Kreidler, McDermott, McManus, Moore, Owen, Pullen, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Williams, Wojahn - 17.

Voting nay: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, Garrett, Gaspard, Goltz, Guess, Hansen, Hayner, Johnson, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Peterson, Saling, Sellar, Vognild, von Reichbauer, Warnke, Zimmerman - 31.

Excused: Senator Kiskaddon - 1.

MOTION

On motion of Senator Peterson, the following title amendment was adopted:

On page 1, line 2, after "46.68.120;" add the following: amending RCW 82.39.010 and 82.39.030; amending section 9, Chapter 181, Laws of 1979 ex. sess. (uncodified); adding a new section to chapter 32.89 RCW;

MOTION

On motion of Senator Peterson, the rules were suspended, Engrossed Substitute Senate Bill No. 3920 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 Newhouse: "Senator Peterson, I'm not sure I understand. Did you say we have thirty-six new patrolmen in the supplemental budget and an additional sixteen--"

Senator Peterson: "No, we've got thirty-six new ones coming on line who will get out of the academy, hopefully by about the first of July."

Senator Newhouse: "In the new biennium, how many patrolmen in relation to how many were in the current budget?"

Senator Peterson: "We'll have a total of sixty-one. We've got another class coming up that we're funding in this budget after this one is graduated."

Senator Newhouse: "So, there will be sixty-one more in the new biennium than in the current biennium?"

Senator Peterson: "Yes."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3920.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3920 and the bill passed the Senate by the following vote: Yeas, 30; nays, 17; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Johnson, Kreidler, Lee, McManus, Metcalf, Owen, Patterson, Peterson, Sellar, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 30.

Voting nay: Senators Benitz, Cantu, Craswell, Deccio, Fleming, Halsan, McCaslin, McDermott, McDonald, Moore, Newhouse, Pullen, Rasmussen, Rinehart, Saling, Stratton, Thompson - 17.

Absent: Senator Garrett - 1.

Excused: Senator Kiskaddon - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3920, having received the constitutional majority, 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. 3927, by Senator Peterson

Relating to the department of licensing.

MOTIONS

On motion of Senator Peterson, Substitute Senate Bill No. 3927 was substituted for Senate Bill No. 3927 and the substitute bill was advanced to second reading and read the second time.

Senator Sellar moved that the following amendments be considered simultaneously and adopted:

On page 7, line 16, after "~~((one))~~" strike "four" and insert "three"

On page 8, line 34, after "~~((one))~~" strike "four" and insert "three"

Debate ensued.

POINT OF INQUIRY

Senator Fleming: "Senator Patterson, to your knowledge or recollection, to what extent was that same question asked about those other costs that are going to be charged to individuals and so forth, as to whether that was the actual cost that would cover the services that were rendered to these people whether they could determine whether it was too much or too little?"

Senator Patterson: "In most cases, that's the basis upon which the committee considered the increase in all of these separate fees. It gets a little old coming back here every three or four years and asking the legislature to increase these fees and I think, in view of the fact that it was eighteen to twenty years since this particular one was raised--"

Senator Fleming: "Your original decision was along with these other decisions--was five dollars?"

Senator Patterson: "That's right."

Senator Fleming: "But Senator Sellar, or whomever, offered the amendment to reduce it to four and now Senator Sellar to three. They did not offer an amendment to reduce any of the others that were going to individuals just to big insurance companies."

Senator Patterson: "I can't recall the--"

Senator Fleming: "Have you any other amendment to reduce these others?"

Senator Patterson: "I'm sorry, I can't respond to that, Senator."

Further debate ensued.

MOTION

Senator Fleming moved that the following amendment to the amendments be adopted:

Strike "three" in both amendments, and insert "five"

POINT OF ORDER

Senator Pullen: "Mr. President, a point of order. It would seem to me that Senator Fleming's amendment changes the scope and object of the basic amendment."

REPLY BY THE PRESIDENT

President Cherberg: "Senator Pullen, Senator Fleming is merely trying to start at the highest point. The President doesn't believe that it changes the scope and object of the bill. He's just trying to get a little higher rate, I guess."

Senator Pullen: "As usual, the President has made a fine ruling. It just seems to me that one in essence was more of a downward adjustment and the other was more upward, and it seemed to me that that's a change in direction. I appreciate the President's ruling and the President invariably makes excellent rulings in this area."

Further debate on the amendment to amendments ensued.

Senator Fleming demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Fleming to the amendments by Senator Sellar.

ROLL CALL

The Secretary called the roll and the motion by Senator Fleming failed and the amendment to the amendments was not adopted by the following vote: Yeas, 21; nays, 26; absent, 1; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Gaspard, Granlund, Halsan, Hansen, Kreidler, McDermott, Moore, Peterson, Rasmussen, Rinehart, Talmadge, Thompson, Warnke, Williams, Wojahn - 21.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Goltz, Guess, Hayner, Johnson, Lee, McCaslin, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Pullen, Saling, Sellar, Stratton, Vognild, von Reichbauer, Zimmerman - 26.

Absent: Senator Garrett - 1.

Excused: Senator Kiskaddon - 1.

The President declared the question before the Senate to be adoption of the amendments by Senator Sellar.

Debate ensued.

Senator Sellar demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senator Sellar.

ROLL CALL

The Secretary called the roll and the motion by Senator Sellar failed and the amendments were not adopted by the following vote: Yeas, 21; nays, 27; excused, 1.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Lee, McCaslin, McDonald, Metcalf, Newhouse, Pullen, Saling, Sellar, Stratton, von Reichbauer, Zimmerman - 21.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 27.

Excused: Senator Kiskaddon - 1.

MOTION

On motion of Senator Peterson, the rules were suspended, Substitute Senate Bill No. 3927 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. 3927.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3927 and the bill failed to pass the Senate by the following vote: Yeas, 21; nays, 27; excused, 1.

Voting yea: Senators Bauer, Bottiger, Conner, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Kreidler, McDermott, Owen, Patterson, Peterson, Talmadge, Thompson, Vognild, Wojahn, Zimmerman - 21.

Voting nay: Senators Bailey, Barr, Bender, Benitz, Bluechel, Cantu, Craswell, Deccio, Fleming, Halsan, Johnson, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, von Reichbauer, Warnke, Williams - 27.

Excused: Senator Kiskaddon - 1.

SUBSTITUTE SENATE BILL NO. 3927, having failed to receive the constitutional majority, was declared lost.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Warnke served notice that he would move to reconsider the vote by which Substitute Senate Bill No. 3927 failed to pass the Senate.

SECOND READING

HOUSE JOINT RESOLUTION NO. 22, by Representatives Cole, R. King, Ebersole, Scott, Betrozoff, Walker, Taylor, Armstrong, Jacobsen, Basich, Unsoeld, P. King, Leonard, Long, Appelwick, Vekich, Rust, Todd, D. Nelson, Belcher, Brough, Holland and Wang

Removing 40% validation requirement for excess levy elections for public schools.

The resolution was read the second time.

MOTION

Senator Pullen moved that the following amendments by Senators Pullen, Craswell and Metcalf be considered simultaneously and adopted:

On page 2, line 11, after "proposition" insert "at a November general election"

On page 2, line 32, after "proposition" insert "at a November general election"

Debate ensued.

POINT OF INQUIRY

Senator Barr: "Senator Pullen, it's getting to be quite common out in the far-flung districts that I come from that they turn the first one down--just for kicks, I guess--then quite a few of the times they pass it the second time. Now, that's the way people are and we're not going to change that. How would this amendment affect that?"

Senator Pullen: "This amendment would have no affect whatsoever on the situation you described."

Senator Barr: "They would have to wait until the next November to do it?"

Senator Pullen: "No, this amendment merely deals with the voter turnout requirement in a November election. This amendment merely says that if the proposition is submitted to the voters in a November election, then there are no voter turnout requirements. In other words, the levy would only have to receive a three-fifth's majority of votes to pass and not meet any voter turnout requirement at the same time."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senators Pullen, Craswell and Metcalf.

The motion by Senator Pullen failed and the amendments were not adopted.

MOTION

Senator Craswell moved that the following amendment by Senators Craswell and Metcalf be adopted:

Strike everything after page 1, line 7 and insert the following:

"Article VII, section 2. Except as hereinafter provided and notwithstanding any other provision of this Constitution, the aggregate of all tax levies upon real and personal property by the state and all taxing districts now existing or hereafter created, shall not in any year exceed one per centum of the true and fair value of such property in money: PROVIDED, HOWEVER, That nothing herein shall prevent levies at the rates now provided by law by or for any port or public utility district. The term "taxing district" for the purposes of this section shall mean any political subdivision, municipal corporation, district, or other governmental agency authorized by law to levy, or have levied for it, ad valorem taxes on property, other than a port or public utility district. Such aggregate limitation or any specific limitation imposed by law in conformity therewith may be exceeded only

(a) By any taxing district when specifically authorized so to do by a majority of at least three-fifths of the electors thereof voting on the proposition to levy such additional tax submitted not more than twelve months prior to the date on which the proposed levy is to be made and not oftener than twice in such twelve month period, either at a special election or at the regular election of such taxing district, at which election the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty per centum of the total votes cast in such taxing district at the last preceding general election when the number of electors voting on the proposition does not exceed forty per centum of the total votes cast in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the electors thereof voting on the proposition to levy when the number of electors voting on the proposition exceeds forty per centum of the total votes cast in such taxing district in the last preceding general election: PROVIDED, That notwithstanding any other provision of this

Constitution, any proposition pursuant to this subsection to levy additional tax for the support of the common schools may provide such support for a two year period:

(b) By any taxing district otherwise authorized by law to issue general obligation bonds for capital purposes, for the sole purpose of making the required payments of principal and interest on general obligation bonds issued solely for capital purposes, other than the replacement of equipment, when authorized so to do by majority of at least three-fifths of the electors thereof voting on the proposition to issue such bonds and to pay the principal and interest thereon by an annual tax levy in excess of the limitation herein provided during the term of such bonds, submitted not oftener than twice in any calendar year, at an election held in the manner provided by law for bond elections in such taxing district, at which election the total number of persons voting (on the proposition shall constitute not less than forty per centum of the total number of votes cast in such taxing district at the last preceding general election) "yes" on the proposition shall constitute three-fifths of a number equal to forty per centum of the total votes cast in such taxing district at the last preceding general election when the number of electors voting on the proposition does not exceed forty per centum of the total votes cast in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the electors thereof voting on the proposition when the number of electors voting on the proposition exceeds forty per centum of the total votes cast in such taxing district in the last preceding general election: PROVIDED, That any such taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for capital purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax limitation provided for herein. AND PROVIDED FURTHER, That the provisions of this section shall also be subject to the limitations contained in Article VIII, Section 6, of this Constitution:

(c) By the state or any taxing district for the purpose of paying the principal or interest on general obligation bonds outstanding on December 6, 1934; or for the purpose of preventing the impairment of the obligation of a contract when ordered so to do by a court of last resort.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state."

Debate ensued.

Senator Craswell 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 and Metcalf.

ROLL CALL

The Secretary called the roll and the motion by Senator Craswell failed and the amendment was not adopted by the following vote: Yeas, 19; nays, 29; excused, 1.

Voting yea: Senators Bailey, Barr, Benitz, Cantu, Craswell, Deccio, Guess, Hansen, Hayner, Johnson, McCaslin, Metcalf, Moore, Newhouse, Pullen, Rasmussen, Sellar, von Reichbauer, Zimmerman - 19.

Voting nay: Senators Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Kreidler, Lee, McDermott, McDonald, McManus, Owen, Patterson, Peterson, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 29.

Excused: Senator Kiskaddon - 1.

MOTION

On motion of Senator Gaspard, the rules were suspended, House Joint Resolution No. 22 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 House Joint Resolution No. 22.

ROLL CALL

The Secretary called the roll on final passage of House Joint Resolution No 22 and the resolution passed the Senate by the following vote: Yeas, 33; nays, 15; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Johnson, Kreidler, Lee, McDermott, McDonald, McManus, Moore, Patterson, Peterson, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 33.

Voting nay: Senators Barr, Benitz, Cantu, Craswell, Deccio, Guess, Hansen, Hayner, McCaslin, Metcalf, Newhouse, Owen, Pullen, Rasmussen, Zimmerman - 15.

Excused: Senator Kiskaddon - 1.

HOUSE JOINT RESOLUTION NO. 22, having received the constitutional two-thirds majority, was declared passed.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

April 3, 1985

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 3189 with the following amendments:

On page 2, line 17, after "political" strike "action"

On page 2, line 19, after "commission" insert "PROVIDED, That twenty-five or more officers or employees of a single agency or a total of one hundred or more officers or employees of several agencies have authorized such a deduction for payment to the same political committee".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

Senator Thompson moved that the Senate do concur in the House amendments to Engrossed Senate Bill No. 3189.

POINT OF ORDER

Senator Metcalf: "Mr. President, a point of order. I challenge the scope and object of the amendments. The amendments enlarge the scope and object of the bill and Senator Thompson just said in his statement a minute ago, that they broadened the bill. It seems to me it's very clear they substantially enlarge the scope and object of the bill."

Debate ensued.

MOTION

On motion of Senator Vognild, further consideration of the Message from the House regarding Engrossed Senate Bill No. 3189 was deferred.

MESSAGE FROM THE HOUSE

March 29, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3309 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 36.32.120, chapter 4, Laws of 1963 as last amended by section 3, chapter 226, Laws of 1982 and RCW 36.32.120 are each amended to read as follows:

The legislative authorities of the several counties shall:

(1) Provide for the erection and repairing of court houses, jails, and other necessary public buildings for the use of the county;

(2) Lay out, discontinue, or alter county roads and highways within their respective counties, and do all other necessary acts relating thereto according to law, except within cities and towns which have jurisdiction over the roads within their limits;

(3) License and fix the rates of ferrriage; grant grocery and other licenses authorized by law to be by them granted at fees set by the legislative authorities which shall not exceed the costs of administration and operation of such licensed activities;

(4) Fix the amount of county taxes to be assessed according to the provisions of law, and cause the same to be collected as prescribed by law: PROVIDED, That the legislative authority of a county may permit all moneys, assessments, and taxes belonging to or collected for the use of any county, including any amounts representing estimates for future assessments and taxes, to be deposited by any taxpayer prior to the due date thereof with the treasurer or other legal depository for the benefit of the funds to which they belong to be credited against any future tax or assessment that may be levied or become due from the taxpayer: PROVIDED FURTHER, That the taxpayer, with the concurrence of the county legislative authority, may designate the particular fund against which such prepayment of future tax or assessment shall be credited;

(5) Allow all accounts legally chargeable against the county not otherwise provided for, and audit the accounts of all officers having the care, management, collection, or disbursement of any money belonging to the county or appropriated to its benefit;

(6) Have the care of the county property and the management of the county funds and business and in the name of the county prosecute and defend all actions for and against the county, and such other powers as are or may be conferred by law;

(7) Make and enforce, by appropriate resolutions or ordinances, all such police and sanitary regulations as are not in conflict with state law, and within the unincorporated area of the county may adopt by reference Washington state statutes and recognized codes and/or compilations printed in book form relating to the construction of buildings, the installation of plumbing, the installation of electric wiring, health, or other subjects, and may adopt such codes and/or compilations or portions thereof, together with amendments thereto, or additions thereto: PROVIDED, That except for Washington state statutes, there shall be filed in the county auditor's office one copy of such codes and compilations ten days prior to their adoption by reference, and additional copies may also be filed in library or city offices within the county as deemed necessary by the county legislative authority: PROVIDED FURTHER, That no such regulation, code, compilation, and/or statute shall be effective unless before its adoption, a public hearing has been held thereon by the county legislative authority of which at least ten days' notice has been given. Any violation of such regulations, ordinances, codes, compilations, and/or statutes or resolutions shall constitute a misdemeanor: PROVIDED FURTHER, That violation of a regulation, ordinance, code, compilation, and/or statute relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of a regulation, ordinance, code, compilation, and/or statute equivalent to those provisions of Title 46 RCW set forth in RCW 46.63.020 remains a misdemeanor. The notice must set out a copy of the proposed regulations; or if a code is adopted by reference the notice shall set forth the full official title and a statement describing the general purpose of such code. The notice shall also include the day, hour, and place of hearing and must be given by publication in the newspaper in which legal notices of the county are printed;

(8) Have power to compound and release in whole or in part any debt due to the county when in their opinion the interest of their county will not be prejudiced thereby, except in cases where they or any of them are personally interested;

(9) Have power to administer oaths or affirmations necessary in the discharge of their duties and commit for contempt any witness refusing to testify before them with the same power as justices of the peace.

Sec. 2. Section 36.53.020, chapter 4, Laws of 1963 and RCW 36.53.020 are each amended to read as follows:

The ~~((board of county commissioners shall))~~ county legislative authority may charge such sum as ((appears reasonable — not less than one dollar nor more than one hundred dollars per year —)) may be fixed under the authority of RCW 36.32.120(3) for such license, and the person to whom the license is granted shall pay to the appropriate county ((treasurer)) official the tax for one year in advance ~~((taking his receipt therefor, and upon the production of such receipt the county auditor shall issue the license under the seal of his office))~~.

Sec. 3. Section 36.71.020, chapter 4, Laws of 1963 and RCW 36.71.020 are each amended to read as follows:

Every peddler, before commencing business in any county of the state, shall apply in writing and under oath to the appropriate county ((treasurer)) official of the county in which he proposes to operate for a county license. The application must state the names and residences of the owners or parties in whose interest the business is to be conducted ~~((and shall state the number of horses and/or vehicles to be used))~~. The applicant at the same time shall file a true statement under oath of the quantity and value of the stock of goods, wares, and merchandise that is in the county for sale or to be kept or exposed for sale in the county, make a special deposit of five hundred dollars ~~((with the county treasurer))~~, and pay the ~~((treasurer the))~~ county license fee as ~~((follows:~~

(1) ~~Peddler on foot, one hundred dollars.~~

(2) ~~Peddler with one horse and a wagon, one hundred fifty dollars.~~

(3) ~~Peddler with two horses and a wagon, two hundred fifty dollars.~~

~~((4) Peddler with any other conveyance, three hundred dollars))~~ may be fixed under the authority of RCW 36.32.120(3).

The appropriate county ((treasurer)) official shall thereupon issue to the applicant a peddler's license, authorizing him to do business in the county for the term of one year from the date thereof. Every county license shall contain a copy of the application therefor, shall not be transferable, and shall not authorize more than one person to sell goods as a peddler, either by agent or clerk, or in any other way than his own proper person.

Sec. 4. Section 36.71.030, chapter 4, Laws of 1963 and RCW 36.71.030 are each amended to read as follows:

The appropriate county ((treasurer)) official of each county shall keep on file all applications for peddlers' licenses that are issued. All files and records ~~((of the county treasurer))~~ shall be in convenient form and open to public inspection.

Sec. 5. Section 36.71.040, chapter 4, Laws of 1963 and RCW 36.71.040 are each amended to read as follows:

Upon the expiration and return of a county license, the appropriate county ((treasurer)) official shall cancel it, indorse thereon the cancellation, and place it on file. After holding the special deposit of the licensee for a period of ninety days from the date of cancellation, he shall return the deposit or such portion as may remain in his hands after satisfying the claims made against it.

Sec. 6. Section 36.71.050, chapter 4, Laws of 1963 and RCW 36.71.050 are each amended to read as follows:

Each deposit made with the county ((treasurer)) shall be subject to all taxes legally chargeable thereto, to attachment and execution on behalf of the creditors of the licensee whose claims arise in connection with the business done under his license, and the ((treasurer)) county may be held to answer as trustee in any civil action in contract or tort brought against any licensee, and shall pay over, under order of the court or upon execution, such amount of money as the licensee may be chargeable with upon the final determination of the case. Such deposit shall also be subject to the payment of any and all fines and penalties incurred by the licensee through violations of the provisions of RCW 36.71.010, 36.71.020, 36.71.030, 36.71.040 and 36.71.060, which shall be a lien upon the deposit and shall be collected in the manner provided by law.

Sec. 7. Section 36.71.080, chapter 4, Laws of 1963 and RCW 36.71.080 are each amended to read as follows:

The ((board of county commissioners)) county legislative authority may, by its order, direct the ((county auditor)) appropriate county official to issue a license to any person to do any business designated in RCW 36.71.070 for such sum ((not exceeding twenty-five dollars per year as it deems proper and expedient)) as may be fixed under the authority of RCW 36.32.120(3).

Sec. 8. Section 3, chapter 111, Laws of 1923 and RCW 67.12.030 are each amended to read as follows:

The ((board of county commissioners)) county legislative authority of each county ((shall)) may, by a general order, from time to time, fix the fees to be charged for licenses granted ((hereunder, such fees, however, not to be less than twenty-five dollars nor more than two hundred and fifty dollars for an annual dance hall license, nor less than ten dollars nor more than seventy-five dollars for a quarterly license, nor less than one dollar nor more than ten dollars for a license for a single dance)) under RCW 67.12.020 subject to the limitations of RCW 36.32.120(3). The county ((commissioners)) legislative authority may issue a permit without charge for grange, patriotic, fraternal or community dances.

Sec. 9. Section 5, chapter 111, Laws of 1923 and RCW 67.12.050 are each amended to read as follows:

Applications for licenses hereunder shall be filed with the ((clerk of the board of)) appropriate county ((commissioners)) official and be accompanied with ((a receipt showing the payment to the county treasurer of a)) the license fee. After determining to grant a license to the applicant, the ((board)) county legislative authority shall notify the ((county auditor)) appropriate official, who shall issue the license to the applicant. All licenses granted hereunder shall be kept posted in a conspicuous place on the licensed premises.

Sec. 10. Section 1, chapter 112, Laws of 1909 and RCW 67.12.110 are each amended to read as follows:

The ((board of county commissioners)) county legislative authority of each county in the state of Washington shall have sole and exclusive authority and power to regulate, restrain, license, or prohibit the maintenance or running of pool halls, billiard halls, and bowling alleys outside of the incorporated limits of each incorporated city, town, or village in their respective counties: PROVIDED, That the annual license fee for maintenance or running such pool halls, billiard halls, and bowling alleys shall ((in no instance be less than twenty-five dollars nor more than two hundred and fifty dollars.)) be fixed in accordance with RCW 36.32.120(3), and which ((said)) license fee shall be paid annually in advance to the appropriate county ((treasurer)) official: ((AND)) PROVIDED FURTHER, That nothing herein or elsewhere shall be so construed as to prevent the ((boards of county commissioners of the respective counties)) county legislative authority from revoking any license at any time prior to the expiration thereof for any cause by such ((board of county commissioners)) county legislative authority deemed proper. And if said county ((commissioners revoke)) legislative authority revokes said license ((they)) it shall refund the unearned portion of such license.

NEW SECTION, Sec. 11. Section 36.49.010, chapter 4, Laws of 1963 and RCW 36.49.010 are each repealed.

On page 1, line 1 of the title, after "Relating to counties;" strike the remainder of the title and insert "amending RCW 36.32.120, 36.53.020, 36.71.020, 36.71.030, 36.71.040, 36.71.050, 36.71.080, 67.12.030, 67.12.050, and 67.12.110; and repealing RCW 36.49.010."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Thompson, the Senate concurred in the House amendments to Substitute Senate Bill No. 3309.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3309, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3309, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Kiskaddon - 1.

SUBSTITUTE SENATE BILL NO. 3309, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 5, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3438 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 18, chapter 108, Laws of 1975-'76 2nd ex. sess. as last amended by section 1, chapter 281, Laws of 1981 and RCW 43.21G.040 are each amended to read as follows:

(1) The governor may subject to the definitions and limitations provided in this chapter:

(a) Upon finding that an energy supply alert exists within this state or any part thereof, declare a condition of energy supply alert; or

(b) Upon finding that an energy emergency exists within this state or any part thereof, declare a condition of energy emergency. A condition of energy emergency shall terminate thirty consecutive days after the declaration of such condition if the legislature is not in session at the time of such declaration and if the governor fails to convene the legislature pursuant to Article III, section 7 of the Constitution of the state of Washington within thirty consecutive days of such declaration. If the legislature is in session or convened, in accordance with this subsection, the duration of the condition of energy emergency shall be limited in accordance with subsection (3) of this section.

Upon the declaration of a condition of energy supply alert or energy emergency, the governor shall present to the committee any proposed plans for programs, controls, standards, and priorities for the production, allocation, and consumption of energy during any current or anticipated condition of energy emergency, any proposed plans for the suspension or modification of existing rules of the Washington Administrative Code, and any other relevant matters the governor deems desirable. The governor shall review any recommendations of the committee concerning such plans and matters.

The governor shall review the status of such plans annually with the house of representatives and senate standing committees on energy and utilities.

Upon the declaration of a condition of energy supply alert or energy emergency, the emergency powers as set forth in this chapter shall become effective only within the area described in the declaration.

(2) A condition of energy supply alert shall terminate ninety consecutive days after the declaration of such condition unless:

(a) Extended by the governor upon issuing a finding that the energy supply alert continues to exist, and with prior approval of such an extension by the committee; or

(b) Extended by the governor based on a declaration by the president of the United States of a national state of emergency in regard to energy supply; or

(c) Upon the request of the governor, extended by declaration of the legislature by concurrent resolution of a continuing energy supply alert.

In the event any such initial extension is implemented, the condition shall terminate one hundred and fifty consecutive days after the declaration of such condition. One or more subsequent extensions may be implemented through the extension procedures set forth in this subsection. In the event any such subsequent extension is implemented, the condition shall terminate sixty consecutive days after the implementation of such extension.

(3) A condition of energy emergency shall terminate forty-five consecutive days after the declaration of such condition unless:

(a) Extended by the governor upon issuing a finding that the energy emergency continues to exist, and with prior approval of such an extension by the committee; or

(b) Extended by the governor based on a declaration by the president of the United States of a national state of emergency in regard to energy supply; or

(c) Upon the request of the governor, extended by declaration of the legislature by concurrent resolution of a continuing energy emergency.

In the event any such initial extension is implemented, the condition shall terminate ninety consecutive days after the declaration of such condition. One or more subsequent extensions may be implemented through the extension procedures set forth in this subsection. In the event any such subsequent extension is implemented, the condition shall terminate forty-five consecutive days after the implementation of such extension.

(4) A condition of energy supply alert or energy emergency shall cease to exist upon a declaration to that effect by either of the following: (a) The governor; or (b) the legislature, by concurrent resolution, if in regular or special session: PROVIDED, That the governor shall terminate a condition of energy supply alert or energy emergency when the energy supply situation upon which the declaration of a condition of energy supply alert or energy emergency was based no longer exists.

(5) In a condition of energy supply alert, the governor may, as deemed necessary to preserve and protect the public health, safety, and general welfare, and to minimize, to the fullest extent possible, the injurious economic, social, and environmental consequences of such energy supply alert, issue orders to: (a) Suspend or modify existing rules of the Washington Administrative Code of any state agency relating to the consumption of energy by such agency or to the production of energy, and (b) direct any state or local governmental agency to implement programs relating to the consumption of energy by the agency which have been developed by the governor or the agency and reviewed by the committee.

(6) In addition to the powers in subsection (5) of this section, in a condition of energy emergency, the governor may, as deemed necessary to preserve and protect the public health, safety, and general welfare, and to minimize, to the fullest extent possible, the injurious economic, social, and environmental consequences of such an emergency, issue orders to: (a) Implement programs, controls, standards, and priorities for the production, allocation, and consumption of energy; (b) suspend and modify existing pollution control standards and requirements or any other standards or requirements affecting or affected by the use of energy, including those relating to air or water quality control; and (c) establish and implement regional programs and agreements for the purposes of coordinating the energy programs and actions of the state with those of the federal government and of other states and localities.

The governor shall immediately transmit the declaration of a condition of energy supply alert or energy emergency and the findings upon which the declaration is based and any orders issued under the powers granted in this chapter to the committee.

Nothing in this chapter shall be construed to mean that any program, control, standard, priority or other policy created under the authority of the emergency powers authorized by this chapter shall have any continuing legal effect after the cessation of the condition of energy supply alert or energy emergency.

If any provision of this chapter is in conflict with any other provision, limitation, or restriction which is now in effect under any other law of this state, including, but not limited to, chapter 34.04 RCW, this chapter shall govern and control, and such other law or rule or regulation promulgated thereunder shall be deemed superseded for the purposes of this chapter.

Because of the emergency nature of this chapter, all actions authorized or required hereunder, or taken pursuant to any order issued by the governor, shall be exempted from any and all requirements and provisions of the state environmental policy act of 1971, chapter 43.21C RCW, including, but not limited to, the requirement for environmental impact statements.

Except as provided in this section nothing in this chapter shall exempt a person from compliance with the provisions of any other law, rule, or directive unless specifically ordered by the governor. ~~((The emergency powers granted to the governor in this chapter shall expire on June 30, 1985.))~~

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 June 29, 1985."

On page 1, on line 1 of the title, after "RCW" strike the remainder of the title and insert "43.21G.040; providing an effective date; and declaring an emergency."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

Senator Williams moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 3438.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Williams that the Senate do concur in the House amendments to Substitute Senate Bill No. 3438.

The motion by Senator Williams failed.

The Senate did not concur in the House amendments to Substitute Senate Bill No. 3438 and asks the House to recede therefrom.

There being no objection, the President reverted the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

April 10, 1985

GA 17 MICHAEL ORMSBY, to the position of member of the Eastern Washington University Board of Trustees, appointed by the Governor on January 28, 1985, for the term ending September 30, 1989.
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, McDermott, McManus, Patterson, Saling, Warnke.

Passed to Committee on Rules.

April 10, 1985

GA 18 JEAN L. BESCHEL, to the position of member of the Eastern Washington University Board of Trustees, appointed by the Governor on January 28, 1985, for the term ending September 30, 1989.
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, McDermott, McManus, Patterson, Saling, Warnke.

Passed to Committee on Rules.

April 10, 1985

GA 19 CRAIG COLE, to the position of member of the Western Washington University Board of Trustees, appointed by the Governor on January 28, 1985, for the term ending September 30, 1989.
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, Fleming, Goltz, Guess, McDermott, McManus, Patterson, Warnke.

Passed to Committee on Rules.

April 10, 1985

GA 20 MARTHA CHOE, to the position of member of the Western Washington University Board of Trustees, appointed by the Governor on January 28, 1985, for the term ending September 30, 1990.
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, Fleming, Goltz, Guess, McDermott, McManus, Patterson, Warnke.

Passed to Committee on Rules.

April 10, 1985

GA 57 ROBERT "MAC" CROW, to the position of member of the Board of Regents of Washington State University, appointed by the Governor on January 28, 1985, for the term ending September 30, 1989.
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, McDermott, McManus, Patterson, Warnke.

Passed to Committee on Rules.

April 10, 1985

GA 69 BELINDA K. PEARSON, to the position of member of the Board of Regents of Washington State University, appointed by the Governor on February 12, 1985, for the term ending September 30, 1989, succeeding Jeanne Rounds-Olsen.
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, Fleming, Goltz, Guess, McDermott, McManus, Patterson, Warnke.

Passed to Committee on Rules.

April 10, 1985

GA 70 JOE W. JACKSON, to the position of member of Eastern Washington University Board of Trustees, appointed by the Governor on February 12, 1985, for the term ending September 30, 1988, succeeding James D. Ray.
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, McDermott, McManus, Patterson, Saling, Warnke.

Passed to Committee on Rules.

There being no objection, the President advanced the Senate to the third order of business.

MESSAGE FROM THE GOVERNOR

April 10, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on April 10, 1985, Governor Gardner approved the following Senate Bills entitled:

Senate Bill No. 3073

Relating to wills.

Senate Bill No. 3076

Relating to filing fees for the nonjudicial resolution of certain trust provisions.

Senate Bill No. 4122

Relating to the contents of flour and bread.

Senate Bill No. 4121

Relating to agriculture.

Senate Bill No. 3576

Relating to a Lake Osoyoos water project.

Senate Bill No. 3368

Relating to the sale of salmon.

Substitute Senate Bill No. 3047

Relating to a state library network.

Senate Bill No. 4169

Relating to the state museum of the University of Washington.

Senate Bill No. 3072

Relating to fiduciaries.

Substitute Senate Bill No. 3068

Relating to mobile homes.

Senate Bill No. 3079

Relating to jurisdiction and procedure in trust and estate proceedings.

Senate Bill No. 3121

Relating to the department of transportation.

Senate Bill No. 3144

Relating to the Model Traffic Ordinance.

Senate Bill No. 3551

153 (1984).
Relating to clarifying the excise tax statutes after Bond v. Burrows, 103 Wn. 2d

Senate Bill No. 3312

Relating to local government.

Sincerely,

TERRY SEBRING, Counsel to the Governor

MOTION

At 6:45 p.m., on motion of Senator Vognild, the Senate adjourned until 9:00 a.m., Thursday, April 11, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

EIGHTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, April 11, 1985

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bottiger, Johnson, Kiskaddon, Pullen, Saling and Thompson. On motion of Senator Bender, Senators Bottiger and Thompson were excused. On motion of Senator von Reichbauer, Senators Johnson, Kiskaddon, Saling and Pullen were excused.

The Sergeant at Arms Color Guard, consisting of Pages Marci DeLorme and Laura Hammond, presented the Colors. Reverend Peter Mans, pastor of the Evergreen Christian Reformed Church of Olympia, offered the prayer.

MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

MESSAGES FROM THE HOUSE

April 10, 1985

Mr. President:

The Speaker has signed:

SENATE BILL NO. 3028,

SUBSTITUTE SENATE BILL NO. 3201,

SUBSTITUTE SENATE BILL NO. 3361,

SENATE BILL NO. 3547,

SENATE BILL NO. 3572,

SENATE BILL NO. 4266, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 10, 1985

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 142,

HOUSE BILL NO. 149,

HOUSE BILL NO. 213,

HOUSE BILL NO. 398, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 10, 1985

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 3015,

SENATE BILL NO. 3081,

SUBSTITUTE SENATE BILL NO. 3087,

SUBSTITUTE SENATE BILL NO. 3090,

SENATE BILL NO. 3129,

SENATE BILL NO. 3143,

SENATE BILL NO. 3148,

SUBSTITUTE SENATE BILL NO. 3162,

SUBSTITUTE SENATE BILL NO. 3175,

SUBSTITUTE SENATE BILL NO. 3398,

SUBSTITUTE SENATE BILL NO. 3594,

SENATE BILL NO. 3826,

SUBSTITUTE SENATE BILL NO. 3989,

SUBSTITUTE SENATE BILL NO. 4138,

SUBSTITUTE SENATE BILL NO. 4229,

SENATE JOINT MEMORIAL NO. 107,

SENATE JOINT MEMORIAL NO. 108,
 SUBSTITUTE SENATE JOINT MEMORIAL NO. 121, and the same are herewith
 transmitted.

DENNIS L. HECK, Chief Clerk

April 9, 1985

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 12.

SUBSTITUTE HOUSE BILL NO. 15.

HOUSE BILL NO. 92.

SUBSTITUTE HOUSE BILL NO. 188.

HOUSE BILL NO. 310.

HOUSE BILL NO. 402.

SUBSTITUTE HOUSE BILL NO. 520.

SUBSTITUTE HOUSE BILL NO. 565.

HOUSE BILL NO. 830, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 10, 1985

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1082, and the same is herewith
 transmitted.

DENNIS L. HECK, Chief Clerk

April 10, 1985

Mr. President:

The House has passed:

ENGROSSED SENATE BILL NO. 3273.

SUBSTITUTE SENATE BILL NO. 3598.

SENATE BILL NO. 3624, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 10, 1985

Mr. President:

The House has failed to pass SUBSTITUTE SENATE BILL NO. 3378.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 142.

HOUSE BILL NO. 149.

HOUSE BILL NO. 213.

HOUSE BILL NO. 398.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 12.

SUBSTITUTE HOUSE BILL NO. 15.

HOUSE BILL NO. 92.

SUBSTITUTE HOUSE BILL NO. 188.

HOUSE BILL NO. 310.

HOUSE BILL NO. 402.

SUBSTITUTE HOUSE BILL NO. 520.

SUBSTITUTE HOUSE BILL NO. 565.

HOUSE BILL NO. 830.

There being no objection, the President advanced the Senate to the sixth order
 of business.

SECOND READING

ENGROSSED HOUSE BILL NO. 492, by Representatives Lewis, Brekke, Padden, Scott, Dobbs, Thomas, Isaacson, Dellwo, Barnes, Smitherman, Hankins, Day, Walker, Tilly, Allen, Leonard, Hastings, K. Wilson, van Dyke, Braddock, G. Nelson, S. Wilson, B. Williams, Ballard, Winsley, May, Brough, Holland, Silver, Tanner and Long

Establishing certain rights in child abuse and neglect proceedings.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 2, after line 15, insert a new section to read as follows: "NEW SECTION, Sec. 5. Whenever the child protective services worker is required to notify parents and children of their basic rights and other specific information as set forth in sections 2 through 4 of this act, the child protective services worker shall also make a reasonable effort to notify the non-custodial parent of the same information in a timely manner."

Renumber the remaining section accordingly.

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 2, line 16, after "through" strike "4" and insert "5"

On motion of Senator Talmadge, the rules were suspended, Engrossed House Bill No. 492, 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 House Bill No. 492, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 492, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Stratton, Talmadge, Vogtild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Excused: Senators Bottiger, Johnson, Kiskaddon, Saling, Thompson - 5.

ENGROSSED HOUSE BILL NO. 492, as amended by the Senate, having received the constitutional 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 Bender, Senator Wojahn was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 403, by Committee on Local Government (originally sponsored by Representatives Nutley, Bough, Miller, Valle, P. King and Barnes)

Including aquifers in pollution protection provisions of sewer districts.

The bill was read the second time.

MOTION

On motion of Senator Kreidler, the rules were suspended, Substitute House Bill No. 403 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. 403.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 403 and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Vognilid, von Reichbauer, Warnke, Williams, Zimmerman - 44.

Excused: Senators Bottiger, Johnson, Kiskaddon, Thompson, Wojahn - 5.

SUBSTITUTE HOUSE BILL NO. 403, having received the constitutional majority, 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. 434, by Representatives Niemi, Brekke, Dellwo, Ballard and Cole

Providing for licensing of full-time faculty at University of Washington school of dentistry.

The bill was read the second time.

MOTION

On motion of Senator Granlund, the rules were suspended, Engrossed House Bill No. 434 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 House Bill No. 434.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 434 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Zimmerman - 45.

Excused: Senators Bottiger, Johnson, Kiskaddon, Wojahn - 4.

ENGROSSED HOUSE BILL NO. 434, having received the constitutional majority, 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. 731, by Committee on Agriculture (originally sponsored by Representatives Madsen and R. King)

Requiring the department of agriculture to design a marketing plan for Washington-bred horses.

The bill was read the second time.

MOTION

On motion of Senator Goltz, the rules were suspended, Substitute House Bill No. 731 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 Metcalf: "Senator Goltz, I thought the bill before us said something about pleasure horses. There isn't any real breeding of pleasure horses in the state? We are talking about race horses?"

Senator Goltz: "I think we are talking about all kinds of horses. It was pointed out in testimony before the Agriculture Committee that we're talking about all kinds of horses."

Senator Metcalf: "Is there breeding for horses other than race horses? Is there actually breeding and selling and a real base business in it? I wasn't aware of that."

Senator Goltz: "I yield to Senator Bottiger."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, I would like to share an experience with you. If your family ever buys an Arabian mare, you will be invited to a series of parties put on by the owners of the studs and let me tell you it's a very expensive party to go to. It usually comes out with about a thousand or two thousand dollar breeder fee as a result. I can tell you, my wife is a very good buyer and a very poor seller."

Senator Metcalf: "Thank you. I guess that's the reason I didn't know about it. I don't quite deal in that dimension of finance."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 731.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 731 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 46.

Excused: Senators Johnson, Kiskaddon, Wojahn - 3.

SUBSTITUTE HOUSE BILL NO. 731, having received the constitutional majority, 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. 34, by Representatives Smitherman, Lewis, Wang, Zellinsky, Thomas, Winsley, Ebersole, Tanner, Kremen, Hargrove, Haugen and Isaacson

Modifying the regulation of water heater temperatures.

The bill was read the second time.

MOTION

On motion of Senator Williams, the rules were suspended, House Bill No. 34 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. 34.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 34 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 46.

Excused: Senators Johnson, Kiskaddon, Wojahn - 3.

HOUSE BILL NO. 34, having received the constitutional majority, 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. 169, by Representatives Hine, Sayan, Patrick, Basich, Vekich, Barnes, Hargrove, Holland, Crane and Todd

Revising the use of and rent payments for certain public lands.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, House Bill No. 169 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Bottiger: "Senator McDermott, according to the digest, there is about a seven hundred thousand dollar appropriation. What fund does that come out of? Would Senator Lee know?"

MOTION

On motion of Senator Bottiger, further consideration of House Bill No. 169 was deferred.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 596, by Committee on Local Government (originally sponsored by Representatives Hine, Barnes and Valle)

Authorizing transaction assistance as a remedial program for property in a noise abatement impacted area.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Substitute House Bill No. 596 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. 596.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 596 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 46.

Excused: Senators Johnson, Kiskaddon, Wojahn - 3.

SUBSTITUTE HOUSE BILL NO. 596, having received the constitutional majority, 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. 602, by Committee on Local Government (originally sponsored by Representatives Nutley, May, Hine, Brough, Bristow and Haugen)

Requiring plat to meet standards established by engineering service division.

The bill was read the second time.

MOTION

Senator Thompson moved that the following amendment by Senators Thompson and McManus be adopted:

On page 2, after line 8, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 58.17 RCW to read as follows:

The legislative body of any county or city may, at its option, adopt procedural rules and regulations for the administrative review of a preliminary plat without a public hearing. The legislative body may specify a threshold number of lots in a subdivision above which a public hearing must be held. The administrative review process shall meet the following minimum conditions:

(1) The notice requirements of RCW 58.17.090 shall be followed. The notice shall include notification that no public hearing will be held on the application, except as provided by this section. The notice shall set out the procedures and time limitations for requesting a public hearing and making comments.

(2) Recipients of the required notice shall have a period of twenty days from the date of the notice to comment upon the preliminary plat. All comments received shall be provided to

the applicant. The applicant has seven days from receipt of the comments to respond thereto. All persons filing comments shall be given notification of the administrative recommendation for approval or disapproval of the preliminary plat.

(3) Recipients of required notice may file a request for a public hearing within seven days of the notice date. The request for a public hearing may be submitted as part of the comments submitted under subsection (2) of this section. The request shall include reasons in support of holding a public hearing. The legislative body shall send the applicant a copy of the request for a public hearing, and shall notify the applicant, and the person filing the request for the hearing of the date on which the request will be considered by the legislative body. The legislative body shall act on any request for a public hearing within twenty-one days of the date of the public notice issued pursuant to RCW 58.17.090. Any hearing ordered under this subsection shall be conducted by the planning commission or hearings officer as required by county or city ordinance. The time period during which the request for a public hearing is considered, not to exceed twenty-one days, is added to the time limitation established by RCW 58.17.140.

(4) If the legislative body determines that a public hearing is necessary, then the notice requirements of RCW 58.17.090 shall be followed. The ninety day period for approval or disapproval of the preliminary plat shall commence from the date of the legislative body's decision in favor of holding a public hearing. Any hearing ordered under this subsection shall be conducted by the planning commission or hearings officer as required by county or city ordinance.

(5) If the public hearing is waived as provided in this section, the planning commission or planning agency shall complete the review of the proposed preliminary plat and transmit its recommendation to the legislative body as provided in RCW 58.17.100.

Sec. 3. Section 14, chapter 271, Laws of 1969 ex. sess. as last amended by section 3, chapter 121, Laws of 1983 and RCW 58.17.140 are each amended to read as follows:

Preliminary plats of any proposed subdivision and dedication shall be approved, disapproved, or returned to the applicant for modification or correction within ninety days from date of filing thereof unless the applicant consents to an extension of such time period or the ninety day limitation is extended to include up to twenty-one days as specified under section 2(3) of this 1985 act; PROVIDED, That if an environmental impact statement is required as provided in RCW 43.21C.030, the ninety day period shall not include the time spent preparing and circulating the environmental impact statement by the local government agency. Final plats and short plats shall be approved, disapproved, or returned to the applicant within thirty days from the date of filing thereof, unless the applicant consents to an extension of such time period. A final plat meeting all requirements of this chapter shall be submitted to the legislative body of the city, town, or county for approval within three years of the date of preliminary plat approval: PROVIDED, That this three-year time period shall retroactively apply to any preliminary plat pending before a city, town, or county as of July 24, 1983, where the authority to proceed with the filing of a final plat has not lapsed under an applicable city, town, or county ordinance containing a shorter time period that was in effect when the preliminary plat was approved. An applicant who files a written request with the legislative body of the city, town, or county at least thirty days before the expiration of this three-year period shall be granted one one-year extension upon a showing that the applicant has attempted in good faith to submit the final plat within the three-year period. Nothing contained in this section shall act to prevent any city, town, or county from adopting by ordinance procedures which would allow other extensions of time that may or may not contain additional or altered conditions and requirements.

NEW SECTION. Sec. 4. This act does not affect the provisions of RCW 82.02.020."

POINT OF ORDER

Senator Talmadge: "Mr. President, a point of order. I believe the amendment proposed by Senators Thompson and McManus expands the scope and object of the bill. The original bill deals with the issue of surveys and survey notes that are required to accompany a request for a plat for a subdivision. The proposed amendment deals with hearings on preliminary plat approvals and alters the procedural mechanism, substantially, with respect to approval of preliminary plats. I think, therefore, the amendment does expand the scope and object of Substitute House Bill No. 602, as it has come to us."

Further debate ensued.

MOTION

On motion of Senator Vognild, further consideration of Substitute House Bill No. 602 was deferred.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 53, by Committee on State Government (originally sponsored by Representatives Belcher, Unsoeld, Addison, Hastings, Kremen, R. King, Sayan, P. King, Miller, Hankins and Peery) (by Department of Community Development request)

Reauthorizing the Center for Voluntary Action.

The bill was read the second time.

MOTIONS

On motion of Senator Bender, Senator Rinehart was excused.

On motion of Senator Thompson, the rules were suspended. Substitute House Bill No. 53 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. 53.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 53 and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senator Pullen - 1.

Absent: Senator Deccio - 1.

Excused: Senators Johnson, Kiskaddon, Rinehart - 3.

SUBSTITUTE HOUSE BILL NO. 53, having received the constitutional majority, 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. 189, by Committee on Local Government (originally sponsored by Representatives Madsen, Haugen, Brough, Ebersole, Ballard, Smitherman, Winsley and Holland)

Modifying provisions relating to property tax levies by fire protection districts.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended. Engrossed Substitute House Bill No. 189 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. 189.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 189 and the bill passed the Senate by the following vote: Yeas, 41; nays, 6; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senators Cantu, Craswell, Hayner, McDonald, Pullen, Stratton - 6.

Excused: Senators Johnson, Kiskaddon - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 189, having received the constitutional majority, 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. 163, by Committee on Social and Health Services (originally sponsored by Representatives Leonard, Allen, Walk, Brække, Barrett, Jacobsen, Cole, R. King, Walker, Valle, Fisch, Winsley, Braddock, Kremen, Bond, Van Luven, K. Wilson, G. Nelson, Ballard, May, Holland, Hankins, Tanner, Miller, Brough, Silver, Tilly, Basich and Taylor)

Restricting the issuance of drivers' licenses to persons evaluated as alcohol or drug abusers.

The bill was read the second time.

MOTION

On motion of Senator Granlund, the rules were suspended, Substitute House Bill No. 162 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 Metcalf: "Senator Granlund, on the second page we have the case where the people who have been determined to be alcoholic, drug users and so forth and can't get a license, except that a license can be issued if the department determines that they have been granted this deferred prosecution. We have put in other bills, I think, that the license that they get, if they are on deferred prosecution, has to have a particular mark so the patrol can recognize those people on deferred prosecution. I don't see it in this bill."

Senator Granlund: "From my understanding of the testimony that both you and I heard in the Committee on Transportation is that is the case and I am sure that this would conform to any legislation that we would pass this session. All this does, Senator Metcalf, is to bring it into conformity--the law is silent as it applies to drug abuse. All it is doing is including them in the same process that we use for those who abuse liquor."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 163.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 163 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Johnson, Kiskaddon - 2.

SUBSTITUTE HOUSE BILL NO. 163, having received the constitutional majority, 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. 183, by Representatives Day, Padden, Appelwick, Madsen, Lewis, Taylor, D. Nelson, Winsley, S. Wilson, Schoon, Bond, Van Luven, Sanders, Long, R. King, G. Nelson, Isaacson, Patrick, Ballard, Hastings, Dellwo, Walker, C. Smith, May, Addison, Holland, Hankins, Doty, Tanner, Miller, Silver, Wang, Tilly and J. Williams

Expanding the sales and use tax exemption for meals furnished to senior citizens.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, House Bill No. 183 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. 183.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 183 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Kiskaddon - 1.

HOUSE BILL NO. 183, having received the constitutional majority, 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. 220, by Committee on State Government (originally sponsored by Representatives Unsoeld, Belcher, Hankins, B. Williams and Isaacson) (by Secretary of State request)

Modifying provisions relating to the productivity board.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Substitute House Bill No. 220 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. 220.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 220 and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senators Cantu, McCaslin - 2.

Excused: Senator Kiskaddon - 1.

SUBSTITUTE HOUSE BILL NO. 220, having received the constitutional majority, 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. 253, by Committee on Local Government (originally sponsored by Representatives Fisch and Hargrove)

Revising authority of code cities to annex unincorporated areas.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Engrossed Substitute House Bill No. 253 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. 253.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 253 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vogt, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senator Pullen - 1.

Absent: Senator Benitz - 1.

Excused: Senator Kiskaddon - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 253, having received the constitutional majority, 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. 932, by Committee on Judiciary (originally sponsored by Representatives K. Wilson, Allen, P. King, Armstrong, Miller, Leonard, Lewis, G. Nelson, Tanner, Patrick, Brough, May, Winsley and Todd)

Strengthening laws on reporting of child abuse.

The bill was read the second time.

MOTIONS

Senator Talmadge moved that the following Committee on Judiciary amendment be adopted:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. The Washington state legislature finds and declares:

The children of the state of Washington are the state's greatest resource and the greatest source of wealth to the state of Washington. Children of all ages must be protected from child abuse. Governmental authorities must give the prevention, treatment, and punishment of child abuse the highest priority, and all instances of child abuse must be reported to the proper authorities who should diligently and expeditiously take appropriate action, and child abusers must be held accountable to the people of the state for their actions.

The legislature recognizes the current heavy caseload of governmental authorities responsible for the prevention, treatment, and punishment of child abuse. The information obtained by child abuse reporting requirements, in addition to its use as a law enforcement tool, will be used to determine the need for additional funding to ensure that resources for appropriate governmental response to child abuse are available.

Sec. 2. Section 3, chapter 13, Laws of 1965 as last amended by section 3, chapter 97, Laws of 1984 and RCW 26.44.030 are each amended to read as follows:

(1) When any practitioner, professional school personnel, registered or licensed nurse, social worker, psychologist, pharmacist, or employee of the department has reasonable cause to believe that a child or adult dependent person has suffered abuse or neglect, he shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040. The report shall be made at the first opportunity, but in no case longer than ~~(seven days)~~ forty-eight hours after there is reasonable cause to believe that the child or adult has suffered abuse or neglect.

(2) Any other person who has reasonable cause to believe that a child or adult dependent person has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040 ~~((as now or hereafter amended))~~.

(3) The department, upon receiving a report of an incident of abuse or neglect pursuant to this chapter, involving a child or adult dependent person who has died or has had physical injury or injuries inflicted upon him other than by accidental means or who has been subjected to sexual abuse, shall report such incident in writing to the proper law enforcement agency.

(4) Any law enforcement agency receiving a report of an incident of abuse or neglect pursuant to this chapter, involving a child or adult dependent person who has died or has had physical injury or injuries inflicted upon him other than by accidental means, or who has been subjected to sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime ~~((has))~~ may have been committed.

The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them.

(5) Any county prosecutor or city attorney receiving a report under subsection (4) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

NEW SECTION, Sec. 3. A new section is added to chapter 26.44 RCW to read as follows:

If an investigating agency responds to a complaint of child abuse and discovers that another agency has also responded to the complaint, the agency shall notify the other agency of their presence, and the agencies shall coordinate the investigation and keep each other apprised of progress.

The department, each law enforcement agency, each county prosecuting attorney, each city attorney, and each court shall make as soon as practicable a written record and shall maintain records of all incidents of suspected child abuse reported to that person or agency. Records kept under this section shall be identifiable by means of an agency code for child abuse.

NEW SECTION, Sec. 4. A new section is added to chapter 26.44 RCW to read as follows:

Commencing in 1986, the prosecuting attorney shall include in the annual report a section stating the number of child abuse reports received by the office under this chapter and the number of cases where charges were filed."

On motion of Senator Talmadge, the following amendments by Senators Talmadge and Newhouse to the Committee on Judiciary amendment were considered simultaneously and adopted:

On page 4, line 4 of the committee amendment, after "If" strike "an investigating" and insert "the department or a law enforcement"

On page 4, line 6 of the committee amendment, after "abuse" insert "or neglect"

MOTION

Senator Vognild moved that the following amendment by Senators Vognild, Warnke and Newhouse to the Committee on Judiciary amendment be adopted:

On page 4, after line 34 of the committee amendment, insert the following:

"Sec. 5. Section 6, chapter 35, Laws of 1969 ex. sess. as last amended by section 6, chapter 97, Laws of 1984 and RCW 26.44.070 are each amended to read as follows:

The department shall maintain a central registry of ((reported)) cases of child abuse or neglect or abuse of an adult dependent person that have been substantiated through a court proceeding and shall adopt such rules and regulations as necessary in carrying out the provisions of this section. Records in the central registry shall be considered confidential and privileged and will not be available except upon court order to any person or agency except (1) law enforcement agencies as defined in this chapter in the course of an investigation of alleged abuse or neglect; (2) protective services workers or juvenile court personnel who are investigating reported incidents of abuse or neglect; (3) department of social and health services personnel who are investigating the character and/or suitability of an agency and other persons who are applicants for licensure, registration, or certification, or applicants for employment with such an agency or persons, or under contract to or employed by an agency or persons directly responsible for the care and treatment of children, expectant mothers, or adult dependent persons pursuant to chapter 74.15 RCW; (4) department of social and health services personnel who are investigating the character or suitability of any persons with whom children may be placed under the interstate compact on the placement of children, chapter 26.34 RCW; (5) physicians who are treating the child or adult dependent person or family; (6) any child or adult dependent person named in the registry who is alleged to be abused or neglected, or his or her guardian ad litem and/or attorney; (7) a parent, guardian, or other person legally responsible for the welfare and safety of the child or adult dependent person named in the registry; (8) any person engaged in a bona fide research purpose, as determined by the department, according to rules and regulations, provided that information identifying the persons of the registry shall remain privileged; and (9) any individual whose name appears on the registry shall have access to his own records. Those persons or agencies exempted by this section from the confidentiality of the records of the registry shall not further disseminate or release such information so provided to them and shall respect the confidentiality of such information, and any violation of this section shall constitute a misdemeanor."

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Bluechel: "Mr. President, I have an amendment that does similar things, but not exactly, but there may be one conflicting section in it and this is subsection (d) of Section 1 of the first page of my amendment. If this passes, would

there be a conflict or would this amendment be allowed to supercede the amendment? I have no problem with the amendment that Senator Vognild is proposing, but there is a potential conflict in the amendment and I want to make sure we are able to debate my amendment."

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Mr. President, I believe there clearly is a conflict of subsection (d) of Senator Bluechel's amendment. It permits the accumulation of data relating simply to reports. Senator Vognild's amendment is designed to deal with adjudication, an entirely different subject matter. I think the fact that we have moved on with this striking amendment with respect to this bill perhaps places Senator Bluechel's amendment out of order, but Mr. President, to give you time to think about it, I'd ask that we have the bill hold its place on the calendar and we proceed to the next bill."

REPLY BY THE PRESIDENT

President Cherberg: "Thank you, Senator Talmadge, further consideration of the measure will be deferred."

There being no objection, further consideration of Engrossed Substitute House Bill No. 932 was deferred.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 799, by Committee on Education (originally sponsored by Representatives Scott, Ballard, K. Wilson, Cole, P. King, Ebersole, Long, Haugen, R. King, Todd and Isaacson)

Encouraging school districts to provide community service programs on parenting and the problems of child abuse.

The bill was read the second time.

MOTIONS

On motion of Senator Rasmussen, the following amendment by Senators Rasmussen, Craswell, Owen, Metcalf, Stratton, Pullen, McCaslin and Zimmerman was adopted:

On page 1, line 20, after "abuse" insert a new subsection to read as follows:

"(5) As used in this section, "parenting skills" shall include: the importance of consistency in parenting; the value of providing children with a balance of love and firm discipline; the instruction of children in honesty, morality, ethics, and respect for the law; and the necessity of preserving and nurturing the family unit; and"

Remember the remaining subsection consecutively.

On motion of Senator Craswell, the following amendment by Senators Craswell, Pullen and Metcalf was adopted:

On page 2, line 19, after "education", strike "and" and insert "((and))," and after "superintendent" on line 20, insert ", and shall not be considered a component of the state's obligation to fund basic education"

On motion of Senator Pullen, the following amendment was adopted:

On page 2, line 12 after "on" and before "and" strike "the parenting process" and insert "parenting skills"

On motion of Senator Gaspard, the rules were suspended, Substitute House Bill No. 799, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Hayner: "Senator Gaspard, could you tell me what is the estimate of what this might cost? I understand it is permissive, but suppose that every school district had such a program, what are we talking about in costs?"

Senator Gaspard: "Senator Hayner, the fiscal note, as I recall, said that there is no state fiscal involvement. It is permissive language. Local districts, if they wish to do it, may do it. There is no impact on the state general fund--the last statement on the fiscal note."

Senator Hayner: "Senator Gaspard, don't you believe that the Superintendent of Public Instruction would have to have new people that would gear up and in the next biennium, we would see that appearing as a request in their budget?"

Senator Gaspard: "I don't believe that's required in the bill."

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 799, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 799, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 31; nays, 16; absent, 1; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Kreidler, Lee, McDermott, McManus, Moore, Patterson, Peterson, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn - 31.

Voting nay: Senators Barr, Benitz, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, McCaslin, McDonald, Metcalf, Newhouse, Owen, Pullen, Sellar, Zimmerman - 16.

Absent: Senator Hansen - 1.

Excused: Senator Kiskaddon - 1.

SUBSTITUTE HOUSE BILL NO. 799, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION FOR SPECIAL ORDER OF BUSINESS

On motion of Senator Bottiger, Substitute House Bill No. 1114 was made a special order of business for 11:30 a.m. this morning.

SECOND READING

HOUSE BILL NO. 27, by Representatives Haugen, Brough, Lundquist, P. King and Rayburn

Authorizing a reduction in councilmanic offices in certain code cities.

The bill was read the second time.

MOTION

Senator Bailey moved that the following amendments by Senators Bailey, Metcalf and Zimmerman be considered simultaneously and adopted:

On page 2, line 13, after "five," insert "The ordinance shall not take effect until it has been submitted and approved by majority vote at a special election. Such election shall take place at least ninety days before the municipal general election at which the terms of the councilmanic offices to be terminated will expire."

On page 2, line 14, after "election" insert "occurring ninety or more days after voter approval of the reduction"

On page 3, line 25, after "five," insert "The ordinance shall not take effect until it has been submitted and approved by majority vote at a special election. Such election shall take place at least ninety days before the municipal general election at which the terms of the councilmanic offices to be terminated will expire."

On page 3, line 26, after "election" insert "occurring ninety or more days after voter approval of the reduction"

Debate ensued.

Senator Thompson 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 Bailey, Metcalf and Zimmerman.

ROLL CALL

The Secretary called the roll and the motion by Senator Bailey failed and the amendments were not adopted by the following vote: Yeas, 22; nays, 25; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Lee, McCaslin, McDonald, Metcalf, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, von Reichbauer, Zimmerman - 22.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Stratton, Talmadge, Thompson, Vognilid, Warnke, Williams, Wojahn - 25.

Absent: Senator Newhouse - 1.
Excused: Senator Kiskaddon - 1.

MOTION

On motion of Senator Thompson, the rules were suspended, House Bill No. 27 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. 27.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 27 and the bill passed the Senate by the following vote: Yeas, 37; nays, 11; excused, 1.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 37.

Voting nay: Senators Bailey, Barr, Cantu, Craswell, Lee, McCaslin, Metcalf, Pullen, Rasmussen, Rinehart, Zimmerman - 11.

Excused: Senator Kiskaddon - 1.

HOUSE BILL NO. 27, having received the constitutional majority, 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. 321, by Committee on Transportation (originally sponsored by Representatives Walk, Schmidt, Sutherland, Prince, J. Williams, Winsley and Hankins) (by County Road Administration Board request)

Giving the county road administration board more responsibility over county road moneys.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended, Substitute House Bill No. 321 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. 321.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 321 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Benitz - 1.

Excused: Senator Kiskaddon - 1.

SUBSTITUTE HOUSE BILL NO. 321, having received the 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.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 166, as amended by the Senate, deferred on third reading with a pending motion by Senator Bluechel that the bill be returned to second reading, deferred April 10, 1985.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Patterson: "Mr. President, are we in a debating mode on this motion?"

REPLY BY THE PRESIDENT

President Cherberg: "It approaches a debating mode, Senator. The President has permitted Senator Gaspard an opportunity to express his thoughts and, therefore, it is only fair to extend the privilege to Senator Bluechel, but the motion is not debatable. In other words, you can't talk."

Senator Patterson: "I sensed that it was being debated and if it's going to be debated, I would like to debate the issue, too."

President Cherberg: "So would the President."

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 the motion by Senator Bluechel to suspend the rules and return Engrossed Substitute House Bill No. 166 to second reading.

ROLL CALL

The Secretary called the roll and the motion by Senator Bluechel to return Engrossed Substitute House Bill No. 166 to second reading failed by the following vote: Yeas, 19; nays, 28; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Johnson, Kreidler, Lee, McCaslin, McDonald, Metcalf, Newhouse, Pullen, Sellar, von Reichbauer, Zimmerman - 19.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, McDermott, McManus, Moore, Patterson, Peterson, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognilid, Warnke, Williams, Wojahn - 28.

Absent: Senator Owen - 1.

Excused: Senator Kiskaddon - 1.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 166, as amended by the Senate.

Debate ensued.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 166, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 34; nays, 14; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Kreidler, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 34.

Voting nay: Senators Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Johnson, Lee, McCaslin, McDonald, Metcalf, Pullen, Sellar - 14.

Excused: Senator Kiskaddon - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 166, as amended by the Senate, having received the 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 Substitute House Bill No. 602 and the pending amendment by Senators Thompson and McManus on page 2, line 8, deferred earlier today.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Talmadge, the President finds that Substitute House Bill No. 602 is a measure requiring plats to meet standards established by the Division of Engineering Services at the Department of Natural Resources.

"The amendment proposed by Senators Thompson and McManus provides for administrative review of preliminary plats without a public hearing in certain situations and revises the notice provisions regarding plat approvals.

"The President, therefore, finds that the proposed amendment does change 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 Thompson, the rules were suspended, Substitute House Bill No. 602 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. 602.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 602, and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Benitz, Lee - 2.

Excused: Senator Kiskaddon - 1.

SUBSTITUTE HOUSE BILL NO. 602, having received the constitutional 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 CHANGE IN TIME OF SPECIAL ORDER OF BUSINESS

At 11:28 a.m., on motion of Senator Bottiger, and there being no objection, the special order of business scheduled for 11:30 a.m. to consider Substitute House Bill No. 1114 was deferred until the afternoon session.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 460, by Committee on Energy and Utilities (originally sponsored by Representatives Wang, Jacobsen, Tilly, D. Nelson, Long, Locke, Barnes, Armstrong, Isaacson, Todd, Gallagher, Unsoeld and Winsley)

Restricting telephone solicitation.

The bill was read the second time.

MOTION

On motion of Senator Williams, the rules were suspended, Substitute House Bill No. 460 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. 460.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 460 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Kiskaddon - 1.

SUBSTITUTE HOUSE BILL NO. 460, having received the constitutional majority, 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. 481, by Committee on Social and Health Services (originally sponsored by Representatives Brække, Ballard and Lewis) (by Department of Licensing request)

Authorizing the director of licensing to appoint temporary members of licensing boards.

The bill was read the second time.

MOTION

On motion of Senator Granlund, the rules were suspended, Substitute House Bill No. 481 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. 481.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 481 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senator McCaslin - 1.

Excused: Senator Kiskaddon - 1.

SUBSTITUTE HOUSE BILL NO. 481, having received the constitutional majority, 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. 482, by Committee on Social and Health Services (originally sponsored by Representatives Brække, Ballard and Lewis) (by Department of Licensing request)

Revising provisions relating to licensing of health care assistants.

The bill was read the second time.

MOTION

On motion of Senator Granlund, the rules were suspended, Substitute House Bill No. 482 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. 482.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 482 and the bill passed the Senate by the following vote: Yeas, 42; nays, 4; absent, 2; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Zimmerman - 42.

Voting nay: Senators Barr, McCaslin, Metcalf, Pullen - 4.

Absent: Senators Sellar, Williams - 2.

Excused: Senator Kiskaddon - 1.

SUBSTITUTE HOUSE BILL NO. 482, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Vognild moved that the Senate now consider Substitute House Bill No. 1114.

Debate ensued.

MOTION

On motion of Senator Vognild, consideration of Substitute House Bill No. 1114 was deferred.

SECOND READING

HOUSE BILL NO. 657, by Representatives Sommers, Tilly, Braddock, B. Williams, Wang, Grimm, Silver, Scott and Isaacson

Revising provisions relating to disability benefits under the law enforcement officers' and fire fighters' retirement system.

The bill was read the second time.

MOTION

On motion of Senator McDermott, the rules were suspended, House Bill No. 657 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Guess: "Senator McDermott, have you any idea what this is going to cost the cities and towns? Have you got a fiscal note on that?"

Senator McDermott: "It would not be out here if it had a significant fiscal note."

Senator Guess: "It doesn't have a significant fiscal note for the state of Washington, but it does for the cities that are going to be affected by it. I just wondered if we could have a fiscal note on what it's going to do to the cities?"

MOTION

On motion of Senator McDermott, further consideration of House Bill No. 657 was deferred.

SECOND READING

HOUSE BILL NO. 670, by Representatives Basich and Hargrove

Changing salmon troll license provisions.

The bill was read the second time.

MOTION

On motion of Senator Owen, the rules were suspended, House Bill No. 670 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. 670.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 670 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Kiskaddon - 1.

HOUSE BILL NO. 670, having received the 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.

There being no objection, the Senate resumed consideration of House Bill No. 657, deferred on third reading earlier today.

Debate ensued.

REMARKS BY SENATOR McDERMOTT

Senator McDermott: "In answer to Senator Guess's question, I didn't get my bill book open quick enough. This bill has no fiscal impact for local governments. It is a bill that says if somebody in the LEOFF I system wants to go back to work, they go before the disability board--the disability board says you still have a disability--they still have a right to appeal so that they can go back to work and it sets up the procedure and, in fact, it will get people off time-loss payments, so it will be a money saver. I urge the passage of the bill."

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 657.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 657 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Kiskaddon - 1.

HOUSE BILL NO. 657, having received the 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. 746, by Committee on Judiciary (originally sponsored by Representatives Schmidt, Zellinsky, Crane, West, Scott and J. Williams)

Revising the requirement to provide health insurance coverage in child support cases.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute House Bill No. 746 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. 746.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 746 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Kiskaddon - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 746, having received the 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 10, 1985

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3376 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The council for higher education is created. For purposes of this chapter, "council" means the council for higher education.

NEW SECTION, Sec. 2. The council's primary function is policy-making, representing the broad public interest above the interests of the individual institutions, and it shall be responsible for:

- (1) Providing a state-wide policy perspective for public higher education;
- (2) Enhancing the quality of higher education;
- (3) Establishing goals and developing plans;
- (4) Assuring coordination and efficient use of the state's educational resources; and
- (5) Making policy recommendations to the governor, the legislature, and the institutions of higher education.

NEW SECTION, Sec. 3. The council shall perform the following planning duties in consultation with the state's public four-year higher educational institutions, the community college system, and when appropriate the commission for vocational education, vocational-technical institutes, and the independent higher educational institutions:

- (1) Develop role and mission statements for each of the public four-year higher educational institutions and for the community college system;
- (2) Identify the state's higher educational goals, objectives, and priorities;
- (3) Prepare a state-wide plan including but not limited to:
 - (a) The state's higher educational needs;
 - (b) Recommendations on enrollment and other policies and actions to meet those needs;
 - (c) Recommendations to increase minority participation; and
 - (d) Policies on adult continuing education.

The plan shall be reviewed biennially. Comments on the plan from the council's advisory committees, the four-year institutions, the vocational-technical institutes, and the community college system will be submitted with the plan. The initial plan shall be submitted to the legislature by December 1, 1987. The legislature shall approve the plan or recommend changes by concurrent resolution. Biennial revisions of the plan shall be submitted to the appropriate legislative policy committees for their review and recommendations:

- (4) Review, evaluate, and make recommendations on operating and capital budget requests from individual four-year public institutions and the community college system, based on the elements outlined in subsections (1), (2), and (3) of this section. Recommendations shall be submitted to the office of financial management before October 15 of each even-numbered year beginning in 1986, and to the legislature by January 1 of each odd-numbered year beginning in 1987. Budget outlines identifying major components shall be submitted to the council no later than August 1 of each even-numbered year beginning in 1986; and
- (5) Recommend legislation and budget priorities.

NEW SECTION, Sec. 4. The council shall have the following program responsibilities:

- (1) Approve the creation of any new degree programs and prepare fiscal notes on any such programs;
- (2) Review, evaluate, and make recommendations for the modification, consolidation, or elimination of on-campus programs, subject to staffing availability;
- (3) Review, evaluate, and approve, or modify, consolidate, or eliminate off-campus programs;
- (4) Approve and adopt rules for the creation of higher education centers;
- (5) Establish campus service areas and define on-campus and off-campus activities;
- (6) Approve purchase or lease of off-campus facilities, subject to staffing availability; and
- (7) Investigate, recommend, and encourage areas of specialization for public colleges and universities.

In the case of the community college system, these responsibilities may be delegated to the state board for community college education consistent with the policies and rules of the council.

NEW SECTION, Sec. 5. The council shall coordinate educational activities among all segments of higher education and shall have the following additional responsibilities:

- (1) Promote interinstitutional cooperation;
- (2) Establish minimum admission standards for public four-year institutions of higher education;
- (3) Develop and implement transfer policies;

(4) Develop rules implementing statutory residency requirements;

(5) Develop and administer reciprocity agreements with bordering states and with the province of British Columbia;

(6) Establish compensation guidelines for exempt employees;

(7) Monitor higher educational activities for compliance with state educational policies;

(8) Arbitrate disputes among public institutions of higher education at the request of one or more of the institutions involved or at the request of the governor or from a resolution adopted by the legislature. The decision of the council is binding on the participants in the dispute;

(9) Prepare and submit to the legislature a statistical summary on the condition of higher education by December 1 of each year; and

(10) Adopt rules for operating higher education consortia that involve public or public and independent postsecondary institutions.

NEW SECTION. Sec. 6. The council shall administer the programs set forth in the following statutes: Chapter 28A.58 RCW (Washington scholars); chapter 28B.04 RCW (displaced homemakers); chapter 28B.05 RCW (education registration); RCW 28B.10.210 through 28B.10.220 (blind students subsidy); RCW 28B.10.800 through 28B.10.824 (student financial aid program); RCW 28B.10.830 through 28B.10.836 (tuition supplement program); chapter 28B.12 RCW (work study); RCW 28B.15.067 through 28B.15.076 (educational costs for establishing tuition and fees); RCW 28B.15.543 (tuition waivers for Washington scholars); RCW 28B.15.760 through 28B.15.766 (math and science loans); RCW 28B.80.150 through 28B.80.170 (student exchange compact); RCW 28B.80.240 (student aid programs); and RCW 28B.80.210 (federal programs).

NEW SECTION. Sec. 7. The council shall consist of members who are representative of the public, including women and the ethnic minority community, and shall be selected as follows: Eight citizen members, one from each congressional district and three citizens at large, each appointed by the governor with the consent of the senate.

Council members are expected to consistently attend council meetings. The attendance records for council meetings shall be provided to the governor yearly, and the chairperson of the council shall ask the governor to remove any member who misses more than two meetings in any calendar year.

NEW SECTION. Sec. 8. The eleven citizen members of the council alone shall have the right to vote and decide by a simple majority all matters coming before the council.

NEW SECTION. Sec. 9. Citizen members of the council shall serve for terms of four years, said terms expiring on June 30th of the fourth year of their term except that in the case of initial members, two shall be appointed to one-year terms, three shall be appointed to two-year terms, three shall be appointed to three-year terms, and three shall be appointed to four-year terms. Council members may only be appointed for one additional term.

NEW SECTION. Sec. 10. The council shall employ a director and may delegate agency management to the director. The council for postsecondary education shall provide interim staffing upon request. The director shall serve at the pleasure of the council, shall be the executive officer of the council, and shall, under the council's supervision, administer the provisions of this chapter.

NEW SECTION. Sec. 11. The council shall establish advisory committees composed of members representing the faculty, administration, students, and trustees or regents, of the state institutions of higher education and the independent institutions of higher education.

NEW SECTION. Sec. 12. The council for postsecondary education is hereby abolished and its powers, duties, and functions are hereby transferred to the council for higher education. All references to the council for postsecondary education in the Revised Code of Washington shall be construed to mean the council for higher education.

NEW SECTION. Sec. 13. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the council for postsecondary education shall be delivered to the custody of the council for higher education. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the council for postsecondary education shall be made available to the council for higher education. All funds, credits, or other assets held by the council for postsecondary education shall be assigned to the council for higher education.

Any appropriations made to the council for postsecondary education shall, on the effective date of this section, be transferred and credited to the council for higher education.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 14. (1) All classified employees of the council for postsecondary education are transferred to the jurisdiction of the council for higher education. All employees classified under chapter 41.06 RCW, the state civil service law, or chapter 28B.16 RCW, the state higher education personnel law, are assigned to the council for higher education to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any

action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(2) All subordinate exempt staff of the council for postsecondary education are transferred to the council for higher education to perform their usual duties upon the same terms as formerly, and shall serve at the pleasure of the council or the director, if the authority is delegated to the director.

NEW SECTION, Sec. 15. All rules and all pending business before the council for postsecondary education shall be continued and acted upon by the council for higher education. All existing contracts and obligations shall remain in full force and shall be performed by the council for higher education.

NEW SECTION, Sec. 16. The transfer of the powers, duties, functions, and personnel of the council for postsecondary education shall not affect the validity of any act performed by such employee before the effective date of this section.

NEW SECTION, Sec. 17. If apportionments of budgeted funds are required because of the transfers directed by sections 13 through 16 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION, Sec. 18. Nothing contained in sections 12 through 17 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

Sec. 19. Section 28B.10.020, chapter 223, Laws of 1969 ex. sess. as amended by section 7, chapter 169, Laws of 1977 ex. sess. and RCW 28B.10.020 are each amended to read as follows:

The boards of regents of the University of Washington and Washington State University, respectively, and the boards of trustees of Central Washington University, Eastern Washington University, Western Washington University, and The Evergreen State College, respectively, shall have the power and authority to acquire by exchange, gift, purchase, lease, or condemnation in the manner provided by chapter 8.04 RCW for condemnation of property for public use, such lands, real estate and other property, and interests therein as they may deem necessary for the use of said institutions respectively. However, the use, lease, or purchase of facilities for off-campus centers or programs is subject to the authority of the council for higher education under section 4 of this 1985 act.

Sec. 20. Section 28B.10.050, chapter 223, Laws of 1969 ex. sess. as last amended by section 19, chapter 278, Laws of 1984 and RCW 28B.10.050 are each amended to read as follows:

Except as the legislature shall otherwise specifically direct, the boards of regents and the boards of trustees for the state universities, the regional universities, and The Evergreen State College may establish entrance requirements for their respective institutions of higher education that exceed the minimum entrance requirements established under RCW 28B.10.045 and section 5(2) of this 1985 act.

NEW SECTION, Sec. 21. Section 20 of this act shall take effect July 1, 1986.

Sec. 22. Section 28B.20.130, chapter 223, Laws of 1969 ex. sess. as amended by section 20, chapter 75, Laws of 1977 and RCW 28B.20.130 are each amended to read as follows:

General powers and duties of the board of regents are as follows:

- (1) To have full control of the university and its property of various kinds.
- (2) To employ the president of the university, his assistants, members of the faculty, and employees of the institution, who except as otherwise provided by law, shall hold their positions during the pleasure of said board of regents.
- (3) Establish entrance requirements for students seeking admission to the university subject to the standards of the council for higher education under section 5 of this 1985 act. Completion of examinations satisfactory to the university may be a prerequisite for entrance by any applicant at the university's discretion. Evidence of completion of public high schools and other educational institutions whose courses of study meet the approval of the university may be acceptable for entrance.

(4) Establish such colleges, schools or departments necessary to carry out the purpose of the university and not otherwise proscribed by law.

(5) With the assistance of the faculty of the university and subject to the approval of the council for higher education under section 4 of this 1985 act, prescribe the course of study in the various colleges, schools and departments of the institution and publish the necessary catalogues thereof.

(6) Grant to students such certificates or degrees as recommended for such students by the faculty. The board, upon recommendation of the faculty, may also confer honorary degrees upon persons other than graduates of this university in recognition of their learning or devotion to literature, art or science; PROVIDED, That no degree shall ever be conferred in consideration of the payment of money or the giving of property of whatsoever kind.

(7) Accept such gifts, grants, conveyances, bequests and devises, whether real or personal property, or both, in trust or otherwise, for the use or benefit of the university, its colleges, schools, departments, or agencies; and sell, lease or exchange, invest or expend the same or

the proceeds, rents, profits and income thereof except as limited by the terms of said gifts, grants, conveyances, bequests and devises. The board shall adopt proper rules to govern and protect the receipt and expenditure of the proceeds of all fees, and the proceeds, rents, profits and income of all gifts, grants, conveyances, bequests and devises above-mentioned, and shall make full report of the same in the customary biennial report to the governor and members of the legislature, or more frequently if required by law: PROVIDED, HOWEVER, That nothing herein contained shall be construed to repeal, amend or in any way modify any of the provisions of RCW 28B.20.380.

(8) Except as otherwise provided by law, to enter into such contracts as the regents deem essential to university purposes.

(9) To submit upon request such reports as will be helpful to the governor and to the legislature in providing for the institution.

Sec. 23. Section 28B.30.150, chapter 223, Laws of 1969 ex. sess. as last amended by section 21, chapter 75, Laws of 1977 and RCW 28B.30.150 are each amended to read as follows:

The regents of Washington State University, in addition to other duties prescribed by law, shall:

(1) Have full control of the university and its property of various kinds.

(2) Employ the president of the university, his assistants, members of the faculty, and employees of the university, who, except as otherwise provided by law, shall hold their positions during the pleasure of said board of regents.

(3) Establish entrance requirements for students seeking admission to the university subject to the standards of the council for higher education under section 5 of this 1985 act. Completion of examinations satisfactory to the university may be a prerequisite for entrance by any applicant, at the university's discretion. Evidence of completion of public high schools and other educational institutions whose courses of study meet the approval of the university may be acceptable for entrance.

(4) Establish such colleges, schools or departments necessary to carry out the purpose of the university and not otherwise proscribed by law.

(5) With the assistance of the faculty of the university and subject to the approval of the council for higher education under section 4 of this 1985 act, prescribe the courses of instruction in the various colleges, schools and departments of the institution and publish the necessary catalogues thereof.

(6) Collect such information as the board deems desirable as to the schemes of technical instruction adopted in other parts of the United States and foreign countries.

(7) Provide for holding agricultural institutes including farm marketing forums.

(8) Provide that instruction given in the university, as far as practicable, be conveyed by means of laboratory work and provide in connection with the university one or more physical, chemical, and biological laboratories, and suitably furnish and equip the same.

(9) Provide training in military tactics for those students electing to participate therein.

(10) Establish a department of elementary science and in connection therewith provide instruction in elementary mathematics, including elementary trigonometry, elementary mechanics, elementary and mechanical drawing and land surveying.

(11) Establish a department of agriculture and in connection therewith provide instruction in physics with special application of its principles to agriculture, chemistry with special application of its principles to agriculture, morphology and physiology of plants with special reference to common grown crops and fungus enemies, morphology and physiology of the lower forms of animal life, with special reference to insect pests, morphology and physiology of the higher forms of animal life and in particular of the horse, cow, sheep and swine, agriculture with special reference to the breeding and feeding of livestock and the best mode of cultivation of farm produce, and mining and metallurgy, appointing demonstrators in each of these subjects to superintend the equipment of a laboratory and to give practical instruction therein.

(12) Establish agricultural experiment stations in connection with the department of agriculture, including at least one in the western portion of the state, and appoint the officers and prescribe regulations for their management.

(13) Grant to students such certificates or degrees, as recommended for such students by the faculty.

(14) Confer honorary degrees upon persons other than graduates of the university in recognition of their learning or devotion to literature, art or science when recommended thereto by the faculty: PROVIDED, That no degree shall ever be conferred in consideration of the payment of money or the giving of property of whatsoever kind.

(15) Adopt plans and specifications for university buildings and facilities or improvements thereto and employ skilled architects and engineers to prepare such plans and specifications and supervise the construction of buildings or facilities which the board is authorized to erect, and fix the compensation for such services. The board shall enter into contracts with one or more contractors for such suitable buildings, facilities or improvements as the available funds will warrant, upon the most advantageous terms offered at a public competitive letting, pursuant to public notice under regulations established by the board. The board shall require of all

persons with whom they contract for construction and improvements a good and sufficient bond for the faithful performance of the work and full protection against all liens.

(16) Except as otherwise provided by law, direct the disposition of all money appropriated to or belonging to the state university.

(17) Receive and expend the money appropriated under the act of congress approved May 8, 1914, entitled "An Act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of the Act of Congress approved July 2, 1862, and Acts supplemental thereto and the United States Department of Agriculture" and organize and conduct agricultural extension work in connection with the state university in accordance with the terms and conditions expressed in the acts of congress.

(18) Except as otherwise provided by law, to enter into such contracts as the regents deem essential to university purposes.

(19) Acquire by lease, gift, or otherwise, lands necessary to further the work of the university or for experimental or demonstrational purposes.

(20) Establish and maintain at least one agricultural experiment station in an irrigation district to conduct investigational work upon the principles and practices of irrigational agriculture including the utilization of water and its relation to soil types, crops, climatic conditions, ditch and drain construction, fertility investigations, plant disease, insect pests, marketing, farm management, utilization of fruit byproducts and general development of agriculture under irrigation conditions.

(21) Supervise and control the agricultural experiment station at Puyallup.

(22) Establish and maintain at Wenatchee an agricultural experiment substation for the purpose of conducting investigational work upon the principles and practices of orchard culture, spraying, fertilization, pollenization, new fruit varieties, fruit diseases and pests, byproducts, marketing, management and general horticultural problems.

(23) Accept such gifts, grants, conveyances, devises and bequests, whether real or personal property, in trust or otherwise, for the use or benefit of the university, its colleges, schools or departments; and sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof except as limited by the terms of said gifts, grants, conveyances, bequests and devises; adopt proper rules to govern and protect the receipt and expenditure of the proceeds of all fees, and the proceeds, rents, profits and income of all gifts, grants, conveyances, bequests and devises, and make full report thereof in a biennial report to the governor and members of the legislature.

(24) Construct when the board so determines a new foundry and a mining, physical, technological building and fabrication shop at the university, or add to the present foundry and other buildings, in order that both instruction and research be expanded to include permanent molding and die casting with a section for new fabricating techniques, especially for light metals, including magnesium and aluminum; purchase equipment for the shops and laboratories in mechanical, electrical, and civil engineering; establish a pilot plant for the extraction of alumina from native clays and other possible light metal research; purchase equipment for a research laboratory for technological research generally; and purchase equipment for research in electronics, instrumentation, energy sources, plastics, food technology, mechanics of materials, hydraulics and similar fields.

(25) Make and transmit to the governor and members of the legislature upon request such reports as will be helpful in providing for the institution.

Sec. 24. Section 48, chapter 169, Laws of 1977 ex. sess. and RCW 28B.35.120 are each amended to read as follows:

In addition to any other powers and duties prescribed by law, each board of trustees of the respective regional universities:

(1) Shall have full control of the regional university and its property of various kinds.

(2) Shall employ the president of the regional university, his assistants, members of the faculty, and other employees of the institution, who, except as otherwise provided by law, shall hold their positions, until discharged therefrom by the board for good and lawful reason.

(3) With the assistance of the faculty of the regional university and subject to the approval of the council for higher education under section 4 of this 1985 act, shall prescribe the course of study in the various schools and departments thereof and publish such catalogues thereof as the board deems necessary; PROVIDED, That the state board of education shall determine the requisites for and give program approval of all courses leading to teacher certification by such board.

(4) Establish such divisions, schools or departments necessary to carry out the purposes of the regional university and not otherwise proscribed by law.

(5) Except as otherwise provided by law, may establish and erect such new facilities as determined by the board to be necessary for the regional university.

(6) May acquire real and other property as provided in RCW 28B.10.020, as now or hereafter amended.

(7) Except as otherwise provided by law, may purchase all supplies and purchase or lease equipment and other personal property needed for the operation or maintenance of the regional university.

(8) May establish, lease, operate, equip and maintain self-supporting facilities in the manner provided in RCW 28B.10.300 through 28B.10.330, as now or hereafter amended.

(9) Except as otherwise provided by law, to enter into such contracts as the trustees deem essential to regional university purposes.

(10) May receive such gifts, grants, conveyances, devises and bequests of real or personal property from whatsoever source, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the regional university programs; sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof except as limited by the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof.

(11) May promulgate such rules and regulations, and perform all other acts not forbidden by law, as the board of trustees may in its discretion deem necessary or appropriate to the administration of the regional university.

Sec. 25. Section 28B.40.120, chapter 223, Laws of 1969 ex. sess. as amended by section 68, chapter 169, Laws of 1977 ex. sess. and RCW 28B.40.120 are each amended to read as follows:

In addition to any other powers and duties prescribed by law, the board of trustees of The Evergreen State College:

(1) Shall have full control of the state college and its property of various kinds.

(2) Shall employ the president of the state college, his assistants, members of the faculty, and other employees of the institution, who, except as otherwise provided by law, shall hold their positions, until discharged therefrom by the board for good and lawful reason.

(3) With the assistance of the faculty of the state college and subject to the approval of the council for higher education under section 4 of this 1985 act, shall prescribe the course of study in the various schools and departments thereof and publish such catalogues thereof as the board deems necessary; PROVIDED, That the state board of education shall determine the requisites for and give program approval of all courses leading to teacher certification by such board.

(4) Establish such divisions, schools or departments necessary to carry out the purposes of the college and not otherwise proscribed by law.

(5) Except as otherwise provided by law, may establish and erect such new facilities as determined by the board to be necessary for the college.

(6) May acquire real and other property as provided in RCW 28B.10.020, as now or hereafter amended.

(7) Except as otherwise provided by law, may purchase all supplies and purchase or lease equipment and other personal property needed for the operation or maintenance of the college.

(8) May establish, lease, operate, equip and maintain self-supporting facilities in the manner provided in RCW 28B.10.300 through 28B.10.330, as now or hereafter amended.

(9) Except as otherwise provided by law, to enter into such contracts as the trustees deem essential to college purposes.

(10) May receive such gifts, grants, conveyances, devises and bequests of real or personal property from whatsoever source, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the college programs; sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof except as limited by the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof.

(11) May promulgate such rules and regulations, and perform all other acts not forbidden by law, as the board of trustees may in its discretion deem necessary or appropriate to the administration of the college.

Sec. 26. Section 6, chapter 14, Laws of 1979 as last amended by section 3, chapter 246, Laws of 1981 and RCW 28B.50.140 are each amended to read as follows:

Each community college board of trustees:

(1) Shall operate all existing community colleges and vocational-technical institutes in its district;

(2) Shall create comprehensive programs of community college education and training and maintain an open-door policy in accordance with the provisions of RCW 28B.50.090(3);

(3) Shall employ for a period to be fixed by the board a college president for each community college, a director for each vocational-technical institute or school operated by a community college, a district president, if deemed necessary by the board, in the event there is more than one college and/or separated institute or school located in the district, members of the faculty and such other administrative officers and other employees as may be necessary or appropriate and fix their salaries and duties;

(4) May establish, under the approval and direction of the college board, new facilities as community needs and interests demand;

(5) May establish or lease, operate, equip and maintain dormitories, food service facilities, bookstores and other self-supporting facilities connected with the operation of the community college;

(6) May, with the approval of the college board, borrow money and issue and sell revenue bonds or other evidences of indebtedness for the construction, reconstruction, erection, equipping with permanent fixtures, demolition and major alteration of buildings or other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances, for dormitories, food service facilities, and other self-supporting facilities connected with the operation of the community college in accordance with the provisions of RCW 28B.10.300 through 28B.10.330 where applicable;

(7) May establish fees and charges for the facilities authorized hereunder, including reasonable rules and regulations for the government thereof, not inconsistent with the rules and regulations of the college board; each board of trustees operating a community college may enter into agreements, subject to rules and regulations of the college board, with owners of facilities to be used for housing regarding the management, operation, and government of such facilities, and any board entering into such an agreement may:

(a) Make rules and regulations for the government, management and operation of such housing facilities deemed necessary or advisable; and

(b) Employ necessary employees to govern, manage and operate the same;

(8) May receive such gifts, grants, conveyances, devises and bequests of real or personal property from private sources, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the community college programs as specified by law and the regulations of the state college board; sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof according to the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof;

(9) May establish and maintain night schools whenever in the discretion of the board of trustees it is deemed advisable, and authorize classrooms and other facilities to be used for summer or night schools, or for public meetings and for any other uses consistent with the use of such classrooms or facilities for community college purposes;

(10) May make rules and regulations for pedestrian and vehicular traffic on property owned, operated, or maintained by the community college district;

(11) Shall prescribe, with the assistance of the faculty, subject to the approval of the council for higher education under section 4 of this 1985 act the course of study in the various departments of the community college or colleges under its control, and publish such catalogues and bulletins as may become necessary;

(12) May grant to every student, upon graduation or completion of a course of study, a suitable diploma, nonbaccalaureate degree or certificate;

(13) Shall enforce the rules and regulations prescribed by the state board for community college education for the government of community colleges, students and teachers, and promulgate such rules and regulations and perform all other acts not inconsistent with law or rules and regulations of the state board for community college education as the board of trustees may in its discretion deem necessary or appropriate to the administration of community college districts: PROVIDED, That such rules and regulations shall include, but not be limited to, rules and regulations relating to housing, scholarships, conduct at the various community college facilities, and discipline: PROVIDED, FURTHER, That the board of trustees may suspend or expel from community colleges students who refuse to obey any of the duly promulgated rules and regulations;

(14) May, by written order filed in its office, delegate to the president or district president any of the powers and duties vested in or imposed upon it by this chapter. Such delegated powers and duties may be exercised in the name of the district board;

(15) May perform such other activities consistent with this chapter and not in conflict with the directives of the college board;

(16) Notwithstanding any other provision of law, may offer educational services on a contractual basis other than the tuition and fee basis set forth in chapter 28B.15 RCW for a special fee to private or governmental entities, consistent with rules and regulations adopted by the state board for community college education: PROVIDED, That the whole of such special fee shall go to the college district and be not less than the full instructional costs of such services: PROVIDED FURTHER, That enrollments generated hereunder shall not be counted toward the official enrollment level of the college district for state funding purposes;

(17) Notwithstanding any other provision of law, may offer educational services on a contractual basis, charging tuition and fees as set forth in chapter 28B.15 RCW, counting such enrollments for state funding purposes, and may additionally charge a special supplemental fee when necessary to cover the full instructional costs of such services: PROVIDED, That such contracts shall be subject to review by the state board for community college education and to such rules as the state board may adopt for that purpose in order to assure that the sum of the supplemental fee and the normal state funding shall not exceed the projected total cost of offering the educational service: PROVIDED FURTHER, That enrollments generated by courses offered on the basis of contracts requiring payment of a share of the normal costs of the course will be discounted to the percentage provided by the college;

(18) Shall be authorized to pay dues to any association of trustees that may be formed by the various boards of trustees; such association may expend any or all of such funds to submit biennially, or more often if necessary, to the governor and to the legislature, the recommendations of the association regarding changes which would affect the efficiency of such association; and

(19) Shall perform any other duties and responsibilities imposed by law or rule and regulation of the state board.

NEW SECTION. Sec. 27. Washington State and Eastern Washington Universities shall establish a joint center for higher education in Spokane on or before January 1, 1986.

NEW SECTION. Sec. 28. (1) Except as provided in subsection (2) of this section, the joint center for higher education shall administer the following programs offered in the Spokane area by Washington State University and by Eastern Washington University outside of its Cheney campus:

- (a) All undergraduate degree programs in engineering and technology;
- (b) All graduate degree programs; and
- (c) All other seminars, courses and programs of any type.

(2) The joint center for higher education shall not administer the intercollegiate center for nursing or undergraduate degree programs other than those relating to technology offered by Eastern Washington University in Spokane.

(3) Disputes regarding which programs are to be administered by the joint center for higher education shall be arbitrated by the council for postsecondary education, or its successor agency. The decision of the arbitrating agency shall be binding.

NEW SECTION. Sec. 29. (1) The joint center for higher education shall be administered by a board consisting of:

- (a) Two representatives of Eastern Washington University appointed by the president;
- (b) Two representatives of Washington State University appointed by the president;
- (c) One representative of the community colleges in the Spokane area selected by the Spokane community college district; and

(d) Two citizens residing in Spokane county, who shall be chosen by the other board members.

(2) Each of the seven members shall have one vote. The members shall select a chairperson. A majority of the voting members shall constitute a quorum for conducting business.

NEW SECTION. Sec. 30. The board of the joint center shall hire a director and may hire other staff as necessary to carry out its duties. The director shall have the status of resident dean at the center and of dean at both Washington State and Eastern Washington Universities.

NEW SECTION. Sec. 31. Washington State University and Eastern Washington University shall share equally in the administrative costs of the center unless modified by agreement between the two universities. The center shall contract for financial services, or provide such services through other means as agreed upon by the two universities.

NEW SECTION. Sec. 32. (1) The board of regents of Washington State University and the board of trustees of Eastern Washington University shall be responsible for achieving improved cooperation between the two institutions. The boards shall investigate the potential for coordination and consolidation of selected programs and the joint use of resources, and shall consider the broader public interest, educational quality and efficient use of public funds in their deliberations.

(2) The boards shall meet periodically for the purposes identified in subsection (1) of this section and shall report to the appropriate standing committees of the legislature on their actions and recommendations by January 1 of the years 1986, 1987, 1988 and 1989.

Sec. 33. Section 29, chapter 197, Laws of 1983 and RCW 43.131.260 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective ~~((June 30;))~~ January 1, 1986:

- (1) Section 1, chapter 277, Laws of 1969 ex. sess., section 1, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.010;
- (2) Section 2, chapter 277, Laws of 1969 ex. sess. section 2, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.020;
- (3) Section 3, chapter 277, Laws of 1969 ex. sess., section 3, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.030;
- (4) Section 2, chapter 201, Laws of 1977 ex. sess. and RCW 28B.80.035;
- (5) Section 4, chapter 277, Laws of 1969 ex. sess., section 4, chapter 132, Laws of 1975 1st ex. sess., section 43, chapter 169, Laws of 1977 ex. sess. and RCW 28B.80.040;
- (6) Section 5, chapter 277, Laws of 1969 ex. sess. and RCW 28B.80.050;
- (7) Section 6, chapter 277, Laws of 1969 ex. sess., section 5, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.060;
- (8) Section 7, chapter 277, Laws of 1969 ex. sess. and RCW 28B.80.070;
- (9) Section 9, chapter 277, Laws of 1969 ex. sess., section 6, chapter 132, Laws of 1975 1st ex. sess., section 22, chapter 151, Laws of 1979 and RCW 28B.80.080; and
- (10) Section 10, chapter 277, Laws of 1969 ex. sess. and RCW 28B.80.090(;

(11) Section 12, chapter 277, Laws of 1969 ex. sess., section 77, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 28B.80.110;

(12) Section 13, chapter 277, Laws of 1969 ex. sess. and RCW 28B.80.120;

(13) Section 1, chapter 4, Laws of 1974 ex. sess. and RCW 28B.80.130;

(14) Section 2, chapter 4, Laws of 1974 ex. sess. and RCW 28B.80.140;

(15) Section 3, chapter 4, Laws of 1974 ex. sess. and RCW 28B.80.150;

(16) Section 4, chapter 4, Laws of 1974 ex. sess. and RCW 28B.80.160;

(17) Section 5, chapter 4, Laws of 1974 ex. sess. and RCW 28B.80.170;

(18) Section 9, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.200;

(19) Section 12, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.210;

(20) Section 13, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.220;

(21) Section 14, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.230;

(22) Section 15, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.240;

(23) Section 27, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.80.250;

(24) Section 28, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.80.260;

(25) Section 29, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.80.270;

(26) Section 14, chapter 277, Laws of 1969 ex. sess., section 10, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.900; and

(27) Section 15, chapter 277, Laws of 1969 ex. sess. and RCW 28B.80.910)).

NEW SECTION. Sec. 34. The following acts or parts of acts are each repealed:

(1) Section 18, chapter 278, Laws of 1984 and RCW 28B.10.045;

(2) Section 20, chapter 278, Laws of 1984 and RCW 28B.10.052;

(3) Section 2, chapter 78, Laws of 1979 ex. sess. and RCW 28B.40.240; and

(4) Section 3, chapter 78, Laws of 1979 ex. sess. and RCW 28B.40.244.

NEW SECTION. Sec. 35. Section 3, chapter 197, Laws of 1983 and RCW 43.131.259 are each repealed.

NEW SECTION. Sec. 36. (1) Sections 1 through 11 of this act are each added to chapter 28B.80 RCW.

(2) Sections 27 through 32 of this act are each added to chapter 28B.10 RCW.

NEW SECTION. Sec. 37. Sections 1, 7, 8, 9, 10, and 35 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 38. Sections 2 through 6, 11 through 19, 22 through 26, 33, and 34 of this act shall take effect January 1, 1986."

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28B.10.020, 28B.20.130, 28B.30.150, 28B.35.120, 28B.40.120, 28B.50.140, and 43.131.260; adding new sections to chapter 28B.10 RCW; adding new sections to chapter 28B.80 RCW; creating new sections; repealing RCW 28B.10.045, 28B.10.052, 28B.40.240, 28B.40.244, and 43.131.259; providing effective dates; and declaring an emergency."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Rinehart, the Senate did not concur in the House amendments to Engrossed Substitute Senate Bill No. 3376 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. 3376 and the House amendments thereto: Senators Gaspard, Patterson and Rinehart.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MOTION

On motion of Senator Vognild, all bills passed during this morning session, were ordered immediately transmitted to the House.

MOTION

At 11:59 a.m., on motion of Senator Vognild, the Senate recessed until 2:30 p.m.

AFTERNOON SESSION

The Senate was called the order at 2:30 p.m. by President Cherberg.

At 2:30 p.m., there being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 2:57 p.m. by President Cherberg.

MOTION

On motion of Senator Vognild, Substitute House Bill No. 469 was moved to the bottom of the regular second reading calendar.

MESSAGES FROM THE HOUSE

April 11, 1985

Mr. President:

The Speaker has signed:

SENATE BILL NO. 3104,

SENATE BILL NO. 3204,

SENATE BILL NO. 3319,

SENATE BILL NO. 3322,

SUBSTITUTE SENATE BILL NO. 3350,

SENATE BILL NO. 3363,

SENATE BILL NO. 3538,

SENATE BILL NO. 3782,

SENATE BILL NO. 4143, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 11, 1985

Mr. President:

The House has passed:

SENATE BILL NO. 3127, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

There being no objection, the President advanced the Senate to the seventh order of business.

There being no objection, the Senate resumed consideration of House Bill No. 169, deferred on third reading earlier today.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 169.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 169 and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Bauer, Warnke - 2.

Excused: Senator Kiskaddon - 1.

HOUSE BILL NO. 169, having received the constitutional 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 Bender, Senator Warnke was excused.

There being no objection, the President returned the Senate to the sixth order of business.

SECOND READING

HOUSE BILL NO. 720, by Representatives Walk and Schmidt

Establishing the highway construction stabilization account.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended, House Bill No. 720 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 720.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 720 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Zimmerman - 47.

Absent: Senator McDonald - 1.

Excused: Senator Warnke - 1.

HOUSE BILL NO. 720, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 832, by Representatives Kremen, Smitherman, Tilly, Barrett, McMullen and Zellinsky

Authorizing the acceptance of gifts by the world fair commission.

The bill was read the second time.

MOTION

Senator Goltz moved that the following amendment by Senators Goltz and Bluechel be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 43.96D RCW to read as follows:

The world fair commission may receive such gifts, grants, loans, and endowments from public or private sources as may be made from time to time, in trust or otherwise, and may enter into contracts, leases, or other revenue producing agreements for the use and benefit of the purposes of the commission and expend the same and any income therefrom in implementing its duties under this chapter.

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."

MOTION

On motion of Senator Cantu, the following amendment to the amendment was adopted:

On page 1, line 20, after the period insert "However, no gift, grants, and endowments shall be accepted for the personal use of any commissioner."

The President declared the question before the Senate to be adoption of the amendment by Senators Goltz and Bluechel, as amended.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Goltz, I didn't have time to talk to you before. The amendment provides that the 'World's Fair Commission may receive such gifts and grants,'--that part is good, but it goes on to say 'loans.' Would it be possible for the Commission to accept loans that would obligate us for millions of dollars to pay back?"

Senator Goltz: "No, the meaning of the word 'loan' in this amendment is the loan of such things as equipment from Boeing or something like that. The theme of the fair is transportation and communication, and part of the exhibit that Washington State will have there will show some of the products that would be manufactured in the state of Washington and rather than to accept those as gifts or

grants or whatever, they would be on loan and that's all that the meaning of the word 'loan' is. There is no obligation incurred by the Commission in this language."

The President declared the question before the Senate to be adoption of the amendment by Senators Goltz and Bluechel, as amended.

The motion by Senator Goltz carried and the amendment, as amended, was adopted.

MOTIONS

On motion of Senator Vognild, the following title amendment was adopted:

On page 1, on line 1 of the title, after "commission;" strike "and" and on line 2, after "RCW" insert "; and declaring an emergency"

On motion of Senator Vognild, the rules were suspended, House Bill No. 832, 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 Halsan: "Senator Cantu, with the amendment that you offered and was adopted in this bill, regarding the commissioners not being allowed to accept gifts, grants or endowments, is it the intention of that amendment that commissioners could not accept such gifts as lapel pins or passes to the fair--or souvenirs--or baseball caps or things such as that?"

Senator Cantu: "No, Senator Halsan, that's not the intent. I did not consider that a gift. I'm thinking in terms of a world's fair, one normally looks at items that may come in that are of considerable value--trophies, silverware, etched glass and those kinds of things that may be used for displays and then when the world's fair is over, there may be some residual assets of that type. That's what I had in mind. It was not my intention to include the kinds of things you mentioned."

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 832, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 832, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Böttiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Warnke - 1.

HOUSE BILL NO. 832, as amended by the Senate, having received the constitutional majority, 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. 80, by Representatives Walk, Schmidt, Valle, Betrozoff and J. Williams (by Department of Transportation request)

Updating state highway routes.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended, House Bill No. 80 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. 80.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 80 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Warnke - 1.

HOUSE BILL NO. 80, having received the constitutional majority, 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. 223, by Committee on Agriculture (originally sponsored by Representatives Nealey, Baugher, Chandler, Rayburn, Doty, Bristow, Vekich, Ballard, Tilly, Madsen, C. Smith, Lewis, Bond and Isaacson)

Establishing a study committee on the regulation of hydraulic projects.

The bill was read the second time.

MOTION

Senator Owen moved that the following amendment by Senators Owen, Stratton, Kreidler, Metcalf and Johnson be adopted:

On page 1, line 9, after "agriculture," insert "a representative of the commercial fishing industry selected by the department of fisheries, two representatives of the sport fishing community selected by the department of fisheries and department of game, two representatives of treaty Indian fishermen one selected by the Washington state tribal coordinating body and one by the Columbia River tribal coordinating body defined in 16 U.S.C. 3302 (5) and (18)."

Debate ensued.

Senator Owen 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 Owen, Stratton, Kreidler, Metcalf and Johnson.

ROLL CALL

The Secretary called the roll and the motion by Senator Owen failed and the amendment was not adopted by the following vote: Yeas, 22; nays, 26; excused, 1.

Voting yea: Senators Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Granlund, Johnson, Kiskaddon, Kreidler, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Rinehart, Saling, Stratton, Talmadge, Thompson, Williams - 22.

Voting nay: Senators Bailey, Barr, Bauer, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, Goltz, Guess, Halsan, Hansen, Hayner, Lee, McCaslin, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Sellar, Vognild, von Reichbauer, Wojahn, Zimmerman - 26.

Excused: Senator Warnke - 1.

MOTION

On motion of Senator Hansen, the rules were suspended, Engrossed Substitute House Bill No. 223 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. 223.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 223 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Wojahn, Zimmerman - 46.

Voting nay: Senator Owen - 1.

Absent: Senator Williams - 1.
Excused: Senator Warnke - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 223, having received the constitutional majority, 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. 1114, by Committee on Energy and Utilities (originally sponsored by Representatives Todd, Allen, Long, D. Nelson and Unsoeld)

Revising procedures for adoption of energy related building standards.

The bill was read the second time.

MOTIONS

Senator Bottiger moved that the following Committee on Energy and Utilities amendment be adopted:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 3, chapter 96, Laws of 1974 ex. sess. as last amended by section 1, chapter 101, Laws of 1984 and RCW 19.27.030 are each amended to read as follows:

There shall be in effect in all cities, towns, and counties of the state a state building code which shall consist of the following codes which are hereby adopted by reference:

(1) Uniform Building Code and Uniform Building Code Standards, 1982 edition, published by the International Conference of Building Officials;

(2) Uniform Mechanical Code, 1982 edition, including Chapter 22, Fuel Gas Piping, Appendix B, published by the International Conference of Building Officials;

(3) The Uniform Fire Code and Uniform Fire Code Standards, 1982 edition, published by the International Conference of Building Officials and the Western Fire Chiefs Association: PROVIDED, That, notwithstanding any wording in this code, participants in religious ceremonies shall not be precluded from carrying hand-held candles;

(4) The Uniform Plumbing Code and Uniform Plumbing Code Standards, 1982 edition, published by the International Association of Plumbing and Mechanical Officials: PROVIDED, That chapters 11 and 12 of such code are not adopted;

(5) The rules and regulations adopted by the council establishing standards for making buildings and facilities accessible to and usable by the physically handicapped or elderly persons as provided for in RCW 70.92.100 through 70.92.160; and

(6) ~~((The thermal performance and design standards for dwellings as set forth in RCW 19.27.210 through 19.27.290. This subsection shall be of no further force and effect when RCW 19.27.200 through 19.27.290 expire as provided in RCW 19.27.300))~~ The Washington state energy code, June 30, 1980, edition adopted by the state building code advisory council and amendments to the code adopted prior to January 1, 1985, the revision to the state energy code adopted pursuant to RCW 19.27.075, and subsequent amendments adopted by the council under chapter 34.04 RCW.

In case of conflict among the codes enumerated in subsections (1), (2), (3), and (4) of this section, the first named code shall govern over those following.

Sec. 2. Section 3, chapter 76, Laws of 1979 ex. sess. and RCW 19.27.075 are each amended to read as follows:

(1) The state building code advisory council shall ~~((have authority to))~~ promulgate rules, pursuant to chapter 34.04 RCW, for the purpose of adopting a ~~((state-wide thermal efficiency and lighting))~~ revised state code ((to the extent necessary to comply with Title 10, Code of Federal Regulations, section 420.35. Such)). The revised code shall be designed to achieve reductions in energy consumption relative to buildings constructed to comply with the state energy code, June 30, 1980 edition, as amended. The council shall follow the legislature's guidelines set forth in this section to design a revised code which requires new buildings to meet a certain level of energy efficiency, but allows flexibility in building design and construction within that framework. The revised code shall take into account regional climatic conditions((=shall take effect prior to June 30, 1980; and shall be presented to the senate and house committees on energy and utilities at the time it is proposed as a draft rule)) and shall be designed according to the following guidelines:

(a) For new electric resistance heated residential buildings, the code shall be designed to achieve energy savings equivalent to savings achieved in typical buildings constructed with:

(i) Ceilings insulated to a level of R-38, except single rafter or joist vaulted ceilings may be insulated to a level of R-30 (R value includes insulation only);

(ii) Walls insulated to a level of R-19 (total assembly);

(iii) Floors over unheated spaces insulated to a level of R-19 for areas with six thousand or less annual heating degree days and to a level of R-25 for areas with more than six thousand annual heating degree days (R value includes insulation only);

(iv) Double glazed windows with tested R values not less than 1.79 when tested according to the procedures of the American architectural manufacturers association; and

(v) In areas with more than six thousand annual heating degree days a maximum of seventeen percent of the floor area in glazing; in areas with six thousand or less annual heating degree days a maximum of twenty-one percent of the floor area in glazing. Throughout the state for the purposes of determining equivalent thermal performance, the maximum glazing area shall be fifteen percent.

(b) For new residential buildings which are space-heated with other fuels, the code shall be designed to achieve energy savings equivalent to savings achieved in typical buildings constructed with:

(i) Ceilings insulated to a level of R-30 (R value includes insulation only);

(ii) Walls insulated to a level of R-19 (total assembly);

(iii) Floors over unheated spaces insulated to a level of R-19 (R value includes insulation only);

(iv) Double glazed windows with tested R values not less than 1.40 when tested according to the procedures of the American architectural manufacturers association; and

(v) In areas with more than six thousand annual heating degree days a maximum of seventeen percent of the floor area in glazing; in areas with six thousand or less annual heating degree days a maximum of twenty-one percent of the floor area in glazing. Throughout the state for the purposes of determining equivalent thermal performance, the maximum glazing area shall be fifteen percent.

(c) For new nonresidential buildings, the code shall be designed to achieve a ten percent reduction in energy consumption relative to buildings constructed to comply with the state energy code, June 30, 1980 edition, as amended.

(2) The council shall publish the revision as proposed rules pursuant to chapter 34.04 RCW and provide for the rules to become effective January 1, 1986. All cities, towns, and counties shall enforce the revised state energy code not later than April 1, 1986.

NEW SECTION, Sec. 3. A new section is added to chapter 19.27 RCW to read as follows:

(1) The revised state energy code shall supersede all local government residential energy codes except as provided in subsections (2) and (3) of this section: PROVIDED, That cities, towns, and counties may adopt more energy efficient codes for residential construction if the builder or owner of new residential construction is reimbursed by an authorized federal agency for those additional costs to the consumer of conservation components that are attributable to the more energy efficient codes. This subsection shall not apply after January 1, 1989.

(2) The revised state energy code shall not preempt energy codes, adopted by a city, town, or county of the state prior to the effective date of this act or first class cities with a population over three hundred thousand which operate electrical utilities, that are designed to achieve reduction in energy consumption relative to the revised state energy code.

(3) The revised state energy code shall not preempt a less energy efficient energy code adopted by a county, city, or town if it can be shown that the revised state energy code is not cost-effective for that county, city, or town.

NEW SECTION, Sec. 4. A new section is added to chapter 19.27 RCW to read as follows:

(1) The University of Washington college of architecture and department of mechanical engineering shall conduct in situ testing of the annual thermal transmittance of individual construction components and conservation measures proposed for new residential construction by the northwest power planning council.

(2) There shall be a committee to oversee the study. The committee shall include the director of the state energy office as chair; two members recommended by the home building industry chosen by the governor; and two members nationally renowned as experts in building energy performance chosen by the governor.

(3) The study shall include an analysis of the economic feasibility of adopting thermal performance standards for new residential construction as proposed by the northwest power planning council. The study of economic feasibility shall include but not necessarily be limited to factors which shall not require an amortization of the individual components exceeding a life cycle of seven years and a discount rate (interest) computed at the current conventional market rate of home mortgages at par.

(4) The director of the state energy office shall make recommendations, based on the results of the study and the residential standards demonstration program, to the legislature and the state building code advisory council regarding the cost-effectiveness of the revised state energy code developed pursuant to RCW 19.27.075 no later than January 15, 1988.

(5) If federal funds are not available, the study shall be funded by a surcharge on building permit fees for new building construction imposed by all local governments of the state. The department of community development, after consultation with the state energy office, shall develop and implement a method of collecting the surcharge. The surcharge shall be ten dollars on all multifamily residential building permits, fifteen dollars on all single-family residential building permits, and fifteen dollars on all other building permits. The surcharge shall terminate on June 30, 1989, or at such time as the state general fund is reimbursed for the cost of the study.

NEW SECTION. Sec. 5. A new section is added to chapter 19.27 RCW to read as follows:

As used in this chapter, references to the state building code advisory council shall be construed to include any successor agency.

NEW SECTION. Sec. 6. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.200;
- (2) Section 2, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.210;
- (3) Section 3, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.220;
- (4) Section 4, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.230;
- (5) Section 5, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.240;
- (6) Section 6, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.250;
- (7) Section 7, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.260;
- (8) Section 8, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.270;
- (9) Section 9, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.280;
- (10) Section 10, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.290;
- (11) Section 14, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.300;
- (12) Section 16, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.310; and
- (13) Section 17, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.905.

NEW SECTION. Sec. 7. 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. 8. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Senator Rasmussen moved that the following amendments to the Committee on Energy and Utilities amendment be considered simultaneously and adopted:

On page 2, line 16 of the amendment, strike "and" and insert "~~(and)~~"

On page 2, line 23 of the amendment, after "~~19-27-300~~;" insert "code rules and regulations which shall be adopted by the pertinent legislative authority permitting the conversion of single family residences to include separate, code-approved units within existing space to promote energy efficiency and reduce resource waste. The rules and regulations required under this subsection shall be adopted by ordinance or resolution; and

(7)"

Debate ensued.

POINT OF ORDER

Senator Bottiger: "Without forsaking the point of order I'm about to make-- I've supported you consistently Senator Rasmussen, however I raise the point of order, Mr. President, that the amendments expand the scope and object of the bill. This particular measure is an act relating to energy codes in cities. It has nothing to do with zoning, which is the subject matter of Senator Rasmussen's amendments. The amendments would supersede all state codes pertaining to single-family dwellings. The bill before us has absolutely nothing to do with that."

Debate ensued.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Bottiger, the President finds that Substitute House Bill No. 1114 is a measure requiring the State Building Code Advisory Council to revise the statewide minimum energy code according to certain criteria.

"The amendments proposed by Senator Rasmussen authorize within the State Building Code, regulations adopted by local governments which allow the conversion of single-family residences to include separate units within existing space to promote energy efficiency and reduce resource waste.

"The President, therefore, finds that the proposed amendments do change the scope and object of the bill and that the point of order is well taken."

The amendments to the committee amendment were ruled out of order.

MOTION

Senator Pullen moved that the following amendment by Senators Pullen, Moore, McDermott, Benitz, Goltz, Craswell, Metcalf and Rasmussen to the Committee on Energy and Utilities amendment be adopted:

On page 5, after line 37 add a new subsection as follows:

"(2) In developing the revised code, the council shall consider possible health and respiratory problems caused by insulating buildings so tightly that the rate of air exchange is significantly retarded, thereby concentrating toxic pollutants at unhealthy high levels."

Renumber accordingly.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Pullen, Moore, McDermott, Benitz, Goltz, Rasmussen, Craswell and Metcalf to the Committee on Energy and Utilities amendment.

The motion by Senator Pullen 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 Energy and Utilities amendment, as amended.

The motion by Senator Bottiger carried and the committee amendment, as amended, was adopted.

MOTION

On motion of Senator Williams, the rules were suspended, Substitute House Bill No. 1114, 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 Bailey: "Senator Williams, what is the significance of the phrase, 'new electrical resistance heating residential building?'"

Senator Williams: "Senator Bailey, it means that the insulation guidelines which follow the section that has the requirements for that kind of heated homes, are homes heated with baseboard heaters or electric forced air units. A home with a higher efficiency electric heating system, like a heat pump, could achieve equivalent savings with lower insulating levels. In the same way, homes heated with fuels other than electricity could be built with lower insulation levels than the guidelines, if they are equipped with more efficient furnaces than required for certain current codes."

Senator Bailey: "How can R-19 walls 'total assembly' be built?"

Senator Williams: "There are two ways. One is with 2 x 6 studs and R-19 batt insulation or in a 2 x 4 stud wall with R-13 batts and a three-quarter inch insulating rigid sheeting."

Senator Bailey: "What is meant by 'for the purpose of determining equivalent thermal performance, the maximum glazing area shall be fifteen percent?'"

Senator Williams: "The insulation levels and glazing areas in this section are guidelines for the Building Code Advisory Council to use in developing a code which will result in equivalent thermal performance. For glazing area, the guideline is fifteen percent of the floor area, although larger areas--twenty-one percent in western Washington and seventeen percent in eastern Washington--can be used without requiring additional insulation. The average glazing area in new construction is currently about 13.5 percent."

Senator Bailey: "Thank you, Senator Williams. I have one more question, if I might. Will the insulation level spelled out in this bill be required in all new construction when the code become effective?"

Senator Williams: "No, not necessarily. In the prescriptive standard areas, they most likely will be. However, the insulating levels in the bill are guidelines and the State Building Code Advisory Council is charged with developing an energy code which achieves the same savings compared to the current code as these guidelines, but allows the builder flexibility in how the home is actually built."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1114, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1114, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 32; nays, 16; excused, 1.

Voting yea: Senators Bailey, Barr, Bender, Bluechel, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Kiskaddon, Kreidler, Lee, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Saling, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Zimmerman - 32.

Voting nay: Senators Bauer, Benitz, Craswell, Deccio, Hansen, Hayner, Johnson, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Sellar, Stratton - 16.

Excused: Senator Warnke - 1.

SUBSTITUTE HOUSE BILL NO. 1114, as amended by the Senate, having received the constitutional 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 Talmadge, Senator Vognild was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 4, by Committee on Local Government (originally sponsored by Representatives Rayburn and Baugher)

Changing requirements for the removal of county seats.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Substitute House Bill No. 4 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 Thompson, the question I have is--Article XI, Section 2 of the State Constitution--on the location and removal of county seats is very explicit. It seems to say that a proposition of removal shall not be submitted in the same county more than once in four years. Has there been some legal review of that constitutional provision by the committee staff in order to determine whether or not, in light of the Constitution's provision, you could alter that to make it once every eight years?"

Senator Thompson: "I can assure you that the committee staff feels that we're on firm constitutional grounds here. I can't represent, in my own response, that I have any authority in this area. It is my impression that the constitution writers intended that this not be presented frequently, but that the legislature would have some latitude to extend that period."

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 4.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 4, and the bill passed the Senate by the following vote: Yeas, 37; nays, 9; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Goltz, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Saling, Sellar, Stratton, Thompson, von Reichbauer, Williams, Wojahn, Zimmerman - 37.

Voting nay: Senators Benitz, Fleming, Garrett, Gaspard, Hayner, McDermott, Pullen, Rasmussen, Talmadge - 9.

Absent: Senator Granlund - 1.

Excused: Senators Vognild, Warnke - 2.

SUBSTITUTE HOUSE BILL NO. 4, having received the constitutional majority, 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. 251, by Representatives Tilly, Padden, Brooks, Lewis, Braddock, Bristow, Miller, Holland, Todd, Bond and Kremen

Prescribing penalties for fraudulent use of ski area facilities.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, House Bill No. 251 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. 251.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 251 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vogt, von Reichbauer, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Granlund - 1.

Excused: Senator Warnke - 1.

HOUSE BILL NO. 251, having received the constitutional majority, 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. 805, by Committee on Education (originally sponsored by Representatives Scott, K. Wilson, Cole, P. King, Ebersole, Long, Haugen, Winsley, Tanner, G. Nelson and Todd)

Requiring training in recognizing potential victims of child abuse.

The bill was read the second time.

MOTIONS

On motion Senator Gaspard, the following Committee on Education amendment was adopted:

On page 1, line 11, after "therefore," strike "directs" and insert "encourages"

On motion of Senator Gaspard, the following Committee on Education amendment was adopted:

On page 1, line 7, after "legislature" strike "funds" and insert "finds"

Senator Gaspard moved that the following amendment by Senators Gaspard and Bailey be adopted:

On page 1, after line 22, insert the following:

"Sec. 3. Section 2, chapter 92, Laws of 1974 ex. sess. as last amended by section 1, chapter 56, Laws of 1983 and RCW 28A.02.201 are each amended to read as follows:

The legislature hereby recognizes that private schools should be subject only to those minimum state controls necessary to insure the health and safety of all the students in the state and to insure a sufficient basic education to meet usual graduation requirements. The state, any agency or official thereof, shall not restrict or dictate any specific educational or other programs for private schools except as hereinafter in this section provided.

Principals of private schools or superintendents of private school districts shall file each year with the state superintendent of public instruction a statement certifying that the minimum requirements hereinafter set forth are being met, noting any deviations. After review of the statement, the state superintendent will notify schools or school districts of those deviations which must be corrected. In case of major deviations, the school or school district may request and the state board of education may grant provisional status for one year in order that the school or school district may take action to meet the requirements. Minimum requirements shall be as follows:

(1) The minimum school year shall be the same as that required of public schools in RCW 28A.01.025 as now or hereafter amended.

(2) The length of the school day shall be the same as that required of public schools in RCW 28A.01.010 and 28A.58.754, each as now or hereafter amended, except that the percentages of total program hour offerings as prescribed in RCW 28A.58.754 for basic skills, work skills, and optional subjects and activities shall not apply to private schools or private sectarian schools.

(3) All classroom teachers shall hold appropriate Washington state certification except as follows:

(a) Teachers for religious courses or courses for which no counterpart exists in public schools shall not be required to obtain a state certificate to teach those courses.

(b) In exceptional cases, people of unusual competence but without certification may teach students so long as a certified person exercises general supervision. Annual written statements shall be submitted to the office of the superintendent of public instruction reporting and explaining such circumstances.

(4) Appropriate measures shall be taken to safeguard all permanent records against loss or damage.

(5) The physical facilities of the school or district shall be adequate to meet the program offered by the school or district: PROVIDED, That each school building shall meet reasonable health and fire safety requirements.

(6) Private school curriculum shall include instruction of the basic skills of occupational education, science, mathematics, language, social studies, history, health with special reference to the prevention of child abuse, reading, writing, spelling, and the development of appreciation of art and music, all in sufficient units for meeting state board of education graduation requirements.

(7) Each school or school district shall be required to maintain up-to-date policy statements related to the administration and operation of the school or school district.

All decisions of policy, philosophy, selection of books, teaching material, curriculum, except as in subsection (6) above provided, school rules and administration, or other matters not specifically referred to in this section, shall be the responsibility of the administration and administrators of the particular private school involved.

Sec. 4. Section 28A.05.010, chapter 223, Laws of 1969 ex. sess. as amended by section 3, chapter 71, Laws of 1969 and RCW 28A.05.010 are each amended to read as follows:

All common schools shall give instruction in reading, penmanship, orthography, written and mental arithmetic, geography, English grammar, physiology and hygiene with special reference to the effects of alcoholic stimulants and narcotics on the human system and the prevention of child abuse, the history of the United States, and such other studies as may be prescribed by rule or regulation of the state board of education. All teachers shall stress the importance of the cultivation of manners, the fundamental principles of honesty, honor, industry and economy, the minimum requisites for good health including the beneficial effect of physical exercise, and the worth of kindness to all living creatures.

NEW SECTION. Sec. 5. If specific funding for the purposes of the amendments to RCW 28A-.02.201 by section 3 of this act and to RCW 28A.05 010 by section 4 of this act referencing this act by bill number, is not provided by the legislature by July 1, 1987, the amendments to RCW 28A.02.201 by section 3 of this act and to RCW 28A.05.010 by section 4 of this act shall be null and void. The amendments to RCW 28A.02.201 by section 3 of this act and to RCW 28A.05.010 by section 4 of this act shall be of no effect until such specific funding is provided. If such funding is so provided the amendments to RCW 28A.02.201 by section 3 of this act and to RCW 28A-.05.010 by section 4 of this act shall take effect when the legislation providing the funding takes effect.

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.*

Renumber the remaining section consecutively.

Debate ensued.

POINT OF ORDER

Senator Craswell: "Mr. President, a point of order. I would like to challenge this amendment on scope and object.

Debate ensued.

MOTION

On motion of Senator Vognild, further consideration of Substitute House Bill No. 805 was deferred.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 781, by Committee on Higher Education (originally sponsored by Representatives Jacobsen, Prince, Niemi, Allen, D. Nelson, Appelwick, J. Williams, Sommers, Tanner, P. King and Wineberry)

Creating a Washington distinguished professorship program.

The bill was read the second time.

MOTION

On motion of Senator Rinehart, the following Committee on Education amendments were considered simultaneously and adopted:

On page 2, line 15, strike "July 1, 1985" and insert "the effective date of this act"

On page 3, line 28, after "Sec. 7," strike all language down to and including "entirety" on line 31 and insert "If specific funding for the purposes of this act, referencing this act by bill number, is not provided by the legislature by July 1, 1987, this act shall be null and void. This act shall be of no effect until such specific funding is provided. If such funding is so provided, this act shall take effect when the legislation providing the funding takes effect"

MOTION

On motion of Senator Rinehart, the rules were suspended. Engrossed Substitute House Bill No. 781, 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 Substitute House Bill No. 781, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 781, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senators Craswell, McCaslin, Rasmussen - 3.

Absent: Senator Granlund - 1.

Excused: Senator Warnke - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 781, as amended by the Senate, having received the 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, Senator Granlund was excused.

On motion of Senator Bender, Senator McManus was excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 31, by Representatives Haugen, Lundquist, B. Williams, McMullen and K. Wilson

Removing restrictions on the taking of salmon by use of monofilament gill net webbing.

The bill was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Engrossed House Bill No. 31 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Goltz: "Senator Rasmussen, the subsection (3) in the bill refers to 'The Department of Fisheries in coordination with the Oregon Department of Fish and Wildlife shall adopt rules concerning the use of such nets on the Columbia River.' I

would assume that the absence of the regulatory power of the Department of Fisheries for the other waters of the state of Washington does not prohibit them from regulating the use of this net."

Senator Rasmussen: "I would think not, Senator Goltz."

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 31.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 31 and the bill passed the Senate by the following vote: Yeas, 32; nays, 12; absent, 2; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, Garrett, Gaspard, Goltz, Halsan, Hansen, Hayner, Johnson, Kiskaddon, McDermott, McDonald, Metcalfe, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Saling, Sellar, Stratton, Thompson, Williams, Zimmerman - 32.

Voting nay: Senators Benitz, Bottiger, DeJarnatt, Fleming, Guess, Kreidler, Lee, Pullen, Rinehart, Talmadge, von Reichbauer, Wojahn - 12.

Absent: Senators McCaslin, Vognild - 2.

Excused: Senators Granlund, McManus, Warnke - 3.

ENGROSSED HOUSE BILL NO. 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.

MOTION

At 4:40 p.m., on motion of Senator Bottiger, the Senate recessed until 5:10 p.m.

SECOND AFTERNOON SESSION

The Senate was called to order at 5:20 p.m. by President Cherberg.

There being no objection, the President reverted the Senate to the third order of business.

MESSAGE FROM THE GOVERNOR

April 11, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on April 11, 1985, Governor Gardner approved the following Senate Bills entitled:

Substitute Senate Bill No. 3198

Relating to victims of sexual assault.

Substitute Senate Bill No. 3240

Relating to child abuse.

Sincerely,

TERRY SEBRING, Counsel to the Governor

There being no objection, the President advanced the Senate to the sixth order of business.

MOTIONS

On motion of Senator Bender, Senator Stratton was excused.

On motion of Senator von Reichbauer, Senators Benitz and Guess were excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 837, by Committee on Trade and Economic Development (originally sponsored by Representatives Hargrove, Dobbs, Fisch, Lundquist, Haugen, L. Smith, Tanner, Appelwick, Bristow, Niemi, Fuhrman, Braddock, Schoon, S. Wilson, Basich, P. King, Ballard, Isaacson and May)

Establishing the center for international trade in forest products.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended. Substitute House Bill No. 837 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. 837.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 837 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Excused: Senators Benitz, Guess, McManus, Stratton - 4.

SUBSTITUTE HOUSE BILL NO. 837, having received the constitutional majority, 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. 839, by Select Committee on the Clean-up and Management of Puget Sound (originally sponsored by Representatives Cole, G. Nelson, Rust and Wang)

Requiring comprehensive land use plans to consider and provide corrective action against discharges into waters entering Puget Sound.

The bill was read the second time.

MOTION

On motion of Senator Kreidler, the rules were suspended. Substitute House Bill No. 839 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: "I am wondering, Senator Kreidler, about the Initiative 62 effects here. Are we mandating costs on to local government in this bill?"

Senator Kreidler: "That question came up in committee, Senator Barr, and there is no way that this would have any impact of a cost nature on the counties unless they made the decision and it's going to be their prerogative. It's just another simple requirement that they take into account these factors, but it won't have a direct impact on counties from the standpoint of a cost impact. That question was resolved in committee."

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 839.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 839 and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent, 1; excused, 4.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senator Barr - 1.

Absent: Senator Rinehart - 1.

Excused: Senators Benitz, Guess, McManus, Stratton - 4.

SUBSTITUTE HOUSE BILL NO. 839, having received the constitutional majority, 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. 48, by Committee on Commerce and Labor (originally sponsored by Representatives R. King, Patrick, Fisch, Hargrove, Lux, Leonard, Todd, Vekich, Day, Sayan, Winsley, Ebersole, Wang, Fisher and Basich)

Adding life support technicians to employees covered by uniformed personnel collective bargaining procedures.

The bill was read the second time.

MOTION

Senator Zimmerman moved that the following amendment be adopted:

On page 1, line 10, after "districts" insert "and municipalities of a population less than 10,000"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Zimmerman.

The motion by Senator Zimmerman failed and the amendment was not adopted.

MOTION

On motion of Senator Warnke, the rules were suspended, Substitute House Bill No. 48 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. 48.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 48 and the bill passed the Senate by the following vote: Yeas, 26; nays, 19; excused, 4.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, Lee, McDermott, Moore, Owen, Peterson, Rasmussen, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 26.

Voting nay: Senators Bailey, Barr, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Saling, Sellar, von Reichbauer, Zimmerman - 19.

Excused: Senators Benitz, Guess, McManus, Stratton - 4.

SUBSTITUTE HOUSE BILL NO. 48, having received the 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 House Bill No. 805 and the pending amendment by Senators Gaspard and Bailey on page 1, line 22, deferred earlier today.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Craswell, the President finds that Substitute House Bill No. 805 is a measure making instruction of child abuse prevention a part of standards for professional education programs and for inservice training for K-12 personnel.

"The amendment proposed by Senators Gaspard and Bailey makes instruction of child abuse prevention a part of private and common school curriculum.

"The President, therefore, finds that the proposed amendment does not change 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 Senators Gaspard and Bailey.

The motion by Senator Gaspard carried and the amendment was adopted.

MOTIONS

On motion of Senator Gaspard, the following title amendments were considered simultaneously and adopted:

On page 1, line 1 of the title, after "education;" insert "amending RCW 28A.02.201 and 28A.05.010;"

On page 1, line 2 of the title, after "28A.71 RCW;" insert "creating a new section;"

On motion of Senator Gaspard, the rules were suspended. Substitute House Bill No. 805, 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. 805, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 805, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 4; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 41.

Voting nay: Senators Craswell, Hayner, Pullen, Zimmerman - 4.

Excused: Senators Benitz, Guess, McManus, Stratton - 4.

SUBSTITUTE HOUSE BILL NO. 805, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Kiskaddon: "Mr. President, a point of personal privilege. One of our members is having a birthday today and I think it would be appropriate for us to sing 'Happy Birthday' to Jerry Saling."

The members of the Senate joined in singing 'Happy Birthday' to Senator Saling.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1170, by Committee on Environmental Affairs (originally sponsored by Representatives Lux, Wang, Rust, Ebersole, Valle, Cole, Scott, D. Nelson, Unsoeld, Leonard, Sayan, Wineberry, Hine, Fisher and Todd)

Adding requirements to worker and community right to know act.

The bill was read the second time.

MOTIONS

Senator Warnke moved that the following Committee on Commerce and Labor amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of labor and industries.

(2) "Employee" means an employee of an employer who is employed in the business of his or her employer whether by way of manual labor or otherwise and every person in this state who is engaged in the employment of or who is working under an independent contract the essence of which is personal labor for an employer under this chapter whether by way of manual labor or otherwise. However, for the purposes of this chapter, employee shall not mean immediate family members of an employer engaged in agricultural production of crops or livestock.

(3) "Employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity that engages in any business, industry, profession, or activity in this state and employs one or more employees or who contract with one or more persons, the essence of which is the personal labor of such person or persons and includes the state, counties, cities, and all municipal corporations, public corporations, political subdivisions of the state, and charitable organizations: PROVIDED, That any person, partnership, or business entity not having employees, and who is covered by the industrial insurance act shall be considered both an employer and an employee.

NEW SECTION. Sec. 2. (1) The department shall prepare and make available to employers or the public, upon request, a translation in any of the five most common foreign languages used in the workplace, of a written hazard communication program, a material safety data

sheet, or written materials prepared by the department to inform employees of their rights relating to hazard communication standards under this chapter and chapter 49.17 RCW.

(2) An employer employing employees who have trouble communicating in English shall make reasonable efforts to post any notices in the employees' native languages as provided by the department.

NEW SECTION, Sec. 3. (1) An employer shall provide employees engaged in agricultural production of crops or livestock or agricultural services with information and training on hazardous chemicals in their workplace at the time of their initial assignment, and whenever a new hazard is introduced into their work area, such instruction shall be tailored to the types of hazards to which the employees will be exposed. Seasonal and temporary employees who are not exposed to hazardous chemicals in their work area need not be trained.

(2) Employers shall maintain any material safety data sheets that are received with incoming shipments of hazardous chemicals, and ensure that they are accessible to agricultural employees upon request.

(3) Employers shall ensure that labels on incoming containers of hazardous chemicals are not removed or defaced.

NEW SECTION, Sec. 4. (1) The department shall adopt rules in accordance with chapter 34.04 RCW establishing criteria for evaluating the validity of trade secret claims and procedures for issuing a trade secret exemption. Manufacturers or importers that make a trade secret claim to the department must notify direct purchasers if a trade secret claim has been made on a product being offered for sale.

(2) If a trade secret claim exists, a manufacturer, importer, or employer may require a written statement of need or confidentiality agreement before the specific chemical identity of a hazardous substance is released. However, if a treating physician or nurse determines that a medical emergency exists and the specific chemical identity of a hazardous substance is necessary for emergency or first aid treatment, the manufacturer, importer, or employer shall immediately disclose the specific chemical identity to that treating physician or nurse, regardless of the existence of a written statement of need or a confidentiality agreement. The chemical manufacturer, importer, or employer may require a written statement of need and confidentiality agreement, as defined by rule, as soon as circumstances permit.

(3) Any challenge to the denial of a trade secret claim shall be heard by an administrative law judge in accordance with chapter 34.04 RCW.

Sec. 5. Section 17, chapter 289, Laws of 1984 and RCW 49.70.120 are each amended to read as follows:

(1) The director shall establish in the department a right-to-know advisory council, which shall consist of ~~((fifteen))~~ sixteen members appointed by the director. Each of these members shall be appointed for a term of three years, provided that of the members of the council first appointed by the director, five shall serve for terms of one year, five shall serve for terms of two years, and five shall serve for terms of three years. Of these members, one shall be appointed from persons having training and experience in industrial hygiene recommended by recognized labor unions; one from persons recommended by recognized agricultural organizations; one from persons recommended by recognized migrant labor organizations; one from persons recommended by recognized environmental organizations; one from persons recommended by recognized public interest organizations; one from persons recommended by recognized organizations of chemical industries; one from persons recommended by recognized community organizations; one from persons recommended by recognized organizations of petroleum industries; one from persons recommended by recognized organizations of fire fighters; one from persons recommended by recognized business or trade organizations; one from persons recommended by recognized organizations of small business; one from persons holding an M.D. degree recommended by recognized public health organizations; two persons from professional accident and safety organizations; one person from the technology-based industries; and one from persons with training and experience in environmental epidemiology and toxicology recommended by recognized research or academic organizations. In the event that no recommendations for a particular category of membership are made to the director three months after June 7, 1984, in the case of the initial appointments, or within sixty days of the date of the expiration of the term of office of any member or the occurrence of any vacancy in the case of subsequent appointments, the director shall appoint as a member for that category of membership a person whom the director believes will be representative thereof.

(2) A majority of the membership of the council constitutes a quorum for the transaction of council business. Action may be taken and motions and resolutions adopted by the council at any meeting thereof by the affirmative vote of a majority of the members of the council present and voting.

(3) The council shall meet regularly as it may determine, and shall also meet at the call of the department.

(4) The council shall appoint a ~~((chairman))~~ chair and other officers as may be necessary from among its members. The council may, within the limits of any funds appropriated or otherwise made available to it for this purpose, appoint such staff or hire such experts as it may require.

(5) Members of the council shall serve without compensation, but the council may, within the limits of funds appropriated or otherwise made available to it for such purposes, reimburse its members for necessary expenses incurred in the discharge of their official duties in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 6. Sections 1 through 5 of this act are each added to chapter 49.70 RCW."

On motion of Senator Barr, the following amendment by Senators Barr and Talmadge to the Committee on Commerce and Labor amendment was adopted:

On page 1, line 27, after "of" strike "an employer" and insert "the officers of any corporation, partnership, sole proprietorship or other business entity or officers of any closely held corporation"

On motion of Senator Barr, the following amendment by Senators Barr and Talmadge to the Committee on Commerce and Labor amendment was adopted:

On page 2, line 9, after "organizations" strike everything through and including "employee" on page 2, line 15

The President declared the question before the Senate to be adoption of the Committee on Commerce and Labor amendment, as amended.

The motion by Senator Warnke carried and the committee amendment, as amended, was adopted.

MOTION

On motion of Senator Warnke, the rules were suspended, Substitute House Bill No. 1170, 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 Moore: "Senator Warnke, the bill and the amendment require that the Department of Labor and Industries provide translations of material for employers regarding hazardous materials. Is this intended, in any way, to allow the Department to hire translators?"

Senator Warnke: "No, Senator Moore, I don't believe so. There are many translators and translations available in the private sector and in addition in questioning in the committee, the intent, I believe of this bill, was that the Department would not hire employees, but would contract with the private sector."

POINT OF INQUIRY

Senator Vognild: "Senator Warnke, the bill states that the translation is of the five most common languages in the work place. I assume that the intent here is to use the work force across the state to determine the most common languages and not a specific place of employment."

Senator Warnke: "Yes, that is correct, Senator. We also questioned this during committee testimony and that, I believe, was the proper intent."

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1170, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1170, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; nays, 5; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 40.

Williams, Wojahn, Zimmerman - 40.

Voting nay: Senators Bluechel, Deccio, Hansen, Hayner, Newhouse - 5.

Excused: Senators Benitz, Guess, McManus, Stratton - 4.

SUBSTITUTE HOUSE BILL NO. 1170, as amended by the Senate, having received the constitutional majority, 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. 865, by Committee on Environmental Affairs (originally sponsored by Representatives Valle, Rust, Isaacson, Jacobsen, Allen and Lux)

Creating a hazardous substances information and education office.

The bill was read the second time.

MOTIONS

On motion of Senator Kreidler, the following Committee on Parks and Ecology amendment was adopted:

Strike everything after the enacting clause and insert the following:

*NEW SECTION, Sec. 1. There is hereby created the hazardous substance information and education office. Through this office the department shall:

(1) Facilitate access to existing information on hazardous substances within a community;

(2) Request and obtain information about hazardous substances at specified locations and facilities from agencies that regulate those locations and facilities. The department shall review, approve, and provide confidentiality as provided by statute. Upon request of the department, each agency shall provide the information within forty-five days;

(3) At the request of citizens or public health or public safety organizations, compile existing information about hazardous substance use at specified locations and facilities. This information shall include but not be limited to:

(a) Point and nonpoint air and water emissions;

(b) Extremely hazardous, moderate risks wastes and dangerous wastes as defined in chapter 70.105 RCW produced, used, stored, transported from, or disposed of by any facility;

(c) A list of the hazardous substances present at a given site and data on their acute and chronic health and environmental effects;

(d) Data on governmental pesticide use at a given site;

(e) Data on commercial pesticide use at a given site if such data is only given to individuals who are chemically sensitive; and

(f) Compliance history of any facility.

(4) Provide education to the public on the proper production, use, storage, and disposal of hazardous substances, including but not limited to:

(a) A technical resource center on hazardous substance management for industry and the public;

(b) Programs, in cooperation with local government, to educate generators of moderate risk waste, and provide information regarding the potential hazards to human health and the environment resulting from improper use and disposal of the waste and proper methods of handling, reducing, recycling, and disposing of the waste;

(c) Public information and education relating to the safe handling and disposal of hazardous household substances; and

(d) Guidelines to aid counties in developing and implementing a hazardous household substances program.

Requests for information from the hazardous substance information and education office may be made by letter or by a toll-free telephone line, if one is established by the department. Requests shall be responded to in accordance with chapter 42.17 RCW.

This section shall not require any agency to compile information that is not required by existing laws or regulations.

NEW SECTION, Sec. 2. Unless the context clearly indicates otherwise, the definitions in this section shall apply throughout this chapter.

(1) "Agency" means any state agency or local government entity.

(2) "Hazardous household substances" means those substances identified by the department as hazardous household substances in the guidelines developed by the department.

(3) "Department" means the department of ecology.

(4) "Director" means the director of the department.

(5) "Hazardous substances" or "hazardous materials" means those substances or materials identified as such under regulations adopted pursuant to the federal hazardous materials transportation act, the toxic substances control act, the resource recovery and conservation act, the comprehensive environmental response compensation and liability act, the federal insecticide, fungicide, and rodenticide act, the occupational safety and health act hazardous communications standards, and the state hazardous waste act.

(6) "Moderate risk waste" means any waste that exhibits any of the properties of dangerous waste but is exempt from regulation under this chapter solely because the waste is generated in quantities below the threshold for regulation and any household wastes that are generated from the disposal of substances identified by the department as hazardous household substances.

NEW SECTION. Sec. 3. Sections 1 and 2 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 4. The sum of forty-five thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1987, from the general fund to the department of ecology for the purposes of this act.

NEW SECTION. Sec. 5. Funds in the worker and community right to know fund established under RCW 49.70.170 may be spent by the department of ecology to implement section 1 (1) through (3) of this act following legislative appropriation. Disbursements from the fund shall be on authorization of the director of the department of ecology."

On motion of Senator Kreidler, the rules were suspended, Engrossed Substitute House Bill No. 865, 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. 865, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 865, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; nays, 2; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senators Bluechel, McCaslin - 2.

Excused: Senators Benitz, Guess, McManus, Stratton - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 865, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 99, by Representatives Zellinsky, Thomas, Haugen, Schmidt, Walk, Vander Stoep, Fuhrman, Hastings, G. Nelson, P. King, R. King and Nealey

Exempting fish farming from excise taxation.

The bill was read the second time.

MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed House Bill No. 99 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 House Bill No. 99.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 99 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senator Lee - 1.

Excused: Senators Benitz, McManus - 2.

ENGROSSED HOUSE BILL NO. 99, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Hansen: "A point of personal privilege, Mr. President. I think it's very ironic that House Bill No. 99 passed. Senator Gaspard has had this bill—we've sent it to the House many times—and the first time it comes from the House, we concur. I'm glad the bill has passed, but I appreciate Senator Gaspard's tenacity in staying at it until we finally won it and then he didn't get the credit for it."

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 428, by Committee on Commerce and Labor (originally sponsored by Representatives Fisch, Patrick, Ebersole, Chandler, Wang, P. King, Basich and Winsley)

Revising education requirements for real estate license application.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended. Second Substitute House Bill No. 428 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 Second Substitute House Bill No. 428.

ROLL CALL

The Secretary called the roll on final passage of Second Substitute House Bill No. 428 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senator Barr - 1.

Excused: Senators Benitz, McManus - 2.

SECOND SUBSTITUTE HOUSE BILL NO. 428, having received the constitutional majority, 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. 891, by Committee on Local Government (originally sponsored by Representative Ballard)

Revising provisions of park district annexation.

The bill was read the second time.

MOTIONS

On motion of Senator Cantu, the following amendment by Senators Cantu and Goltz was adopted:

On page 1, line 6, strike "fifteen thousand" and insert "five thousand"

On motion of Senator Kreidler, the rules were suspended. Substitute House Bill No. 891, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 891, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 891, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senators Craswell, Deccio, McCaslin - 3.

Excused: Senators Benitz, McManus - 2.

SUBSTITUTE HOUSE BILL NO. 891, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 127, by Committee on Natural Resources (originally sponsored by Representatives Sutherland and McMullen)

Empowering wildlife agents and fisheries patrol officers to enforce state traffic and criminal laws.

The bill was read the second time.

MOTION

On motion of Senator Owen, the rules were suspended, Substitute House Bill No. 127 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Sellar: "Senator Owen, I've had some calls, and I assume that most of us have had, from some of the sheriffs indicating that they thought that this, in fact, set up a statewide police force and secondly, do these people have all the requirements--are they, in fact, a totally commissioned law officer under this? The third part of the question is who is that Game Department Officer responsible to? Is there someone locally that he's responsible to? Is he responsible to the sheriff at all in this case?"

Senator Owen: "If I can remember the questions, in regard to the state police, in my opinion, absolutely not. It does not establish a state police because these people can only enforce criminal law when they are performing their duty. If they see a poacher and they find out that the person is selling, they can make an arrest. If they are checking licenses at the state park and they find someone under assault, they can make an arrest. If they're just driving from work out to the field or driving around, unlike a regular police officer, they cannot make any arrests. They cannot enforce traffic laws in this bill, except for drunk driving, which is not considered a traffic violation.

"The second part of your question--who are they responsible to? They are responsible to their agencies. The liability is left within the agencies that they work for--the Department of Fisheries or the Department of Game--depending on who they work for. That's where the liability for their actions is held."

Further debate ensued.

POINT OF INQUIRY

Senator Patterson: "Senator Talmadge, the digest indicates that they may serve and execute warrants. Your comment that they cannot serve warrants or the only time they can would be if they were authorized by the county sheriff, or what? I misunderstand--the digest doesn't identify the 'serve and executed warrant,' as you suggest."

Senator Talmadge: "I misspoke myself, Senator Patterson. My understanding was incorrect. I understood they had the authority to engage in an arrest in a circumstance where the arrest occurred--where there would be criminal conduct--occurred before them. I've been told by Senator Owen, at least with respect to the Fisheries Patrol Officers, they would have the authority to serve and execute warrants, as would wildlife agents, but that is limited to the time they are on duty as fisheries or wildlife agents--not as would be the case of peace officers, which would be around the clock."

Further debate ensued.

POINT OF INQUIRY

Senator McDermott: "Senator Owen, my question is two. One, the question of pursuit and the second of fiscal impact. Are these officers given the right to pursue

across county lines as far as they see somebody? What's the restraint on their following a high-speed chase?"

Senator Owen: "There's no more restraint on them than there would be on anybody else in a so-called high-speed chase if they witness a crime committed in one county. They are not restricted to any county. As a matter of fact, I would say that that's a problem with the situation now where you have a sheriff in one county giving you the authority to arrest and then in the next county, they don't. It's not restricted. It's like any other officer would have. They are not restricted to counties. The second part of your question was--"

Senator McDermott: "Let me extend a little bit on that. Are you saying, then, that they are able to pursue, just like a state patrolman or any other police officer--somebody that they see at whatever speed or whatever risk they have to take to make an arrest with full authority?"

Senator Owen: "As any other officer would."

Senator McDermott: "They are just another police officer, once this bill passes? Second thing, then, is the question of what do you think the fiscal impact of this bill is, because with automobiles, radios and all the other paraphernalia that goes with the police department--"

Senator Owen: "As you well know, they already have those rigs and have the radios in their automobiles at this time, so as far as equipment, there's no way that I would see that there would be any fiscal impact from that standpoint. The only fiscal impact you would have is, if in fact, the Department of Game and the Department of Fisheries decided to train their officers, which is a requirement before they can even do it. They have to either go through the regular or Criminal Justice Training Commission program or they have to agree on one with the Criminal Justice Training Commission or one that would be designed around their particular situation and then there would be, potentially, an impact to that degree, but there is no way of determining that, at this time, since we don't know to what degree they would go into training."

Further debate ensued.

POINT OF INQUIRY

Senator Sellar: "Mr. President, I would like another clarification, if I can, because I'm getting confused out here, too. The original question that I asked of Senator Owen and Senator Talmadge in which they said 'this individual must witness the crime--they must be there at the time of the crime and witness it in order to act.' Now, Senator Stratton is saying they can call one of these individuals to come to aid and abet them even though the crime was committed sometime before and that they can act as a state patrolman and so forth. I guess I want some clarification.

"Can that happen as Senator Stratton says? Is this going to be a commissioned police officer that can travel around the state, or is it, in fact, only going to be while he or she is doing their duty and happens to witness something?"

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "I think your sense of it is correct, Senator Sellar. They don't have the authority to go out and affirmatively respond to situations. The question about the execution service of the warrant, I think, comes up in a circumstance like this of a wildlife agent about to cite Ted Bundy for violating the wildlife laws and discovers there is an outstanding warrant for the arrest of Ted Bundy. Under present law, the wildlife agent could not execute the warrant. He couldn't arrest Ted Bundy for the outstanding violation of the law he has. Under this particular bill, the authority would be given to the wildlife agent to execute the warrant in the case of someone who had a warrant outstanding for his or her arrest. Where the wildlife agent directly witnesses the crime, they can affirmatively arrest that person for the violation of the law.

"The idea of the bill, and I've talked to a lot of law enforcement officers across the state who have sentiments similar to those of Senator Metcalf and Senator Stratton--it is of assistance. They work with wildlife agents and fisheries agents all the time and they'd like them to have the opportunity to arrest somebody who committed a felony violation or other serious violation in their presence--and

under present law, they don't have that. They are not authorized to breaking and entering, as Senator Hansen said. They are trained according to the provisions of the bill for the same length of time and the same kinds of courses as the regular law enforcement officers will be in the Criminal Justice Commission Training process—at least for new officers. The old officers would have to go through a program that would be devised.

"I think the bill will provide some benefit in terms of some additional personnel who have the ability to deal with problems that they see in their presence or to execute warrants where warrants are outstanding on individuals."

Further debate ensued.

POINT OF INQUIRY

Senator Guess: "Senator Talmadge, for several years now, we've had a good deal of trouble around small lakes around Spokane where the youngsters in the spring time will go out in the parking areas for the launching of boats and picnic areas and have a big kegger. Would it be possible, in that case, for the people in that area to call one of the fish and game people and have them make the arrest?"

Senator Talmadge: "My understanding is that you would not, Senator Guess, unless there was an outstanding warrant for the individual, or the fisheries or wild-life agent actually saw the violation in his or her presence."

Senator Guess: "If they saw them, though, in the destruction of property could they then arrest them?"

Senator Talmadge: "My answer would be, yes."

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 127.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 127 and the bill passed the Senate by the following vote: Yeas, 29; nays, 17; absent, 1; excused, 2.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Johnson, Kiskaddon, Kreidler, Lee, McDonald, Metcalf, Owen, Rasmussen, Sellar, Stratton, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Wojahn, Zimmerman - 29.

Voting nay: Senators Bailey, Barr, Cantu, Craswell, Halsan, Hansen, Hayner, McCaslin, McDermott, Moore, Newhouse, Patterson, Peterson, Pullen, Rinehart, Saling, Williams - 17.

Absent: Senator Deccio - 1.

Excused: Senators Benitz, McManus - 2.

SUBSTITUTE HOUSE BILL NO. 127, having received the constitutional majority, 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. 843, by Committee on Agriculture (originally sponsored by Representatives Bristow, Nealey, Fuhrman and Bond)

Modifying provisions relating to livestock.

The bill was read the second time.

MOTIONS

On motion of Senator Hansen, the following Committee on Agriculture amendment was adopted:

On page 3, line 24, after "rule" and before the period, insert:

": PROVIDED, HOWEVER, The amount of indemnities paid for cattle under this chapter shall not be less than twenty-five dollars for any grade beef breed female, fifty dollars for any purebred registered beef breed bull or female, one hundred dollars for any grade dairy breed female or one hundred fifty dollars for any purebred registered dairy breed bull or female"

On motion of Senator Hansen, the following Committee on Agriculture amendment was adopted:

On page 8, on line 24, after "16.49A.510;" strike "and" and on line 27, after "16.36.095" insert

;

(5) Section 11, chapter 165, Laws of 1927, section 1, chapter 210, Laws of 1929, section 9, chapter 172, Laws of 1947, section 1, chapter 161, Laws of 1959, section 15, chapter 154, Laws of 1979 and RCW 16.40.010;

(6) Section 12, chapter 165, Laws of 1927, section 1, chapter 146, Laws of 1937, section 1, chapter 196, Laws of 1939, section 10, chapter 172, Laws of 1947, section 16, chapter 154, Laws of 1979, section 9, chapter 238, Laws of 1979 ex. sess. and RCW 16.40.060;

(7) Section 2, chapter 146, Laws of 1937 and RCW 16.40.110;

(8) Section 15, chapter 165, Laws of 1927, section 2, chapter 177, Laws of 1933, section 11, chapter 172, Laws of 1947 and RCW 16.40.120; and

(9) Section 6, chapter 22, Laws of 1957 and RCW 16.40.130.*

On motion of Senator Hansen, the following Committee on Agriculture amendment was adopted:

On page 8, after line 27, insert the following:

*Sec. 14. Section 5, chapter 198, Laws of 1929 and RCW 16.08.010 are each amended to read as follows:

The owner or keeper of any dog shall be liable to the owner of any animal killed or injured by such dog for the amount of damages sustained and costs of collection, to be recovered in a civil action(~~(-PROVIDED, That in case the owner or keeper of such dog or dogs is unknown or the damages can not be collected, the person suffering damages may present a claim for such damages to a justice of the peace of the county in which he resides within not more than forty days after any such animal or animals are killed or injured and make affidavit, stating the number of such animals killed or injured, the amount of the damages and the name of the owner of the dog or dogs, if known. The damages shall be proven by not less than two witnesses who shall be freeholders of the county. Justices of the peace are hereby required to administer oaths in such cases and shall issue and file with the county treasurer a certificate stating the amount of damages sustained. Such damages allowed in no event shall exceed the following amounts:~~

UNREGISTERED ANIMALS OR UNACCREDITED POULTRY:

	Per Head
For sheep or goats killed or injured	\$ 12.50
For cattle killed or injured	50.00
For horses or mules killed or injured	75.00
For turkeys killed or injured	4.00
For other poultry killed or injured	1.50
For swine killed or injured	12.50
For rabbits killed or injured	1.50

REGISTERED ANIMALS OR ACCREDITED POULTRY:

	Per Head
For sheep or goats killed or injured	\$ 25.00
For cattle killed or injured	100.00
For horses or mules killed or injured	150.00
For turkeys killed or injured	8.00
For other poultry killed or injured	3.00
For swine killed or injured	25.00
For rabbits killed or injured	3.00

~~Upon the filing with the county treasurer of the certificate of the justice of the peace fixing the damages as above provided, the treasurer shall pay to the claimant out of the county dog license tax fund the amount of damages sustained as certified by the justice of the peace).~~

Sec. 15. Section 1, chapter 31, Laws of 1951 as amended by section 13, chapter 7, Laws of 1975 1st ex. sess. and RCW 16.13.010 are each amended to read as follows:

It shall be unlawful for the owner of any horses, mules, donkeys, or cattle of any age to permit such animals to run at large and not under the care of a herder(~~(- PROVIDED, That))~~ in any territory which has been designated as a stock restricted area under chapter 16.24 RCW. Such animals may only run at large upon lands belonging to the state or to the United States when the owner thereof has in writing been granted grazing privileges(~~(- and has filed a copy of such permit or certificate with the director of agriculture. PROVIDED FURTHER, That))~~. Cattle of any age may run at large in a range area as provided in chapter 16.24 RCW without a herder except upon any land which has been enclosed by a lawful fence as set forth in chapter 16.60 RCW.

Sec. 16. Section 2, chapter 31, Laws of 1951 as last amended by section 6, chapter 154, Laws of 1979 and RCW 16.13.020 are each amended to read as follows:

Any horses, mules, donkeys, or cattle of any age running at large or trespassing in violation of RCW 16.13.010 as now or hereafter amended are declared to be a public nuisance, and shall be impounded by the sheriff of the county where found(~~(- PROVIDED, That))~~. The nearest brand inspector shall also have authority to impound class I estrays as defined in RCW 16.13.025.

Sec. 17. Section 7, chapter 31, Laws of 1951 and RCW 16.13.070 are each amended to read as follows:

~~((Sales of animals impounded under this chapter shall be governed by the provisions of Title 20 RCW.))~~ The proceeds of the sale of animals impounded under this chapter, after deducting the costs of sale, shall be impounded in the estray fund of the department of agriculture, and if no valid claim is made within one year from the date of sale, the director of the department of agriculture shall transfer the proceeds of sale to the brand fund of the department to be used for the enforcement of this chapter.

Sec. 18. Section 1, chapter 111, Laws of 1917 and RCW 16.20.020 are each amended to read as follows:

It shall be unlawful for any person, firm, association or corporation to turn upon or allow to run ~~((upon the open range))~~ at large on any range area in this state any bull other than a registered ~~((purebred))~~ bull of a recognized beef breed.

Sec. 19. Section 2, chapter 111, Laws of 1917 and RCW 16.20.030 are each amended to read as follows:

~~((That))~~ Before any person, firm, association or corporation ~~((shall))~~ turns upon the open range in this state any female breeding cattle of breeding age more than fifteen in number, ~~((two years old or over.))~~ they shall procure and turn with said female breeding cattle one registered ~~((purebred))~~ bull of recognized beef breed for every forty females or fraction thereof of twenty-five or over ~~((PROVIDED, HOWEVER, That RCW 16.20.020 through 16.20.040 shall not apply to counties lying west of the summit of the Cascade mountains.))~~ All persons running cattle in common on any range area may, however, agree to any other proportion of bulls to female cattle of breeding age as they may deem appropriate for their area.

NEW SECTION. Sec. 20. RCW 16.20.020 and 16.20.030 shall not apply to counties lying west of the summit of the Cascade mountains.

Sec. 21. Section 1, chapter 25, Laws of 1911 as amended by section 1, chapter 40, Laws of 1937 and RCW 16.24.010 are each amended to read as follows:

The board of county commissioners of any county of this state shall have the power to designate by an order made and published, as provided in RCW 16.24.030, certain territory as stock restricted area within such county in which it shall be unlawful to permit livestock of any kind to run at large ~~((PROVIDED, That))~~ and shall require that the cost of any new fencing which may become necessary to prevent livestock located in a range area from running at large in such newly designated stock restricted area be shared equally by the affected adjoining landowners. No territory so designated shall be less than two square miles in area ~~((AND PROVIDED FURTHER, That RCW 16.24.010 through 16.24.065 shall not affect counties having adopted township organization.))~~. All territory not ~~((so))~~ designated as stock restricted shall be range area, in which it shall be lawful to permit livestock to run at large.

Nothing in this section affects fencing agreements entered into between two or more parties before the effective date of this 1985 act.

Sec. 22. Section 6, chapter 40, Laws of 1937 and RCW 16.24.065 are each amended to read as follows:

No person owning or in control of any livestock shall wilfully or negligently allow such livestock to run at large in any stock restricted area, nor shall any person owning or in control of any livestock allow such livestock to wander or stray upon the right-of-way of any public highway of two or more lanes lying within a stock restricted area when not in the charge of some person.

Sec. 23. Section 1, chapter 12, Laws of 1891 and RCW 16.28.165 are each amended to read as follows:

~~((That))~~ No person shall ((be permitted to lead, drive, or in any manner)) remove any ((horse, mare, colt, jack, jenny, mule, or any head of neat cattle, or hog, sheep, goat, or any number of these animals, the same being the property of another person.)) livestock belonging to another from the range on which they are permitted to run ((in common)) at large, without the prior consent of the owner thereof ((first had and obtained-PROVIDED:)). The owner of any ~~((such animals, as aforesaid, finding the same running on the herd grounds or on common range with other animals of the same, may be permitted to drive))~~ livestock may move his or her own ((animal or animals)) livestock, together with such other ((animals as he cannot conveniently separate)) livestock as cannot be separated from his or her own, to the nearest ((and most convenient)) corral, or other ((piece for separating his own from other animals, if he in such case, immediately with all convenient speed, drive all such animals not belonging to himself back to the herd ground or range from which he brought such animals)) facility in order to separate his or her own livestock, if the other livestock are returned to the same location from which they were moved within twenty-four hours.

Sec. 24. Section 1, page 323, Laws of 1869 as last amended by section 2488, Code of 1881 and RCW 16.60.010 are each amended to read as follows:

~~((The following shall be considered lawful fences in this state: Post and rail or plank fences, five feet high, made of sound posts five inches in diameter, set substantially in the ground, not more than ten feet apart, with four planks not less than one inch thick and six inches wide, securely fastened by nails or otherwise, said planks not more than nine inches apart. Posts and rail fences, with posts not more than ten feet apart and rails not less than four inches wide (five of them) made in all other respects the same as the first described in this section. Worm fences~~

made in the usual way, of sound, substantial rails or poles, five feet high, including riders with stakes firmly set in the ground and spaces no greater than in post and plank or rail fences, except the two lower spaces which shall not be more than four inches, and the top spaces between riders, not to be more than sixteen inches. Ditch and pole, or board or rail fence, shall be made of a ditch not less than four feet wide on top and three feet deep, embankment thrown up on the inside of the ditch, with substantial posts set in the embankment not more than ten feet apart, and a plank, pole, or rail securely fastened to said posts, at least seven feet high from the bottom of the ditch.)) A lawful fence shall be of at least four barbed, horizontal, well-stretched wires, spaced so that the top wire is forty-eight inches, plus or minus four inches, above the ground and the other wires at intervals below the top wire of twelve, twenty-two, and thirty-two inches. These wires shall be securely fastened to substantial posts set firmly in the ground as nearly equidistant as possible, but not more than twenty-four feet apart. If the posts are set more than sixteen feet apart, the wires shall be supported by stays placed no more than eight feet from each other or from the posts.

Sec. 25. Section 2, page 324, Laws of 1869 as last amended by section 2489, Code of 1881 and RCW 16.60.011 are each amended to read as follows:

All other fences as strong and as well calculated ~~((to protect inclosures as either of those))~~ as the fence described in RCW 16.60.010 shall be lawful fences.

Sec. 26. Section 10, page 326, Laws of 1869 as last amended by section 2497, Code of 1881 and RCW 16.60.062 are each amended to read as follows:

In assessing the value of any partition fence, ~~((the parties shall proceed as provided for the assessment of damages in RCW 16.60.020))~~ if the parties cannot agree to the amount of reimbursement, the person seeking reimbursement may have the fence's value appraised by three reliable disinterested and practical farmers. If reimbursement is not received within two weeks after written request is provided by the person seeking reimbursement, he or she may recover the value thereof from the delinquent person before any court of competent jurisdiction, together with costs and disbursements and reasonable attorney fees, at trial and on appeal, to be adjudged by the court.

NEW SECTION. Sec. 27. A new section is added to chapter 16.60 RCW to read as follows:

If any person neglects to repair or rebuild such partition fence as is mentioned in RCW 16.60.020, or the portion thereof which he or she is required to maintain, the aggrieved person may so signify in writing to the delinquent person and direct the latter to repair or rebuild it within a reasonable time. If a partition fence is not repaired or rebuilt according to RCW 16.60.020 and this section, the complainant may repair or rebuild the fence and recover the value thereof from the delinquent person before any court of competent jurisdiction, together with costs and disbursements and reasonable attorney fees at trial and on appeal, to be adjudged by the court.

NEW SECTION. Sec. 28. A new section is added to chapter 16.60 RCW to read as follows:

It shall be unlawful for any person to wilfully break down or cause to be broken down any fence or gate or to leave open any gate in such fence. This section shall not apply to the owner or occupant unless such owner or occupant causes such fence or gate to be broken down or left open with malicious intent. Any violation of this section shall be punishable as a misdemeanor.

Sec. 29. Section 3, chapter 31, Laws of 1893 as amended by section 2, chapter 56, Laws of 1925 ex. sess. and RCW 16.04.025 are each amended to read as follows:

If the owner or the person having in charge or possession such animals is unknown to the person sustaining the damage, ~~((the notice provided in RCW 16.04.020 shall be given by posting three notices, in three public places in the neighborhood where the animals are restrained))~~ the person retaining such animals shall, within twenty-four hours, notify the county sheriff or the nearest state brand inspector as to the number, description, and location of the animals. The county sheriff or brand inspector shall examine the animals by brand, tattoo, or other identifying characteristics and attempt to ascertain ownership. If the animal is marked with a brand or tattoo which is registered with the director of agriculture, the brand inspector or county sheriff shall furnish this information and other pertinent information to the person holding the animals who in turn shall send the notice required in RCW 16.04.020 to the animals' owner of record by certified mail.

If the county sheriff or the brand inspector determines that there is no apparent damage to the property of the person retaining the animals, or if the person sustaining the damage contacts the county sheriff or brand inspector to have the animals removed from his or her property, such animals shall be removed in accordance with chapter 16.13 RCW. Such removal shall not prejudice the property owner's ability to recover damages through civil suit.

Sec. 30. Section 7, chapter 31, Laws of 1893 and RCW 16.04.050 are each amended to read as follows:

If the owner or keeper of such offending animals is unknown to plaintiff at the commencement of the action, or if on the trial it appears that the defendant is not the proper party, defendant, and the proper party is unknown, service of the summons or notice shall be made by publication, by publishing a copy of the summons or notice, with a notice attached, stating the object of the action and giving a description of the animals seized, at least once a week for

two consecutive weeks in a ((weekly)) newspaper ((published nearest to the residence of) of general circulation in the county in which the plaintiff(-: if there be one published in the county; and if not, by posting said summons or notice with said notice attached in three public places in the county, in either case)) resides. The most recent notice shall be published not less than ten days previous to the day of trial.

Sec. 31. Section 3, page 324, Laws of 1869 as last amended by section 2490, Code of 1881 and RCW 16.60.015 are each amended to read as follows:

Any person making and maintaining in good repair around his or her enclosure or enclosures, any fence such as is described in RCW 16.60.010 and 16.60.011, may recover in a suit for trespass before the nearest court having competent jurisdiction, from the owner or owners of any animal or animals which shall break through such fence, in full for all damages sustained on account of such trespass, together with the costs of suits; and the animal or animals, so trespassing, may be taken and held as security for the payment of such damages and costs: PROVIDED, That such person shall provide notice as required under RCW 16.04.020 and 16.04.025: PROVIDED FURTHER, That such person shall have such fences examined and the damages assessed by three reliable, disinterested parties and practical farmers, within five days next after the trespass has been committed: AND, PROVIDED FURTHER, That if, before trial, the owner of such trespassing animal or animals, shall have tendered the person injured any costs which may have accrued, and also the amount in lieu of damages which shall equal or exceed the amount of damages afterwards awarded by the court or jury, and the person injured shall refuse the same and cause the trial to proceed, such person shall pay all costs and receive only the damages awarded.

NEW SECTION, Sec. 32. Section 9, page 325, Laws of 1869, section 9, page 65, Laws of 1871, section 9, page 449, Laws of 1873, section 2496, Code of 1881 and RCW 16.60.060 are each repealed.

On motion of Senator Hansen, the following title amendments were considered simultaneously and adopted:

On page 1, on line 3 of the title, after "16.65.080," strike "and" and after "16.65.320" insert ", 16.08.010, 16.13.010, 16.13.020, 16.13.070, 16.20.020, 16.20.030, 16.24.010, 16.24.065, 16.28.165, 16.60.010, 16.60.011, 16.60.062, 16.04.025, 16.04.050, and 16.60.015"

On page 1, on line 3 of the title, after "16.49 RCW;" insert "adding new sections to chapter 16.60 RCW; creating a new section;"

On page 1, on line 4 of the title, after "16.49.510," strike "and" and after "16.36.095" insert ", and 16.60.060"

On page 1, on line 4 of the title, after "16.49A.510," strike "and" and after "16.36.095" insert ", 16.40.010, 16.40.060, 16.40.110, 16.40.120, and 16.40.130"

MOTIONS

On motion of Senator von Reichbauer, Senator Deccio was excused.

On motion of Senator Hansen, the rules were suspended, Substitute House Bill No. 843, 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. 843, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 843, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vogtild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Benitz, Deccio, McManus - 3.

SUBSTITUTE HOUSE BILL NO. 843, as amended by the Senate, having received the constitutional majority, 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. 1129, by Committee on Local Government (originally sponsored by Representatives O'Brien, G. Nelson and May)

Expanding the authorized purposes of parking and of business improvement areas.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Substitute House Bill No. 1129 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. 1129.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1129 and the bill passed the Senate by the following vote: Yeas, 41; nays, 5; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Saling, Sellar, Stratton, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senators Craswell, McCaslin, Pullen, Rasmussen, Talmadge - 5.

Excused: Senators Benitz, Deccio, McManus - 3.

SUBSTITUTE HOUSE BILL NO. 1129, having received the constitutional majority, 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. 194, by Committee on Local Government (originally sponsored by Representatives Haugen, Miller, Ballard, R. King, Allen and Isaacson)

Establishing an alternative procedure for commencing withdrawal of territory from a water or sewer district.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Substitute House Bill No. 194 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 194.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 194 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senator Pullen - 1.

Excused: Senators Benitz, Deccio, McManus - 3.

SUBSTITUTE HOUSE BILL NO. 194, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator McDermott served notice that he would move to reconsider the vote by which Engrossed House Bill No. 99 passed the Senate earlier today.

There being no objection, the President reverted the Senate to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILL

ESHB 1082 by Committee on Commerce and Labor (originally sponsored by Representatives Bristow, Wang, Patrick, McMullen, R. King, Sayan, K. Wilson and Haugen) (by Joint Select Committee on Workers' Compensation request)

Modifying provisions on industrial insurance.

Referred to Committee on Commerce and Labor.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 3001,

SUBSTITUTE SENATE BILL NO. 3170,

SUBSTITUTE SENATE BILL NO. 3180,

SENATE BILL NO. 3214,

SENATE BILL NO. 3273,

SUBSTITUTE SENATE BILL NO. 3309,

SUBSTITUTE SENATE BILL NO. 3536,

SUBSTITUTE SENATE BILL NO. 3598,

SENATE BILL NO. 3624.

MOTION

At 7:13 p.m., on motion of Senator Vognild, the Senate adjourned until 9:00 a.m., Friday, April 12, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

EIGHTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, April 12, 1985

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Benitz, Craswell, McDermott, Rasmussen, Warnke and Wojahn. On motion of Senator Bender, Senators McDermott and Wojahn were excused. On motion of Senator von Reichbauer, Senator Benitz was excused.

The Sergeant at Arms Color Guard, consisting of Pages Lisa Phillips and Stacey Scott, presented the Colors. Reverend Peter Mans, pastor of the Evergreen Christian Reformed Church of Olympia, offered the prayer.

MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

April 11, 1985

GA 85 MARY ELLEN McCaffree, to the position of member of the Hospital Commission, reappointed by the Governor on February 19, 1985, for the term ending July 16, 1987. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Conner, Johnson, Peterson, Stratton.

Passed to Committee on Rules.

April 11, 1985

GA 87 STEVE HILL, to the position of member of the Hospital Commission, appointed by the Governor on February 19, 1985, for the term ending July 16, 1988, succeeding Lynda Zimmerman. Reported by Committee on Human Services and Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Granlund, Chairman; Kreidler, Vice Chairman; Conner, Peterson, Stratton.

Passed to Committee on Rules.

MESSAGE FROM THE HOUSE

April 11, 1985

Mr. President:

The House has passed:

SENATE BILL NO. 3569,

SENATE BILL NO. 3593, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

SECOND READING

ENGROSSED HOUSE BILL NO. 1021, by Representatives Vekich and Nealey (by Department of Agriculture request)

Providing civil penalties and enforcement for violations of certain pesticide control laws.

The bill was read the second time.

MOTION

On motion of Senator Hansen, the rules were suspended, Engrossed House Bill No. 1021 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 House Bill No. 1021.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1021 and the bill passed the Senate by the following vote: Yeas, 42; absent, 4; excused, 3.

Voting yea: Senators Bailey, Barr, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalif, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Williams, Zimmerman - 42.

Absent: Senators Bauer, Craswell, Rasmussen, Warnke - 4.

Excused: Senators Benitz, McDermott, Wojahn - 3.

ENGROSSED HOUSE BILL NO. 1021, having received the constitutional majority, 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. 1234, by Committee on Agriculture (originally sponsored by Representative Vekich)

Designating state agency responsibilities for agricultural market development programs and activities.

The bill was read the second time.

MOTION

On motion of Senator Hansen, the rules were suspended, Engrossed Substitute House Bill No. 1234 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. 1234.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1234 and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalif, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Williams, Zimmerman - 45.

Absent: Senator Warnke - 1.

Excused: Senators Benitz, McDermott, Wojahn - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1234, having received the constitutional 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 Bender, Senator Warnke was excused.

SECOND READING

HOUSE BILL NO. 949, by Representatives D. Nelson, Unsoeld and Isaacson (by Washington State Energy Office request)

Establishing alternative procedures for municipalities to enter into performance-based contracts for energy equipment and services.

The bill was read the second time.

MOTION

On motion of Senator Williams, the rules were suspended, House Bill No. 949 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. 949.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 949 and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Zimmerman - 44.

Absent: Senator Stratton - 1.

Excused: Senators Benitz, McDermott, Warnke, Wojahn - 4.

HOUSE BILL NO. 949, having received the constitutional majority, 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. 958, by Committee on Natural Resources (originally sponsored by Representatives McMullen, Haugen and Lundquist)

Transferring certain trust lands to the parks and recreation commission.

The bill was read the second time.

MOTION

On motion of Senator Kreidler, the rules were suspended, Substitute House Bill No. 958 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. 958.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 958 and the bill passed the Senate by the following vote: Yeas, 44; absent, 1; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Zimmerman - 44.

Absent: Senator Sellar - 1.

Excused: Senators Benitz, McDermott, Warnke, Wojahn - 4.

SUBSTITUTE HOUSE BILL NO. 958, having received the constitutional majority, 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. 327, by Representatives Baugher, Patrick, Walk, Schmidt, Rayburn, R. King and Silver (by Washington State Patrol request)

Restricting the use of optical strobe light devices to publicly-owned emergency and law enforcement vehicles.

The bill was read the second time.

MOTIONS

On motion of Senator Bluechel, the following amendment by Senators Bluechel and Vognild was adopted:

On page 2, line 29, after "1968." strike everything up to and including "RCW 46.16.315." and insert "The owner of a vehicle considered by the owner to be a collector's item or classic automobile may use the original plates, notwithstanding any other provisions of chapter 46.16 RCW to the contrary, provided the original plates are legible."

On motion of Senator Peterson, the rules were suspended, Engrossed House Bill No. 327, 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 House Bill No. 327, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 327, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 47.

Excused: Senators Benitz, Wojahn - 2.

ENGROSSED HOUSE BILL NO. 327, as amended by the Senate, having received the constitutional majority, 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. 190, by Committee on Commerce and Labor (originally sponsored by Representatives Wang, Patrick and Ballard) (by Department of Licensing request)

Revising provisions relating to escrow agents.

The bill was read the second time.

MOTIONS

On motion of Senator Warnke, the following Committee on Commerce and Labor amendment was adopted:

On page 1, after line 24, insert the following:

"Sec. 2. Section 11, chapter 153, Laws of 1965 and RCW 18.44.110 are each amended to read as follows:

Each escrow agent's certificate shall expire at noon on the thirty-first day of December of any calendar year (~~if it is not renewed on or before the twentieth day of December of such year~~). Registration may be renewed by filing an application and paying the annual registration fee for the next succeeding calendar year.

Sec. 3. Section 36, chapter 287, Laws of 1984 and RCW 18.44.208 are each amended to read as follows:

There is established an escrow commission of the state of Washington, to consist of the director of licensing as (~~ex officio member and~~) chairman, and five members who shall act as advisors to the director as to the needs of the escrow profession (~~and who~~), including but not limited to the design and conduct of tests to be administered to applicants for escrow licenses, the schedule of license fees to be applied to the escrow licensees, educational programs, audits and investigations of the escrow profession designed to protect the consumer, and such other matters determined appropriate. Such members shall be appointed by the governor, each of whom shall have been a resident of this state for at least five years and shall have at least five years experience in the practice of escrow as an escrow agent or as a person in responsible charge of escrow transactions.

The members of the first commission shall serve for the following terms: One member for one year, one member for two years, one member for three years, one member for four years, and one member for five years, from the date of their appointment, or until their successors are duly appointed and qualified. Every member of the commission shall receive a certificate of appointment from the governor and before beginning the member's term of office shall file with the secretary of state a written oath or affirmation for the faithful discharge of the member's official duties. On the expiration of the term of each member, the governor shall appoint a successor to serve for a term of five years or until the member's successor has been appointed and qualified.

The governor may remove any member of the commission for cause. Vacancies in the commission for any reason shall be filled by appointment for the unexpired term.

Members shall be compensated in accordance with RCW 43.03.240, and shall be reimbursed for their travel expenses incurred in carrying out the provisions of this chapter in accordance with RCW 43.03.050 and 43.03.060."

Renumber the remaining sections.

On motion of Senator Warnke, the following title amendment was adopted:
On page 1, line 1 of the title, after "18.44.080" insert ", 18.44.110, 18.44.208."

On motion of Senator Warnke, the rules were suspended, Substitute House Bill No. 190, 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. 190, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 190, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 47.

Excused: Senators Benitz, Wojahn - 2.

SUBSTITUTE HOUSE BILL NO. 190, as amended by the Senate, having received the constitutional majority, 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. 718, by Representatives Todd, Barnes, Crane, Allen, Vekich, Nutley and Winsley

Clarifying taxation and assessments provisions pertaining to mobile homes.

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 7, line 6, delete ", and" and insert "or"

On motion of Senator Warnke, the following amendment was adopted:

On page 2, beginning on line 7, strike all material through "action," on line 24
Renumber the sections consecutively and correct any internal references accordingly.

On motion of Senator Warnke, the following title amendment was adopted:

On page 1, line 2 of the title, strike "46.44.175."

On motion of Senator Warnke, the rules were suspended, Engrossed House Bill No. 718, 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 House Bill No. 718, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 718, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 45.

Absent: Senators Craswell, Owen - 2.

Excused: Senators Benitz, Wojahn - 2.

ENGROSSED HOUSE BILL NO. 718, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 855, by Committee on Trade and Economic Development (originally sponsored by Representatives Wineberry, McMullen, Niemi, L. Smith, J. King, May, Lux, Schmidt, Smitherman, Dobbs, Vekich, Lundquist, Tanner, Rayburn, Kremen, Day, S. Wilson, Sayan and Wang)

Establishing the Washington state development finance authority.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Substitute House Bill No. 855 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Warnke, further consideration of Substitute House Bill No. 855 was deferred.

There being no objection, the President advanced the Senate to the eighth order of business.

MOTION

On motion of Senator Gaspard, the following resolution was adopted:

SENATE RESOLUTION 1985-48

by Senators Gaspard, Conner, Patterson, Goltz, Bauer, Talmadge, Johnson, Zimmerman, Cantu, Pullen, Bluechel, Rasmussen, Bender, Bottiger, DeJarnatt, Fleming, Garrett, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Stratton, Thompson, Vognild, Warnke, Williams, and Wojahn

WHEREAS, The Washington State Legislature in 1981 established the Washington Scholars Program to recognize selected senior students from Washington public and private high schools for their academic achievements, leadership abilities and community service contributions; and

WHEREAS, Three senior students are selected from each of the state's 49 legislative districts by a review committee composed of distinguished secondary and postsecondary educators; and

WHEREAS, The 147 students selected for special recognition as Washington Scholars have distinguished themselves by their energy and diversity as student leaders; as participants in music, debate, sports and other programs; and through valuable service to their communities; and

WHEREAS, The families of the students have nurtured and supported the interests and talents of their children; and

WHEREAS, These selected students must maintain a 3.5 grade point average at Washington's public four-year colleges and universities in order to receive a two-year waiver of tuition and fees; and

WHEREAS, The state of Washington benefits from the accomplishments of these caring and gifted individuals, not only as students but, as citizens of our communities and our state;

NOW, THEREFORE, BE IT RESOLVED, That the Senate commends the families of these students for their encouragement and support; and

BE IT FURTHER RESOLVED, That the 147 Washington Scholars be recognized and congratulated for their hard work, dedication and maturity in achieving this noteworthy accomplishment; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to all of the 147 academic scholars from each of the 49 legislative districts.

MOTION

At 10:07 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 11:08 a.m. by President Cherberg.

There being no objection, the President returned the Senate to the sixth order of business.

SECOND READING

ENGROSSED HOUSE JOINT MEMORIAL NO. 2, by Representatives Addison, Niemi, Padden, Brekke and D. Nelson

Requesting the President and Congress to effect the protection of Orthodox Christians.

The memorial was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended. Engrossed House Joint Memorial No. 2 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Joint Memorial No. 2.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Joint Memorial No. 2 and the memorial passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Barr, Newhouse - 2.

Excused: Senator Benitz - 1.

ENGROSSED HOUSE JOINT MEMORIAL NO. 2, having received the constitutional majority, was declared passed.

SECOND READING

HOUSE BILL NO. 1010, by Representative Grimm

Appropriating funds for the publication of the session laws.

The bill was read the second time.

MOTIONS

On motion of Senator Thompson, the following amendment by Senators Thompson, Sellar, Conner, Bottiger, Fleming, Zimmerman, Hayner, Pullen, Bailey, Saling, McCaslin, DeJarnatt, McManus, Granlund, Johnson, Moore, Kreidler, Stratton, Owen, Gaspard, Rinehart, Wojahn, Bluechel, Barr, Halsan, Guess, Rasmussen, McDermott, Bender, Peterson, Lee, Garrett, Goltz, Hansen, Williams, Vognild, Warnke, McDonald, Cantu, Craswell, Deccio, Patterson, Kiskaddon, Metcalf, Newhouse, Bauer and von Reichbauer was adopted:

On page 1, after line 10 insert:

"Sec. 1. The legislative systems committee is created to oversee the direction of the information processing and communications systems of the legislature. The legislative systems committee shall consist of eight members appointed as follows: Two members of the senate, one each appointed by the majority and minority leaders of the senate; two members of the house of representatives, one each appointed by the speaker of the house of representatives and the minority leader; one member of the legislature appointed by the statute law committee; one member of the legislature appointed by the legislative evaluation and accountability program committee, with the senate and the house and the majority and minority parties equally represented by these latter two appointments; and two nonvoting members, one from the judicial branch appointed by the chief justice of the state supreme court, and one from the office of financial management appointed by the governor.

The initial members of the legislative systems committee shall be appointed within five days after the effective date of this act, and shall serve until their successors are appointed and qualified in the 1987 regular legislative session. Members shall serve two-year terms, beginning with their appointment in the legislative session held in an odd-numbered year and continuing until their successors are appointed and qualified. In case of a vacancy, the original appointing authority shall appoint another member of the same party as the vacating member.

The legislative systems committee shall choose its own chairman from among its membership, and shall make rules for orderly procedure.

NEW SECTION, Sec. 2. The legislative systems advisory committee, hereafter referred to as the "advisory committee," is created to serve in an advisory capacity to the legislative systems committee. The advisory committee shall consist of the secretary of the senate, the chief clerk of the house of representatives, the code reviser, the administrator of the legislative evaluation and accountability program committee, and the legislative systems coordinator appointed under section 3 of this act, or their designees. The legislative systems coordinator shall act as chairman of the advisory committee.

NEW SECTION, Sec. 3. (1) The legislative systems committee, upon or after consultation with the advisory committee, shall appoint a legislative systems coordinator. The coordinator shall serve at the pleasure of the legislative systems committee, which shall fix the coordinator's salary.

(2) The coordinator shall coordinate and assist the advisory committee in carrying out its responsibilities under section 5 of this act.

NEW SECTION, Sec. 4. In regards to the information processing and communications systems of the legislature, the legislative systems committee shall, after considering the recommendations of the advisory committee:

(1) Adopt, and enforce where appropriate, policies, procedures, or standards regarding:

(a) The definition of systems users requirements;

(b) The design of a general systems architecture;

(c) Systems capacity plans, including: Usage profiles, projected systems usage, and hardware and software requirements;

(d) Interchange of equipment;

(e) Interchange of software;

(f) Equipment acquisition and maintenance procedures;

(g) Systems security;

(h) Systems usage;

(i) Training and support programs with the following elements: Identification of user training and support requirements, identification of training resources, and systems users documentation and training materials;

(2) Consider, modify where it is deemed necessary, and adopt the systems application portfolio developed and submitted by the advisory committee; and

(3) Facilitate the communication and coordination of information regarding systems application, the exchange of systems improvement opportunities, and the exchange of functional improvement opportunities among systems users and support functions.

NEW SECTION, Sec. 5. In regards to the information processing and communications systems of the legislature, the legislative systems advisory committee shall:

(1) Develop and submit to the legislative systems committee recommended policies, procedures, or standards pertaining to those matters enumerated under section 4(1) of this act;

(2) Develop and submit, to the legislative systems committee, the recommended systems application portfolio required under section 4(2) of this act; and

(3) Assist the legislative systems committee in carrying out the requirements of section 4(3) of this act.

NEW SECTION, Sec. 6. The information processing and communications functions of the senate, the house of representatives, the statute law committee, the legislative evaluation and accountability program committee, and any other legislative agency are subject to the requirements of this chapter and the standards, policies, and procedures established by the legislative systems committee.

NEW SECTION, Sec. 7. Members of the legislative systems committee and of the advisory committee shall be reimbursed for travel expenses under RCW 44.04.120 or 43.03.050 and 43.03.060, as appropriate, while attending meetings of their committee or on other committee business authorized by their committee.

NEW SECTION, Sec. 8. The legislative systems committee shall administer the legislative support center in accordance with section 4 of this act. The transition of management authority should maintain the highest level of stability possible so that staff and operation of the data base are maintained. The legislative information system shall become the legislative support center and shall provide automatic data processing services for the legislature, its various committees, and the statute law committee and may by agreement, for the judiciary and the legal or law-oriented agencies of the executive branch. Information directly placed or maintained in the legislative support center by agreement is subject to full security as negotiated

with the originator. All such operations shall be subject to the general supervision of the legislative systems committee in accordance with the policies, procedures, or standards established under section 4 of this act. The legislative systems committee shall employ or engage and fix the compensation for all personnel as may be required to plan, supervise, operate, procure, or supply such services. The legislative systems committee may enter into contracts with public or private vendors or purchasers for the sale, exchange, or acquisition of data processing materials, services, and facilities.

The legislative evaluation and accountability program committee and the state actuary shall use the facilities of the legislative support center whenever feasible with an objective of full participation in the future.

NEW SECTION. Sec. 9. There is added to chapter 43.105 RCW a new section to read as follows:

The senate, the house of representatives, legislative agencies, and the statute law committee are exempt from the provisions of this chapter. However, the authority may provide its services to the senate, the house of representatives, legislative agencies, or the statute law committee at the request of the legislative systems committee created by section 1 of this act.

Sec. 10. Section 9, chapter 373, Laws of 1977 ex. sess. as amended by section 158, chapter 151, Laws of 1979 and RCW 44.48.090 are each amended to read as follows:

The committee shall have the following powers, to be exercised in accordance with the policies, procedures, or standards established under section 4 of this act:

(1) To have timely access, upon written request of the administrator, to all machine readable, printed, and other data of state agencies relative to expenditures, budgets, and related fiscal matters;

(2) To suggest changes relative to state accounting and reporting systems to the office of financial management or its successor and to require timely written responses to such suggestions; and

(3) Pursuant to prior consultation with the legislative systems committee, to enter into contracts; and when entering into any contract for computer access, make necessary provisions relative to the scheduling of computer time and usage in recognition of the unique requirements and priorities of the legislative process.

NEW SECTION. Sec. 11. Any funds appropriated to the statute law committee for the operation of the legislative information system during the 1985-1987 biennium shall be transferred to the legislative systems committee for the operation of the legislative support center. All funds collected by the statute law committee for materials or information generated on behalf of the legislature, including but not limited to the revised code of Washington, shall be remitted to the legislative systems committee.

NEW SECTION. Sec. 12. Sections 1 through 8 of this act shall constitute a new chapter in Title 44 RCW.

NEW SECTION. Sec. 13. Section 5, chapter 212, Laws of 1969 ex. sess. and RCW 1.08.100 are each repealed.*

Renumber the remaining sections accordingly.

On motion of Senator McDermott, the following title amendment was adopted:

On line 2 of the title, after "Washington;" and before "making an appropriation;" insert "amending RCW 44.48.090; adding a new section to chapter 43.105 RCW; adding a new chapter to Title 44 RCW; creating a new section; repealing RCW 1.08.100;"

On motion of Senator McDermott, the rules were suspended, House Bill No. 1010, 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 House Bill No. 1010, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1010, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Bender, Lee - 2.

Excused: Senator Benitz - 1.

HOUSE BILL NO. 1010, as amended by the Senate, having received the constitutional majority, 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. 66, by Representatives R. King, Patrick, Wang, Gallagher and Crane

Establishing a training certificate for plumbing construction work contractors.

The bill was read the second time.

MOTIONS

On motion of Senator Bailey, the following amendment was adopted:

On page 2, line 31, after "more than", strike "one-noncertified individual" and insert "three noncertified individuals"

Senator Warnke moved that the following amendment by Senators Warnke and Cantu be adopted:

On page 2, line 31, after "be" strike all material through "plumber." on line 33 and insert ";
(a) From the effective date of this 1985 act through June 30, 1988, not more than three noncertified plumbers working on any one job site for every certified journeyman or specialty plumber;
(b) effective July 1, 1988, not more than two noncertified plumbers working on any one job site for every certified specialty plumber or journeyman plumber working as a specialty plumber;
and (c) effective July 1, 1988, not more than one noncertified plumber working on any one job site for every certified journeyman plumber working as a journeyman plumber."

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Bailey: "Thank you, Mr. President. I rise to a parliamentary order. Ladies and gentlemen of the Senate, I believe the amendment we just passed would take care of this section, so I don't see the need of the amendment we have before us."

REPLY BY THE PRESIDENT

President Cherberg: "Senator Bailey, you have left the President in doubt. The President is in doubt as to your inquiry. Did you raise the point that the amendment changes the scope and object of the bill?"

Senator Bailey: "Yes, I did. Well, I'm looking at my advisors and I, respectfully, submit to our leadership."

REMARKS BY SENATOR SELLAR

Senator Sellar: "Thank you, Mr. President. I believe the point that has to be made is not scope and object, but that the section that is dealt with has been perfected by an amendment, therefore, the second amendment is not properly before us."

REMARKS BY SENATOR VOGNILD

Senator Vognild: "Thank you, Mr. President. I believe it is properly before us. We normally will perfect and then a striker will follow and that is exactly what we have here."

REMARKS BY SENATOR WARNKE

Senator Warnke: "Thank you, Mr. President. Senator Vognild has made the point that I was going to make. This is a striking amendment to the amendment that was given previously and it's a clarifying amendment."

REPLY BY THE PRESIDENT

President Cherberg: "The remarks by Senators Vognild and Warnke are well taken."

The President declared the question before the Senate to be adoption of the amendment by Senators Warnke and Cantu.

The motion by Senator Warnke carried and the amendment was adopted on a rising vote.

MOTION

On motion of Senator Warnke, the rules were suspended, House Bill No. 66, 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. 66, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 66, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 27; nays, 21; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Johnson, Kreidler, McDermott, McManus, Moore, Peterson, Pullen, Rasmussen, Rinehart, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 27.

Voting nay: Senators Bailey, Barr, Bluechel, Cantu, Craswell, Deccio, Guess, Hansen, Hayner, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Owen, Patterson, Saling, Sellar, Stratton, Zimmerman - 21.

Excused: Senator Benitz - 1.

HOUSE BILL NO. 66, as amended by the Senate, having received the constitutional majority, 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. 1044, by Committee on Agriculture (originally sponsored by Representatives Rayburn, Doty, Baugher, Hastings, Day, Dellwo, Isaacson, Chandler, Brooks and Tilly)

Requiring plats in irrigation districts to provide for irrigation before approval.

The bill was read the second time.

MOTION

On motion of Senator Hansen, the rules were suspended, Substitute House Bill No. 1044 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. 1044.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1044 and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 46.

Voting nay: Senators Bailey, Wojahn - 2.

Excused: Senator Benitz - 1.

SUBSTITUTE HOUSE BILL NO. 1044, having received the constitutional majority, 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. 469, by Committee on Social and Health Services (originally sponsored by Representatives Lux, Lewis, Leonard, Armstrong, Hine, Barrett and Unsoeld)

Updating definitions used in naturopathic medicine.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Substitute House Bill No. 469 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. 469.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 469 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Benitz - 1.

SUBSTITUTE HOUSE NO. 469, having received the constitutional 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 advanced to the ninth order of business.

MOTION FOR RECONSIDERATION

Having served prior notice, Senator Warnke moved that the Senate reconsider the vote by which Substitute Senate Bill No. 3927 failed to pass the Senate April 10, 1985.

The President declared the question before the Senate to be the motion by Senator Warnke to reconsider the vote by which Substitute Senate Bill No. 3927 failed to pass the Senate.

The motion by Senator Warnke carried and the Senate resumed consideration of Substitute Senate Bill No. 3927, on reconsideration.

MOTION

On motion of Senator Vognild, further consideration of Substitute Senate Bill No. 3927, on reconsideration, was deferred and the bill held its place on the third reading calendar.

MOTION

On motion of Senator Vognild, the Senate reverted to the third order of business.

MESSAGE FROM THE GOVERNOR

April 10, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I am requesting the withdrawal of the following appointments which are pending before you:

Jack R. Gustafson, nominated as a member of the State Parks and Recreation Commission.

Eustace "Sunny" Vynne, Jr., nominated as a member of the State Parks and Recreation Commission.

Marilyn Bozich, nominated as a member of the State Interagency Committee for Outdoor Recreation.

Joseph M. Honda, nominated as a member of the State Board of Pharmacy.

Barbara A. Vanderkolk, nominated as a member of the State Board of Pharmacy.

John A. Earley, nominated as a member of the State Gambling Commission.

Ronald S. Jones, nominated as a member of the State Gambling Commission.

Thomas P. Keefe, nominated as a member of the State Gambling Commission.
Pat "Margaret" Williams, nominated as a member of the State Gambling Commission.

Bernard G. Winckoski, nominated as a member of the State Gambling Commission.

Edward "Ned" W. Barnholt, nominated as a member of the Washington High-Technology Coordinating Board.

Robert W. Hager, nominated as a member of the Washington High-Technology Coordinating Board.

Yih-Ho "Michael" Pao, nominated as a member of the Washington High-Technology Coordinating Board.

Chi-doooh "Skip" Li, nominated as a member of the Clemency and Pardons Board.

Juanita Grant, nominated as a member of the Clemency and Pardons Board.

Hewitt A. Henry, nominated as a member of the Clemency and Pardons Board.

S. R. Johnston, nominated as a member of the Clemency and Pardons Board.

Anita M. Mendez, nominated as a member of the Clemency and Pardons Board.

Larry V. Ericson, nominated as a member of the Corrections Standards Board.

Henry Beauchamp, nominated as a member of the Corrections Standards Board.

David S. McEachran, nominated as a member of the Corrections Standards Board.

Cornelius R. Duffie, nominated as a member of the WPPSS Executive Board.

Ronald D. Mayo, nominated as a member of the WPPSS Executive Board.

Sydney Steinborn, P.E., nominated as a member of the WPPSS Executive Board.

Della M. Newman, nominated as a member of the State Personnel Board.

Dorothy Alice Parker, nominated as a member of the Oil and Gas Conservation Committee.

Stephen M. Ringhoffer, nominated as a member of the Oil and Gas Conservation Committee.

Herb Streuli, nominated as a member of the Oil and Gas Conservation Committee.

Hiram H. White, nominated as a member of the Oil and Gas Conservation Committee.

James L. Kirschbaum, nominated as Chairman of the Washington State Housing Finance Commission.

Carol C. Little, nominated as a member of the Washington State Housing Finance Commission.

Nanci C. Primley, nominated as a member of the Washington State Housing Finance Commission.

Charles R. Richmond, nominated as a member of the Washington State Housing Finance Commission.

Anne H. Rose, nominated as a member of the Washington State Housing Finance Commission.

Betty H. Sherman, nominated as a member of the Washington State Housing Finance Commission.

Donald R. Wick, nominated as a member of the Washington State Housing Finance Commission.

Dr. Jill M. Kinney, nominated as a member of the Juvenile Disposition Standards Board.

Rosalyn Oreskovich, nominated as a member of the Juvenile Disposition Standards Board.

Jane McCormmach, nominated as a member of the Higher Education Personnel Board.

James P. Dinan, nominated as a trustee of Community College District No. 1 (Peninsula).

Sincerely,
BOOTH GARDNER, Governor

MOTION

Senator Bottiger moved that the Senate grant the request of the Governor and withdraw the gubernatorial appointments as listed in his message.

Debate ensued.

REMARKS BY SENATOR HAYNER

Senator Hayner: "Mr. President and ladies and gentlemen of the Senate. Here we have another example of unstable situations being created within state government. I think it points up the fact that our law permits the majority party, whichever it may be, to refuse to confirm and then those people are held over. A new Governor comes along and wipes the slate clean. I think this is a very inefficient way to operate government and certainly it is not an orderly process.

"The refusal of the majority party in the last two years to confirm all these people on the supposition that there would be a change in party and in the Governor's office, I think is an irresponsible way to deal with this. We have an obligation to look at these people and to decide at a reasonable time after they are appointed whether or not they should be confirmed and stay in that position. I abhor this sort of thing and I would hope that there would be every kind of bipartisan effort to change this whole situation."

REMARKS BY SENATOR THOMPSON

Senator Thompson: "Thank you, Mr. President and members of the Senate. I'm a relatively new member of the Senate and not as experienced in these matters of the confirmation process as many of you, but I am beginning to appreciate the problems that Senator Hayner has just articulated.

"I introduced a bill--it was an attempt to review a measure that had previously been developed by the Senate. We had one hearing in the Governmental Operations Committee and all of us on the committee became more aware of the issue and its complexities. In the press of other matters we had to handle, we set it aside. However, I do want to convey the interest of the committee in pursuing these problems that Senator Hayner has raised, in this interim and be prepared to bring to you, when we sit again, in bill form--an improved process of handling confirmations."

REMARKS BY SENATOR PULLEN

Senator Pullen: "Perhaps Senator Bottiger could clarify if there is a list available as to who is being renominated. The reason I asked, I guess, I see a list here that Senator Bottiger referred to in his message from the Governor. I see someone put some notes here to the side and I see the Clemency and Pardons Board--they are also reviewing. The reason I asked is that one of them, Juanita Grant, is very close to me, being my secretary and administrative assistant and right arm. She is a woman of unusual intelligence and insight in such matters and I certainly hope that she will be reappointed. The list strikes me and every fiber in my body cried out to emphasize the value of getting her back on the Clemency and Pardons Board. I was hoping she wasn't being under serious consideration and review for that."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, I made up the notes on this side by comparing the two sheets and I shared that--admittedly a little belatedly with Senator McDonald. Most of these people are being reappointed. There are some exceptions in the list."

The President declared the question before the Senate to be the motion by Senator Bottiger to grant the request of the Governor and withdraw the gubernatorial appointments as listed.

The motion by Senator Bottiger carried and the gubernatorial appointments, as listed, were returned to the Governor.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

April 10, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Ed Luders, appointed April 10, 1985, for a term ending December 31, 1990, as a member of the State Parks and Recreation Commission, succeeding Durand A. Cox.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Parks and Ecology.

April 10, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Marcy J. Golde, appointed April 10, 1985, for a term ending December 31, 1990, as a member of the State Parks and Recreation Commission, succeeding E. J. "Jim" Clark.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Parks and Ecology.

April 10, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Dick Dixon, appointed April 10, 1985, for a term ending December 31, 1988, as a member of the State Parks and Recreation Commission, succeeding Eustace "Sunny" Vynne, Jr.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Parks and Ecology.

April 10, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Queenie Allado, appointed April 10, 1985, for a term ending December 31, 1988, as a member of the State Parks and Recreation Commission, succeeding Jack R. Gustafson.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Parks and Ecology.

April 10, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Patrick J. Graham, appointed April 10, 1985, for a term ending June 30, 1989, as a member of the State Gambling Commission, succeeding Pat Williams.

Sincerely,

BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

April 10, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Ronald S. Jones, reappointed April 10, 1985, for a term ending June 30, 1985, as a member of the State Gambling Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

April 10, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Thomas P. Keefe, reappointed April 10, 1985, for a term ending June 30, 1987, as a member of the State Gambling Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

April 10, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Juli Vraves Anderson, appointed April 10, 1985, for a term ending June 30, 1988, as a member of the State Gambling Commission, succeeding John Earley.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

April 10, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Donalee Rutledge, appointed April 10, 1985, for a term ending June 30, 1987, as a member of the Washington High-Technology Coordinating Board, succeeding Yih-Ho "Michael" Pao.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

April 10, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Robert M. Schaefer, appointed April 10, 1985, for a term ending June 30, 1987, as a member of the Washington High-Technology Coordinating Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

April 10, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Edward "Ned" W. Barnholt, reappointed April 10, 1985, for a term ending June 30, 1987, as a member of the Washington High-Technology Coordinating Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

April 10, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

James E. Minor, appointed April 10, 1985, for a term ending June 30, 1987, as a member of the Washington High-Technology Coordinating Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Commerce and Labor.

April 10, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Douglas W. Beeman, reappointed April 10, 1985, for a term ending January 21, 1989, as a member of the State Board of Pharmacy.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Human Services and Corrections.

April 10, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Joseph M. Honda, reappointed April 10, 1985, for a term ending January 18, 1988, as a member of the State Board of Pharmacy.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Human Services and Corrections.

April 10, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Barbara A. Vanderkolk, reappointed April 10, 1985, for a term ending January 20, 1986, as a member of the State Board of Pharmacy.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Human Services and Corrections.

April 10, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Jeanne Marsden, appointed April 10, 1985, for a term ending December 31, 1987, as a member of the State Interagency Committee for Outdoor Recreation, succeeding Silva Bolds.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Parks and Ecology.

April 10, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Joe C. Jones, appointed April 10, 1985, for a term ending December 31, 1987, as a member of the State Interagency Committee for Outdoor Recreation, succeeding John H. Jessup.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Parks and Ecology.

April 10, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Larry V. Ericson, reappointed April 10, 1985, for a term ending September 24, 1987, as a member of the Corrections Standards Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Human Services and Corrections.

April 10, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Henry Beauchamp, reappointed April 10, 1985, for a term ending September 24, 1987, as a member of the Corrections Standards Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Human Services and Corrections.

April 10, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Phyllis M. Kenney, reappointed April 10, 1985, for a term ending September 24, 1988, as a member of the Corrections Standards Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Human Services and Corrections.

April 10, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

David S. McEachran, reappointed April 10, 1985, for a term ending September 24, 1987, as a member of the Corrections Standards Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Human Services and Corrections.

April 10, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Cornelius R. Duffie, reappointed April 10, 1985, for a term ending June 13, 1988, as a member of the WPPSS Executive Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Energy and Utilities.

April 10, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Ronald D. Mayo, reappointed April 10, 1985, for a term ending June 30, 1985, as a member of the WPPSS Executive Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Energy and Utilities.

April 10, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Sydney Steinborn, reappointed April 10, 1985, for a term ending June 13, 1986, as a member of the WPPSS Executive Board.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Energy and Utilities.

April 10, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Hiram H. White, reappointed April 10, 1985, for a term ending April 16, 1988, as a member of the Oil and Gas Conservation Committee.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Energy and Utilities.

April 10, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Donald M. Ford, appointed April 10, 1985, for a term ending April 16, 1986, as a member of the Oil and Gas Conservation Committee, succeeding Herb Streuli.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Energy and Utilities.

April 10, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

James Brooks, appointed April 10, 1985, for a term ending April 16, 1985, as a member of the Oil and Gas Conservation Committee, succeeding Dorothy Alice Parker.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Energy and Utilities.

April 10, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Simon Martinez, appointed April 10, 1985, for a term ending April 16, 1987, as a member of the Oil and Gas Conservation Committee, succeeding Stephen M. Ringhoffer.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Energy and Utilities.

April 10, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Rosalyn Oreskovich reappointed April 10, 1985, for a term ending November 2, 1986, as a member of the Juvenile Disposition Standards Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Judiciary.

April 10, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Jill M. Kinney, reappointed April 10, 1985, for a term ending November 2, 1986, as a member of the Juvenile Disposition Standards Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Judiciary.

April 10, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Judge James Roper, appointed April 10, 1985, for a term ending November 2, 1986, as a member of the Juvenile Disposition Standards Commission.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Judiciary.

April 10, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Marlene Smith, appointed April 10, 1985, for a term ending November 2, 1987, as a member of the Juvenile Disposition Standards Commission, succeeding Paul W. Peterson.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Judiciary.

April 10, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Stan Taylor, appointed April 10, 1985, for a term ending November 2, 1987, as a member of the Juvenile Disposition Standards Commission, succeeding Hunter E. John.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Judiciary.

April 10, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Robert D. Crutchfield, appointed April 10, 1985, for a term ending November 2, 1987, as a member of the Juvenile Disposition Standards Commission, succeeding Jay A. Reich.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Judiciary.

April 10, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Leslie A. Crowe, appointed April 10, 1985, for a term ending July 1, 1987, as a member of the Commission on Vocational Education, succeeding David Semerad.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

April 10, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Janet Allison, reappointed April 10, 1985, for a term ending July 1, 1989, as a member of the Commission on Vocational Education.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

April 10, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Robert K. Powers, reappointed April 10, 1985, for a term ending March 26, 1989, as a member of the Higher Education Facilities Authority.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

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 Craig Cole as a member of the Board of Trustees for Western Washington University was confirmed.

APPOINTMENT OF CRAIG COLE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 42; absent, 6; excused, 1.

Voting yea: Senators Bailey, Barr, Bender, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Absent: Senators Bauer, Conner, Guess, Hayner, McDermott, Moore - 6.

Excused: Senator Benitz - 1.

REMARKS BY SENATOR WILLIAMS

Senator Williams announced that several musical groups will be performing in the Rotunda at noon today in honor of 'Louie, Louie Day.'

MOTION

At 12:03 p.m., on motion of Senator Vognild, the Senate recessed until 2:30 p.m.

AFTERNOON SESSION

The Senate was called to order at 2:30 p.m. by President Pro Tempore Goltz.

SECOND READING

HOUSE BILL NO. 675, by Representatives Niemi, Barrett, Dellwo, Crane, Lewis, Appelwick, Tilly, Armstrong, Padden, Schmidt, Scott, Wang and Long

Including stepchildren as potential plaintiffs in wrongful death action.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, House Bill No. 675 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Newhouse: "Senator Talmadge, by coincidence I was just going to ask you this question for the record. If a natural parent is still supporting a child in/or part, will the amount of child support received from the natural parent be offset against the claim for wrongful death of a stepparent?"

Senator Talmadge: "On that question, Senator Newhouse, I'm not entirely certain. I don't believe that would be the case. I think the stepchildren would be entitled to receive whatever they are entitled to receive under the statute of damages, but I'm not certain, but if they were receiving child support from the natural parent, that would result in an offset."

Senator Newhouse: "Yet, damages should include the loss of support that might be expected from the natural parent."

Senator Talmadge: "It might be part of the calculation of damages if, in fact, they were not economically harmed and by the sound of things if they were receiving some assistance from the natural parent, the amount of economical harm to them would be less than in the case where there was no support coming from the natural parent--that might result in a lowered amount to them."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of House Bill No. 675.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 675 and the bill passed the Senate by the following vote: Yeas, 45; absent, 3; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Zimmerman - 45.

Absent: Senators Gaspard, McDermott, Williams - 3.

Excused: Senator Benitz - 1.

HOUSE BILL NO. 675, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 250, by Representatives Nutley, Brough and Miller

Extending time requirements for revision of small works roster.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, House Bill No. 250 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. 250.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 250 and the bill passed the Senate by the following vote: Yeas, 46; absent, 2; excused, 1.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Gaspard, McDermott - 2.

Excused: Senator Benitz - 1.

HOUSE BILL NO. 250, having received the constitutional 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 Bender, Senators Gaspard and Wojahn were excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 461, by Committee on Trade and Economic Development (originally sponsored by Representatives Kremen, Schoon, Unsoeld, Barrett, Braddock, Hargrove, Tanner, J. King, McMullen and P. King)

Modifying provisions on loans and grants to political subdivisions for public facilities.

The bill was read the second time.

MOTION

Senator Warnke moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

*PUBLIC WORKS

NEW SECTION. Sec. 1. LEGISLATIVE FINDINGS AND POLICY. The legislature finds that there exists in the state of Washington over four billion dollars worth of critical projects for the planning, acquisition, construction, repair, replacement, rehabilitation, or improvement of streets and roads, bridges, water systems, and storm and sanitary sewage systems. The December, 1983 Washington state public works report prepared by the planning and community affairs agency documented that local governments expect to be capable of financing over two billion dollars worth of the costs of those critical projects but will not be able to fund nearly half of the documented needs. It is the policy of the state of Washington to encourage self-reliance by local governments in meeting their public works needs and to assist in the financing of critical public works projects by making loans, financing guarantees, and technical assistance available to local governments for these projects.

NEW SECTION. Sec. 2. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter.

(1) "Board" means the community economic revitalization board as created by chapter 43.160 RCW.

(2) "Public works subcommittee" means the subcommittee created by section 12 of this act.

(3) "Department" means the department of community development.

(4) "Financing guarantees" means the pledge of money in the public works assistance account, or money to be received by the public works assistance account, to the repayment of all or a portion of the principal of or interest on obligations issued by local governments to finance public works projects.

(5) "Local governments" means cities, towns, counties, special purpose districts, and any other municipal corporations or quasi-municipal corporations in the state excluding school districts and port districts.

(6) "Public works project" means a project of a local government for the planning, acquisition, construction, repair, reconstruction, replacement, rehabilitation, or improvement of streets and roads, bridges, water systems, or storm and sanitary sewage systems.

(7) "Technical assistance" means training and other services provided to local governments to (a) help such local governments plan, apply, and qualify for loans and financing guarantees from the board and (b) help local governments improve their ability to plan for, finance, acquire, construct, repair, replace, rehabilitate, and maintain public facilities.

NEW SECTION, Sec. 3. GENERAL POWERS OF THE BOARD. For the purpose of implementing this chapter, the board may:

(1) Accept from any state or federal agency, loans or grants for the planning or financing of any public works project and enter into agreements with any such agency concerning the loans or grants;

(2) Provide technical assistance to local governments;

(3) Accept any gifts, grants, or loans of funds, property, or financial or other aid in any form from any other source on any terms and conditions which are not in conflict with this chapter;

(4) Adopt rules under chapter 34.04 RCW as necessary to carry out the purposes of this chapter;

(5) Delegate to the public works subcommittee of the board, by rule, any of its powers under this chapter; and

(6) Do all acts and things necessary or convenient to carry out the powers expressly granted or implied under this chapter.

NEW SECTION, Sec. 4. PUBLIC WORKS FINANCING POWERS. In order to aid the financing of public works projects, the board may:

(1) Make low-interest or interest-free loans to local governments from the public works assistance account or other funds and accounts for the purpose of assisting local governments in financing public works projects. The board may require such terms and conditions and may charge such rates of interest on its loans as it deems necessary or convenient to carry out the purposes of this chapter. Money received from local governments in repayment of loans made under this section shall be paid into the public works assistance account for uses consistent with this chapter.

(2) Pledge money in the public works assistance account, or money to be received by the public works assistance account, to the repayment of all or a portion of the principal of or interest on obligations issued by local governments to finance public works projects. The board shall not pledge any amount greater than the sum of money in the public works assistance account plus money to be received from the payment of the debt service on loans made from that account, nor shall the board pledge the faith and credit or the taxing power of the state or any agency or subdivision thereof to the repayment of obligations issued by any local government.

(3) Create such subaccounts in the public works assistance account as the board deems necessary to carry out the purposes of this chapter.

(4) Provide a method for the allocation of loans and financing guarantees and the provision of technical assistance under this chapter which shall be based on the recommendations of the public works subcommittee.

All local public works projects aided in whole or in part under the provisions of this chapter shall be put out for competitive bids. The competitive bids called for shall be administered in the same manner as all other public works projects put out for competitive bidding by the local governmental entity aided under this chapter.

NEW SECTION, Sec. 5. PRIORITIES FOR LOANS AND PLEDGES. The board shall set up a system of priorities it will use in making loans and providing financial guarantees and technical assistance under this chapter. Top priority will be given to (1) projects of local governments that have developed and implemented a financial plan to assure the continued funding for the repair and maintenance of existing public works; (2) projects of local governments that are contributing substantial local funds, but distressed areas with high unemployment may have a lower contribution requirement; and (3) projects that involve existing public works as defined in section 2(6) of this act. Additional factors to be considered include:

(a) The level of need of state assistance to each local government receiving such assistance;

(b) Public works projects that serve a number of communities or are funded by two or more local governments to share the costs of the assisted public works projects;

(c) The health and safety needs for particular public works projects proposed for assistance;

(d) The occurrence of natural disasters that create the need for assistance for public works projects;

(e) The existence of federal and state projects that create the need for assistance for public works projects;

(f) The need in a community to attract new employers, expand existing employers, or otherwise and the need for economic development and recognition of such need by the department of commerce and economic development which results in a community economic revitalization board allocation; and

(g) Such other criteria as the board deems appropriate.

In issuing rules setting forth the method of weighing the criteria set forth in this section, and selecting public works projects for assistance, the board shall endeavor to provide clear and understandable rules that will indicate to local governments the likelihood of receiving assistance from the board on particular public works projects. In adopting these rules the board shall consider the recommendations of the public works subcommittee.

NEW SECTION, Sec. 6. RECORDS, AUDITS, AND REPORTS. The board and the public works subcommittee shall keep proper records of accounts and shall be subject to audit by the state auditor. Annual reports on the activities of the board and the public works subcommittee in implementing this chapter shall be made by the department to the governor and the legislature at the start of each annual legislative session.

NEW SECTION, Sec. 7. REPEALER. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 244, Laws of 1984 and RCW 43.63A.200;
- (2) Section 2, chapter 244, Laws of 1984 and RCW 43.79.450; and
- (3) Section 3, chapter 244, Laws of 1984 and RCW 43.79.452.

NEW SECTION, Sec. 8. CAPTIONS. As used in this act, section captions constitute no part of the law.

NEW SECTION, Sec. 9. CODIFICATION. Sections 1 through 6 of this act shall constitute a new chapter in Title 43 RCW.

COMMUNITY ECONOMIC REVITALIZATION BOARD

Sec. 10. Section 3, chapter 40, Laws of 1982 1st ex. sess. as last amended by section 89, chapter 287, Laws of 1984 and RCW 43.160.030 are each amended to read as follows:

(1) The community economic revitalization board is hereby created to exercise the powers granted under this chapter.

(2) The board shall consist of ~~((nine))~~ eleven persons appointed by the governor ~~((and)), the director of commerce and economic development, the director of ((planning and community affairs))~~ community development, the director of revenue, the commissioner of employment security, ~~((and))~~ the chairmen of the committee on ~~((commerce))~~ trade and economic development of the house of representatives and the committee on commerce and labor of the senate, ~~and the chairmen and the ranking minority member of the committees on ways and means of the senate and house of representatives,~~ or the equivalent standing committees, for a total of ~~((seventeen))~~ twenty-one members. The appointive members shall be as follows: A recognized private or public sector economist selected from the governor's council of economic advisors; one port district official; one county official; one city official; one representative of the public; one representative of small businesses each from: (a) The area west of Puget Sound, (b) the area east of Puget Sound and west of the Cascade range, (c) the area east of the Cascade range and west of the Columbia river, and (d) the area east of the Columbia river; one executive from large businesses each from the area west of the Cascades and the area east of the Cascades. The appointive members shall initially be appointed to terms as follows: Three members for one-year terms, three members for two-year terms, and three members for three-year terms which shall include the chairman. Thereafter each succeeding term shall be for three years. The representative from the governor's council of economic advisors shall serve as chairman of the board. The director of the department of commerce and economic development shall serve as vice chairman.

(3) Staff support shall be provided by the department of commerce and economic development to assist the board in implementing this chapter and the allocation of private activity bonds under chapter 39.-- RCW (sections 14 through 22 of this 1985 act).

(4) Staff support shall be provided by the department of community development to assist the board in implementing the public works provisions of chapter 43.-- RCW (sections 1 through 6 of this 1985 act).

(5) All appointive members of the board shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

~~((5))~~ (6) If a vacancy occurs by death, resignation, or otherwise of appointive members of the board, the governor shall fill the same for the unexpired term. Any members of the board, appointive or otherwise, may be removed for malfeasance or misfeasance in office, upon specific written charges by the governor, under chapter 34.04 RCW.

Sec. 11. Section 5, chapter 40, Laws of 1982 1st ex. sess. and RCW 43.160.050 are each amended to read as follows:

In addition to powers and duties granted elsewhere in this chapter, the board may:

- (1) Adopt bylaws for the regulation of its affairs and the conduct of its business;
- (2) Adopt an official seal and alter the seal at its pleasure;
- (3) Contract with any consultants as may be necessary or desirable for its purposes and to fix the compensation of the consultants;
- (4) Utilize the services of other governmental agencies;
- (5) Accept from any federal agency loans or grants for the planning or financing of any project and enter into an agreement with the agency respecting the loans or grants;

(6) Conduct examinations and investigations and take testimony at public or private hearings of any matter material for its information that will assist in determinations related to the exercise of the board's lawful powers:

(7) Make allocations of the state's private activity bonds pursuant to chapter 39.-- RCW (sections 14 through 22 of this 1985 act);

(8) Make pledges and loans and provide technical assistance pursuant to chapter 43.-- RCW (sections 1 through 6 of this 1985 act);

(9) Accept any gifts, grants, or loans of funds, property, or financial or other aid in any form from any other source on any terms and conditions which are not in conflict with this chapter:

((#)) (10) Adopt rules under chapter 34.04 RCW as necessary to carry out the purposes of this chapter, chapter 39.-- RCW (sections 14 through 22 of this 1985 act), and chapter 43.-- RCW (sections 1 through 6 of this 1985 act);

((#)) (11) Do all acts and things necessary or convenient to carry out the powers expressly granted or implied under this chapter.

NEW SECTION. Sec. 12. A new section is added to chapter 43.160 RCW to read as follows:

(1) There is hereby created the public works subcommittee of the board.

(2) The subcommittee shall be primarily responsible for providing the board with recommendations for: (a) Establishing a method of allocation for loans and financing guarantees; (b) providing technical assistance to local governments; and (c) adopting rules which set forth the method of weighing the criteria and selection of public works projects for assistance, pursuant to chapter 43.-- RCW (sections 1 through 6 of this act) and as authorized by rules adopted by the board.

(3) The subcommittee shall consist of six members appointed by the governor to four-year terms, except that initially two members shall be appointed to two-year terms, and three members of the board: (a) The chairman; (b) the county official; and (c) the city official. The appointed members shall include: (i) One member appointed from a list of at least three persons nominated by the association of Washington cities or its successor; (ii) one member appointed from a list of at least three persons nominated by the Washington state association of counties or its successor; (iii) two members appointed from a list of at least four persons nominated jointly by the Washington state association of water districts and the Washington state association of sewer districts or their successors; and (iv) two members appointed from the general public. In appointing the two general public members, the governor shall endeavor to balance the geographical composition of the board and to include members with special expertise in relevant fields such as public finance, architecture and civil engineering, and public works construction. The chairman of the board shall serve as chair of the subcommittee.

(4) Staff support to the subcommittee shall be provided by the department of community development.

(5) Members of the subcommittee shall receive no compensation but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

(6) If a vacancy on the subcommittee occurs by death, resignation, failure to hold the office from which the member was appointed, or otherwise, the governor shall fill the vacant position for the unexpired term. Each vacancy in a position appointed from lists provided by the associations under subsection (3) of this section shall be filled from a list of at least three persons nominated by the relevant association or associations. Any members of the subcommittee, appointive or otherwise, may be removed by the governor for cause in accordance with RCW 43.06.070 and 43.06.080.

NEW SECTION. Sec. 13. A new section is added to chapter 43.160 RCW to read as follows:

(1) There is hereby created the private activity bond subcommittee of the board.

(2) The subcommittee shall be primarily responsible for reviewing and making recommendations to the board on requests for certification and allocation pursuant to the provisions of chapter 39.-- RCW (sections 14 through 22 of this act) and as authorized by rules adopted by the board.

(3) The subcommittee shall consist of the following members: (a) Five members of the board including: (i) The chairman; (ii) the county official; (iii) the city official; (iv) the port district official; and (v) the representative of the public; and (b) four members of the public works subcommittee created by section 12 of this act including: (i) The county official who is not a member of the board; (ii) the city official who is not a member of the board; (iii) a special purpose district official designated to serve on this subcommittee by the governor; and (iv) a general public representative designated to serve on this subcommittee by the governor. The members' terms shall coincide with their terms of appointment to the board or public works subcommittee, as appropriate.

(4) Staff support to the subcommittee shall be provided by the department of commerce and economic development.

(5) Members of the subcommittee shall receive no compensation but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

(6) If a vacancy on the subcommittee occurs by death, resignation, failure to hold the office from which the member was appointed, or otherwise, the vacancy shall be filled through

the procedures specified for filling the corresponding vacancy on the board or the public works subcommittee.

PRIVATE ACTIVITY BONDS

NEW SECTION, Sec. 14. LEGISLATIVE FINDINGS AND POLICY. The federal deficit reduction act of 1984 imposes an annual ceiling on the aggregate amount of federally tax-exempt private activity bonds, including student loan bonds, industrial development bonds, and certain government activity bonds, that may be issued during any calendar year by or on behalf of states and their political subdivisions. The deficit reduction act of 1984 provides a formula for allocating the annual ceiling among various issuers of private activity bonds within a state, but permits each state to enact a different allocation method that is appropriate to that state's needs. The purpose of this chapter is to provide a flexible and efficient method of allocating the state ceiling in Washington in a manner that recognizes the need of the state and its political subdivisions to finance public improvements which are owned by those public entities and also promotes industrial and economic development, encourages private investment, and assists students seeking financial aid.

NEW SECTION, Sec. 15. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the community economic revitalization board as created by chapter 43.160 RCW.

(2) "Private activity bond subcommittee" means the subcommittee created by section 13 of this act.

(3) "Bonds" means bonds, notes, or other obligations of an issuer.

(4) "Bond purchase agreement" means an executed agreement for the purchase of bonds which may or may not be contingent on the allocation of a portion of the state ceiling for the bonds.

(5) "Bond use category" means any of the following categories of bonds: Government activity bonds, industrial development bonds, or student loan bonds.

(6) "Code" means the federal internal revenue code as it exists, with amendments, on the effective date of this act. It also means the code as amended after the effective date of this act, but only if the amendments are approved by the board as provided in section 19 of this act.

(7) "Department" means the department of commerce and economic development or its successor with respect to the powers and duties granted by this chapter.

(8) "Director" means the director of the department or the director's designee.

(9) "Government activity bonds" means bonds that are classified as private activity bonds under the code and that are neither student loan bonds nor revenue bonds issued under Article XXXII of the state Constitution.

(10) "Industrial development bonds" means nonrecourse revenue bonds issued under Article XXXII of the state Constitution.

(11) "Issuer" means the state, any agency or instrumentality of the state, any political subdivision, or any other entity authorized to issue private activity bonds in the state.

(12) "Private activity bonds" means bonds that are private activity bonds as defined in the code.

(13) "State" means the state of Washington.

(14) "State ceiling" means for any calendar year the aggregate amount of private activity bonds that may be issued in the state under the code.

(15) "Student loan bonds" means bonds issued by an issuer that are student loan bonds as defined in the code.

NEW SECTION, Sec. 16. ALLOCATION. (1) The state ceiling shall be allocated each year initially as follows: Forty-five percent to government activity bonds; forty-five percent to industrial development bonds; and ten percent to student loan bonds. The allocation is subject to revision by the board as provided in section 18 of this act.

(2)(a) No issuer is eligible to file a notification form or receive an allocation for the financing of an individual project of more than seven and one-half million dollars of any government activity bond or industrial development bond allocation of the state ceiling without a certificate of approval from the board.

(b) In determining whether to issue a certificate of approval, the board may consider but is not limited to the following criteria:

(i) The number of employment opportunities the project is likely to create in relation to the amount of the bond issuance;

(ii) The level of unemployment in the geographic area likely to be affected by the project;

(iii) Public health and safety benefits;

(iv) The amount of state ceiling which remains unallocated;

(v) The number of persons who will benefit from the project; and

(vi) Other such criteria the board deems appropriate.

(c) The board may condition its certificate of approval on any terms it deems appropriate.

(3) The board shall issue or deny a certificate of approval within sixty days of the filing for an application for the certificate.

(4) The board may delegate to the private activity bond subcommittee of the board, by rule, any of its powers under this chapter.

(5) Subject to the provisions of this chapter, the portion of the state ceiling allocated to a bond use category shall be allocated automatically to an issuer of bonds in that category in the order of the date and time the issuer files a properly completed and signed notification form with the department.

NEW SECTION. Sec. 17. (1) The notification form filed by an issuer shall identify: (a) The amount of the state ceiling allocation that is sought; (b) the bond use category from which the allocation is to be made; (c) a certification by the issuer that a bond purchase agreement has been executed with respect to the bonds for which an allocation is sought; and (d) such other information or evidence of the issuer's intention to issue bonds as the director prescribes.

(2) If the principal amount of the bonds for which an allocation of the state ceiling is sought does not exceed the amount of the state ceiling available in the bond use category applicable to the bonds, the director shall mail a written allocation confirmation notice to the issuer within five business days after the filing of the issuer's notification form for the bonds.

(3) If the principal amount of the bonds for which an allocation of the state ceiling is sought exceeds the amount of the state ceiling available in the bond use category applicable, the director shall mail a written deficiency notice to the issuer within five business days after the filing of the issuer's notification form for such bonds and in that notice advise the issuer of the amount by which the principal amount of the bonds described in the notification form exceeds the available state ceiling. The issuer shall be entitled to an allocation of the remaining available state ceiling in the applicable bond use category upon its filing with the department within fifteen calendar days after the date of the director's deficiency notice, a written notice of the amount of the available state ceiling it will consume.

(4) State ceiling allocation notification forms filed in any year for which a full or partial deficiency notice was given by the director shall be retained on a waiting list. When any state ceiling becomes available that year or on January 1 of the following year for the bond use category for which the notification form was filed, the following rules apply: (a) The director shall notify by mail the issuers on the waiting list; and (b) those issuers who, within five business days of receipt of such notice, certify to the director their intention to issue bonds up to the amount stated in the original notification form, shall receive an allocation of the available state ceiling in the order the original notification forms were filed.

(5) Except as provided in section 18 (2) and (3) of this act, all allocations of the state ceiling shall expire on the ninety-first day after mailing of the director's allocation confirmation or the notice of allocation, unless the bonds described in the issuer's state ceiling allocation notification form have been delivered to their original purchaser. Each issuer shall file a confirmation of delivery notice with the department within ten days after delivery of the bonds.

NEW SECTION. Sec. 18. REALLOCATION. (1) After June 1 of any year the board may, in its discretion, reallocate the remaining portion of the state ceiling in any bond use category allocated pursuant to section 16(1) of this act that has not been and does not appear reasonably likely to be consumed that year.

(2) The board may in its discretion grant an advanced allocation of the state ceiling in any future year of a portion of the state ceiling for a bond use category, upon such conditions as the board may determine, and may waive the requirements under section 17(5) of this act that the bonds be issued within ninety days of the director's allocation confirmation and notice of allocation. Advanced allocations shall be deemed to have been received by issuers on January 1 of the year for which they are granted in each year, and in the order they were granted. Any advanced allocation shall be contingent on the existence of available state ceiling. Such advanced allocations shall be considered received before any new allocations are made in a given year.

(3) In December of any year, if the board finds that it is reasonably likely that a portion of the state ceiling otherwise would not be consumed, the board, in its discretion, may grant an allocation of the state ceiling to an issuer for financing of a specific project and waive the requirements under section 17(5) of this act that bonds be issued within ninety days after mailing of the director's allocation confirmation or notice of allocation. The issuer may then carry forward the allocation for the project for a period of time permitted by the code.

NEW SECTION. Sec. 19. RULE-MAKING AUTHORITY. (1) The board may adopt such rules as are necessary to carry out the purposes of this chapter.

(2) In order to permit the full use of the authorized state ceiling under the federal law, the board may adopt rules approving any amendments made to the code after the effective date of this act.

NEW SECTION. Sec. 20. ANNUAL REPORT. The department shall report annually at the start of each annual legislative session to the legislature and the governor on the allocations of the state ceiling made during the previous year.

NEW SECTION. Sec. 21. TERMINATION. The method for making new allocations of the state ceiling provided in sections 16, 17, and 18 of this act shall expire on December 31, 1988, unless extended by law for an additional fixed period of time, except that any guaranteed allocations

granted under section 18(2) of this act and any allocations carried forward under section 18(3) of this act shall remain in full force and effect after that date.

NEW SECTION. Sec. 22. **RATIFICATION.** Any state ceiling allocations taken during 1984 or 1985 in conformance with the code and an applicable executive order of the governor are ratified and confirmed and shall remain in full force and effect notwithstanding any other provision of this act.

Sec. 23. Section 10, chapter 40, Laws of 1982 1st ex. sess. and RCW 43.160.900 are each amended to read as follows:

The community economic revitalization board and its powers and duties shall be terminated on June 30, 1987, and shall be subject to the procedures required by chapter 43.131 RCW. This chapter expires June 30, ((1987)) 1988. Any remaining duties of the community economic revitalization board after June 30, 1987, are transferred to the department of revenue on June 30, 1987.

NEW SECTION. Sec. 24. Sections 14 through 22 of this act shall constitute a new chapter in Title 39 RCW.

NEW SECTION. Sec. 25. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter ____ (ESSB 3798), Laws of 1985;
- (2) Section 2, chapter ____ (ESSB 3798), Laws of 1985;
- (3) Section 3, chapter ____ (ESSB 3798), Laws of 1985;
- (4) Section 4, chapter ____ (ESSB 3798), Laws of 1985;
- (5) Section 5, chapter ____ (ESSB 3798), Laws of 1985;
- (6) Section 6, chapter ____ (ESSB 3798), Laws of 1985;
- (7) Section 8, chapter ____ (ESSB 3798), Laws of 1985;
- (8) Section 15, chapter ____ (ESSB 3798), Laws of 1985;
- (9) Section 16, chapter ____ (ESSB 3798), Laws of 1985;
- (10) Section 17, chapter ____ (ESSB 3798), Laws of 1985;
- (11) Section 18, chapter ____ (ESSB 3798), Laws of 1985; and
- (12) Section 19, chapter ____ (ESSB 3798), Laws of 1985.

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 July 1, 1985."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator Warnke.

The motion by Senator Warnke carried and the amendment was adopted.

MOTION

On motion of Senator Warnke, the following title amendment was adopted:

In line 1 of the title, after "development;" strike the remainder of the title and insert "amending RCW 43.160.030, 43.160.050, and 43.160.900; adding a new chapter to Title 43 RCW; adding a new chapter to Title 39 RCW; adding new sections to chapter 43.160 RCW; creating new sections; repealing RCW 43.63A.200, 43.79.450, and 43.79.452; repealing section 1, chapter ____ (ESSB 3798), Laws of 1985; repealing section 2, chapter ____ (ESSB 3798), Laws of 1985; repealing section 3, chapter ____ (ESSB 3798), Laws of 1985; repealing section 4, chapter ____ (ESSB 3798), Laws of 1985; repealing section 5, chapter ____ (ESSB 3798), Laws of 1985; repealing section 6, chapter ____ (ESSB 3798), Laws of 1985; repealing section 8, chapter ____ (ESSB 3798), Laws of 1985; repealing section 15, chapter ____ (ESSB 3798), Laws of 1985; repealing section 16, chapter ____ (ESSB 3798), Laws of 1985; repealing section 17, chapter ____ (ESSB 3798), Laws of 1985; repealing section 18, chapter ____ (ESSB 3798), Laws of 1985; repealing section 19, chapter ____ (ESSB 3798), Laws of 1985; providing an effective date; and declaring an emergency."

MOTION

On motion of Senator Warnke, the rules were suspended, Engrossed Substitute House Bill No. 461, 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 Substitute House Bill No. 461, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 461, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 44.

Voting nay: Senators Craswell, Metcalf - 2.

Excused: Senators Benitz, Gaspard, Wojahn - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 461, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 627, by Committee on Ways and Means (originally sponsored by Representatives Tanner, B. Williams, McMullen, Silver, Kremen, L. Smith, Vekich, Smitherman, Hargrove, Schoon, Day, Wineberry, Zellinsky, Haugen, Gallagher, Ebersole, Dellwo, Thomas, Winsley, G. Nelson, P. King, Wang, Long, Isaacson and May)

Establishing the Washington state economic development board.

The bill was read the second time.

MOTIONS

Senator Warnke 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 unemployment remains persistently high in Washington. The economy, although diversifying, is shifting to a service-based economy and is still highly vulnerable to fluctuations in the national economy. In fact, unemployment has been consistently higher than the national average. Washington does not have a long-term economic development policy and has suffered from lack of a long-term plan in its attempt to resolve the economic problems which continue to plague the state.

Washington's economic development effort has not matched the scope of the problem. An essential first step is to establish a public and private consensus on a long-term economic development strategy which recognizes both the competitive position and needs of our key businesses and industries and the need to establish new businesses and industries. A unique partnership between the private and public sectors can attract new businesses and encourage greater investment in Washington state.

NEW SECTION, Sec. 2. There is hereby established the Washington state economic development board, referred to in this chapter as the board. The board is charged with the responsibility for creating a long-term economic development strategy for the state.

NEW SECTION, Sec. 3. The board shall be composed of citizens from both the private and public sectors who are actively engaged in organizations and businesses which support economic expansion and job creation. The board shall be composed as follows:

- (1) The governor;
- (2) Four members of the legislature, including one member from each of the four largest caucuses in the legislature;
- (3) One representative of a manufacturing company employing more than one thousand persons;
- (4) One representative of a manufacturing company employing fewer than one hundred persons;
- (5) One representative of a manufacturing company employing between one hundred and one thousand persons;
- (6) One representative from organized labor;
- (7) One representative from a major financial institution;
- (8) One representative from agriculture;
- (9) One representative from education;
- (10) One representative from the tourism industry;
- (11) One representative from the forest products industry;
- (12) One economic development professional;
- (13) One owner of a women-owned business enterprise certified under chapter 39.19 RCW;
- (14) One owner of a minority-owned business enterprise certified under chapter 39.19 RCW; and
- (15) Five citizens at large.

The director of commerce and economic development, the director of revenue, the director of financial management, and the director of community development shall serve as ex officio members of the board.

The governor shall, within fourteen days of the effective date of this act, appoint all members of the board, except those in subsection (2) of this section who shall be appointed by their respective caucuses. The first meeting of the board shall occur within thirty days of the effective date of this act.

The governor shall serve as the chairperson and shall designate a citizen member to serve as vice-chairperson of the board. Members shall serve four-year terms. Members are subject to dismissal by the governor due to the lack of attendance or contribution. The position of a legislative member shall become vacant if the member ceases to be a member of the legislature. A vacancy in a legislative position shall be filled by the original appointing authority.

The board shall include at least two representatives from each of the state's congressional districts.

The board shall meet regularly and shall create subcommittees as needed to deal with specific issues and concerns. Members shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060, except legislative members shall be reimbursed under RCW 44.04.120.

NEW SECTION, Sec. 4. (1) The board shall develop a long-term economic development plan based on a strategic analysis. The objective of the plan shall be to spur new job creation and investment that is consistent with the preservation of the state's quality of life and environment. The board shall submit an initial plan to the governor and the legislature by January 10, 1987, and shall submit revisions to the plan based on continuing analysis and oversight on January 10 of each year thereafter.

(2) The board shall produce a report by January 10, 1986, submitting the report to the governor and the legislature, addressing the following issues:

(a) Methods of facilitating economic activity and adjustment policies toward distressed communities and to enhance the employment opportunities of the economically disadvantaged;

(b) Methods of improving the competitive environment by removing unnecessary regulations and other barriers to the development process; and

(c) Methods of increasing the effectiveness and coordination of existing economic development programs and agencies, state and local.

NEW SECTION, Sec. 5. The board has the following responsibilities and powers:

(1) To secure and encourage substantial private sector, community, and citizen support in the analysis of economic development opportunities and development of specific recommendations for economic growth;

(2) To identify and analyze key traded businesses and industries to determine their potential for expansion, diversification, and production of high value-added goods;

(3) To propose an appropriate state role in new product development, venture capital formation, and research and development;

(4) To evaluate the performance of existing state economic development efforts for consistency and coordination, as well as for their effect on job creation, and to evaluate the long-term benefits to the state of these efforts;

(5) To propose, along with other state, local, and private groups, new methods to increase public and private partnerships to foster economic development efforts;

(6) To develop a long-term economic development strategy based on consensus goals and principles, an in-depth analysis of market opportunities, private sector support and investment, and specific private and public economic development measures which have a substantial potential to increase employment;

(7) To study the key components of the state's business climate as they relate to the long-term development strategy including, but not limited to, education and training, energy, existing environmental conditions, research and development, capital, land, transportation, advanced communications, taxes, and regulations with an analysis of their linkages to the key traded sectors;

(8) To review the various economic development policy recommendations made by other agencies or organizations and recommend to the governor and legislature those strategies, policies and programs it deems to be in the best interest of the state;

(9) To make specific recommendations for the establishment of public-private cooperative efforts in economic development and state-local cooperative efforts including but not limited to the need for establishing formal working relationships, whether by contract or otherwise, for purposes of engaging in joint, cooperative economic development activities;

(10) To cooperate with and secure the cooperation of any department, agency, or instrumentality in state, county, and city government, and other associations affected by or concerned with the business of the commission; and

(11) To accept gifts and grants upon such terms as the board may deem proper.

NEW SECTION, Sec. 6. The board may employ such staff as it requires and may contract for services as it deems necessary in order to carry out its duties and responsibilities. The governor

and the legislature may provide additional staff and facilities as may be reasonably required to assist the board in carrying out its duties and responsibilities.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 8. The board shall implement sections 1 through 6 of this act only to the extent that funds are available.

NEW SECTION. Sec. 9. (1) Economic development and in particular international trade, tourism, and investment have become increasingly important to Washington, affecting the state's employment, revenues, and general economic well-being. Additionally, economic trends are rapidly changing and the international marketplace has become increasingly competitive as states and countries seek to improve and safeguard their own economic well-being. The purpose of the legislative committee on economic development is to provide responsive and consistent involvement by the legislature in economic development to maintain a healthy state economy and to provide employment opportunities to Washington residents.

(2) There is created a legislative committee on economic development which shall consist of six senators and six representatives from the legislature and the lieutenant governor who shall serve as chairperson. The senate members of the committee shall be appointed by the president of the senate and the house members of the committee shall be appointed by the speaker of the house. Not more than three members from each house shall be from the same political party. A list of appointees shall be submitted before the close of each regular legislative session during an odd-numbered year or any successive special session convened by the governor or the legislature prior to the close of such regular session or successive special session(s) for confirmation of senate members, by the senate, and house members, by the house. Vacancies occurring shall be filled by the appointing authority.

NEW SECTION. Sec. 10. The committee shall by majority vote establish subcommittees, and prescribe rules of procedure for itself and its subcommittees which are consistent with this chapter. The committee shall at a minimum establish a subcommittee on international trade and a subcommittee on industrial development.

NEW SECTION. Sec. 11. The committee or its subcommittees are authorized to study and review economic development issues with special emphasis on international trade, tourism, investment, and industrial development, and to assist the legislature in developing a comprehensive and consistent economic development policy. The issues under review by the committee shall include, but not be limited to:

(1) Evaluating existing state policies, laws, and programs which promote or affect economic development with special emphasis on those concerning international trade, tourism, and investment and determine their cost-effectiveness and level of cooperation with other public and private agencies.

(2) Monitoring economic trends, and developing for review by the legislature such appropriate state responses as may be deemed effective and appropriate.

(3) Monitoring economic development policies and programs of other states and nations and evaluating their effectiveness.

(4) Determining the economic impact of international trade, tourism, and investment upon the state's economy.

(5) Assessing the need for and effect of federal, regional, and state cooperation in economic development policies and programs.

(6) Developing and evaluating legislative proposals concerning the issues specified in this section.

NEW SECTION. Sec. 12. The committee shall receive the necessary staff support from both the senate and house staff resources.

NEW SECTION. Sec. 13. The members of the committee shall serve without additional compensation, but shall be reimbursed for their travel expenses, in accordance with RCW 44.04.120, incurred while attending sessions of the committee or meetings of any subcommittee of the committee, while engaged on other committee business authorized by the committee, and while going to and coming from committee sessions or committee meetings.

NEW SECTION. Sec. 14. All expenses incurred by the committee, including salaries and expenses of employees, shall be paid upon voucher forms as provided by the auditor and signed by the chairperson or vice chairperson of the committee and attested by the secretary of the committee, and the authority of the chairperson and secretary to sign vouchers shall continue until their successors are selected after each ensuing session of the legislature. Vouchers may be drawn on funds appropriated generally by the legislature for legislative expenses or upon any special appropriation which may be provided by the legislature for the expenses of the committee or both.

NEW SECTION. Sec. 15. The committee shall cooperate, act, and function with legislative committees, executive agencies, and with the councils or committees of other states similar to this committee and with other interstate research organizations.

NEW SECTION. Sec. 16. Sections 9 through 15 of this act shall constitute a new chapter in Title 44 RCW.

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. 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, 1985."

On motion of Senator Moore, the following amendment by Senators Moore, Lee, McDonald, Wojahn, Stratton, Pullen, Rinehart, Thompson, McCaslin, Zimmerman and Vognild to the amendment was adopted:

On page 1, after line 5, insert the following:

"NEW SECTION. Sec. 1. The creation of a commission to promote competition and research in mental sports such as chess, checkers, bridge, go, scholastic olympiads, and others will provide many benefits to the people of the state. Such a commission will benefit the public by:

(1) Promoting education, competition, and research in mental sports in the common schools and institutions of higher education of the state, as well as among the general public; and

(2) Promoting tourism and economic development through the hosting of regional, national, and international tournaments in mental sports.

The legislature finds that mental sports promote intellectual development and offer the ultimate combination of art, science, and sport.

NEW SECTION. Sec. 2. As used in this chapter:

(1) "Mental sports" includes chess, checkers, go, bridge, scholastic olympiads, and other nongambling games.

(2) "Commission" means the mental sports competition and research commission.

NEW SECTION. Sec. 3. (1) There is established the mental sports competition and research commission. The commission consists of five persons appointed by the governor. In making the appointments, the governor shall select one person who is primarily a chess player, one person who is primarily a bridge player, one person who has experience promoting scholastic olympiads, and one person who is primarily a go player.

(2) The members of the commission shall serve terms of four years. However, in making the initial appointments, the governor may provide for staggered terms. Vacancies shall be filled by appointment for the remainder of the unexpired term.

(3) Members of the commission shall not be compensated but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(4) The commission may adopt such rules as may be necessary in the administration of this chapter. The rules shall be adopted under chapter 34.04 RCW.

NEW SECTION. Sec. 4. The commission shall to the maximum extent feasible rely on volunteer labor. The department of commerce and economic development shall provide staff support if necessary.

NEW SECTION. Sec. 5. The commission may solicit, accept, and expend such gifts, grants, and endowments from public and private sources as may be made available to the commission.

NEW SECTION. Sec. 6. (1) The commission may promote and sponsor tournaments in any mental sport. Entry fees and prize funds may be set by the commission with a view toward maximizing public participation and raising revenue for the commission and promotional activities of the commission.

(2) The commission may sponsor exhibitions, lectures, and tournament participation by visiting mental sports masters.

(3) In conducting mental sports tournaments and events, the commission shall consult with and seek the cooperation of local and national mental sports clubs and federations.

NEW SECTION. Sec. 7. By January 12, 1987, the mental sports competition and research commission shall submit to the legislature a report that includes:

(1) A summary of the commission's achievements;

(2) Recommendations on enhancing the status of mental sports within the common schools;

(3) Recommendations on promoting tournaments for the benefit of the general public; and

(4) Recommendations regarding possible future state financial support of the commission.

NEW SECTION. Sec. 8. Sections 1 through 6 of this act shall constitute a new chapter in Title 67 RCW."

Renumber the sections consecutively and correct internal references accordingly.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator Warnke, as amended.

The motion by Senator Warnke carried and the amendment, as amended, was adopted.

MOTIONS

On motion of Senator Warnke, the following title amendments were considered simultaneously and adopted:

On page 1, line 1 of the title, after "development;" strike the remainder of the title and insert "adding a new chapter to Title 43 RCW; adding a new chapter to Title 44 RCW; creating a new section; declaring an emergency; and providing an effective date."

On page 1, line 2 of the title, after "41.06 RCW;" insert "adding a new chapter to Title 67 RCW; creating a new section;"

On motion of Senator Warnke, the rules were suspended, Engrossed Second Substitute House Bill No. 627, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

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. 627, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute House Bill No. 627, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 4; absent, 1; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 42.

Voting nay: Senators Barr, Cantu, Craswell, McCaslin - 4.

Absent: Senator Deccio - 1.

Excused: Senators Benitz, Wojahn - 2.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 627, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 459, by Committee on Agriculture (originally sponsored by Representatives O'Brien, Wang, Jacobsen, Patrick, Lux and Locke)

Regulating the sale of kosher foods.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, Engrossed Substitute House Bill No. 459 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 Substitute House Bill No. 459.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 459 and the bill passed the Senate by the following vote: Yeas, 39; nays, 8; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 39.

Voting nay: Senators Barr, DeJarnatt, Granlund, Kiskaddon, Kreidler, Patterson, Rasmussen, Stratton - 8.

Excused: Senators Benitz, Wojahn - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 459, having received the constitutional majority, 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. 606, by Committee on Local Government (originally sponsored by Representatives Unsoeld, Belcher, Haugen and K. Wilson)

Providing for lake management districts.

The bill was read the second time.

MOTION

Senator Kreidler moved that the following Committee on Parks and Ecology amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature finds that the environmental, recreational, and aesthetic values of many of the state's lakes are threatened by eutrophication and other deterioration and that existing governmental authorities are unable to adequately improve and maintain the quality of the state's lakes.

It is the purpose of this chapter to establish a governmental mechanism by which property owners can embark on a program of lake improvement and maintenance for their and the general public's benefit, health, and welfare. Public property, including state property, shall be considered the same as private property in this chapter, except liens for special assessments shall not extend to public property. Lake bottom property shall not be considered to be benefited, shall not be subject to special assessments, and shall not receive voting rights under this chapter.

NEW SECTION, Sec. 2. Any county may create lake management districts to finance the improvement and maintenance of lakes located within or partially within the boundaries of the county. All or a portion of a lake and the adjacent land areas may be included within one or more lake management districts. More than one lake, or portions of lakes, and the adjacent land areas may be included in a single lake management district. A lake management district may be created for a period of up to ten years.

Special assessments may be imposed on the property included within a lake management district to finance lake improvement and maintenance activities, including: (1) The control or removal of aquatic plants and vegetation; (2) water quality; (3) the control of water levels; (4) storm water diversion and treatment; (5) agricultural waste control; (6) studying lake water quality problems and solutions; (7) cleaning and maintaining ditches and streams entering or leaving the lake; and (8) the related administrative, engineering, legal, and operational costs, including the costs of creating the lake management district.

Special assessments may be imposed annually on all the land in a lake management district for the duration of the lake management district without a related issuance of lake management district bonds. Special assessments also may be imposed in the manner of special assessments in a local improvement district with each landowner being given the choice of paying the entire special assessment in one payment, or to paying installments, with lake management district bonds being issued to obtain moneys not derived by the initial full payment of the special assessments, and the installments covering all of the costs related to issuing, selling, and redeeming the lake management district bonds.

NEW SECTION, Sec. 3. A lake management district may be initiated upon either the adoption of a resolution of intention by a county legislative authority or the filing of a petition signed by ten landowners or twenty-five percent of the landowners within the proposed lake management district, whichever is greater. A petition or resolution of intention shall set forth: (1) The nature of the lake improvement or maintenance activities proposed to be financed; (2) the amount of money proposed to be raised by special assessments; (3) whether the special assessments will be imposed annually for the duration of the lake management district, or the full special assessments will be imposed at one time, with the possibility of installments being made to finance the issuance of lake management district bonds, or both methods; (4) the number of years proposed for the duration of the lake management district; and (5) the proposed boundaries of the lake management district.

The county legislative authority may require the posting of a bond of up to five thousand dollars before the county considers the proposed creation of a lake management district initiated by petition. The bond may only be used by the county to finance its costs in studying, holding hearings, making notices, preparing special assessment rolls, and conducting elections related to the lake management district if the proposed lake management district is not created.

A resolution of intention shall also designate the number of the proposed lake management district, and fix a date, time, and place for a public hearing on the formation of the proposed lake management district. The date for the public hearing shall be at least thirty days and no more than ninety days after the adoption of the resolution of intention unless an emergency exists.

Petitions shall be filed with the county legislative authority. The county legislative authority shall determine the sufficiency of the signatures, which shall be conclusive upon all persons. No

person may withdraw his or her name from a petition after it is filed. If the county legislative authority determines a petition to be sufficient and the proposed lake management district appears to be in the public interest and the financing of the lake improvement or maintenance activities is feasible, it shall adopt a resolution of intention, setting forth all of the details required to be included when a resolution of intention is initiated by the county legislative authority.

NEW SECTION, Sec. 4. Notice of the public hearing shall be published in at least two consecutive issues of a newspaper of general circulation in the proposed lake management district, the date of the first publication to be at least fifteen days prior to the date fixed for the public hearing by the resolution of intention. Notice of the public hearing shall also be given to the owner or reputed owner of any lot, tract, parcel of land, or other property within the proposed lake management district by mailing the notice at least fifteen days before the date fixed for the public hearing to the owner or reputed owner of the property as shown on the tax rolls of the county assessor at the address shown thereon. Notice of the public hearing shall also be mailed to the departments of fisheries, game, and ecology at least fifteen days before the date fixed for the public hearing.

Notices of the public hearing shall: (1) Refer to the resolution of intention; (2) designate the proposed lake management district by number; (3) set forth a proposed plan describing: (a) The nature of the proposed lake improvement or maintenance activities; (b) the amount of special assessments proposed to be raised by the lake management district; (c) whether the special assessments will be imposed annually for the duration of the lake management district, or the full special assessments will be payable at one time, with the possibility of periodic installments being paid and lake management bonds being issued, or both; and (d) the proposed duration of the lake management district; and (4) indicate the date, time, and place of the public hearing designated in the resolution of intention.

In the case of the notice sent to each owner or reputed owner by mail, the notice shall set forth the estimated amount of the cost of the lake improvement or maintenance activities to be borne by special assessment or annual special assessments on the lot, tract, parcel of land, or other property owned by the owner or reputed owner.

If the county legislative authority has designated a committee of itself or an officer to hear complaints and make recommendations to the full county legislative authority, as provided in section 10 of this act, the notice shall also describe this additional step before the full county legislative authority may adopt a resolution creating the lake management district.

NEW SECTION, Sec. 5. The county legislative authority shall hold a public hearing on the proposed lake management district at the date, time, and place designated in the resolution of intention.

At this hearing the county legislative authority shall hear objections from any person affected by the formation of the lake management district. Representatives of the departments of fisheries, game, and ecology shall be afforded opportunities to make presentations on and comment on the proposal. Members of the public shall be afforded an opportunity to comment on the proposal. The county legislative authority must consider recommendations provided to it by the departments of fisheries, game, and ecology. The public hearing may be extended to other times and dates declared at the public hearing. The county legislative authority may make such changes in the boundaries of the lake management district or such modification in plans for the proposed lake improvement or maintenance activities as it deems necessary. The county legislative authority may not change boundaries of the lake management district to include property that was not included previously without first passing an amended resolution of intention and giving new notice to the owners or reputed owners of property newly included in the proposed lake management district in the manner and form and within the time provided for the original notice. The county legislative authority shall not alter the plans for the proposed lake improvement or maintenance activities to result in an increase in the amount of money proposed to be raised, and shall not increase the amount of money proposed to be raised, without first passing an amended resolution of intention and giving new notice to property owners in the manner and form and within the time provided for the original notice.

NEW SECTION, Sec. 6. After the public hearing, the county legislative authority may adopt a resolution submitting the question of creating the lake management district to the owners of land within the proposed lake management district, including publicly owned land, if the county legislative authority finds that it is in the public interest to create the lake management district and the financing of the lake improvement and maintenance activities is feasible. The resolution shall also include a plan describing the proposed lake improvement and maintenance activities which avoid adverse impacts on fish and wildlife and provide for appropriate measures to protect and enhance fish and wildlife, the number of years the lake management district will exist, the amount to be raised by special assessments, whether the special assessments shall be imposed annually for the duration of the lake management district or only once with the possibility of installments being imposed and lake management bonds being issued, or both, and, if both types of special assessments are proposed to be imposed, the lake improvement or maintenance activities proposed to be financed by each type of special assessment.

No lake management district may be created by a county that includes territory located in another county without the approval of the legislative authority of the other county.

NEW SECTION. Sec. 7. A ballot shall be mailed to each owner or reputed owner of any lot, tract, parcel of land, or other property within the proposed lake management district, including publicly owned land, which ballot shall contain the following proposition:

"Shall lake management district No. be formed?

Yes.

No.

In addition, the ballot shall contain appropriate spaces for the signatures of the landowner or landowners, or officer authorized to cast such a ballot. Each ballot shall include a description of the property owner's property, the number of acres of such property, and the number of feet of lake front footage, if any. A copy of the instructions and the resolution submitting the question to the landowners shall also be included.

NEW SECTION. Sec. 8. The balloting shall be subject to the following conditions, which shall be included in the instructions mailed with each ballot, as provided in section 7 of this act: (1) All ballots must be signed by the owner or reputed owner of property according to the assessor's tax rolls; (2) each ballot must be returned to the county legislative authority not later than five o'clock p.m. of a specified day, which shall be at least twenty but not more than thirty days after the ballots are mailed; (3) each property owner shall mark his or her ballot for or against the creation of the proposed lake management district, with the ballot weighted so that the property owner has one vote for any amount of property up to one acre and one vote for each additional acre, or major portion of an acre, he or she owns in the proposed lake management district and one vote for any amount up to fifty feet, and one vote for each additional fifty feet, or major portion thereof, of lake frontage he or she owns in the proposed lake management district; and (4) the valid ballots shall be tabulated and a simple majority of the votes cast shall determine whether the proposed lake management district shall be approved or rejected.

NEW SECTION. Sec. 9. If the proposal receives a simple majority vote in favor of creating the lake management district, the county legislative authority shall adopt an ordinance creating the lake management district and may proceed with establishing the special assessments, collecting the special assessments, and performing the lake improvement or maintenance activities. If a proposed lake management district includes more than one lake and its adjacent areas, the lake management district may only be established if the proposal receives a simple majority vote in favor of creating it by the voters on each lake and its adjacent areas. The county legislative authority shall publish a notice in a newspaper of general circulation in a lake management district indicating that such an ordinance has been adopted within ten days of the adoption of the ordinance.

The ballots shall be available for public inspection after they are counted.

NEW SECTION. Sec. 10. A county legislative authority may adopt an ordinance providing for a committee of itself, or an officer, to hold public hearings on the proposed formation of a lake management district and hear objections to the proposed formation as provided in section 5 of this act. The committee or officer shall make a recommendation to the full legislative authority, which need not hold a public hearing on the proposed creation of the lake management district. The full county legislative authority by resolution may approve or disapprove the recommendation and submit the question of creating the lake management district to the property owners as provided in sections 6 through 9 of this act.

NEW SECTION. Sec. 11. No lawsuit may be maintained challenging the jurisdiction or authority of the county legislative authority to proceed with the lake improvement and maintenance activities and creating the lake management district or in any way challenging the validity of the actions or decisions or any proceedings relating to the actions or decisions unless the lawsuit is served and filed no later than forty days after publication of a notice that the ordinance has been adopted ordering the lake improvement and maintenance activities and creating the lake management district. Written notice of the appeal shall be filed with the county legislative authority and clerk of the superior court in the county in which the property is situated.

NEW SECTION. Sec. 12. After a lake management district is created, the county shall prepare a proposed special assessment roll. A separate special assessment roll shall be prepared for annual special assessments if both annual special assessments and special assessments paid at one time are imposed. The proposed special assessment roll shall list: (1) Each separate lot, tract, parcel of land, or other property in the lake management district; (2) the acreage of such property, and the number of feet of lake frontage, if any; (3) the name and address of the owner or reputed owner of each lot, tract, parcel of land, or other property as shown on the tax rolls of the county assessor; and (4) the special assessment proposed to be imposed on each lot, tract, parcel of land, or other property, or the annual special assessments proposed to be imposed on each lot, tract, parcel of land, or other property.

At the time, date, and place fixed for a public hearing, the county legislative authority shall act as a board of equalization and hear objections to the special assessment roll, and at the times to which the public hearing may be adjourned, the county legislative authority may

correct, revise, raise, lower, change, or modify the special assessment roll or any part thereof, or set the proposed special assessment roll aside and order a new proposed special assessment roll to be prepared. The county legislative authority shall confirm and approve a special assessment roll by adoption of a resolution.

If a proposed special assessment roll is amended to raise any special assessment appearing thereon or to include omitted property, a new public hearing shall be held. The new public hearing shall be limited to considering the increased special assessments or omitted property. Notices shall be sent to the owners or reputed owners of the affected property in the same manner and form and within the time provided for the original notice.

Objections to a proposed special assessment roll must be made in writing, shall clearly state the grounds for objections, and shall be filed with the governing body prior to the public hearing. Objections to a special assessment or annual special assessments that are not made as provided in this section shall be deemed waived and shall not be considered by the governing body or a court on appeal.

NEW SECTION. Sec. 13. A county legislative authority may adopt an ordinance providing for a committee of itself, or an officer, to hear objections to the special assessment roll, act as a board of equalization, and make recommendations to the full county legislative authority, which need not hold a public hearing on the special assessment roll. The ordinance shall provide a process by which an appeal may be made in writing to the full county legislative authority by a person protesting his or her special assessment or annual special assessments as confirmed by the committee or officer. The full county legislative authority by resolution shall approve the special assessment roll, modify and approve the special assessment roll as a result of hearing objections, or reject the special assessment roll and return it to the committee or officer for further work and recommendations. No objection to the decision of the full county legislative authority approving the special assessment roll may be considered by a court unless an objection to the decision has been timely filed with the county legislative authority as provided in this section.

NEW SECTION. Sec. 14. Notice of the original public hearing on the proposed special assessment roll, and any public hearing held as a result of raising special assessments or including omitted property, shall be published and mailed to the owner or reputed owner of the property as provided in section 4 of this act for the public hearing on the formation of the lake management district. However, the notice need only provide the total amount to be collected by the special assessment roll and shall state that: (1) A public hearing on the proposed special assessment roll will be held, giving the time, date, and place of the public hearing; (2) the proposed special assessment roll is available for public perusal, giving the times and location where the proposed special assessment roll is available for public perusal; (3) objections to the proposed special assessment must be in writing, include clear grounds for objections, and must be filed prior to the public hearing; and (4) failure to so object shall be deemed to waive an objection.

Notices mailed to the owners or reputed owners shall additionally indicate the amount of special assessment ascribed to the particular lot, tract, parcel of land, or other property owned by the person so notified.

NEW SECTION. Sec. 15. The decision of a county legislative authority upon any objection to the special assessment roll may be appealed to the superior court only if the objection had been timely made in the manner prescribed in this chapter. The appeal shall be made within ten days after publication of a notice that the resolution confirming the special assessment roll has been adopted by filing written notice of the appeal with the county legislative authority and the clerk of the superior court in the county in which the real property is situated. The notice of appeal shall describe the property and set forth the objections of the appellant to the special assessment. Within ten days from the filing of such notice of appeal with the clerk of the superior court, the appellant shall file with the clerk of the court a transcript consisting of the special assessment roll and his or her objections thereto, together with the resolution confirming such special assessment roll and the record of the county legislative authority with reference to the special assessment or annual special assessments, which transcript, upon payment of the necessary fees therefor, shall be furnished by an officer of the county and by him or her certified to contain full, true, and correct copies of all matters and proceedings required to be included in the transcript. Such fees shall be the same as the fees payable to the county clerk for the preparation and certification of transcripts on appeal to the supreme court or the court of appeals in civil actions.

At the time of the filing of the notice of appeal with the clerk of the superior court a sufficient bond in the penal sum of two hundred dollars, with a surety or sureties thereon as provided by law for appeals in civil cases, shall be filed conditioned to prosecute such appeal without delay, and if unsuccessful, to pay all costs incurred by the county because of the appeal. The court may order the appellant, upon application therefor, to execute and file such additional bond or bonds as the necessity of the case may require.

Within three days after such transcript is filed in the superior court, the appellant shall give written notice to the county legislative authority that such transcript is filed. The notice shall

state a time, not less than three days from the service thereof, when the appellant will call up the cause for hearing.

The superior court shall, at this time or at such further time as may be fixed by order of the court, hear and determine such appeal without a jury, and such cause shall have preference over all civil causes pending in the court, except proceedings under an act relating to eminent domain in such county and actions of forcible entry and detainer. The judgment of the court shall confirm, correct, modify, or annul the special assessment or annual special assessments insofar as the same affects the property of the appellant. A certified copy of the decision of the court shall be filed with the officer having custody of the special assessment roll, and he or she shall modify and correct such special assessment roll in accordance with the decision.

An appeal shall lie to the supreme court or the court of appeals from the judgment of the superior court, as in other cases, however, such appeal must be taken within fifteen days after the date of the entry of the judgment of the superior court, and the record and opening brief of the appellant in the cause shall be filed in the supreme court or the court of appeals within sixty days after the appeal is taken by notice as provided in this section. The time for filing the record and serving and filing of briefs may be extended by order of the superior court, or by stipulation of the parties concerned. The supreme court or the court of appeals on such appeal may correct, modify, confirm, or annul the special assessment or annual special assessments insofar as the same affects the property of the appellant. A certified copy of the order of the supreme court or the court of appeals upon such appeal shall be filed with the officer having custody of such special assessment roll, who shall thereupon modify and correct such special assessment roll in accordance with such decision.

NEW SECTION. Sec. 16. All property included within a lake management district shall be considered to be the property specially benefited by the lake improvement or maintenance activities and shall be the property upon which special assessments are imposed to pay the costs and expenses of the lake improvement or maintenance activities, or such part of the costs and expenses as may be chargeable against the property specially benefited. The special assessments shall be imposed on property in accordance with the special benefits conferred on the property up to but not in excess of the total costs and expenses of the lake improvement or maintenance activities as provided in the special assessment roll.

Special assessments may be measured by front footage, acreage, the extent of improvements on the property, or any other factors that are deemed to fairly reflect special benefits. Special assessments may be calculated by using more than one factor. Zones around the public improvement may be used that reflect different levels of benefit in each zone that are measured by a front footage, acreage, the extent of improvements, or other factors.

Public property, including property owned by the state of Washington, shall be subject to special assessments to the same extent that private property is subject to the special assessments, except no lien shall extend to public property.

NEW SECTION. Sec. 17. The total annual special assessments may not exceed the estimated cost of the lake improvement or maintenance activities proposed to be financed by such special assessments, as specified in the resolution of intention. The total of special assessments imposed in a lake management district that are of the nature of special assessments imposed in a local improvement district shall not exceed one hundred fifty percent of the estimated total cost of the lake improvement or maintenance activities that are proposed to be financed by the lake management district as specified in the resolution of intention. After a lake management district has been created, the resolution of intention may be amended to increase the amount to be financed by the lake management district by using the same procedure in which a lake management district is created.

NEW SECTION. Sec. 18. Whenever annual special assessments are being imposed, the county legislative authority may modify the level of annual special assessments imposed by conforming with the procedures and subject to the limitations included in sections 12 through 17 of this act.

NEW SECTION. Sec. 19. Special assessments and installments on any special assessment shall be collected by the county treasurer.

The county treasurer shall publish a notice indicating that the special assessment roll has been confirmed and that the special assessments are to be collected. The notice shall indicate the duration of the lake management district and shall describe whether the special assessments will be paid in annual payments for the duration of the lake management district, or whether the full special assessments will be payable at one time, with the possibility of periodic installments being paid and lake management bonds being issued, or both.

If the special assessments are to be payable at one time, the notice additionally shall indicate that all or any portion of the special assessments may be paid within thirty days from the date of publication of the first notice without penalty or interest. This notice shall be published in a newspaper of general circulation in the lake management district.

Within ten days of the first newspaper publication, the county treasurer shall notify each owner or reputed owner of property whose name appears on the special assessment roll, at the address shown on the special assessment roll, for each item of property described on the list: (1) Whether one special assessment payable at one time or special assessments payable

annually have been imposed; (2) the amount of the property subject to the special assessment or annual special assessments; and (3) the total amount of the special assessment due at one time, or annual amount of special assessments due. If the special assessment is due at one time, the notice shall also describe the thirty-day period during which the special assessment may be paid without penalty, interest, or cost.

NEW SECTION. Sec. 20. If the special assessments are to be payable at one time, all or any portion of any special assessment may be paid without interest, penalty, or costs during this thirty-day period and placed into a special fund to defray the costs of the lake improvement or maintenance activities. The remainder shall be paid in installments as provided in a resolution adopted by the county legislative authority, but the last installment shall be due at least two years before the maximum term of the bonds issued to pay for the improvements or maintenance. The installments shall include amounts sufficient to redeem the bonds issued to pay for the lake improvement and maintenance activities. A twenty-day period shall be allowed after the due date of any installment within which no interest, penalty, or costs on the installment may be imposed.

The county shall establish by ordinance an amount of interest that will be imposed on late special assessments imposed annually or at once, and on installments of a special assessment. The ordinance shall also specify the penalty, in addition to the interest, that will be imposed on a late annual special assessment, special assessment, or installment which shall not be less than five percent of the delinquent special assessment or installment.

The owner of any lot, tract, parcel of land, or other property charged with a special assessment may redeem it from all liability for the unpaid amount of the installments by paying, to the county treasurer, the remaining portion of the installments that is attributable to principal on the lake management district bonds.

NEW SECTION. Sec. 21. Whenever any land against which there has been levied any special assessment or annual special assessments by any county has been sold in part, subdivided, or short subdivided, the county legislative authority may order a segregation of the special assessment or annual special assessments. If an installment has been made, the segregation shall apportion the remaining installments on the parts or lots created.

Any person desiring to have such a special assessment or annual special assessments against a tract of land segregated to apply to smaller parts thereof shall apply to the county legislative authority which levied the special assessment or annual special assessments. If the county legislative authority determines that a segregation should be made, it shall by resolution order the county treasurer to segregate the special assessment or annual special assessments on the original assessment roll as directed in the resolution. The segregation shall be made as nearly as possible on the same basis as the original special assessment or annual special assessments were levied, and the total of the segregated parts of the special assessment or annual special assessments shall equal the amount of the special assessment or annual special assessments unpaid before segregation. The resolution shall describe the original tract and the amount and date of the original special assessment or annual special assessments and shall define the boundaries of the divided parts and the amount of the special assessment or annual special assessments chargeable to each part. A certified copy of the resolution shall be delivered to the county treasurer who shall proceed to segregate the special assessment or annual special assessments upon being tendered a fee of three dollars for each tract of land for which a segregation is to be made. In addition to such charge the county legislative authority may require as a condition to the order of segregation that the person seeking it pay the local government the reasonable engineering and clerical costs incident to making the segregation.

NEW SECTION. Sec. 22. Within fifteen days after a county creates a lake management district, the county shall cause to be filed with the county treasurer, a description of the lake improvement and maintenance activities proposed that the lake management district finances, the lake management district number, and a copy of the diagram or print showing the boundaries of the lake management district and preliminary special assessment roll or abstract of same showing thereon the lots, tracts, parcels of land, and other property that will be specially benefited thereby and the estimated cost and expense of such lake improvement and maintenance activities to be borne by each lot, tract, parcel of land, or other property. The treasurer shall immediately post the proposed special assessment roll upon his or her index of special assessments against the properties affected by the lake improvement or maintenance activities.

NEW SECTION. Sec. 23. The special assessment or annual special assessments imposed upon the respective lots, tracts, parcels of land, and other property in the special assessment roll or annual special assessment roll confirmed by resolution of the county legislative authority for the purpose of paying the cost and expense in whole or in part of any lake improvement or maintenance activities shall be a lien upon the property assessed from the time the special assessment roll is placed in the hands of the county treasurer for collection, but as between the grantor and grantee, or vendor and vendee of any real property, when there is no express agreement as to payment of the special assessments against the real property, the lien of such special assessments shall attach thirty days after the filing of the diagram or print and the estimated cost and expense of such lake improvement or maintenance activities to be borne by

each lot, tract, parcel of land, or other property, as provided in section 22 of this act. Interest and penalty shall be included in and shall be a part of the special assessment lien. No lien shall extend to public property subjected to special assessments.

The special assessment lien shall be paramount and superior to any other lien or encumbrance theretofore or thereafter created except a lien for general taxes.

NEW SECTION. Sec. 24. Special assessments shall be valid and enforceable as such and the lien thereof on the property assessed shall be valid if the county legislative authority in making the special assessments acted in good faith and without fraud. Delinquent special assessments or installments shall be foreclosed in the same manner as special assessments are foreclosed under chapter 36.94 RCW. Public property subject to special assessments shall not be subject to liens.

NEW SECTION. Sec. 25. The county legislative authority may stop the imposition of annual special assessments if, in its opinion, the public interest will be served by such action.

NEW SECTION. Sec. 26. (1) Counties may issue lake management district bonds in accordance with this section. Lake management district bonds may be issued to obtain money sufficient to cover that portion of the special assessments that are not paid within the thirty-day period provided in section 19 of this act. The maximum term of lake management district bonds shall be ten years.

Whenever lake management district bonds are proposed to be issued, the county legislative authority shall create a special fund or funds for the lake management district from which all or a portion of the costs of the lake improvement and maintenance activities shall be paid. Lake management district bonds shall not be issued in excess of the costs and expenses of the lake improvement and maintenance activities and shall not be issued prior to twenty days after the thirty days allowed for the payment of special assessments without interest or penalties.

Lake management district bonds shall be exclusively payable from the special fund or funds and from a guaranty fund that the county may have created out of a portion of proceeds from the sale of the lake management district bonds.

(2) Lake management district bonds shall not constitute a general indebtedness of the county issuing the bond nor an obligation, general or special, of the state. The owner of any lake management district bond shall not have any claim for the payment thereof against the county that issues the bonds except for payment from the special assessments made for the lake improvement or maintenance activities for which the lake management district bond was issued and from a lake management district guaranty fund that may have been created. The county shall not be liable to the owner of any lake management district bond for any loss to the lake management district guaranty fund occurring in the lawful operation of the fund. The owner of a lake management district bond shall not have any claim against the state arising from the lake management district bond, special assessments, or guaranty fund. Tax revenues shall not be used to secure or guarantee the payment of the principal of or interest on lake management district bonds.

The substance of the limitations included in this subsection shall be plainly printed, written, engraved, or reproduced on: (a) Each lake management district bond that is a physical instrument; (b) the official notice of sale; and (c) each official statement associated with the lake management district bonds.

(3) If the county fails to make any principal or interest payments on any lake management district bond or to promptly collect any special assessment securing the bonds when due, the owner of the lake management district bond may obtain a writ of mandamus from any court of competent jurisdiction requiring the county to collect the special assessments, foreclose on the related lien, and make payments out of the special fund or guaranty fund if one exists. Any number of owners of lake management districts may join as plaintiffs.

(4) A county may create a lake management district bond guaranty fund for each issue of lake management district bonds. The guaranty fund shall only exist for the life of the lake management district bonds with which it is associated. A portion of the bond proceeds may be placed into a guaranty fund. Unused moneys remaining in the guaranty fund during the last two years of the installments shall be used to proportionally reduce the required level of installments and shall be transferred into the special fund into which installment payments are placed.

(5) Lake management district bonds shall be issued and sold in accordance with chapter 39.46 RCW. The authority to create a special fund or funds shall include the authority to create accounts within a fund.

NEW SECTION. Sec. 27. A new section is added to chapter 35.21 RCW to read as follows:

Any city or town may establish lake management districts within its boundaries as provided in chapter 36.____ RCW (sections 1 through 26 of this act). When a city or town establishes a lake management district pursuant to chapter 36.____ RCW (sections 1 through 26 of this act), the term "county legislative authority" shall be deemed to mean the city or town governing body, the term "county" shall be deemed to mean the city or town, and the term "county treasurer" shall be deemed to mean the city or town treasurer or other fiscal officer.

Sec. 28. Section 2, chapter 107, Laws of 1939 as amended by section 1, chapter 258, Laws of 1959 and RCW 90.24.010 are each amended to read as follows:

Ten or more owners of real property abutting on a meandered lake may petition the superior court of the county in which the lake is situated, for an order to provide for the regulation of the outflow of the lake in order to maintain a certain water level therein ~~((for the benefit of the property abutting thereon and to provide for the periodic lowering of the lake level to facilitate the elimination of weed growth and other similar objectionable matters in the lake))~~. The court, after hearing, is authorized to make an order fixing the water level thereof ~~((except during that period when it is ordered to be lowered for weed control and other similar purposes))~~ and directing the ~~((supervisor))~~ department of ecology to regulate the outflow therefrom in accordance with the purposes described in the petition. This section shall not apply to any meandered lake or reservoir used for the storage of water for irrigation or other beneficial purposes, or to lakes navigable from the sea.

Sec. 29. Section 5, chapter 107, Laws of 1939 as amended by section 3, chapter 258, Laws of 1959 and RCW 90.24.040 are each amended to read as follows:

At the hearing evidence shall be introduced in support of the petition and all interested parties may be heard for or against it. The court shall make findings and conclusions and enter an order granting or refusing the petition, and if the petition is granted, shall fix the water level to be maintained and direct the ~~((supervisor))~~ department of ecology to regulate and control the outflow of the lake so as to properly maintain the water level so far as practicable within maximum and minimum limits when the proper control devices are installed: PROVIDED, That ~~((the court may order periodic lowering of the lake level to facilitate weed control and other similar objectives: PROVIDED FURTHER, That))~~ the court shall have continuing jurisdiction after a petition is once granted and shall, upon subsequent petition filed and heard in accordance with the preceding sections, make such further findings and conclusions and enter such further orders as are necessary to accomplish fully the objectives sought in the initial petition: AND PROVIDED FURTHER, That shall the court find any such riparian owners abutting on a stream or river flowing from such lake be adversely affected in any way by the granting of such a petition, such petition shall be refused.

NEW SECTION, Sec. 30. Section 4, chapter 258, Laws of 1959 and RCW 90.24.065 are each repealed.

NEW SECTION, Sec. 31. The following acts or parts of acts are each repealed:

- (1) Section 3, chapter 107, Laws of 1939 and RCW 90.24.020;
- (2) Section 4, chapter 107, Laws of 1939, section 1, chapter 210, Laws of 1947, section 2, chapter 258, Laws of 1959, section 1, chapter 243, Laws of 1963 and RCW 90.24.030;
- (3) Section 6, chapter 107, Laws of 1939 and RCW 90.24.050;
- (4) Section 7, chapter 107, Laws of 1939 and RCW 90.24.060; and
- (5) Section 8, chapter 107, Laws of 1939, section 177, chapter 81, Laws of 1971 and RCW 90.24.070.

NEW SECTION, Sec. 32. Sections 28 through 30 of this act shall take effect January 1, 1986.

NEW SECTION, Sec. 33. Sections 1 through 26 of this act shall constitute a new chapter in Title 36 RCW."

MOTION

On motion of Senator Vognild, further consideration of Substitute House Bill No. 606 was deferred.

SECOND READING

HOUSE BILL NO. 593, by Representatives Armstrong, Holland and Tanner

Removing provisions for administrative revocation of drivers' licenses for all alcohol violations and restoring provisions allowing revocation for breathalyzer refusal.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

Strike everything after the enacting clause, and insert the following:

"Sec. 1. Section 46.04.480, chapter 12, Laws of 1961 as last amended by section 14, chapter 165, Laws of 1983 and RCW 46.04.480 are each amended to read as follows:

"Revoke," in all its forms, means the invalidation for a period of one calendar year and thereafter until reissue: PROVIDED, That under the provisions of RCW 46.20.285, 46.20.311, or 46.61.515 ~~((or 46.20.610))~~ and chapter 46.65 RCW the invalidation may last for a period other than one calendar year.

Sec. 2. Section 24, chapter 121, Laws of 1965 ex. sess. as last amended by section 324, chapter 258, Laws of 1984 and RCW 46.20.285 are each amended to read as follows:

The department shall forthwith revoke the license of any driver for the period of one calendar year unless otherwise provided in this section, upon receiving a record of the driver's conviction of any of the following offenses, when the conviction has become final:

- (1) For vehicular homicide the period of revocation shall be two years;
- (2) Vehicular assault;
- (3) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders him incapable of safely driving a motor vehicle, upon a showing by the department's records that the conviction is the second such conviction for the driver within a period of five years. Upon a showing that the conviction is the third such conviction for the driver within a period of five years, the period of revocation shall be two years (~~—A revocation imposed under this subsection shall run concurrently with any corresponding revocation which may be imposed by the department pursuant to RCW 46.20.610 or 46.61.515(3) arising out of the same arrest~~);
- (4) Any felony in the commission of which a motor vehicle is used;
- (5) Failure to stop and give information or render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;
- (6) Perjury or the making of a false affidavit or statement under oath to the department under Title 46 RCW or under any other law relating to the ownership or operation of motor vehicles;
- (7) Reckless driving upon a showing by the department's records that the conviction is the third such conviction for the driver within a period of two years.

Sec. 3. Section 11, chapter 260, Laws of 1981 as last amended by section 2, chapter 165, Laws of 1983 and RCW 46.20.308 are each amended to read as follows:

(1) Any person who operates a motor vehicle within this state is deemed to have given consent, subject to the provisions of RCW 46.61.506, to a chemical test or tests of his or her breath or blood for the purpose of determining the alcoholic content of his or her blood if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor.

(2) The test or tests shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor. The officer shall inform the person of his or her right to refuse the test, and of his or her right to have additional tests administered by any qualified person of his or her choosing as provided in RCW 46.61.506. The officer shall warn the driver that (a) his or her privilege to drive will be revoked or denied if he or she refuses to submit to the test, ~~and (b) ((that his or her privilege to drive will be suspended, revoked, or denied if the test is administered and the test indicates a concentration of alcohol in his or her blood of 0.10 percent or more, and (c))~~ that his or her refusal to take the test may be used against him or her in a subsequent criminal trial.

(3) Except as provided in this subsection and subsection (4) of this section, the chemical test administered shall be of the breath only. If an individual is unconscious or is under arrest for the crime of vehicular homicide as provided in RCW 46.61.520 or vehicular assault as provided in RCW 46.61.522, or if an individual is under arrest for the crime of driving while under the influence of intoxicating liquor or drugs as provided in RCW 46.61.502, which arrest results from an accident in which another person has been injured and there is a reasonable likelihood that such other person may die as a result of injuries sustained in the accident, a breath or blood test may be administered without the consent of the individual so arrested.

(4) Any person who is dead, unconscious, or who is otherwise in a condition rendering him incapable of refusal, shall be deemed not to have withdrawn the consent provided by subsection (1) of this section and the test or tests may be administered, subject to the provisions of RCW 46.61.506, and the person shall be deemed to have received the warnings required under subsection (2) of this section.

(5) If, following his or her arrest and receipt of warnings under subsection (2) of this section, the person arrested refuses upon the request of a law enforcement officer to submit to a chemical test of his or her breath, no test shall be given except as authorized under subsection (3) or (4) of this section.

(6) The department of licensing, upon the receipt of a sworn report of the law enforcement officer that he had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor and that the person had refused to submit to the test upon the request of the law enforcement officer after being informed that refusal would result in the revocation of his privilege to drive, shall revoke his license or permit to drive or any nonresident operating privilege.

(7) Upon revoking the license or permit to drive or the nonresident operating privilege of any person, the department shall immediately notify the person involved in writing by personal service or by certified mail of its decision and the grounds therefor, and of his right to a hearing, specifying the steps he must take to obtain a hearing. Within ten days after receiving

such notice the person may, in writing, request a formal hearing. Upon receipt of such request, the department shall afford the person an opportunity for a hearing as provided in RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of the arrest. For the purposes of this section, the scope of such hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor, whether the person was placed under arrest, and whether he refused to submit to the test upon request of the officer after having been informed that such refusal would result in the revocation of his privilege to drive. The department shall order that the revocation either be rescinded or sustained. Any decision by the department revoking a person's driving privilege shall be stayed and shall not take effect while a formal hearing is pending as provided in this section or during the pendency of a subsequent appeal to superior court so long as there is no conviction for a moving violation or no finding that the person has committed a traffic infraction that is a moving violation during pendency of the hearing and appeal.

(8) If the revocation is sustained after such a hearing, the person whose license, privilege, or permit is revoked has the right to file a petition in the superior court of the county in which he or she resides, or, if a nonresident of this state, where the charge arose, to review the final order of revocation by the department in the manner provided in RCW 46.20.334.

(9) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been revoked, the department shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he or she has a license.

Sec. 4. Section 27, chapter 121, Laws of 1965 ex. sess. as last amended by section 325, chapter 258, Laws of 1984 and RCW 46.20.311 are each amended to read as follows:

(1) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as permitted under RCW 46.20.342 or 46.61.515. Whenever the license of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, or pursuant to RCW 46.20.291, the suspension shall remain in effect and the department shall not issue to the person any new, duplicate, or renewal license until the person pays a reinstatement fee of twenty dollars and gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504 (~~or was imposed under RCW 46.20.610(1)(a) or (b)~~), the reinstatement fee shall be fifty dollars.

(2) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until: (a) After the expiration of one year from the date on which the revoked license was surrendered to and received by the department; (b) after the expiration of the applicable revocation period provided by RCW 46.61.515(3) (b) or (c); (c) after the expiration of two years for persons convicted of vehicular homicide; (d) after the expiration of one year in cases of revocation for the first refusal within five years to submit to a chemical test under RCW 46.20.308; or (e) after the expiration of two years in cases of revocation for the second refusal within five years to submit to a chemical test under RCW 46.20.308. After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reinstatement fee in the amount of twenty dollars, but if the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reinstatement fee shall be fifty dollars. The department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. A resident without a license or permit whose license or permit was (~~denied~~) revoked under RCW (~~46.20.610~~) 46.20.308(6) shall give and thereafter maintain proof of financial responsibility for the future as provided in chapter 46.29 RCW.

(3) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020, the suspension shall remain in effect and the department shall not issue to the person any new or renewal license until the person pays a reinstatement fee of twenty dollars. If the suspension is the result of a violation of the laws of another state, province, or other jurisdiction involving (a) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (b) the refusal to submit to a chemical test of the driver's blood alcohol content, the reinstatement fee shall be fifty dollars.

Sec. 5. Section 1, chapter 5, Laws of 1973 as last amended by section 24, chapter 165, Laws of 1983 and RCW 46.20.391 are each amended to read as follows:

(1) Any person licensed under this chapter (~~whose driving privilege has been suspended or revoked under RCW 46.20.610(1)(b)(i) or~~) who is convicted of an offense relating to motor vehicles for which suspension or revocation of the driver's license is mandatory, other than vehicular homicide or vehicular assault, may submit to the department an application for an occupational driver's license. The department, upon receipt of the prescribed fee and upon

determining that the petitioner is engaged in an occupation or trade that makes it essential that the petitioner operate a motor vehicle, may issue an occupational driver's license and may set definite restrictions as provided in RCW 46.20.394. No person may petition for, and the department shall not issue, an occupational driver's license that is effective during the first thirty days of any suspension or revocation imposed under RCW 46.61.515 ~~((or pursuant to RCW 46.20.610)(b)(i)))~~. A person aggrieved by the decision of the department on the application for an occupational driver's license may request a hearing as provided by rule of the department.

(2) An applicant for an occupational driver's license is eligible to receive such license only if:

(a) Within one year immediately preceding the present conviction ~~((or administrative action))~~, the applicant has not been convicted of any offense relating to motor vehicles for which suspension or revocation of a driver's license is mandatory; and

(b) Within five years immediately preceding the present conviction ~~((or administrative action))~~, the applicant has not been convicted ~~((more than once))~~ of driving or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor under RCW 46.61.502 or 46.61.504, of vehicular homicide under RCW 46.61.520, or of vehicular assault under RCW 46.61.522 ~~((or had a license administratively suspended or revoked under RCW 46.20.610))~~; and

(c) The applicant is engaged in an occupation or trade that makes it essential that he or she operate a motor vehicle; and

(d) The applicant files satisfactory proof of financial responsibility pursuant to chapter 46.29 RCW.

(3) The director shall cancel an occupational driver's license upon receipt of notice that the holder thereof has ~~((had a driver's license administratively suspended or revoked under RCW 46.20.610 or has))~~ been convicted of operating a motor vehicle in violation of its restrictions, or of an offense that pursuant to chapter 46.20 RCW would warrant suspension or revocation of a regular driver's license. The cancellation is effective as of the date of the conviction ~~((or administrative action))~~, and continues with the same force and effect as any suspension or revocation under this title.

NEW SECTION, Sec. 6. The following acts or parts of acts are each repealed:

(1) Section 25, chapter 165, Laws of 1983 and RCW 46.20.393;

(2) Section 3, chapter 165, Laws of 1983 and RCW 46.20.600;

(3) Section 4, chapter 165, Laws of 1983 and RCW 46.20.610;

(4) Section 5, chapter 165, Laws of 1983 and RCW 46.20.620;

(5) Section 6, chapter 165, Laws of 1983 and RCW 46.20.630;

(6) Section 7, chapter 165, Laws of 1983 and RCW 46.20.640;

(7) Section 8, chapter 165, Laws of 1983 and RCW 46.20.650;

(8) Section 9, chapter 165, Laws of 1983 and RCW 46.20.660;

(9) Section 10, chapter 165, Laws of 1983 and RCW 46.20.670;

(10) Section 11, chapter 165, Laws of 1983, section 326, chapter 258, Laws of 1984 and RCW 46.20.680;

(11) Section 12, chapter 165, Laws of 1983 and RCW 46.20.690;

(12) Section 22, chapter 165, Laws of 1983 and RCW 46.20.700; and

(13) Section 20, chapter 165, Laws of 1983 and RCW 46.68.062.

NEW SECTION, Sec. 7. RCW 46.68.055 is decodified.

NEW SECTION, Sec. 8. Sections 2 and 4 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1985. The remainder of the act shall take effect January 1, 1986."

On motion of Senator Talmadge, the following title amendments were considered simultaneously and adopted:

In line 2 of the title, after "46.20.311," insert "and"

In line 3 of the title, after "46.20.391" strike ", and 46.20.599"

MOTION

On motion of Senator Talmadge the rules were suspended, House Bill No. 593, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of House Bill No. 593, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 593, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 47.

Excused: Senators Benitz, Wojahn - 2.

HOUSE BILL NO. 593, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1060, by Committee on Ways and Means (originally sponsored by Representatives Appelwick, Hastings, Sommers and Tilly)

Modifying provisions on the taxation of food fish and shellfish.

The bill was read the second time.

MOTION

Senator McDermott moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 98, Laws of 1980 as amended by section 5, chapter 284, Laws of 1983 and by section 180, chapter 46, Laws of 1983 1st ex. sess. and RCW 82.27.010 are each reenacted and amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Food fish and shellfish" has the meaning ascribed to it by RCW 75.08.011 and includes byproducts and also parts of food fish and shellfish, whether fresh, frozen, canned, or otherwise. "Enhanced food fish" includes all species of food fish, shellfish, and anadromous game fish, including byproducts and parts thereof, originating within the territorial and adjacent waters of Washington and salmon originating from within the territorial and adjacent waters of Oregon, Washington, and British Columbia, and all troll-caught Chinook salmon originating from within the territorial and adjacent waters of southeast Alaska. As used in this subsection, "adjacent" waters of Oregon, Washington, and Alaska are those comprising the United States fish conservation zone; "adjacent" waters of British Columbia are those comprising the Canadian two hundred mile exclusive economic zone; and "southeast Alaska" means that portion of Alaska south and east of Cape Suckling to the Canadian border. For purposes of this chapter, point of origination is established by a document which identifies the product and state or province in which it originates, including, but not limited to fish tickets, bills of lading, invoices, or other documentation required to be kept by governmental agencies.

(2) "Commercial" means related to or connected with buying, selling, bartering, or processing.

(3) "Possession" means the control of enhanced food fish ~~(shellfish, and anadromous game fish)~~ by the owner and includes both actual and constructive possession. Constructive possession occurs when the person has legal ownership but not actual possession of the enhanced food fish ~~(shellfish, or anadromous game fish)~~.

(4) "Anadromous game fish" means steelhead trout and Anadromous cutthroat trout and Dolly Varden char and includes byproducts and also parts of anadromous game fish, whether fresh, frozen, canned, or otherwise.

(5) "Landed" means the act of physically placing enhanced food fish (a) on a tender in the territorial waters of Washington; or (b) on any land within or without the state of Washington including wharves, piers, or any such extensions therefrom.

Sec. 2. Section 2, chapter 98, Laws of 1980 as last amended by section 17, chapter 3, Laws of 1983 2nd ex. sess. 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 enhanced 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 enhanced food fish ~~(shellfish, or anadromous game fish)~~ whose possession constitutes the taxable event. The taxable event is the first possession in Washington by an owner ~~(after the food fish, shellfish, or anadromous game fish have been landed)~~. Processing and handling of enhanced 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 enhanced food fish ~~(shellfish, and anadromous game fish)~~ and liable to this tax may deduct from the price paid to the person from which the enhanced 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)) value of the enhanced food fish ((-shellfish, or anadromous game fish)) at the point of landing. ((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 enhanced 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. 3. Section 3, chapter 98, Laws of 1980 and RCW 82.27.030 are each amended to read as follows:

The tax imposed by RCW 82.27.020 shall not apply to: (1) Enhanced food fish ((or shellfish previously landed)) originating outside the state which ((is shipped into)) enters the state as (a) frozen enhanced food fish ((or frozen shellfish)) or (b) enhanced food fish ((or shellfish)) packaged for retail sales; (2) ((fresh net-caught food fish to the extent provided under an interstate agreement entered into under RCW 82.27.080; and (3)) the growing, processing, or dealing with food fish which are raised from eggs or fry and which are under the physical control of the grower at all times until being sold or harvested; and (3) food fish, shellfish, anadromous game fish, and byproducts or parts of food fish shipped from outside the state which enter the state, except as provided in RCW 82.27.010, provided the taxpayer must have documentation showing shipping origination of fish exempt under this subsection to qualify for exemption. Such documentation includes, but is not limited to fish tickets, bills of lading, invoices, or other documentation required to be kept by governmental agencies.

Sec. 4. Section 4, chapter 98, Laws of 1980 and RCW 82.27.040 are each amended to read as follows:

A credit shall be allowed against the tax imposed by RCW 82.27.020 upon enhanced food fish ((or shellfish)) with respect to any tax ((legally imposed and)) previously paid ((to another state by the taxpayer upon the same food fish or shellfish purchased in the other state)) on that same enhanced food fish to any other legally established taxing authority. To qualify for a credit, the owner of the enhanced food fish must have documentation showing a tax was paid in another jurisdiction.

NEW SECTION. Sec. 5. Section 13, chapter 98, Laws of 1980 and RCW 82.27.080 are each repealed.

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."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the Committee on Ways and Means amendment.

The motion by Senator McDermott carried and the committee amendment was adopted.

MOTION

On motion of Senator McDermott, the following title amendments were considered simultaneously and adopted:

On page 1, line 2 of the title, after ";", strike "and"

On page 1, line 3 of the title, after "82.27.010" insert "; and repealing RCW 82.27.080"

MOTION

On motion of Senator McDermott, the rules were suspended, Substitute House Bill No. 1060, 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 Substitute House Bill No. 1060, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1060, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams - 45.

Absent: Senators Saling, Zimmerman - 2.

Excused: Senators Benitz, Wojahn - 2.

SUBSTITUTE HOUSE BILL NO. 1060, as amended by the Senate, having received the constitutional majority, 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. 156, by Representatives Winsley, Dellwo, Schoon, May, Holland and Wang (by Department of Licensing request)

Revising provisions relating to drivers's financial responsibility.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, House Bill No. 156 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. 156.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 156 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 47.

Excused: Senators Benitz, Wojahn - 2.

HOUSE BILL NO. 156, having received the constitutional majority, 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. 957, by Committee on Financial Institutions (originally sponsored by Representatives Winsley, Crane, Barrett, West, Zellinsky, P. King and Holland)

Revising coverage requirements on underinsured motor vehicles.

The bill was read the second time.

MOTIONS

On motion of Senator Moore, the following Committee on Financial Institutions amendment was adopted:

On page 2, beginning on line 24, after "policy," strike all material down to and including "coverage," on line 27

On motion of Senator Moore, the following Committee on Financial Institutions amendment was adopted:

Beginning on page 3, strike all of section 2

On motion of Senator Moore, the following title amendment was adopted:

On line 1 of the title, after "RCW 48.22.030" strike "and 48.22.040

MOTION

On motion of Senator Moore, the rules were suspended, Engrossed Substitute House Bill No. 957, 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 Substitute House Bill No. 957, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 957, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 46.

Absent: Senator Deccio - 1.

Excused: Senators Benitz, Wojahn - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 957, as amended by the Senate, having received the constitutional majority, 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. 1046, by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Lux, Ebersole, Patrick, Hankins, Lewis, Thomas, McMullen, Sutherland, Day, Leonard, Holland, P. King and Addison)

Expanding authority for disapproval of health maintenance contracts.

The bill was read the second time.

MOTION

On motion of Senator Moore, the following Committee on Financial Institutions amendments were considered simultaneously and adopted:

On page 2, line 7, after "contract" insert "for health care services"

On page 2, beginning on line 9, after "fails to" strike "provide services required by law" and insert "comply with state law"

On page 3, line 15, after "contract" insert "for health care services"

On page 3, beginning on line 17, after "fails to" strike "provide services required by law" and insert "comply with state law"

MOTIONS

On motion of Senator Bender, Senator Williams was excused.

On motion of Senator Zimmerman, Senator McDonald was excused.

On motion of Senator Moore, the rules were suspended, Substitute House Bill No. 1046, 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 Substitute House Bill No. 1046, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1046, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Zimmerman - 45.

Excused: Senators Benitz, McDonald, Williams, Wojahn - 4.

SUBSTITUTE HOUSE BILL NO. 1046, as amended by the Senate, having received the 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.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 855, deferred on third reading earlier today.

MOTIONS

On motion of Senator Warnke, the rules were suspended and Substitute House Bill No. 855 was returned to second reading and read the second time.

Senator McDermott moved that the following amendment by Senators McDermott, Thompson, Bender, Owen, Halsan, DeJarnatt, McManus, Warnke, Moore, Rinehart, Rasmussen, Peterson, Conner, Garrett, Bauer, Talmadge, Gaspard, Fleming and Bottiger be adopted:

On page 7, after line 26, insert the following:

NEW SECTION. Sec. 15. A new section is added to chapter 50.22 RCW to read as follows:

(1) An additional benefit period is established from March 31, 1985, through March 31, 1986. This additional benefit period shall be suspended during any week for which federally funded benefits beyond thirty weeks are payable to both individuals with remaining balances and new exhaustees.

(2) Additional benefits shall be payable to otherwise eligible individuals who are exhaustees of regular benefits.

(3) Additional benefits shall not be payable for weeks more than two years beyond the end of the benefit year of the regular claim.

(4) The maximum amount of additional benefits for an individual shall be reduced, but not below zero, by any federal supplemental compensation paid based on the individual's most recent benefit year.

(5) Benefits paid under this section shall not be charged to the experience rating account of individual employers.

(6) This section shall expire on March 31, 1986."

Renumber the sections consecutively.

POINT OF ORDER

Senator Newhouse: "Mr. President, a point of order. The amendment is clearly beyond the scope and object of the bill and I would challenge it on the basis of expanding the scope."

Debate ensued.

MOTION

On motion of Senator Vognild, further consideration of Substitute House Bill No. 855 was deferred.

SECOND READING

REENGROSSED SUBSTITUTE HOUSE BILL NO. 23, by Committee on Local Government (originally sponsored by Representatives Haugen, Allen, Miller and Rayburn)

Providing regulations for compensation for members of special district governing bodies.

The bill was read the second time.

MOTION

Senator Thompson moved that the following Committee on Governmental Operations amendment be adopted:

On page 8, after line 1, insert the following:

NEW SECTION. Sec. 8. A new section is added to chapter 28A.57 RCW to read as follows:

Each member of the board of directors of a school district shall receive compensation of fifty dollars per day or portion thereof, not to exceed four thousand eight hundred dollars per year, for attendance at board meetings and for performance of other services on behalf of the district.

Any director may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the district as provided in this section. The waiver, to be effective, must be filed any time after

the director's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

Compensation as described herein shall not be the obligation of the state of Washington."

POINT OF ORDER

Senator McDonald: "Mr. President, a point of order. I would like to raise the point of scope and object on this amendment. Reengrossed Substitute House Bill No. 23 establishes a regulation for the compensation of members in special districts governing the governing bodies. As such the bill addresses sewer, water, fire, P.U.D. and port commissioners. The proposed amendment exceeds the special district governing bodies objective of the bill and expands that then to school board members. I would conclude from that that this is clearly beyond the scope and object of the bill before us and hope you would rule so."

Debate ensued.

MOTION

On motion of Senator Vognild, further consideration of Reengrossed Substitute House Bill No. 23 was deferred.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 606 and the pending Committee on Parks and Ecology striking amendment, deferred earlier today.

MOTION

On motion of Senator Kreidler, the following amendment to the Committee on Parks and Ecology amendment was adopted:

On page 20, line 24, strike "repealing RCW 90.24.020, 90.24.030, 90.24.050, 90.24.060, 90.24.065, and 90.24.070."

The President Pro Tempore declared the question before the Senate to be adoption of the Committee on Parks and Ecology amendment, as amended.

The motion by Senator Kreidler carried and the committee amendment, as amended, was adopted.

MOTIONS

On motion of Senator Kreidler, the following title amendment was adopted:

On page 1, on line 1 of the title, after "improvements;" strike the remainder of the title and insert "amending RCW 90.24.010 and 90.24.040; adding a new chapter to Title 36 RCW; adding a new section to chapter 35.21 RCW; repealing RCW 90.24.020, 90.24.030, 90.24.050, 90.24.060, 90.24.065, and 90.24.070; and providing an effective date."

On motion of Senator Kreidler, the rules were suspended, Substitute House Bill No. 606, 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 Substitute House Bill No. 606, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 606, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 5; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 41.

Voting nay: Senators Craswell, Deccio, McCaslin, Patterson, Pullen - 5.

Absent: Senator Rinehart - 1.

Excused: Senators Benitz, Wojahn - 2.

SUBSTITUTE HOUSE BILL NO. 606, as amended by the Senate, having received the 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 Reengrossed Substitute House Bill No. 23 and the pending Committee on Governmental Operations amendment on page 8, line 1, deferred earlier today.

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "In ruling upon the point of order raised by Senator McDonald, the President finds that Reengrossed Substitute House Bill No. 23 is a measure raising the per day rates of governing bodies of many special districts statewide to \$50.

"The amendment proposed by the Committee on Governmental Operations allows school board members to receive \$50 per day for the first time.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The Committee on Governmental Operations amendment was ruled out of order.

MOTIONS

On motion of Senator Thompson, the following amendment was adopted:

On page 1, after line 26, insert the following:

"Any member of the council may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the council as provided in this section. The waiver, to be effective, must be filed any time after the member's selection and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made."

Senator Metcalf moved that the following amendment be adopted:

On page 8, line 2, add a new section as follows:

"NEW SECTION. Sec. 8. The state shall reimburse the local governments on whom costs are imposed by this act for such costs."

Debate ensued.

MOTIONS

On motion of Senator Metcalf, and there being no objection, the amendment was withdrawn.

On motion of Senator Thompson, the rules were suspended, Reengrossed Substitute House Bill No. 23, 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 Reengrossed Substitute House Bill No. 23, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Reengrossed Substitute House Bill No. 23, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 32; nays, 14; absent, 1; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams - 32.

Voting nay: Senators Barr, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, McDonald, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Zimmerman - 14.

Absent: Senator Conner - 1.

Excused: Senators Benitz, Wojahn - 2.

REENGROSSED SUBSTITUTE HOUSE BILL NO. 23, as amended by the Senate, having received the constitutional majority, 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. 214, by Committee on Judiciary (originally sponsored by Representatives Baugher, Hargrove, Patrick, West, Tilly, Lundquist, Winsley, Lewis, Fuhrman, S. Wilson, Leonard, Hastings, van Dyke, Dobbs, Van Luven, May, Bond, Valle, Ballard, Silver, Basich, Isaacson and Schoon)

Prohibiting operation of a watercraft while under the influence of alcohol or drugs.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 15, chapter 7, Laws of 1983 as amended by section 47, chapter 3, Laws of 1983 2nd ex. sess. and RCW 88.02.020 are each amended to read as follows:

((+)) 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. 2. A new section is added to chapter 88.02 RCW to read as follows:

(1) It shall be unlawful for any person to operate a vessel in a negligent manner, except a commercial vessel which has or is required to have a valid marine document as a vessel of the United States and is operating in the navigable waters of the United States. For the purpose of this section, to "operate in a negligent manner" shall be construed to mean the operation of a vessel in such manner as to endanger or be likely to endanger any persons or property.

(2) A person is guilty of operating a vessel while under the influence of intoxicating liquor or any drug if the person operates a vessel within this state while:

(a) The person has 0.10 percent or more by weight of alcohol in his blood as shown by chemical analysis of the person's breath, blood, or other bodily substance made under RCW 46.61.506; or

(b) The person is under the influence of or affected by intoxicating liquor or any drug; or

(c) The person is under the combined influence of or affected by intoxicating liquor and any drug.

The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this section. A person cited under this subsection may upon request be given a breath test for blood alcohol or may request to have a blood sample taken for blood alcohol analysis. An arresting officer shall administer field sobriety tests when circumstances permit.

(3) For the purposes of this section, "vessel" means any watercraft used or capable of being used as a means of transportation on the water.

(4) For the purpose of this section, "vessel operator" means a person who is in actual physical control of a vessel.

(5) A violation of this section is a misdemeanor, punishable by up to ninety days in jail and by a fine of not more than one thousand dollars. In addition, the court may order the defendant to pay restitution for any damages or injuries resulting from the offense.

Sec. 3. Section 1, chapter 198, Laws of 1969 ex. sess. as last amended by section 19, chapter 263, Laws of 1984 and RCW 10.31.100 are each amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of the officer, except as provided in subsections (1) through ((4)) (5) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) An order has been issued of which the person has knowledge under RCW 10.99.040(2), 10.99.050, 26.09.060, chapter 26.26 RCW, or chapter 26.50 RCW restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence or excluding the person from a residence; or

(b) The person within the preceding four hours has assaulted that person's spouse, former spouse, or other person with whom the person resides or has formerly resided.

(3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

(b) RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;

(f) RCW 46.61.525, relating to operating a motor vehicle in a negligent manner.

(4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed in connection with the accident a violation of any traffic law or regulation.

(5) Any police officer having probable cause to believe that a person has committed or is committing a violation of section 2 of this 1985 act shall have the authority to arrest the person.

(6) Except as specifically provided in subsections (2), (3), and (4) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

~~((6))~~ (7) No police officer may be held criminally or civilly liable for making an arrest pursuant to RCW 10.31.100(2) if the police officer acts in good faith and without malice."

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute House Bill No. 214, 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 Substitute House Bill No. 214, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 214, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 46.

Absent: Senator Deccio - 1.

Excused: Senators Benitz, Wojahn - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 214, as amended by the Senate, having received the constitutional majority, 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. 877, by Committee on Judiciary (originally sponsored by Representative Dellwo)

Changing provisions relating to adoptions.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 8, chapter 155, Laws of 1984 and RCW 26.33.080 are each amended to read as follows:

(1) A parent, an alleged father, the department, or an agency may file with the court a petition to relinquish a child to the department or an agency. The parent's or alleged father's written consent to adoption shall accompany the petition. The written consent of the department or the agency to assume custody shall be filed with the petition.

(2) A parent, alleged father, or prospective adoptive parent may file with the court a petition to relinquish a child to the prospective adoptive parent. The parent's or alleged father's written consent to adoption shall accompany the petition. The written consent of the prospective adoptive parent to assume custody shall be filed with the petition. The identity of the prospective adoptive parent need not be disclosed to the petitioner.

(3) A petition for relinquishment, together with the written consent to adoption, may be filed before the child's birth.

Sec. 2. Section 9, chapter 155, Laws of 1984 and RCW 26.33.090 are each amended to read as follows:

(1) The court shall set a time and place for a hearing on the petition for relinquishment. The hearing may not be held sooner than forty-eight hours after the child's birth or the signing of all necessary consents to adoption, whichever is later. The court may enter a temporary order giving custody of the child to the prospective adoptive parent, if a preplacement report has been filed, or to the department or agency to whom the child will be relinquished pending the court's hearing on the petition.

(2) Notice of the hearing shall be served on any relinquishing parent((, any)) or alleged father, and the department((;)) or agency((, or prospective adoptive parent)) in the manner prescribed by RCW 26.33.310.

(3) The court may require the parent to appear personally and enter his or her consent to adoption on the record. The court shall determine that any written consent has been validly executed. If the court determines it is in the best interests of the child, the court shall approve the petition for relinquishment.

(4) If the court approves the petition, it shall award custody of the child to the department, agency, or prospective adoptive parent, who shall be appointed legal guardian. The legal guardian shall be financially responsible for support of the child until further order of the court. The court shall also enter an order pursuant to RCW 26.33.130 terminating the parent-child relationship of the parent and the child.

(5) An order of relinquishment to an agency or the department shall include an order authorizing the agency to place the child with a prospective adoptive parent.

Sec. 3. Section 10, chapter 155, Laws of 1984 and RCW 26.33.100 are each amended to read as follows:

(1) A petition for termination of the parent-child relationship of a parent or alleged father who has not executed a written consent to adoption may be filed by:

(a) The department or an agency; ((or))

(b) The prospective adoptive parent to whom a child has been or may be relinquished if the prospective adoptive parent has filed or consented to a petition for relinquishment; or

(c) The prospective adoptive parent if he or she seeks to adopt the child of his or her spouse.

(2) The petition for termination of the parent-child relationship shall contain a statement of facts identifying the petitioner, the parents, the legal guardian, a guardian ad litem for a party, any alleged father, and the child. The petition shall state the facts forming the basis for the petition and shall be signed under penalty of perjury or be verified.

(3) The petition may be filed before the child's birth.

Sec. 4. Section 11, chapter 155, Laws of 1984 and RCW 26.33.110 are each amended to read as follows:

(1) The court shall set a time and place for a hearing on the petition for termination of the parent-child relationship, which shall not be held sooner than forty-eight hours after the child's birth.

(2) Notice of the hearing shall be served on the petitioner, the ((parents, any)) nonconsenting parent or alleged father, the legal guardian of a party, and the guardian ad litem of a party, in the manner prescribed by RCW 26.33.310.

(3) The notice of the petition shall:

(a) State the date and place of birth. If the petition is filed prior to birth, the notice shall state the approximate date and location of conception of the child and the expected date of birth, and shall identify the mother;

(b) Inform the nonconsenting parent or alleged father that: (i) He or she has a right to be represented by counsel and that counsel will be appointed for an indigent person who requests counsel; and (ii) failure to respond to the termination action within twenty days of service will result in the termination of his or her parent-child relationship with respect to the child;

(c) Inform an alleged father that failure to file a claim of paternity under chapter 26.26 RCW or to respond to the petition, within twenty days of the date of service of the petition is grounds to terminate his parent-child relationship with respect to the child.

Sec. 5. Section 16, chapter 155, Laws of 1984 and RCW 26.33.160 are each amended to read as follows:

(1) Except as otherwise provided in RCW 26.33.170, consent to an adoption shall be required of the following if applicable:

- (a) The adoptee, if fourteen years of age or older;
- (b) The parents and any alleged father of an adoptee under eighteen years of age;
- (c) An agency or the department to whom the adoptee has been relinquished pursuant to RCW 26.33.080; and

(d) The legal guardian of the adoptee.

(2) Consent to adoption is revocable by the consenting party at any time before the consent is approved by the court. The revocation may be made in either of the following ways:

(a) Written revocation may be delivered or mailed to the clerk of the court before approval; or

(b) Written revocation may be delivered or mailed to the clerk of the court after approval, but only if it is delivered or mailed within forty-eight hours after a prior notice of revocation that was given within forty-eight hours after the birth of the child. The prior notice of revocation shall be given to the agency or person who sought the consent and may be either oral or written.

(3) Except as provided in subsection (2)(b) of this section and in this subsection, a consent to adoption may not be revoked after it has been approved by the court. Within one year after approval, a consent may be revoked for fraud or duress practiced by the person, department, or agency requesting the consent, or for lack of mental competency on the part of the person giving the consent at the time the consent was given. A written consent to adoption may not be revoked more than one year after it is approved by the court.

(4) The written consent to adoption shall be signed under penalty of perjury and shall state that:

(a) It is given subject to approval of the court;

(b) It has no force or effect until approved by the court;

(c) The consent will not be presented to the court until forty-eight hours after it is signed or forty-eight hours after the birth of the child, whichever occurs later;

(d) It is revocable by the consenting party at any time ((prior to)) before its approval by the court(;

(e) A consenting party who seeks to revoke the consent must notify the agency or person who obtained the consent verbally or in writing within forty-eight hours of signing the consent, and, if the initial notice is oral, the party seeking to revoke must mail written notification of revocation to the clerk of the court no less than forty-eight hours after the oral notice was given)). It may be revoked in either of the following ways:

(i) Written revocation may be delivered or mailed to the clerk of the court before approval of the consent by the court; or

(ii) Written revocation may be delivered or mailed to the clerk of the court after approval, but only if it is delivered or mailed within forty-eight hours after a prior notice of revocation that was given within forty-eight hours after the birth of the child. The prior notice of revocation shall be given to the agency or person who sought the consent and may be either oral or written;

((f)) (e) The address of the clerk of court where the consent will be presented is included; and

((g)) (1) After it has been approved by the court, the consent is not revocable except for fraud or duress practiced by the person, department, or agency requesting the consent or for lack of mental competency on the part of the person giving the consent at the time the consent was ((executed by the person signing the consent)) given. A written consent to adoption ((shall)) may not be revoked more than one year after it is approved by the court.

((3)) (5) A written consent to adoption which meets all the requirements of this chapter but which does not name or otherwise identify the adopting parent ((shall be)) is valid if it contains a statement that it is voluntarily executed without disclosure of the name or other identification of the adopting parent.

Sec. 6. Section 31, chapter 155, Laws of 1984 and RCW 26.33.310 are each amended to read as follows:

(1) Petitions governed by this chapter shall be served in the same manner as a complaint in a civil action under the superior court civil rules. Subsequent notice, papers, and pleadings may be served in the manner provided in superior court civil rules.

(2) If personal service on the parent or any ((identified)) alleged father, either within or without this state, cannot be given, notice shall be given: (a) By registered mail, mailed at least twenty days before the hearing to the person's last known address; and (b) by publication at least once a week for three consecutive weeks with the first publication date at least twenty-five days before the hearing. Publication shall be in a legal newspaper in the city or town of the last known address within the United States and its territories of the parent or alleged father, whether within or without this state, or, if no address is known or the last known address is not

within the United States and its territories, in the city or town where the proceeding has been commenced.

(3) Notice and appearance may be waived by the department, an agency, a parent, or an alleged father before the court or in a writing signed under penalty of perjury. The waiver shall contain the current address of the department, agency, parent, or alleged father. The face of the waiver for a hearing on termination of the parent-child relationship shall contain language explaining the meaning and consequences of the waiver and the meaning and consequences of termination of the parent-child relationship. A person or agency who has executed a waiver shall not be required to appear.

(4) If a person entitled to notice is known to the petitioner to be unable to read or understand English, all notices, if practicable, shall be given in that person's native language or through an interpreter.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Talmadge, the following title amendment was adopted:

On page 1, line 1 of the title, after "adoption;" strike the remainder of the title, and insert "amending RCW 26.33.080, 26.33.090, 26.33.100, 26.33.110, 26.33.160, and 26.33.310; and declaring an emergency."

MOTION

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 877, 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 Substitute House Bill No. 877, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 877, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; absent, 2; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vogtnid, von Reichbauer, Warnke, Williams, Zimmerman - 45.

Absent: Senators Saling, Sellar - 2.

Excused: Senators Benitz, Wojahn - 2.

SUBSTITUTE HOUSE BILL NO. 877, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 848, by Committee on Judiciary (originally sponsored by Representatives K. Wilson, Armstrong, Scott, P. King, Lewis, Allen, Leonard, S. Wilson, Tanner, Ebersole, J. Williams and Long)

Requiring the department of corrections to notify certain people of the disposition of inmates convicted of violent offenses.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 1, line 21, after "Any" strike all the material down to and including "offense" on page 1, line 22, and insert "person specified in writing by the prosecuting attorney"

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 7, after line 24, insert the following:

NEW SECTION. Sec. 7. The failure to make a reasonable effort to ensure that persons who are to receive notice under sections 1 through 6 of this act shall not result in civil liability so long as the failure to make a reasonable effort was in good faith and without gross negligence."

MOTIONS

On motion of Senator Zimmerman, Senator Metcalf was excused.

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 848, 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 Substitute House Bill No. 848, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 848, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 46.

Excused: Senators Benitz, Metcalf, Wojahn - 3.

SUBSTITUTE HOUSE BILL NO. 848, as amended by the Senate, having received the constitutional majority, 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. 152, by Representatives Grimm, Sommers, Vander Stoep and Basich

Increasing the amount of the initial biennial advance permitted each community college treasurer.

The bill was read the second time.

MOTION

On motion of Senator McDermott, the rules were suspended, House Bill No. 152 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. 152.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 152 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 47.

Excused: Senators Benitz, Wojahn - 2.

HOUSE BILL NO. 152, having received the 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 reverted the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

April 9, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3007 with the following amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. A new section is added to chapter 46.16 RCW to read as follows:

(1) For the purposes of vehicle license registration, a resident is a person who:

- (a) Owns a vehicle that is licenseable under this chapter and that is physically present in the state of Washington more than six months in any continuous twelve-month period; or
- (b) Resides in this state more than six months in any continuous twelve-month period; or
- (c) Becomes a registered voter in this state; or
- (d) Receives benefits under one of the Washington public assistance programs; or
- (e) Declares himself to be a resident for the purpose of obtaining a state license or tuition fees at resident rates; or

(f) Is permanently employed in this state.

(2) A resident of the state shall register under chapters 46.12 and 46.16 RCW a motor vehicle to be operated on the highways of the state.

(3) It is a misdemeanor for a person to violate this section.

Sec. 2. Section 12, chapter 10, Laws of 1982 as amended by section 6, chapter 164, Laws of 1983 and RCW 46.63.020 are each amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

(1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

(2) RCW 46.09.130 relating to operation of nonhighway vehicles;

(3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

(4) RCW 46.10.130 relating to the operation of snowmobiles;

(5) Chapter 46.12 RCW relating to certificates of ownership and registration;

(6) Section 1 of this act relating to registration of motor vehicles by residents;

(7) RCW 46.16.160 relating to vehicle trip permits;

~~((7))~~ (8) RCW 46.20.021 relating to driving without a valid driver's license;

~~((8))~~ (9) RCW 46.20.336 relating to the unlawful possession and use of a driver's license;

~~((9))~~ (10) RCW 46.20.342 relating to driving with a suspended or revoked license;

~~((10))~~ (11) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license;

~~((11))~~ (12) RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;

~~((12))~~ (13) Chapter 46.29 RCW relating to financial responsibility;

~~((13))~~ (14) RCW 46.44.180 relating to operation of mobile home pilot vehicles;

~~((14))~~ (15) RCW 46.48.175 relating to the transportation of dangerous articles;

~~((15))~~ (16) RCW 46.52.010 relating to duty on striking an unattended car or other property;

~~((16))~~ (17) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;

~~((17))~~ (18) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;

~~((18))~~ (19) RCW 46.52.100 relating to driving under the influence of liquor or drugs;

~~((19))~~ (20) RCW 46.52.108 relating to disposal of abandoned vehicles or hulks;

~~((20))~~ (21) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company and an employer;

~~((21))~~ (22) RCW 46.52.210 relating to abandoned vehicles or hulks;

~~((22))~~ (23) RCW 46.61.015 relating to obedience to police officers, flagmen, or fire fighters;

~~((23))~~ (24) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;

~~((24))~~ (25) RCW 46.61.022 relating to failure to stop and give identification to an officer;

~~((25))~~ (26) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;

~~((26))~~ (27) RCW 46.61.500 relating to reckless driving;

~~((27))~~ (28) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;

~~((28))~~ (29) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

~~((29))~~ (30) RCW 46.61.522 relating to vehicular assault;

~~((30))~~ (31) RCW 46.61.525 relating to negligent driving;

~~((31))~~ (32) RCW 46.61.530 relating to racing of vehicles on highways;

~~((32))~~ (33) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;

~~((33))~~ (34) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;

~~((34))~~ (35) RCW 46.64.020 relating to nonappearance after a written promise;

~~((35))~~ (36) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;

~~((36))~~ (37) Chapter 46.65 RCW relating to habitual traffic offenders;

~~((37))~~ (38) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;

~~((38))~~ (39) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;

~~((39))~~ (40) Chapter 46.80 RCW relating to motor vehicle wreckers;

~~((40))~~ (41) Chapter 46.82 RCW relating to driver's training schools.

Sec. 3. Section 6, chapter 106, Laws of 1963 as amended by section 21, chapter 227, Laws of 1982 and RCW 46.85.060 are each amended to read as follows:

In the absence of an agreement or arrangement with another jurisdiction, the department may examine the laws and requirements of such jurisdiction and declare the extent and nature of exemptions, benefits and privileges to be extended to vehicles properly registered or licensed in such other jurisdiction, or to the owners of such vehicles, which shall, in the judgment of the department, be in the best interest of this state and the citizens thereof and which shall be fair and equitable to this state and the citizens thereof, and all of the same shall be determined on the basis and recognition of the benefits which accrue to the economy of this state from the uninterrupted flow of commerce. Declarations of exemptions, benefits, and privileges issued by the department shall include at least the following exemptions:

(1) Nonresident persons may operate a vehicle in this state that is currently licensed in another jurisdiction for a period not to exceed one hundred eighty days in a calendar year, but a nonresident person employed in Washington for more than one hundred eighty days may operate a vehicle licensed in another jurisdiction as long as no permanent, temporary, or part-time residence is maintained in this state.

(2) Nonresident salespersons based at a location outside Washington are permitted to operate vehicles not to exceed twelve thousand pounds registered gross vehicle weight licensed in another jurisdiction in this state without registration.

(3) A vehicle or a combination of vehicles, not exceeding a registered gross or combined gross vehicle weight of twelve thousand pounds, which is properly base licensed in another jurisdiction, and used for business purposes in this state is not required to obtain Washington vehicle license registration except when such vehicle is owned or operated by a business or branch office of a business located in Washington.

(4) The department of licensing, after consultation with the department of revenue, shall adopt such rules as it deems necessary for the administration of these exemptions, benefits, and privileges.

Sec. 4. Section 51, chapter 37, Laws of 1980 as amended by section 2, chapter 26, Laws of 1983 and RCW 82.12.0251 are each amended to read as follows:

The provisions of this chapter shall not apply in respect to the use of any article of tangible personal property brought into the state by a nonresident thereof for his use or enjoyment while temporarily within the state unless such property is used in conducting a nontransitory business activity within the state; or in respect to the use by a nonresident of this state of a motor vehicle or trailer which is registered or licensed under the laws of the state of his residence, and which is not required to be registered or licensed under the laws of this state, including motor vehicles or trailers exempt pursuant to a declaration issued by the department of licensing under RCW 46.85.060; or in respect to the use of household goods, personal effects, and private automobiles by a bona fide resident of this state or nonresident members of the armed forces who are stationed in this state pursuant to military orders, if such articles were acquired and used by such person in another state while a bona fide resident thereof and such acquisition and use occurred more than ~~((thirty))~~ ninety days prior to the time he entered this state.

Sec. 5. Section 82.12.045, chapter 15, Laws of 1961 as last amended by section 2, chapter 77, Laws of 1983 and RCW 82.12.045 are each amended to read as follows:

In the collection of the use tax on motor vehicles, the department of revenue may designate the county auditors of the several counties of the state as its collecting agents. Upon such designation, it shall be the duty of each county auditor to collect the tax at the time an applicant applies for the registration of, and transfer of title to, the motor vehicle, except in the following instances: (1) Where the applicant exhibits a dealer's report of sale showing that the retail sales tax has been collected by the dealer; (2) where the application is for the renewal of registration; (3) where the applicant presents a written statement signed by the department of revenue, or its duly authorized agent showing that no use tax is legally due; or (4) where the applicant presents satisfactory evidence showing that the retail sales tax or the use tax has been paid by him on the vehicle in question. The term "motor vehicle," as used in this section means and includes all motor vehicles, trailers and semitrailers used, or of a type designed primarily to be used, upon the public streets and highways, for the convenience or pleasure of the owner, or for the conveyance, for hire or otherwise, of persons or property, including fixed loads, facilities for human habitation, and vehicles carrying exempt licenses. It shall be the duty of every applicant for registration and transfer of certificate of title who is subject to payment of tax under this section to declare upon his application the value of the vehicle for which application is made, which shall consist of the consideration paid or contracted to be paid therefor. The value of the article used for the purpose of determining the amount of use tax

payable by the applicant under this chapter shall not exceed the value of the vehicle declared by the applicant, except in the case of a motor vehicle for which no consideration is paid or contracted to be paid. Any person willfully misrepresenting, or failing or refusing to declare upon his application, such value shall be guilty of a gross misdemeanor.

Each county auditor who acts as agent of the department of revenue shall at the time of remitting license fee receipts on motor vehicles subject to the provisions of this section pay over and account to the state treasurer for all use tax revenue collected under this section, after first deducting as his collection fee the sum of two dollars for each motor vehicle upon which the tax has been collected. All revenue received by the state treasurer under this section shall be credited to the general fund. The auditor's collection fee shall be deposited in the county current expense fund. A duplicate of the county auditor's transmittal report to the state treasurer shall be forwarded forthwith to the department of revenue.

Any applicant who has paid use tax to a county auditor under this section may apply to the department of revenue for refund thereof if he has reason to believe that such tax was not legally due and owing. No refund shall be allowed unless application therefor is received by the department of revenue within two years after payment of the tax. Upon receipt of an application for refund the department of revenue shall consider the same and issue its order either granting or denying it and if refund is denied the taxpayer shall have the right of appeal as provided in RCW 82.32.170, 82.32.180 and 82.32.190.

The provisions of this section shall be construed as cumulative of other methods prescribed in chapters 82.04 to 82.32 RCW, inclusive, for the collection of the tax imposed by this chapter. The department of revenue shall have power to promulgate such rules and regulations as may be necessary to administer the provisions of this section. Any duties required by this section to be performed by the county auditor may be performed by the director of licensing but no collection fee shall be deductible by said director in remitting use tax revenue to the state treasurer.

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, except for section 1 of this act, which shall take effect September 1, 1985."

In line 1 of the title, after "RCW" strike the remainder of the title, and insert "46.63.020, 46.85.060, 82.12.0251, and 82.12.045; adding a new section to chapter 46.16 RCW; prescribing penalties; declaring an emergency; and providing an effective date."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

Senator Peterson moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 3007.

Debate ensued.

POINT OF INQUIRY

Senator Newhouse: "Senator Peterson, I note that the Department of Revenue is no longer going to determine value of the cars by a portion of that amendment. Does it really mean that the owner of a vehicle is going to tell them what it's worth for any tax purposes?"

Senator Peterson: "My interpretation is that it depends upon the value of the purchase price. I might defer to Senator Bauer. He may have more information on that particular question that I do."

REMARKS BY SENATOR BAUER

Senator Bauer: "Yes, I believe the House made an effort to respond to some concern of our constituents when they come in with an old junker and the junker is off the blue books and they identify it as a thousand dollar automobile when it's gone through three wrecks and it's a pile of junk. In those cases, it is suggested that they take the word of the individual when it has been completely gone off the blue book."

Senator Newhouse: "When is that determined that the motorist has the right to value his own car?"

Senator Bauer: "My understanding that that's after the car is no longer on the blue book as far as any value at all. That's my understanding of what the intent was."

The President Pro Tempore declared the question before the Senate to be the motion by Senator Peterson that the Senate do concur in the House amendments to Substitute Senate Bill No. 3007.

The motion by Senator Peterson carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 3007.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3007, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3007, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Zimmerman - 46.

Voting nay: Senator Pullen - 1.

Excused: Senators Benitz, Wojahn - 2.

SUBSTITUTE SENATE BILL NO. 3007, 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 von Reichbauer, Senator Guess was excused.

MESSAGE FROM THE HOUSE

April 10, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3897 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 48.05 RCW to read as follows:

The insurance commissioner shall promulgate rules requiring insurers who are authorized to write malpractice insurance in the state of Washington to record and report their Washington state loss and expense experiences and other data, as required by section 2 of this act.

NEW SECTION, Sec. 2. A new section is added to chapter 48.05 RCW to read as follows:

(1) The report required by section 1 of this act shall include the types of insurance written by the insurer for both commercial and personal policies pertaining to medical malpractice insurance for physicians and surgeons, hospitals, other health care professions, and other health care facilities individually.

(2) The report shall include the following data by the type of insurance for the previous year ending on the thirty-first day of December:

(a) Direct premiums written;
 (b) Direct premiums earned;
 (c) Net investment income, including net realized capital gain and losses, using appropriate estimates where necessary;

(d) Incurred claims, development as the sum of the following:

(i) Dollar amount of claims closed with payments; plus

(ii) Reserves for reported claims at the end of the current year; minus

(iii) Reserves for reported claims at the end of the previous year; plus

(iv) Reserves for incurred but not reported claims at the end of the current year; minus

(v) Reserves for incurred but not reported claims at the end of the previous year; plus

(vi) Reserves for loss adjustment expense at the end of the current year; minus

(vii) Reserves for loss adjustment expense at the end of the previous year.

(e) Actual incurred expenses allocated separately to loss adjustment, commissions, other acquisition costs, advertising, general office expenses, taxes, licenses and fees, and all other expenses;

(f) Net underwriting gain or loss;

(g) Net operation gain or loss, including net investment income;

(h) The number and dollar amount of claims closed with payment, by year incurred and the amount reserved for them;

(i) The number of claims closed without payment and the dollar amount reserved for those claims; and

(j) Other information requested by the insurance commissioner.

(3) The report shall be included as an addendum to the annual statement required by RCW 48.05.250.

NEW SECTION. Sec. 3. The requirements of sections 1 and 2 of this act shall commence with the year-end report for the reporting period ending December 31, 1986. In addition, the data required under section 2 of this act shall be provided for the years 1975 through 1985 and shall be filed with the commissioner on or before March 1, 1986.

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."

On page 1, line 1 of the title, after "reporting;" strike the remainder of the title and insert "adding new sections to chapter 48.05 RCW; and creating a new section."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Bender, the Senate concurred in the House amendments to Substitute Senate Bill No. 3897.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3897, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3897, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 31; nays, 14; absent, 1; excused, 3.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kreidler, Lee, McDermott, McManus, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vogt, von Reichbauer, Warnke, Williams, Zimmerman - 31.

Voting nay: Senators Bailey, Barr, Bluechel, Cantu, Craswell, Hayner, Kiskaddon, McCaslin, McDonald, Metcalf, Newhouse, Pullen, Saling, Sellar - 14.

Absent: Senator Garrett - 1.

Excused: Senators Benitz, Guess, Wojahn - 3.

SUBSTITUTE SENATE BILL NO. 3897, 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

April 9, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3029 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the fees charged by some financial institutions to cash noncustomer government checks and warrants impose a hardship on citizens who receive financial assistance from the state or federal government.

The legislature recognizes that in an era of deregulation and increased competition, some services offered by financial institutions may no longer be provided free of charge to the public. Nevertheless, the legislature encourages financial institutions to assist in the attainment of public policy objectives involving fund transfers between the government and its citizens by providing check-cashing services at little or no cost to recipients of government checks and warrants.

The legislature further encourages financial institutions to develop checking accounts which provide basic services at minimal cost so that recipients of government checks and warrants can avoid check-cashing fees by becoming customers of the financial institution.

In addition, the legislature encourages financial institutions to refrain from imposing unnecessary delays on a depositor's ability to withdraw funds deposited by check; and, in particular, to refrain from imposing delays on Social Security and other government checks deposited into established accounts beyond the time required to receive credit for the checks.

NEW SECTION. Sec. 2. (1) By January 1, 1986, the supervisors of banking and savings and loan associations shall report to the legislature on efforts made by financial institutions to provide basic checking services at low cost and to remove or lower fees charged for cashing government checks for noncustomers.

In addition, the supervisors shall report on financial institutions' policies in delaying the availability of funds for withdrawal by a customer who has deposited funds by check.

(2) The report shall contain:

(a) A current list, prepared by the supervisor of banking, of the basic checking accounts offered and fees imposed for cashing government checks for noncustomers by state and federal commercial banks and savings banks doing business in Washington; and

(b) A current list, prepared by the supervisor of savings and loan associations, of the basic checking accounts offered and fees imposed for cashing government checks for noncustomers by state and federal savings and loan associations doing business in Washington; and

(c) Information regarding the policies of financial institutions doing business in Washington, in making funds deposited by check available for withdrawal by the depositor.

(3) The report shall be transmitted to the governor, the speaker of the state house of representatives, the president of the senate, and the chairmen of the financial institutions committees of each house of the legislature.

NEW SECTION, Sec. 3. A new section is added to chapter 46.20 RCW to read as follows:

In addition to the use of identicards prescribed under RCW 46.20.185, identicards may also be used to establish proof of identity for purposes of the presentment of checks and other negotiable instruments."

On page 1, line 1 of the title, after "institutions;" strike the remainder of the title and insert "adding a new section to chapter 46.20 RCW; and creating new sections."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

Senator Vognild moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 3029.

POINT OF ORDER

Senator Williams: "Mr. President, I would like to raise the question of scope and object on the House amendments to Substitute Senate Bill No. 3029. The House has totally stricken the language of the bill that we sent over, including the title and replaced the RCW sections cited with new RCWs. I would suggest that this is a total scope and object change."

Further debate ensued.

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "In ruling upon the point of order raised by Senator Williams, the President finds that Substitute Senate Bill No. 3029 is a measure requiring financial institutions to cash certain government checks of properly identified non-customers for a fee of no more than one dollar.

"The amendments proposed by the House of Representatives encourages financial institutions to lower their check cashing fees for non-customer government checks and requires the Supervisor of Banking to report on the efforts of financial institutions in this regard.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The House amendments to Substitute Senate Bill No. 3029 were ruled out of order.

MOTION

Senator Williams moved that the Senate do not concur in the House amendments to Substitute Senate Bill No. 3029 and asks the House to recede therefrom.

PARLIAMENTARY INQUIRY

Senator Bluechel: "Mr. President, when an amendment from the opposite body is ruled out of scope and object and is the only action taken by that body, does not the bill revert to its committee here and not go back to the body?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "In accordance with Rule 66, which I will read the appropriate portion which is on page 28 of the Senate Rules: 'A senate bill, passed by the house with amendment or amendments which shall change the scope and object of the bill, upon being received in the senate, shall be referred to appropriate committee and shall take the same course as for original bills, unless a

motion to ask the house to recede, to insist or to adhere is made prior to the measure being referred to committee.' We are at the point of it being prior to being referred to committee."

MOTIONS

On motion of Senator Vognild, and there being no objection, the motion to concur in the House amendments to Substitute Senate Bill No. 3029 was withdrawn.

Senator Williams repeated his motion that the Senate do not concur in the House amendments to Substitute House Bill No. 3029 and asks the House to recede therefrom.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Newhouse: "Mr. President, if the question is decided in the negative, then we do concur with the House amendments, in spite of your ruling?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "If the motion fails, then the bill would revert to the committee."

Senator Newhouse: "But the rules say that if the motion to concur is decided in the negative, then the body decides to not concur and conversely if the motion to not concur is decided in the negative, then the motion to concur would prevail."

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "I think the rule that applies is the rule relating to the point of order on the scope and object of the House amendments, which has already been ruled upon."

Senator Williams demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Williams that the Senate do not concur in the House amendments to Substitute Senate Bill No. 3029 and asks the House to recede therefrom.

ROLL CALL

The Secretary called the roll and the motion by Senator Williams carried the Senate did not concur in the House amendments to Substitute Senate Bill No. 3029 by the following vote: Yeas, 27; nays, 18; absent, 1; excused, 3.

Voting yea: Senators Bauer, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, Lee, McDermott, McManus, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams - 27.

Voting nay: Senators Bailey, Barr, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Saling, Sellar, von Reichbauer, Zimmerman - 18.

Absent: Senator Bender - 1.

Excused: Senators Benitz, Guess, Wojahn - 3.

The Senate did not concur in the House amendments to Substitute Senate Bill No. 3029 and asks the House to recede therefrom.

There being no objection, the President Pro Tempore advanced the Senate to the sixth order of business.

SECOND READING

HOUSE BILL NO. 139, by Representatives Locke, Sommers, Brough and Haugen

Authorizing cities to be responsible for enforcement of uniform fire code in air navigation facilities.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the following Committee on Governmental Operations amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 15, chapter 182, Laws of 1945 and RCW 14.08.330 are each amended to read as follows:

Every airport and other air navigation facility controlled and operated by any municipality, or jointly controlled and operated pursuant to the provisions of this chapter, shall, subject to federal and state laws, rules, and regulations, be under the exclusive jurisdiction and control of the municipality or municipalities controlling and operating it ~~((and)). The municipality or municipalities shall have concurrent jurisdiction over the adjacent territory described in RCW 14.08.120(2). No other municipality in which ((such)) the airport or air navigation facility is located shall have any police jurisdiction of the same or any authority to charge or exact any license fees or occupation taxes for the operations ((thereon. Such municipality or municipalities shall have concurrent jurisdiction over the adjacent territory described in RCW 14.08.120(2))). However, by agreement with the municipality operating and controlling the airport or air navigation facility, a municipality in which an airport or air navigation facility is located may be responsible for the administration and enforcement of the uniform fire code, as adopted by that municipality under RCW 19.27.040, on that portion of any airport or air navigation facility located within its jurisdictional boundaries.~~

MOTION

On motion of Senator Thompson, the rules were suspended, 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 Pro Tempore declared the question before the Senate to be the roll call on final passage of House Bill No. 139, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 139, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 47.

Excused: Senators Benitz, Wojahn - 2.

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.

SECOND READING

HOUSE BILL NO. 73, by Representatives Kremen, Thomas and Lundquist (by Department of Transportation request)

Permitting designees of certain agency directors to serve on the commission on equipment.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended, House Bill No. 73 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. 73.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 73 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 47.

Excused: Senators Benitz, Wojahn - 2.

HOUSE BILL NO. 73, having received the constitutional majority, 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. 77, by Representatives Walk, S. Wilson, Schmidt, Valle, Fisch and Haugen (by Department of Transportation request)

Removing the performance requirements for high-speed passenger ferries from the 1977 bond authorization.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended, House Bill No. 77 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. 77.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 77 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJamatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Melcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 47.

Excused: Senators Benitz, Wojahn - 2.

HOUSE BILL NO. 77, having received the constitutional majority, 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. 69, by Committee on Environmental Affairs (originally sponsored by Representatives Rust, Allen, Valle, Brekke, R. King, Lux, Unsoeld, D. Nelson and Isaacson)

Requiring solid waste facilities to establish trust funds.

The bill was read the second time.

MOTIONS

Senator Kreidler moved that the following Committee on Parks and Ecology amendment be adopted:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. A new section is added to chapter 70.95 RCW to read as follows:

(1) By July 1, 1987, each holder or applicant of a permit for a landfill disposal facility issued under this chapter shall establish a reserve account to cover the costs of closing the facility in accordance with state and federal regulations. The account shall be designed to ensure that there will be adequate revenue available by the projected date of closure. Landfill disposal facilities maintained on private property for the sole use of the entity owning the site shall not be required to establish a reserve account if, to the satisfaction of the department, they provide another form of financial assurance adequate to comply with the requirements of this section.

(2) By July 1, 1986, the department shall adopt rules under chapter 34.04 RCW to implement subsection (1) of this section. The rules shall include but not be limited to:

(a) Methods to estimate closure costs, including postclosure monitoring, pollution prevention measures, and any other procedures required under state and federal regulations;

(b) Methods to ensure that reserve accounts receive adequate funds, including:

(i) Requirements that the reserve account be generated by user fees. However, the department may waive this requirement for existing landfills if user fees would be prohibitively high;

(ii) Requirements that moneys be placed in the reserve account on a regular basis and that the reserve account be kept separate from all other accounts; and

(iii) Procedures for the department to verify that adequate sums are deposited in the reserve account; and

(c) Methods to ensure that other types of financial assurance provided in accordance with subsection (1) of this section are adequate to cover the costs of closing the facility.*

Senator Bauer moved that the following amendment by Senators Bauer, Zimmerman and Thompson to the Committee on Parks and Ecology amendment be adopted:

On page 1, after line 28, insert the following:

"Sec. 2. Section 11, chapter 295, Laws of 1961 and RCW 81.77.100 are each amended to read as follows:

Neither this chapter nor any provision thereof shall apply, or be construed to apply, to commerce with foreign nations or commerce among the several states except insofar as the same may be permitted under the provisions of the Constitution of the United States and the acts of congress.

However, in order to protect public health and safety and to ensure garbage and refuse collection services are provided to all areas of the state, the commission, in accordance with this chapter, shall regulate all garbage or refuse collection companies conducting business in the state."

Debate ensued.

POINT OF ORDER

Senator McDonald: "Mr. President, a point of order. It would seem to me that this amendment changes the scope and objection of this bill and I would raise that question."

MOTION

On motion of Senator McDonald, and there being no objection, the point of order was withdrawn.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senators Bauer, Zimmerman and Thompson to the Committee on Parks and Ecology amendment.

Debate ensued.

POINT OF INQUIRY

Senator Pullen: "Senator Bauer, are garbage collection companies presently regulated by the state?"

Senator Bauer: "Yes they are."

Senator Pullen: "Would that include municipal garbage companies as well?"

Senator Bauer: "It is my understanding that all those registered with UTC--they can take it back across the river."

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senators Bauer, Zimmerman and Thompson to the Committee on Parks and Ecology amendment.

The motion by Senator Bauer carried and the amendment to the committee amendment was adopted.

The President Pro Tempore declared the question before the Senate to be adoption of the Committee on Parks and Ecology amendment, as amended.

The motion by Senator Kreidler carried and the committee amendment, as amended, was adopted.

MOTIONS

On motion of Senator Kreidler, the following title amendment was adopted:
On page 1, line 1 of the title, after "management;" insert "amending RCW 81.77.100;"

On motion of Senator Bender, Senator Bottiger was excused.

On motion of Senator Kreidler, the rules were suspended, Substitute House Bill No. 69, 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 Substitute House Bill No. 69, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 69, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 5; excused, 3.

Voting yeas: Senators Bailey, Bauer, Bender, Bluechel, Cantu, Conner, Decclo, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson,

Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 41.

Voting nay: Senators Barr, Craswell, McDonald, Metcalf, Pullen - 5.

Excused: Senators Benitz, Bottiger, Wojahn - 3.

SUBSTITUTE HOUSE BILL NO. 69, as amended by the Senate, having received the constitutional 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 Bender, Senator Moore was excused.

SECOND READING

HOUSE BILL NO. 132, by Representatives Tanner, L. Smith, Sutherland, Nutley, Peery, J. King and Hastings

Repealing the laws authorizing a county tax on nonresidents of the state employed in the county.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, House Bill No. 132 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 McDonald: "Senator Thompson, this repeal of a border tax doesn't raise the B & O tax, does it?"

Senator Thompson: "Your unduly concern is suspicious, Senator McDonald. It has no such effect."

Senator McDonald: "Just wanted to make sure."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of House Bill No. 132.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 132 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 45.

Excused: Senators Benitz, Bottiger, Moore, Wojahn - 4.

HOUSE BILL NO. 132, having received the constitutional majority, 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. 14, by Committee on Natural Resources (originally sponsored by Representatives Sutherland and Sayan)

Modifying provisions relating to salmon angling licenses.

The bill was read the second time.

MOTION

On motion of Senator Owen, the rules were suspended, Substitute House Bill No. 14 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 Substitute House Bill No. 14.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 14 and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; absent, 2; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Pullen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 42.

Voting nay: Senator Rasmussen - 1.

Absent: Senators Conner, Peterson - 2.

Excused: Senators Benitz, Bottiger, Moore, Wojahn - 4.

SUBSTITUTE HOUSE BILL NO. 14, having received the constitutional majority, 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. 466, by Committee on Natural Resources (originally sponsored by Representatives Sutherland, Belcher and S. Wilson)

Revising provisions relating to wholesale fish dealers.

The bill was read the second time.

MOTIONS

On motion of Senator Owen, the following Committee on Natural Resources amendment was adopted:

On page 3, line 28, after "(2)" strike all material through "accordingly" and insert "A wholesale dealer shall, within seven days of engaging additional fish buyers, notify the department and increase the amount of the bonding required in subsection (1)"

On motion of Senator Owen, the rules were suspended. 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.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 466, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 466, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 2; absent, 1; excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 41.

Voting nay: Senators Pullen, Rasmussen - 2.

Absent: Senator Lee - 1.

Excused: Senators Benitz, Bottiger, Moore, Peterson, Wojahn - 5.

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

SUBSTITUTE HOUSE BILL NO. 1003, by Committee on Ways and Means (originally sponsored by Representative Appelwick) (by Department of Revenue request)

Modifying administrative provisions on excise taxes.

The bill was read the second time.

MOTION

Senator McDermott moved that the following Committee on Ways and Means amendment not be adopted:

On page 10, after line 29, insert the following:

"Sec. 10, 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."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion of Senator McDermott to not adopt the Committee on Ways and Means amendment.

The motion by Senator McDermott carried and the committee amendment was not adopted.

MOTIONS

On motion of Senator McDermott, the following amendment by Senators Bauer, Hansen, Lee, McDermott, Thompson, Gaspard, Bailey and Barr was adopted:

On page 10, after line 29, insert the following:

"Sec. 10, 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))~~ the person's own lands or upon land in which ~~((he))~~ the person has a present right of possession, any agricultural or horticultural produce or crop, ~~((including the))~~ or of raising ((for sale of)) upon the person's own lands or upon land in which the person has a present right of possession, 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))~~ the person's 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."

Senator Warnke moved that the following amendment be adopted:

On page 10, after line 29, insert the following:

"Sec. 10, Section 3, chapter 2, Laws of 1983 as amended by section 1, chapter 173, Laws of 1984 and RCW 19.91.010 are each amended to read as follows:

When used in this chapter, the following words and phrases shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) "Person" means and includes any individual, firm, association, company, partnership, corporation, joint stock company, club, agency, syndicate, municipal corporation, or other political subdivision of this state, trust, receiver, trustee, fiduciary and conservator.

(2) "Wholesaler" includes any person who:

(a) Purchases cigarettes directly from the manufacturer, or

(b) Purchases cigarettes from any other person who purchases from or through the manufacturer, for the purpose of bona fide resale to retail dealers or to other persons for the purpose of resale only, or

(c) Services retail outlets by the maintenance of an established place of business for the purchase of cigarettes, including, but not limited to, the maintenance of warehousing facilities for the storage and distribution of cigarettes.

If the wholesaler is an affiliate, or subsidiary of another, or operates under common direction and control of a person who is engaged in the business of making sales of other products at wholesale to a retailer, both shall be considered to be one wholesaler for purposes of determining the "cost of doing business by the wholesaler."

Nothing contained herein shall prevent a person from qualifying in different capacities as both a "wholesaler" and "retailer" under the applicable provisions of this chapter.

(3) "Retailer" means and includes any person who operates a store, stand, booth, concession, or vending machine for the purpose of making sales of cigarettes at retail.

(4) "Cigarettes" means any roll for smoking made wholly or in part of tobacco, irrespective of size or shape and whether or not such tobacco is flavored, adulterated, or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material except tobacco.

(5) "Sale" means any transfer for a consideration, exchange, barter, gift, offer for sale and distribution, in any manner, or by any means whatsoever.

(6) "Sell at wholesale", "sale at wholesale" and "wholesale" sales mean and include any bona fide transfer of title to cigarettes for a valuable consideration, made in the ordinary course of trade or in the usual conduct of the wholesaler's business, to a retailer for the purpose of resale.

(7) "Sell at retail", "sale at retail" and "retail sales" mean and include any transfer of title to cigarettes for a valuable consideration, made in the ordinary course of trade or usual conduct of the seller's business, to the purchaser for consumption or use.

(8) "Basic cost of cigarettes" means the invoice cost of cigarettes to the retailer or wholesaler, as the case may be, or the replacement cost of cigarettes to the retailer or wholesaler, as the case may be, in the quantity last purchased, whichever is lower, less any rebate in price and all trade discounts except cash discounts or anticipatory discounts, to which shall be added the full face value of any stamps which may be required by any cigarette tax act of this state and by ordinance of any municipality thereof, now in effect or hereafter enacted, if not already included by the manufacturer in his list price. ~~(The disposition of the manufacturer's cash discount is at the discretion of the wholesaler. Any retailer or wholesaler who actually receives and sells cigarettes with trade or cash discounts shall execute a sworn affidavit and obtain a sworn affidavit from the person granting the discount, whether a manufacturer or wholesaler, which shows: (a) Amount or rate of the discount, (b) date the discount was granted; (c) names of the persons granting and receiving the discount, and (d) whether the discount is for cash or trade purposes. Sworn affidavits under this section are maintained for five years and available for inspection by the department of revenue's request. The department of revenue may impose a civil penalty not to exceed two hundred fifty dollars for each failure to maintain affidavits under this section.~~

~~Nothing in this section may be construed to require any retailer to obtain affidavits from retail purchasers of cigarettes.)~~

(9) (a) The term "cost to the wholesaler" means the "basic cost of cigarettes" to the wholesaler plus the "cost of doing business by the wholesaler" which said cost of doing business amount shall be expressed percentage-wise in the ratio that said wholesalers "cost of doing business" bears to said wholesalers dollar volume for all products sold by the wholesaler per annum, and said "cost of doing business by the wholesaler" shall be evidenced and determined by the standards and methods of accounting regularly employed by him for the purpose of federal income tax reporting for the total operation of his establishment in his allocation of overhead costs and expenses, paid or incurred, and must include, without limitation, labor costs (including reasonable salaries for partners, executives, and officers), rent, depreciation, selling cost, maintenance of equipment, delivery costs, all types of licenses, taxes, insurance and advertising, expressed as a percentage and applied to the "basic cost of cigarettes". Any fractional part of a cent amounting to one-tenth of one cent or more in cost to the wholesaler per carton of ten packages of cigarettes shall be rounded off to the next higher cent.

(b) For the purposes of this chapter the "cost of doing business" may not be computed using a percentage less than the overall percentage shown in subsection (9)(a) of this section or in the absence of the filing with the department of revenue of satisfactory proof of a lesser or higher cost of doing business by the wholesaler making the sale, the "cost of doing business by the wholesaler" shall be presumed to be four percent of the "basic cost of cigarettes" to the wholesaler, plus cartage to the retail outlet, if performed or paid for by the wholesaler, which cartage cost, in the absence of the filing with the department of revenue of satisfactory proof of a lesser or higher cost, shall be deemed to be one-half of one percent of the "basic cost of cigarettes" to the wholesaler.

(10) (a) The term "cost to the retailer" means the "basic cost of cigarettes" to the retailer plus the "cost of doing business by the retailer" which said cost of doing business amount shall be expressed percentage-wise in the ratio that said retailers "cost of doing business" bears to said retailers dollar volume per annum, and said "cost of doing business by the retailer" shall be evidenced and determined by the standards and methods of accounting regularly employed by him for the purpose of federal income tax reporting for the total operation of his establishment in his allocation of overhead costs and expenses, paid or incurred, and must include, without limitation, labor (including reasonable salaries for partners, executives, and officers), rent, depreciation, selling costs, maintenance of equipment, delivery costs, all types of licenses, taxes, insurance and advertising, expressed as a percentage and applied to the "basic cost of cigarettes"; PROVIDED, That any retailer who, in connection with the retailer's purchase, receives not only the discounts ordinarily allowed upon purchases by a retailer but also, in whole or in part, discounts ordinarily allowed upon purchases by a wholesaler shall, in

determining "cost to the retailer", pursuant to this subdivision, add the "cost of doing business by the wholesaler," as defined in subdivision (9) of this section, to the "basic cost of cigarettes" to said retailer, as well as the "cost of doing business by the retailer". Any fractional part of a cent amounting to one-tenth of one cent or more in cost to the retailer per carton of ten packages of cigarettes shall be rounded off to the next higher cent.

(b) In the absence of the filing with the department of revenue of satisfactory proof of a lesser or higher cost of doing business by the retailer making the sale, the "cost of doing business by the retailer" shall be presumed to be ~~((twelve and five-tenths))~~ fourteen percent of the "basic cost of cigarettes" to the retailer.

(c) In the absence of the filing with the department of revenue of satisfactory proof of a lesser or higher cost of doing business, the "cost of doing business by the retailer", who, in connection with the retailer's purchase, receives not only the discounts ordinarily allowed upon purchases by a retailer but also, in whole or in part, the discounts ordinarily allowed upon purchases by a wholesaler, shall be presumed to be ~~((twelve and five-tenths))~~ fourteen percent of the sum of the "basic cost of cigarettes" and the "cost of doing business by the wholesaler".

(11) "Business day" means any day other than a Sunday or a legal holiday.

(12) "Master license system" means the mechanism established by chapter 19.02 RCW by which master licenses, endorsed for individual state-issued licenses, are issued and renewed utilizing a master application and a master license expiration date common to each renewable license endorsement.

(13) "Cash discount" means a customary discount which is a deduction from the invoice price of goods or charge for services if payment is sent on or before a specific date.

(14) "Anticipatory discount" means a customary discount which is a deduction from the invoice price of goods or charge for services if payment is delivered on or before a specific date.

(15) "Rebate in price" means a return of a part of an amount paid for goods and services as a reduction or discount, not exceeding four percent of the wholesale invoice price, granted to a retailer by a wholesaler for the purchase of cigarettes where: (a) The retailer purchased a minimum order of four hundred manufacture shipped cases of any goods; (b) the order is delivered to a single location; and (c) the order is billed on a single invoice.

Sec. 11. Section 2, chapter 173, Laws of 1984 and RCW 19.91.911 are each amended to read as follows:

(1) ~~((This chapter shall expire on June 30, 1986, unless extended by law indefinitely or for an additional fixed period of time:))~~ The legislative budget committee shall cause a performance audit to be conducted of this chapter. The ~~((final))~~ audit report shall be available to the legislature ~~((at least six months prior to the scheduled expiration date))~~ on January 1, 1986. The legislative budget committee shall make objective findings of fact, conclusions, and recommendations as to the continuation, modification, or expiration of this chapter.

(2) In conducting its audit, the legislative budget committee shall consider, but not be limited to, the following areas:

(a) Definition, adequacy, and methods of determining cigarette pricing;

(b) The advantages, disadvantages, and effects of including cash discounts in the act's pricing formula; and

(c) The effect that state deregulation of cigarette pricing would have on wholesalers, retailers, and consumers.

(3) The legislative budget committee shall hold meetings and hearings at the times and places it designates to accomplish the purposes of this section. It shall make use of existing legislative facilities and the staff of the senate and house of representatives.

Sec. 12. Section 2, chapter 286, Laws of 1957 and RCW 19.91.020 are each amended to read as follows:

It shall be unlawful and a violation of this chapter:

(1) For any retailer or wholesaler with intent to injure competitors or destroy or substantially lessen competition:

(a) To advertise, offer to sell, or sell, at retail or wholesale, cigarettes at less than cost to such a retailer or wholesaler, as said cost is defined in this chapter, as the case may be;

(b) To offer a rebate in price, to give a rebate in price, to offer a concession of any kind, or to give a concession of any kind or nature whatsoever in connection with the sale of cigarettes not authorized by this chapter.

(2) For any retailer with intent to injure competitors or destroy or substantially lessen competition:

(a) To induce or attempt to induce or to procure or attempt to procure the purchase of cigarettes at a price less than "cost to wholesalers" as defined in this chapter;

(b) To induce or attempt to induce or to procure or attempt to procure any rebate or concession of any kind or nature whatsoever in connection with the purchase of cigarettes, except as authorized by this chapter.

(3) Any retailer or wholesaler who violates the provisions of this section shall be guilty of a misdemeanor and shall be prosecuted and punished by a fine of not more than five hundred

dollars for each such offense. Any individual who as a director, officer, partner, member, or agent of any person violating the provisions of this act assists or aids, directly or indirectly in such violation, shall equally with the person for whom he acts, be responsible therefor and subject to the punishment and penalties set forth herein.

(4) Evidence of advertisement, offering to sell, or sale of cigarettes by any retailer or wholesaler at less than cost to him, or evidence of any offer of a rebate in price, or the giving of a rebate in price or an offer of a concession, or the inducing, or attempt to induce, or the procuring, or the attempt to procure the purchase of cigarettes at a price less than cost to the wholesaler or the retailer, shall be prima facie evidence of intent to injure competitors and to destroy or substantially lessen competition.

NEW SECTION, Sec. 13. Sections 10 through 12 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator Warnke.

The motion by Senator Warnke carried and the amendment was adopted.

MOTION

On motion of Senator Warnke, the following title amendments were considered simultaneously and adopted:

On page 1, beginning on line 2 of the title, strike "and 82.32.330" and insert "82.32.330, 19.91.010, 19.91.020, and 19.91.911"

On page 1, line 3 of the title, strike "and"

On page 1, line 4 of the title, after "penalties" insert "; and declaring an emergency"

On page 1, beginning on line 2 of the title, strike "and 82.32.330" and insert "82.32.330, and 82.04.330"

MOTION

On motion of Senator Fleming, further consideration of Substitute House Bill No. 1003 was deferred.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1190, by Committee on Higher Education (originally sponsored by Representatives Peery, L. Smith, J. King and Tanner)

Changing provisions relating to the joint center for education.

The bill was read the second time.

MOTION

Senator Gaspard moved that the following Committee on Education amendments be considered simultaneously and not be adopted:

On page 1, line 6, after "University" strike all material through "College" on line 7

On page 1, line 8, after "trustees of," insert "The Evergreen State College."

On page 1, at the beginning of line 11, strike "coordinate", and insert "make provision for"

On page 1, line 9, strike "establish" and insert "((establish)) operate"

On page 1, line 13, after "other" insert "related"

MOTION

Senator Bauer moved that the question be divided and that the Committee on Education amendment on page 1, line 9 be adopted."

Debate ensued.

POINT OF INQUIRY

Senator Guess: "Senator Bauer, remembering the extensive discussion we had on other programs and now you're going to strike that? You're going to leave the original language like it is on line 13--'and other programs?'"

Senator Bauer: "Yes."

Senator Guess: "Can you tell the Senate what you mean by 'other programs?' I thought this was going to be a high tech center and if we're going to go into other programs, what other programs will you go into?"

Senator Bauer: "We were told by both The Evergreen College and WSU that by putting the word 'related' in, this would imply that those subjects related to high tech--and I guess that could be somebody's interpretation as to what 'related'

means. Is it mathematics, is it teacher preparation, is it nursing or whatever it might be—who determines that? The question comes down to those things you do not identify as 'related' then—those institutions could go ahead and put in programs without being monitored by CPE or its successor—if you just limit it to 'related.' So by leaving the word 'related' out, all these programs are going to be subjected to the CPE or CPE's successor in terms of approval of off campus programs."

Senator Guess: "I just didn't want them to institute programs in ballet and basket weaving. Will you assure me now that they won't go into ballet?"

Senator Bauer: "I will guarantee as long as I'm around that won't happen."

The President Pro Tempore declared the question before the Senate to be the motion by Senator Bauer to divide the question and to adopt the Committee on Education amendment on page 1, line 9.

The motion by Senator Bauer carried and the Committee on Education amendment on page 1, line 9, was adopted.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Gaspard to not adopt the Committee on Education amendments on page 1, lines 6, 8, 11 and 13.

The motion by Senator Gaspard carried and the Committee on Education amendments on page 1, lines 6, 8, 11 and 13 were not adopted.

MOTION

On motion of Senator Gaspard, the rules were suspended. Substitute House Bill No. 1190, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Vognild, further consideration of Substitute House Bill No. 1190, as amended by the Senate, was deferred.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 975, by Committee on Environmental Affairs (originally sponsored by Representatives Rust, Allen, Jacobsen, Unsoeld, Barnes, Valle and Lux)

Revising provisions relating to hazardous wastes.

The bill was read the second time.

MOTIONS

On motion of Senator Bender, Senators Owen and McDermott were excused.

On motion of Senator Talmadge, the following amendment was adopted:

On page 13, line 32, after "activities" insert:

*, including the use of dispute resolution centers established pursuant to chapter 7.75 RCW"

On motion of Senator Kreidler, the rules were suspended. Engrossed Second Substitute House Bill No. 975, 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 Hansen: "Senator Kreidler, we have a lot of stress and anxiety over the proposed sites overlooking the Columbia River. If we pass this bill, does that give the complete control to the Parks and Ecology to approve that site over the objections of the area, or would the legislature, itself, be able to intervene in that specific site which is within a half mile of the Columbia River?"

Senator Kreidler: "Senator Hansen, it would be the responsibility of local government to come up with a plan in order to deal with these sites. Local government would be the entity that would be developing the sites and location, so it would really be their responsibility to come up with the appropriateness of the site and its location.

"Obviously, there would be certain rules that will be promulgated by the Department of Ecology which would essentially set up the guidelines to the appropriateness of siting and so forth, but that would all be part of the plan of local government. This is something that would be several years away before it would have its impact, but the process is begun and it's a valuable one."

Senator Hansen: "The reason I'm asking this question is the Grant County Commissioners purchased this piece of ground for pesticide cans—a hazardous waste dump site. Then they made a contract with Rabanco for the collection of all solid hazardous waste from western Washington. The people are up in arms. It is a mile from I-90, right on the Columbia River and the basalt leans toward the Columbia River, which if there is ever going to be a leak, it would be in the major waterway. They're taking Grant County to court now, because Grant County is trying to back out on the deal. Can this bill, then, be used by the legislature to intervene in that problem?"

Senator Kreidler: "Senator Hansen, what it does do is to give the sole responsibility for planning and siting of hazardous waste and generation sites to the Department of Ecology, so it would address the problem you are describing. Whether it would be able to impact one that is already in the mill, so to speak, I can't answer that question, because of the timing involved, but for the future, obviously, this is what we are trying to address."

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. 975, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute House Bill No. 975, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; nays, 2; absent, 1; excused, 7.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDonald, McManus, Metcalf, Newhouse, Patterson, Pullen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 39.

Voting nay: Senators McCaslin, Rasmussen - 2.

Absent: Senator Rinehart - 1.

Excused: Senators Benitz, Bottiger, McDermott, Moore, Owen, Peterson, Wojahn - 7.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 975, as amended by the Senate, having received the constitutional majority, 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. 493, by Committee on State Government (originally sponsored by Representatives Valle, Todd, Jacobsen, Leonard, Barnes, Ebersole, Cole, Rust, Crane, Appelwick, Braddock, D. Nelson and Miller)

Establishing a seismic safety commission.

The bill was read the second time.

MOTION

Senator Warnke moved that the following amendment be adopted:

On page 3, after line 1, strike the remainder of the act and insert the following:

NEW SECTION. Sec. 5. The department of emergency management shall consult with federal officials, local law enforcement officials, local elected officials, labor representatives, mine operators, mine rescue instructors, and the department of natural resources in developing a comprehensive state mine rescue plan. The plan shall include the establishment of at least two mine rescue stations in the state. The mine rescue teams shall be trained and equipped to respond to emergencies in coal as well as other mines. The plan shall determine the best means of rapidly transporting rescue teams, equipment, and support personnel to the site of an emergency. The plan shall include the development of a recruitment program that will result in a continuing supply of trained mine rescue team volunteers.

NEW SECTION. Sec. 6. The department of emergency management shall work with federal officials to insure the prompt sealing of open holes and mine shafts.

NEW SECTION. Sec. 7. The owner of each mine shall make a map of the surface of the property and a map of the underground workings. All maps shall be filed with the department

of emergency management. The department shall establish by rule the scale and contents required for the maps.

NEW SECTION. Sec. 8. No person engaged in mine rescue or recovery work who, in good faith, renders emergency care, rescue, assistance, or recovery services at the scene of any emergency at or in a mine in this state or who employs, sponsors, or represents any person rendering emergency care, rescue, assistance, or recovery services shall be liable for any civil damages as a result of any act or omission by any person in rendering emergency care, rescue, assistance, or recovery service.

NEW SECTION. Sec. 9. Sections 5 through 8 of this act are each added to chapter 38.52 RCW."

NEW SECTION. Sec. 10. Sections 1 through 4 of this act may be known and cited as the Seismic Safety Commission act.

NEW SECTION. Sec. 11. Sections 1 through 4 of this act shall expire on June 30, 1987.

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."

POINT OF ORDER

Senator Guess: "Mr. President, a point of order. I raise the point that the amendment expands the scope and object of the bill. House Bill No. 493 has to do with earthquake safety. It establishes a safety seismic commission of nine members, four members of the legislature and one member from the seismologists and the law very clearly states in the section that this act shall be known as the Seismic Safety Commission Act. The amendment calls for the development of two mine rescue teams. It calls for the Department of Emergency to respond to other emergencies. It clearly expands the scope and object of the bill."

Further debate ensued.

MOTION

On motion of Senator Vognild, further consideration of Substitute House Bill No. 493 was deferred.

SECOND READING

HOUSE BILL NO. 643, by Representative Grimm (by Office of Financial Management request)

Permitting direct billing of employers for payments to the public employees' retirement system.

The bill was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, House Bill No. 643 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. 643.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 643 and the bill passed the Senate by the following vote: Yeas, 41; absent, 1; excused, 7.

Voting yea: Senators Bailey, Barr, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 41.

Absent: Senator Bauer - 1.

Excused: Senators Benitz, Bottiger, McDermott, Moore, Owen, Peterson, Wojahn - 7.

HOUSE BILL NO. 643, having received the constitutional majority, 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. 68, by Committee on Social and Health Services (originally sponsored by Representatives Dellwo, Padden, Day, Taylor, Scott, Brekke, Braddock, Silver, Barrett, Belcher, West and Isaacson)

Providing additional requirements for the storage and cremation of human remains.

The bill was read the second time.

MOTIONS

On motion of Senator Granlund, the following Committee on Human Services and Corrections amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature finds that certain practices in storing human remains and in performing cremations violate common notions of decency and generally held expectations. In enacting this legislation, the legislature is reaffirming that certain practices, which have never been acceptable, violate principles of human dignity.

NEW SECTION, Sec. 2. If embalming services are not desired nor required for the type of arrangements chosen by the authorized family member or representative and a refrigeration unit is unavailable for use, embalming services shall be provided without charge in instances where the body is to be held more than twenty-four hours.

NEW SECTION, Sec. 3. (1) A person authorized to dispose of human remains shall not cremate or cause to be cremated more than one body at a time unless written permission, after full and adequate disclosure regarding the manner of cremation, has been received from the person or persons under RCW 68.08.160 having the authority to order cremation.

(2) Violation of this section is a gross misdemeanor.

NEW SECTION, Sec. 4. A new section is added to chapter 68.05 RCW to read as follows:

A permit or endorsement issued by the cemetery board or under chapter 18.39 RCW is required in order to operate a crematory or conduct a cremation. Conducting a cremation without a permit or endorsement is a misdemeanor. Each such cremation is a separate violation. Crematories owned or operated by or located on property licensed as a funeral establishment shall be regulated by the board of funeral directors and embalmers. Crematories not affiliated with a funeral establishment shall be regulated by the cemetery board.

Sec. 5. Section 15, chapter 43, Laws of 1981 and RCW 18.39.215 are each amended to read as follows:

(1) No licensed embalmer shall embalm a deceased body without first having obtained authorization from a family member or representative of the deceased.

Notwithstanding the above prohibition a licensee may embalm without such authority when after due diligence no authorized person can be contacted and embalming is in accordance with legal or accepted standards of care in the community, or the licensee has good reason to believe that the family wishes embalming. If embalming is performed under these circumstances, the licensee shall not be deemed to be in violation of the provisions of this subsection.

The funeral director or embalmer shall inform the family member or representative of the deceased that embalming is not required by state law, except that embalming is required under certain conditions as determined by rule by the state board of health.

(2) Any person authorized to dispose of human remains shall refrigerate or embalm the body within twenty-four hours upon receipt of the body, unless disposition of the body has been made. However, subsection (1) of this section and RCW 68.08.108 shall be complied with before a body is embalmed. Upon written authorization of the proper state or local authority, the provisions of this subsection may be waived for a specified period of time.

Violation of this subsection is a gross misdemeanor.

Sec. 6. Section 9, chapter 93, Laws of 1977 ex. sess. as last amended by section 34, chapter 287, Laws of 1984 and RCW 18.39.175 are each amended to read as follows:

Each member of the board of funeral directors and embalmers shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses in connection with board duties in accordance with RCW 43.03.050 and 43.03.060.

The state board of funeral directors and embalmers shall have the following duties and responsibilities:

(1) To be responsible for the preparation, conducting, and grading of examinations of applicants for funeral director and embalmer licenses;

(2) To certify to the director the results of examinations of applicants and certify the applicant as having "passed" or "failed";

(3) To make findings and recommendations to the director on any and all matters relating to the enforcement of this chapter;

(4) To adopt, promulgate, and enforce reasonable rules. Rules regulating the cremation of human remains and establishing fees and permit requirements shall be adopted in consultation with the cemetery board; and

(5) To suspend or revoke any license, after proper hearing and notice to the licensee, if the licensee has committed any of the following:

(a) A crime involving moral turpitude and resulting in a conviction;

(b) Unprofessional conduct, which includes:

(i) Misrepresentation or fraud in the conduct of the business or the profession of a funeral director or embalmer;

(ii) False or misleading advertising as a funeral director or embalmer;

(iii) Solicitation of human dead bodies by the licensee, his agents, assistants or employees, whether the solicitation occurs after death or while death is impending. This chapter does not prohibit general advertising or the sale of pre-need funeral plans;

(iv) Employment by the licensee of persons known as "cappers," "steerers," or "solicitors" or other persons to obtain funeral directing or embalming business;

(v) Employment directly or indirectly of any person for the purpose of calling upon individuals or institutions by whose influence dead human bodies may be turned over to a particular funeral director or embalmer;

(vi) The buying of business by the licensee, his agents, assistants or employees, or the direct or indirect payment or offer of payment of a commission by the licensee, his agents, assistants, or employees, for the purpose of securing business;

(vii) Aiding or abetting an unlicensed person to practice funeral directing or embalming;

(viii) Solicitation or acceptance by a licensee of any commission or bonus or rebate in consideration of recommending or causing a dead human body to be disposed of in any crematory, mausoleum, or cemetery;

(ix) Using any casket or part of a casket which has previously been used as a receptacle for, or in connection with, the burial or other disposition of a dead human body without the written consent of next of kin;

(x) Violation of any of the provisions of this chapter or the rules in support thereof;

(xi) Violation of any state law or municipal or county ordinance or regulation affecting the handling, custody, care, or transportation of dead human bodies;

(xii) Fraud or misrepresentation in obtaining a license;

(xiii) Refusing to promptly surrender the custody of a dead human body upon the express order of the person lawfully entitled to its custody;

(xiv) Selling, or offering for sale, a share, certificate, or an interest in the business of any funeral director or embalmer, or in any corporation, firm, or association owning or operating a funeral establishment, which promises or purports to give to purchasers a right to the services of the funeral director, embalmer, or corporation, firm, or association at a charge or cost less than that offered or given to the public; or

(xv) Knowingly concealing information concerning a violation of this chapter;

(6) To adopt rules establishing mandatory continuing education requirements to be met by persons applying for license renewal.

NEW SECTION. Sec. 7. A new section is added to chapter 18.39 RCW to read as follows:

A permit or endorsement issued by the board or under chapter 68.05 RCW is required in order to operate a crematory or conduct a cremation. Conducting a cremation without a permit or endorsement is a misdemeanor. Each such cremation is a separate violation. Crematories owned or operated by or located on property licensed as a funeral establishment shall be regulated by the board of funeral directors and embalmers. Crematories not affiliated with a funeral establishment shall be regulated by the cemetery board.

Sec. 8. Section 36, chapter 290, Laws of 1953 and RCW 68.05.100 are each amended to read as follows:

The board may establish necessary rules and regulations for the administration and enforcement of this title and the laws subject to its jurisdiction and prescribe the form of statements and reports provided for in this title: PROVIDED, HOWEVER, The board shall have no jurisdiction with regard to the provisions of chapter 68.48 RCW. Rules regulating the cremation of human remains and establishing fees and permit requirements shall be adopted in consultation with the state board of funeral directors and embalmers.

Sec. 9. Section 14, chapter 108, Laws of 1937 as amended by section 218, chapter 158, Laws of 1979 and RCW 68.08.230 are each amended to read as follows:

Whenever any dead human body shall have been in the lawful possession of any person, firm, corporation or association for a period of one year or more, or whenever the incinerated remains of any dead human body have been in the lawful possession of any person, firm, corporation or association for a period of two years or more, and the relatives of, or persons interested in, the deceased person shall fail, neglect or refuse for such periods of time, respectively, to direct the disposition to be made of such body or remains, such body or remains may be disposed of by the person, firm, corporation or association having such lawful possession thereof, under and in accordance with ~~((such)) rules ((and regulations as may be made and promulgated by said director of licensing))~~ adopted by the cemetery board and the board of

funeral directors and embalmers, not inconsistent with any statute of the state of Washington or rule or regulation prescribed by the state board of health.

NEW SECTION, Sec. 10. Sections 2 and 3 of this act are added to chapter 68.08 RCW."

On motion of Senator Granlund, the following title amendment was adopted:
On page 1, line 2 of the title, after "RCW" insert "18.39.215."

On motion of Senator Granlund, the rules were suspended, Substitute House Bill No. 68, 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 Deccio: "Senator Pullen, I really wanted to ask if that really happened or have you been reading Agatha Christie's thrillers lately?"

Senator Pullen: "It did happen. It's really serious and I'm really sincere. I do have strange constituent problems, but that one is not really strange--that's just a normal strange one."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 68, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 68, as amended by the Senate, and the bill passed the Senate by the following vote:
Yeas, 42; absent, 1; excused, 6.

Voting yeas: Senators Bailey, Bauer, Bender, Bluechel, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 42.

Absent: Senator Barr - 1.

Excused: Senators Benitz, Bottiger, McDermott, Moore, Owen, Wojahn - 6.

SUBSTITUTE HOUSE BILL NO. 68, as amended by the Senate, having received the constitutional majority, 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. 131, by Committee on Social and Health Services (originally sponsored by Representatives Brekke and B. Williams)

Revising the regulation of health-related professions.

The bill was read the second time.

MOTION

On motion of Senator Granlund, the following Committee on Human Services and Corrections amendments were considered simultaneously and adopted:

On page 4, line 24, after "18.120.020" and before the period insert "for the purposes of this chapter"

On page 5, line 35, after "(xi)" insert "The psychology disciplinary committee established under chapter 18.83 RCW;

(xii)"

Reletter the subsections consecutively.

On page 72, strike lines 20 and 21 and insert the following:

"NEW SECTION, Sec. 134. A new section is added to chapter 18.83 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

Sec. 135, Section 13, chapter 305, Laws of 1955 as last amended by section 84, chapter 279, Laws of 1984 and RCW 18.83.120 are each amended to read as follows:

In addition to those acts defined in chapter 18.130 RCW, within the meaning of this chapter unethical practice of psychology shall include ((any act or practice which violates the codes of ethics established by the board; in addition, the following conduct, acts, or conditions constitute the unethical practice of psychology for any licensee or applicant subject to this chapter:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption, relating to the practice of psychology, whether the act constitutes a crime or not; if the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action; upon conviction, the judgment and sentence is conclusive evidence at the ensuing disciplinary

hearing of the guilt of the licensee or applicant of the crime described in the indictment or information and of the person's violation of the statute on which it is based. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this subsection abrogates rights guaranteed under chapter 9.96A RCW.

(2) ~~Misrepresentation or concealment of a material fact in obtaining a license or in reinstatement thereof.~~

(3) ~~Advertising in a manner which is intended or has a tendency to deceive the public or impose upon credulous or ignorant persons and so be harmful or injurious to public health, safety, or welfare.~~

(4) ~~Incompetency or negligence in the practice of psychology which creates an unreasonable risk of physical or mental harm or serious financial loss to the consumer.~~

(5) ~~Practicing psychology while under the suspension, revocation, or restriction of the individual's license to practice by competent authority in any state, federal, or foreign jurisdiction.~~

~~(6)):~~

~~(1) Violation of any state statute or administrative code specifically governing the practice of psychology((:~~

~~(7) Failure to cooperate with the committee by:~~

~~(a) Not furnishing any papers or documents requested by the committee;~~

~~(b) Not furnishing in writing a complete explanation covering the matter contained in the complaint filed with the committee;~~

~~(c) Not appearing before the committee at the time and place designated; or~~

~~(d) Not properly responding to subpoenas issued by the committee.~~

~~(8) Failure to comply with an order issued by the committee or an assurance of discontinuance entered into with the committee.~~

~~(9) Aiding or abetting an unlicensed person to practice when a license is required.~~

~~((10)):~~ and

~~(2) Gross, wilful, or continued overcharging for professional services.~~

~~((11) Wilful or repeated violations of rules established by any health officer of the state or a political subdivision thereof.~~

~~(12) Practice beyond the scope of practice as defined by law.~~

~~(13) Misrepresentations or fraud in any aspect of the conduct of the profession.~~

~~(14) Failure to adequately supervise auxiliary staff to the extent that the consumer's safety is at risk.~~

~~(15) Engaging in a profession involving contact with the public while suffering from a contagious or infectious disease involving serious risk to public health.~~

~~(16) Promotion for personal gain of any unnecessary or inefficient drug, device, treatment, procedure, or service.~~

~~(17) Conviction of any gross misdemeanor or felony relating to the practice of psychology. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW.~~

~~(18) Physically abusing or having sexual contact with a patient or client.~~

~~(19) The offering, undertaking, or agreeing to cure or treat disease by a secret method, procedure, treatment, or medicine, or the treating, operating, or prescribing for any health condition by a method, means, or procedure which the licensee refuses to divulge upon demand of the committee.~~

~~(20) The wilful betrayal of a professional secret.~~

~~(21) Violation of chapter 19.68 RCW.))~~

Sec. 136. Section 12, chapter 305, Laws of 1955 as last amended by section 85, chapter 279, Laws of 1984 and RCW 18.83.130 are each amended to read as follows:

The board ~~((shall refuse to grant a license to any applicant and shall revoke or suspend the license of any psychologist, or place other restrictions on that psychologist's practice of psychology.)) may take disciplinary action under RCW 18.130.160 for the following reasons:~~

(1) ~~((Commission of any act involving moral turpitude, as defined by the board by rule, dishonesty, or corruption, which relates directly to a person's fitness to practice psychology, whether that act constitutes a crime or not; and if the act constitutes a crime, conviction thereof in criminal proceeding shall not be a condition precedent to disciplinary action. Upon conviction, the judgment and sentence shall be conclusive evidence at any ensuing disciplinary hearing of guilt of the psychologist of the crime described in the indictment or information and of the violation of the statute upon which it is based.~~

~~((2)) Failing to maintain the confidentiality of information under RCW 18.83.110.~~

~~((3)) (2) Violations of the ethical code developed by the board under RCW 18.83.050 and 18.83.120.~~

~~((4)) (3) Failing to inform prospective research subjects or their authorized representatives of the possible serious effects of participation in research; and failing to undertake reasonable efforts to remove possible harmful effects of participation.~~

~~((5)) (4) Practicing in an area of psychology for which the person is clearly untrained or incompetent.~~

~~((6) Being negligent in the practice of psychology.~~

~~(7)) (5) Failing to exercise appropriate supervision over persons who practice under the supervision of a psychologist.~~

~~((8)) (6) Using fraud or deceit in the procurement of the psychology license, or knowingly assisting another in the procurement of such a license through fraud or deceit.~~

~~((9) Engaging in the practice of psychology while the person's ability to perform professional services is significantly impaired by alcohol, drugs, illness, or other dysfunctions.~~

~~(10) Engaging in the practice of psychology when the person's psychology license has been suspended or revoked by competent authority in any other state, federal, or foreign jurisdiction when the reason for that suspension or revocation is a violation of this chapter or rules adopted by the board and its disciplinary committee.~~

~~(11) Unprofessional conduct as defined in chapter 19.68 RCW.~~

~~(12) Willful violation of RCW 18.83.120 or section 79 of this 1984 act or willful disregard of the subpoena or notice of the disciplinary committee.~~

~~(13) Failure to abide by the terms of corrective actions directed under RCW 18.83.150.~~

~~(14) Violation of any board rule fixing a standard of professional conduct.)~~

Sec. 137, Section 86, chapter 279, Laws of 1984 and RCW 18.83.135 are each amended to read as follows:

The disciplinary committee shall meet at least once each year or upon the call of the chairperson at such time and place as the chairperson designates. A quorum for transaction of any business shall consist of five members, including at least one public member.

The members of the disciplinary committee shall be immune from suit in any action, civil or criminal, based upon its disciplinary proceedings or other official acts performed in good faith as members of the committee.

In addition to the authority prescribed under RCW 18.130.050, the committee shall have the following authority:

~~(1) To order investigation of all complaints or reports of unprofessional conduct as defined in this chapter and to hold hearings as provided in this chapter;~~

~~(2) To issue subpoenas and administer oaths in connection with any investigation, hearing, or proceeding held under this chapter;~~

~~(3) To take or cause depositions to be taken and use other discovery procedures as needed in any investigation, hearing, or proceeding held under this chapter;~~

~~(4) To compel attendance of witnesses at hearings;~~

~~(5) In the course of investigating a complaint of unprofessional conduct, to conduct practice reviews;~~

~~(6) To take emergency action ordering summary suspension of a license, or restriction or limitation of the licensee's practice pending proceedings by the committee;~~

~~(7) To use the office of administrative hearings as authorized in chapter 34.12 RCW to conduct hearings; however, the disciplining authority shall make the final decision regarding disposition of the license;~~

~~(8) To use consultants or individual members of the board to assist in the direction of investigations and issuance of statements of charges; however, the member of the board shall not subsequently participate in the hearing of the case;~~

~~(9) To enter into contracts for professional services determined to be necessary for adequate enforcement of this chapter;~~

~~(10) To contract with licensees or other persons or organizations to provide services necessary for the monitoring and supervision of licensees who are placed on probation, whose professional activities are restricted, or who are for any authorized purpose subject to monitoring by the committee;~~

~~(11) To grant or deny license application, and in the event of a finding of unprofessional conduct by an applicant or license holder, to impose any sanction against a license applicant or license holder provided by this chapter;~~

~~(12) To enter into an assurance of discontinuance in lieu of issuing a statement of charges or conducting a hearing. The assurance shall consist of a statement of the law in question and an agreement not to violate the stated provision. The applicant or license holder shall not be required to admit to any violation of the law, nor shall the assurance be construed as such an admission. Violation of an assurance under this subsection is grounds for disciplinary action;~~

~~(13)) To maintain records of all activities, and to publish and distribute to all psychologists at least once each year abstracts of significant activities of the committee; and~~

~~((14)) (2) To obtain the written consent of the complaining client or patient or their legal representative, or of any person who may be affected by the complaint, in order to obtain information which otherwise might be confidential or privileged(;~~

~~(15) To report, when appropriate, statements of complaints and disposition of cases processed by the committee to:~~

~~(a) The person or agency initiating the action;~~

~~(b) Appropriate national and state organizations which represent the profession of psychology, including counterpart licensing boards in other states; and~~

~~(c) The public;~~

~~This subsection does not require the reporting of any information which is exempt from public disclosure pursuant to chapter 42.17 RCW or is otherwise privileged or confidential.~~

~~The committee has, in addition to the powers and duties set forth in this chapter, all of the powers and duties under chapter 34.04 RCW, which include, without limitation, all powers relating to the administration of oaths, the receipt of evidence, the issuance and enforcing of subpoenas, and the taking of depositions).~~

Sec. 138. Section 89, chapter 279, Laws of 1984 and RCW 18.83.155 are each amended to read as follows:

The committee shall report to appropriate national and state organizations which represent the profession of psychology any action taken pursuant to an investigation or hearing that finds a licensee has committed unprofessional or unethical conduct.

~~((In the event of an order for revocation or suspension of a psychology license, or for restriction or limitation of a licensee's practice, the committee shall report such action to the public. This public notification shall be suspended for thirty days from date of filing of any appeal.~~

~~If the committee finds that a complaint against a licensee is not substantiated, or if there is no finding of unprofessional or unethical conduct, resulting in dismissal of the complaint and exoneration of the licensee, the committee shall attempt to relieve the licensee of any possible odium that may attach by reason of the complaint by such public exoneration as is necessary.))~~

Sec. 139. Section 18, chapter 305, Laws of 1955 as amended by section 18, chapter 70, Laws of 1965 and RCW 18.83.180 are each amended to read as follows:

It shall be a gross misdemeanor for any person to:

(1) Use in connection with his or her name any designation tending to imply that he or she is a licensed psychologist unless duly licensed under or specifically excluded from the provisions of this chapter;

(2) Practice as a licensed psychologist during the time his or her license issued under the provisions of this chapter is suspended or revoked.

NEW SECTION. Sec. 140. The following acts or parts of acts are each repealed:

(1) Section 45, chapter 279, Laws of 1984 and RCW 18.83.053;

(2) Section 88, chapter 279, Laws of 1984 and RCW 18.83.145;

(3) Section 90, chapter 279, Laws of 1984 and RCW 18.83.161; and

(4) Section 91, chapter 279, Laws of 1984 and RCW 18.83.165."

Renumber the sections consecutively and correct internal references accordingly.

On page 13, line 3, after "(1)" strike "~~(Willful or repeated)~~" and insert "Willful or repeated"

MOTION

Senator Thompson moved that the following amendment be adopted:

On page 72, after line 28, insert the following:

NEW SECTION. Sec. 136. A new section is added to chapter 18.88 RCW to read as follows:

The board shall not take disciplinary action against a registered nurse, who was authorized to prescribe drugs prior to July 1, 1985, who continues to prescribe drugs as was permitted under such authority, and such actions shall be deemed within the scope of the nurse's practice under chapter 18.130 RCW."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

POINT OF INQUIRY

Senator Bluechel: "Senator Thompson, I notice in the amendment that you made it specifically 'a nurse.' Would it not be better to make it for more than one in case the problem was repeated?"

Senator Thompson: "This is a very carefully constructed amendment. I've reviewed it in the wings with committee staff who have judged it to be technically correct and appropriately written--to be within the scope of the bill and correct as to language. I can only rely on that judgment."

Senator Bluechel: "Second question--is it possible to pass a bill for a specific person in this state?"

Senator Thompson: "I think this does not apply to a specific nurse, but to a class of nurses. I suggest you read further--'a nurse who was authorized to prescribe drugs prior to July 1, 1985.' There happens to be, and you can accept my word on this, twenty-five in the state who fall in this category."

Further debate ensued.

MOTION

On motion of Senator Thompson, the following amendment to the amendment was adopted:

On line 10 of the amendment, strike "a" and insert "any"

The President declared the question before the Senate to be adoption of the amendment by Senator Thompson, as amended.

The motion by Senator Thompson carried and the amendment, as amended, was adopted.

MOTIONS

On motion of Senator Granlund, the following title amendments were considered simultaneously and adopted:

On page 1, line 15 of the title, after "18.78.090," insert "18.83.120, 18.83.130, 18.83.135, 18.83.155, 18.83.180."

On page 1, line 29 of the title, after "18.78 RCW;" insert "adding a new section to chapter 18.83 RCW;"

On page 2, line 27 of the title, after "18.83.053;" insert "18.83.145, 18.83.161, 18.83.165."

On page 1, line 30 of the title, strike "a new section to chapter 18.88 RCW" and insert "new sections to chapter 18.88 RCW"

On motion of Senator Granlund, the rules were suspended, Substitute House Bill No. 131, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Granlund, as you know, this is about a seventy page bill that came over from the House. I didn't vote for it in committee for reasons that I didn't think we spent enough time on it, but I would like to ask a couple questions. Does this bill take any power away from any of the disciplinary boards that are affected by this act?"

Senator Granlund: "My understanding is that it does not. As you probably remember, Senator Deccio, last year we passed the Uniform Disciplinary Act and these are technical adjustments to that Act--bringing in nineteen disciplines."

Senator Deccio: "Does this give any more power to the Department of Licenses--over these professions--than it now has?"

Senator Granlund: "Not that I remember."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 131, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 131, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; absent, 2; excused, 6.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 41.

Absent: Senators Craswell, Guess - 2.

Excused: Senators Benitz, Bottiger, McDermott, Moore, Owen, Wojahn - 6.

SUBSTITUTE HOUSE BILL NO. 131, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President Pro Tempore advanced the Senate to the eighth order of business.

MOTION

On motion of Senator Vognild, the following resolution was adopted:

SENATE RESOLUTION 1985-50

by Lieutenant Governor John A. Cherberg; Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn and Zimmerman; Sid Snyder, Secretary of the Senate; Bill Gleason, Assistant Secretary of the Senate; and Ole Scarpelli, Sergeant at Arms

WHEREAS, Warren Grant Magnuson served the citizens of Washington and the nation as an elected official for over 50 years; and

WHEREAS, Warren G. Magnuson served as a United States Congressman for eight years and as our United States Senator for thirty six years; and

WHEREAS, Maggie, as we all fondly call him, always made the people of Washington his number one priority; and

WHEREAS, Maggie is known as "Mr. Health" for his many contributions to improved health care, including the creation of the National Institutes of Health and the National Science Foundation; and

WHEREAS, Maggie has been a national leader in educational, consumer, energy, and environmental issues; and

WHEREAS, Maggie was always available to help the people of Washington in times of dire emergency, such as the eruption of Mt. St. Helens, the destruction of the Hood Canal and West Seattle Bridges, many floods, droughts, and natural disasters; and

WHEREAS, Senator Warren G. Magnuson will observe his 80th birthday on April 12, 1985; and

WHEREAS, Maggie was a public servant who set an example for each of us to try to live up to; and

WHEREAS, Maggie demonstrated that legislators must work as a bipartisan team if the future of the state is to be protected and enhanced; and

WHEREAS, Warren G. Magnuson will always hold a special place in all of our hearts;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That we wish Maggie a grand and glorious 80th birthday; and

BE IT FURTHER RESOLVED, That even though the rooster is retired, he continues to crow for the best interests of Washington State; and

BE IT FURTHER RESOLVED, That we wish Maggie many more happy years and that each of us, once again, thank him for all he has done for all of us.

MOTION

At 6:18 p.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Monday, April 15, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

NINETY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, April 15, 1985

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Fleming, Owen and von Reichbauer. On motion of Senator Zimmerman, Senator von Reichbauer was excused. On motion of Senator Bender, Senators Fleming and Owen were excused.

The Sergeant at Arms Color Guard, consisting of Pages Sara Kent and Andrew Aiken, presented the Colors. Reverend Lester G. Olson, senior pastor of the Gloria Dei Lutheran Church of Olympia, offered the prayer.

MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

MESSAGES FROM THE HOUSE

April 12, 1985

Mr. President:

The House has passed:

SENATE BILL NO. 3008,

ENGROSSED SENATE BILL NO. 3091,

SUBSTITUTE SENATE BILL NO. 3094,

SENATE BILL NO. 3103,

SUBSTITUTE SENATE BILL NO. 3122,

SUBSTITUTE SENATE BILL NO. 3145,

ENGROSSED SENATE BILL NO. 3205,

SENATE BILL NO. 3298,

ENGROSSED SENATE BILL NO. 3374,

SUBSTITUTE SENATE BILL NO. 3387,

SENATE BILL NO. 3393,

SENATE BILL NO. 3436,

ENGROSSED SENATE BILL NO. 3467,

SENATE BILL NO. 3486,

ENGROSSED SENATE BILL NO. 3494, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 12, 1985

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 3001,

SUBSTITUTE SENATE BILL NO. 3170,

SUBSTITUTE SENATE BILL NO. 3180,

SENATE BILL NO. 3214,

SENATE BILL NO. 3273,

SUBSTITUTE SENATE BILL NO. 3309,

SUBSTITUTE SENATE BILL NO. 3536,

SUBSTITUTE SENATE BILL NO. 3598,

SENATE BILL NO. 3624, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 12, 1985

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 27,

HOUSE BILL NO. 34,

SUBSTITUTE HOUSE BILL NO. 53,

SUBSTITUTE HOUSE BILL NO. 163,

HOUSE BILL NO. 183.

SUBSTITUTE HOUSE BILL NO. 189,
 SUBSTITUTE HOUSE BILL NO. 220,
 SUBSTITUTE HOUSE BILL NO. 253,
 SUBSTITUTE HOUSE BILL NO. 321,
 SUBSTITUTE HOUSE BILL NO. 403,
 HOUSE BILL NO. 434,
 SUBSTITUTE HOUSE BILL NO. 460,
 SUBSTITUTE HOUSE BILL NO. 481,
 SUBSTITUTE HOUSE BILL NO. 482,
 SUBSTITUTE HOUSE BILL NO. 596,
 SUBSTITUTE HOUSE BILL NO. 602,
 HOUSE BILL NO. 657,
 HOUSE BILL NO. 670,
 SUBSTITUTE HOUSE BILL NO. 731,
 SUBSTITUTE HOUSE BILL NO. 746, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 12, 1985

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 50,
 HOUSE BILL NO. 175,
 SUBSTITUTE HOUSE BILL NO. 389,
 HOUSE BILL NO. 399,
 SUBSTITUTE HOUSE BILL NO. 444,
 HOUSE JOINT RESOLUTION NO. 22, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 12, 1985

Mr. President:

The House has concurred in the Senate amendments to the following bills and has passed said bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 28,
 SUBSTITUTE HOUSE BILL NO. 52,
 SUBSTITUTE HOUSE BILL NO. 86,
 SUBSTITUTE HOUSE BILL NO. 155,
 SUBSTITUTE HOUSE BILL NO. 166,
 SUBSTITUTE HOUSE BILL NO. 177,
 SUBSTITUTE HOUSE BILL NO. 279,
 SUBSTITUTE HOUSE BILL NO. 303,
 SUBSTITUTE HOUSE BILL NO. 802,
 SUBSTITUTE HOUSE BILL NO. 831,
 HOUSE BILL NO. 914,

SUBSTITUTE HOUSE BILL NO. 1114, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 3127,
 SENATE BILL NO. 3569,
 SENATE BILL NO. 3593.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 27,
 HOUSE BILL NO. 34,
 SUBSTITUTE HOUSE BILL NO. 53,
 SUBSTITUTE HOUSE BILL NO. 163,
 HOUSE BILL NO. 183,
 SUBSTITUTE HOUSE BILL NO. 189,
 SUBSTITUTE HOUSE BILL NO. 220,
 SUBSTITUTE HOUSE BILL NO. 253,
 SUBSTITUTE HOUSE BILL NO. 321,
 SUBSTITUTE HOUSE BILL NO. 403,
 HOUSE BILL NO. 434,
 SUBSTITUTE HOUSE BILL NO. 460,
 SUBSTITUTE HOUSE BILL NO. 481,
 SUBSTITUTE HOUSE BILL NO. 482,
 SUBSTITUTE HOUSE BILL NO. 596,
 SUBSTITUTE HOUSE BILL NO. 602,
 HOUSE BILL NO. 657,
 HOUSE BILL NO. 670,
 SUBSTITUTE HOUSE BILL NO. 731,
 SUBSTITUTE HOUSE BILL NO. 746.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 50,
 HOUSE BILL NO. 175,
 SUBSTITUTE HOUSE BILL NO. 389,
 HOUSE BILL NO. 399,
 SUBSTITUTE HOUSE BILL NO. 444,
 HOUSE JOINT RESOLUTION NO. 22.

MESSAGE FROM THE HOUSE

April 12, 1985

Mr. President:

The House has granted the request of the Senate for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 3376, and the Speaker has appointed as members of the Conference Committee: Representatives Sommers, Prince and Jacobsen.

DENNIS L. HECK, Chief Clerk

MESSAGE FROM THE HOUSE

April 8, 1985

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 4227 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 47, Laws of 1979 and RCW 28A.31.130 are each amended to read as follows:

The legislature recognizes that the condition known as (~~idiopathic~~) scoliosis, a lateral curvature of the spine commonly appearing in adolescents, can develop into a permanent, crippling disability if left untreated. Early diagnosis and referral can often result in the successful treatment of this condition and greatly reduce the need for major surgery. Therefore, the purpose of RCW 28A.31.130 through 28A.31.142 is to recognize that a school screening program is an invaluable tool for detecting the number of adolescents with scoliosis. It is the intent of the legislature to insure that the superintendent of public instruction provide and require screening for the condition known as scoliosis of all children in the highest risk age group, grades 5 through ((8)) 10, to ascertain which, if any, of these children have defects requiring corrective treatment.

Sec. 2. Section 2, chapter 47, Laws of 1979 and RCW 28A.31.132 are each amended to read as follows:

As used in (~~this chapter~~) RCW 28A.31.130 through 28A.31.142, the following terms have the meanings indicated.

(1) "Superintendent" means the superintendent of public instruction of public schools in the state, or his designee.

(2) "Pupil" means a student enrolled in the public school system in the state.

(3) "Scoliosis" includes idiopathic scoliosis and kyphosis.

(4) "Screening" means an examination to be performed on all pupils in grades 5 through ~~((6))~~ 10 for the purpose of detecting the condition known as scoliosis, except as provided in section 6 of this 1985 act.

~~((4))~~ (5) "Public schools" means the common schools referred to in Article IX of the state Constitution and those schools and institutions of learning having a curriculum below the college or university level as now or may be established by law and maintained at public expense.

Sec. 3. Section 3, chapter 47, Laws of 1979 and RCW 28A.31.134 are each amended to read as follows:

The superintendent shall provide for and require the yearly examination of all children attending public schools in grades 5 through ~~((6))~~ 10, except as provided in section 6 of this 1985 act, in accordance with procedures and standards adopted by rule of the state board of health in cooperation with the superintendent of public instruction. The examination shall be made by a school physician, school nurse, qualified licensed health practitioner, or physical education instructor or by other school personnel. Proper training of the personnel in the screening process for scoliosis shall be provided by the superintendent.

Sec. 4. Section 4, chapter 47, Laws of 1979 and RCW 28A.31.136 are each amended to read as follows:

Every person performing the screening under RCW 28A.31.134 shall promptly prepare a record of the screening of each child found to have or suspected of having scoliosis and shall send copies of the records to the parents or guardians of the children. The notification shall include an explanation of ~~((idiopathic))~~ scoliosis, the significance of treating it at an early stage, and the services generally available from a qualified licensed health practitioner for the treatment after diagnosis.

Sec. 5. Section 6, chapter 47, Laws of 1979 and RCW 28A.31.140 are each amended to read as follows:

Any pupil shall be exempt from the examination upon written request of his or her parent or guardian if the parent or guardian certifies that:

(1) The screening conflicts with the philosophical or religious beliefs; or

(2) The student is presently under the care of a health care provider for spinal curvature or a related medical condition.

NEW SECTION. Sec. 6. A new section is added to chapter 28A.31 RCW to read as follows:

After July 1, 1987, the superintendent of public instruction may waive screening for scoliosis for grades 9 and/or 10, notwithstanding RCW 28A.31.132(4) and 28A.31.134, after conducting a cost/benefit analysis of such screening for school years 1985-86 and 1986-87."

On page 1, line 1 of the title, after "schools;" strike the remainder of the title and insert "amending RCW 28A.31.130, 28A.31.132, 28A.31.134, 28A.31.136, and 28A.31.140; and adding a new section to chapter 28A.31 RCW."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Granlund, the Senate concurred in the House amendments to Engrossed Senate Bill No. 4227.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4227, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4227, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senator Pullen - 1.

Excused: Senators Fleming, Owen, von Reichbauer - 3.

ENGROSSED SENATE BILL NO. 4227, 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.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 94, by Committee on Local Government (originally sponsored by Representatives Winsley, Ebersole, Gallagher, Smitherman, Wang, Walker and Fisher)

Changing the method of appointing a public health director.

The bill was read the second time.

MOTION

On motion of Senator Granlund, the rules were suspended. Substitute House Bill No. 94 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. 94.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 94 and the bill passed the Senate by the following vote: Yeas, 45; absent, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senator McDonald - 1.

Excused: Senators Fleming, Owen, von Reichbauer - 3.

SUBSTITUTE HOUSE BILL NO. 94, having received the constitutional majority, 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. 261, by Representatives Ebersole, Betzoff, Peery and P. King (by Superintendent of Public Instruction request)

Changing certain provisions relating to school plant facilities.

The bill was read the second time.

MOTION

On motion of Senator Gaspard, the rules were suspended. House Bill No. 261 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. 261.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 261 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 46.

Excused: Senators Fleming, Owen, von Reichbauer - 3.

HOUSE BILL NO. 261, having received the constitutional majority, 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. 262, by Committee on Education (originally sponsored by Representatives Ebersole, Betrozoff, Peery and P. King) (by Superintendent of Public Instruction request)

Eliminating certain obsolete provisions from Title 28A RCW.

The bill was read the second time.

MOTION

Senator Gaspard moved the following Committee on Education amendments be considered simultaneously and adopted:

On page 2, line 34, after "instruction", strike all material through "handicapped children" on line 35, and insert: "an administrative section or unit for the education of children with handicapping conditions (~~a division of special education for handicapped children; to be known as the division for handicapped children~~)"

On page 4, line 8, after "through the", strike "division of special education for handicapped children", and insert: "administrative section or unit for the education of children with handicapping conditions (~~division of special education~~)"

Debate ensued.

POINT OF INQUIRY

Senator Hayner: "I'm curious about the fiscal note on this. Somehow when we create offices and agencies and administrative units, etc, it always costs money. I would like to have Senator Gaspard yield to that, Mr. President."

Senator Gaspard: "In the explanation, maybe, I should have also mentioned that the SPI was trying to streamline their offices and eliminate a number of titles--and this office functions already. They tried to eliminate the title and the advocacy groups voiced some concern about that and wanted to have it identified. It should not cost anymore than what the current operation is at all."

The President declared the question before the Senate to be adoption of the Committee on Education amendments.

The motion by Senator Gaspard carried and the committee amendments were adopted.

MOTION

On motion of Senator Gaspard, the rules were suspended, Substitute House Bill No. 262, 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. 262, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 262, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent, 2; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senator Barr - 1.

Absent: Senators Benitz, Hayner - 2.

Excused: Senator Owen - 1.

SUBSTITUTE HOUSE BILL NO. 262, as amended by the Senate, having received the constitutional majority, 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. 293, by Representatives Unsoeld, Sommers, Basich, Allen, Belcher, Madsen, Rayburn, Miller, K. Wilson, Niemi, McMullen, Grimm, G. Nelson, Hine, Locke, Braddock, Long, Vander Stoep and Winsley

Increasing members of the boards of trustees of the regional universities and The Evergreen State College.

The bill was read the second time.

MOTION

On motion of Senator Gaspard, the rules were suspended, House Bill No. 293 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Patterson: "Senator Gaspard, there is another bill that was passed by the Senate dealing with the increase of the two research universities from seven to nine. Could you relate the status of that bill?"

Senator Gaspard: "Yes, Senator Patterson, we sent two bills to the House. One, doing the identical that is here in House Bill 293--to include two more in the regionals and Evergreen. Then, we also passed another bill to add two more to our research universities. To my knowledge, that bill has passed the House."

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 293.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 293 and the bill passed the Senate by the following vote: Yeas, 37; nays, 11; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McManus, Moore, Patterson, Peterson, Rasmussen, Rinehart, Saling, Stratton, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 37.

Voting nay: Senators Barr, Bluechel, Craswell, Deccio, McDonald, Metcalf, Newhouse, Pullen, Sellar, Talmadge, Zimmerman - 11.

Excused: Senator Owen - 1.

HOUSE BILL NO. 293, having received the constitutional 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 10:35 a.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 11:35 a.m. by President Cherberg.

SECOND READING

HOUSE BILL NO. 480, by Representatives Appelwick, Niemi, Locke, Sommers, Brekke, Rust, Hine and Wineberry

Specifying taxable value of improvements owned or being acquired by lessees.

The bill was read the second time.

MOTIONS

On motion of Senator Bottiger, the following amendment by Senators Bottiger and Gaspard was adopted:

On page 1, after line 11, insert the following:

"Sec. 2. Section 12, chapter 61, Laws of 1975-'76 2nd ex. sess. and RCW 82.29A.120 are each amended to read as follows:

After computation of the taxes imposed pursuant to RCW 82.29A.030 and 82.29A.040 there shall be allowed the following credits in determining the tax payable:

(1) ~~(With respect to a leasehold interest arising out of any lease or agreement, the terms of which were binding on the lessee prior to July 1, 1970, where such lease or agreement has not been renegotiated since that date, and excluding from such credit (a) any leasehold interest arising out of any lease of property covered by the provisions of RCW 28B.20.394 and (b) any lease or agreement including options to renew which extends beyond January 1, 1985, as follows:~~

~~With respect to taxes due in calendar year 1976, a credit equal to eighty percent of the tax otherwise due;~~

~~With respect to taxes due in calendar year 1977, a credit equal to sixty percent of the tax otherwise due;~~

~~With respect to taxes due in calendar year 1978, a credit equal to forty percent of the tax otherwise due;~~

~~With respect to taxes due in calendar year 1979, a credit equal to twenty percent of the tax otherwise due))~~ With respect to a leasehold interest other than a product lease, executed with an effective date of April 1, 1985, or thereafter, or a leasehold interest in respect to which the department of revenue under the authority of RCW 82.29A.020 does adjust the contract rent base used for computing the tax provided for in RCW 82.29A.030, there shall be allowed a credit against the tax as otherwise computed equal to the amount, if any, that such tax exceeds an amount equal to sixty percent of the market value of the property leased as determined by the county assessor multiplied by the property tax rate that would apply to such leased property if it were privately owned.

(2) With respect to a product lease, a credit of thirty-three percent of the tax otherwise due.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Vognild, the following title amendment was adopted:

On page 1, line 1 of the title, after "improvements;" strike the remainder of the title and insert "amending RCW 82.29A.160 and 82.29A.120; and declaring an emergency."

On motion of Senator Vognild, the rules were suspended, House Bill No. 480, 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 House Bill No. 480, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 480, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; nays, 7; absent, 1; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Patterson, Peterson, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 40.

Voting nay: Senators Barr, Craswell, Johnson, Newhouse, Pullen, Sellar, von Reichbauer - 7.

Absent: Senator McDermott - 1.

Excused: Senator Owen - 1.

HOUSE BILL NO. 480, as amended by the Senate, having received the constitutional majority, 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. 1000, by Representatives Appelwick, Hastings, Prince, Zellinsky, G. Nelson, Bond, J. Williams, Sanders, Isaacson and May (by Department of Revenue request)

Exempting trade-in property of likekind from use taxation.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, House Bill No. 1000 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. 1000.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1000 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senator McDermott - 1.

Excused: Senator Owen - 1.

HOUSE BILL NO. 1000, having received the constitutional 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 Bender, Senator Wojahn was excused.

SECOND READING

HOUSE BILL NO. 1004, by Representatives Appelwick and Hastings (by Department of Revenue request)

Authorizing the director of revenue to administer certain estates having escheat property.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, House Bill No. 1004 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. 1004.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1004 and the bill passed the Senate by the following vote: Yeas, 46; absent, 1; excused, 2.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Zimmerman - 46.

Absent: Senator McDermott - 1.

Excused: Senators Owen, Wojahn - 2.

HOUSE BILL NO. 1004, having received the constitutional majority, 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. 1232, by Committee on Local Government (originally sponsored by Representatives Haugen and May)

Changing provisions relating to sewer and water district annexations.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Substitute House Bill No. 1232 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. 1232.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1232 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 45.

Voting nay: Senator Pullen - 1.

Absent: Senator McDermott - 1.

Excused: Senators Owen, Wojahn - 2.

SUBSTITUTE HOUSE BILL NO. 1232, having received the 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.

MOTION

On motion of Senator Bender, Senator McDermott was excused.

MESSAGE FROM THE HOUSE

April 9, 1985

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 4127 with the following amendment:

On page 2, beginning on line 8 after "beverages" strike all material through "brewery," on line 9.

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Warnke, the Senate concurred in the House amendment to Engrossed Senate Bill No. 4127.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4127, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4127, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDonald, McManus, Moore, Newhouse, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 44.

Voting nay: Senator Pullen - 1.

Absent: Senator Metcalf - 1.

Excused: Senators McDermott, Owen, Wojahn - 3.

ENGROSSED SENATE BILL NO. 4127, 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 eighth order of business.

MOTION

On motion of Senator Craswell, the following resolution was adopted:

SENATE RESOLUTION 1985-53

by Senators Craswell, Goltz, Stratton, Conner, Rasmussen, McDonald, Metcalf, Kiskaddon, Zimmerman, Owen, Moore, Patterson, Johnson, Vognild, Bender, Bauer,

McManus, Cantu, Saling, DeJarnatt, Bailey, Bluechel, Lee, von Reichbauer, Sellar, Deccio, Newhouse, Benitz, McCaslin, Barr, Hansen, Hayner and Guess

WHEREAS, The Washington State Senate recognizes that a growing number of children in the state are attending unapproved church schools and home school satellite programs of such church schools; and

WHEREAS, The Washington State Senate has not yet found a solution to the conflict between compulsory attendance laws and this educational practice;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate commit itself to study the issue with an effort toward creating a workable solution to this dilemma.

MOTION

At 12:07 p.m., on motion of Senator Vognild, the Senate recessed until 2:30 p.m.

AFTERNOON SESSION

The Senate was called to order at 2:37 p.m. by President Cherberg.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 3007,

SENATE BILL NO. 3008,

SENATE BILL NO. 3091,

SUBSTITUTE SENATE BILL NO. 3094,

SENATE BILL NO. 3103,

SUBSTITUTE SENATE BILL NO. 3122,

SUBSTITUTE SENATE BILL NO. 3145,

SENATE BILL NO. 3205,

SENATE BILL NO. 3298,

SENATE BILL NO. 3374,

SUBSTITUTE SENATE BILL NO. 3387,

SENATE BILL NO. 3393,

SENATE BILL NO. 3436,

SENATE BILL NO. 3467,

SENATE BILL NO. 3486,

SENATE BILL NO. 3494,

SUBSTITUTE SENATE BILL NO. 3897.

There being no objection, the President returned the Senate to the sixth order of business.

SECOND READING

ENGROSSED HOUSE BILL NO. 1001, by Representatives Appelwick and Hastings (by Department of Revenue request)

Modifying provisions on property taxes.

The bill was read the second time.

MOTION

Senator McDermott moved that the following Committee on Ways and Means amendment be adopted:

On page 4, line 8, following "taxes" and before "interest", insert "costs."

Debate ensued.

POINT OF INQUIRY

Senator Pullen: "Senator McDermott, I see there's a fiscal note associated with this bill. Could you tell us what the fiscal note says?"

Senator McDermott: "Mr. President, I move we set the bill down."

There being no objection, further consideration of Engrossed House Bill No. 1001 was deferred.

SECOND READING

HOUSE BILL NO. 1006, by Representatives Appelwick and Hastings (by Department of Revenue request)

Modifying the definition of consumer for excise tax purposes.

The bill was read the second time.

MOTION

On motion of Senator McDermott, the rules were suspended, House Bill No. 1006 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. 1006.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1006 and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senators Cantu, Hansen - 2.

Absent: Senator Craswell - 1.

Excused: Senator Owen - 1.

HOUSE BILL NO. 1006, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1009, by Representatives Appelwick and Hastings (by Department of Revenue request)

Modifying excise tax provisions.

The bill was read the second time.

MOTION

On motion of Senator McDermott, the rules were suspended, House Bill No. 1009 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. 1009.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1009 and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Guess - 1.

Excused: Senator Owen - 1.

HOUSE BILL NO. 1009, having received the 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 House Bill No. 1001 and the pending Committee on Ways and Means amendment on page 4, line 8, deferred earlier today.

REMARKS BY SENATOR PULLEN

Senator Pullen: "After looking the situation over, I don't see any problem. So if it will facilitate matters, I will withdraw my question."

The President declared the question before the Senate to be adoption of the Committee on Ways and Means amendment on page 4, line 8.

The motion by Senator McDermott carried and the committee amendment was adopted.

MOTION

Senator McDermott moved that the following amendment by Senators McDermott, Fleming, Conner, Gaspard, DeJarnatt, Bauer, Wojahn, Johnson, Bailey, Stratton, Moore, Bender, Newhouse, Hayner, Patterson, Goltz, Talmadge, Warnke, Vognild, Guess, Pullen, McCaslin, Zimmerman, McDonald, Cantu and Saling be adopted:

On page 8, after line 17, insert the following:

"Sec. 11, Section 1, chapter 182, Laws of 1974 ex. sess. as last amended by section 5, chapter 11, Laws of 1983 1st ex. sess. and RCW 84.36.381 are each amended to read as follows:

A person shall be exempt from any legal obligation to pay all or a portion of the amount of excess and regular real property taxes due and payable in the year following the year in which a claim is filed, and thereafter, in accordance with the following:

(1) The property taxes must have been imposed upon a residence which was occupied by the person claiming the exemption as a principal place of residence as of January 1st of the year for which the exemption is claimed: PROVIDED, That any person who sells, transfers, or is displaced from his or her residence may transfer his or her exemption status to a replacement residence, but no claimant shall receive an exemption on more than one residence in any year: PROVIDED FURTHER, That confinement of the person to a hospital or nursing home shall not disqualify the claim of exemption if the residence is temporarily unoccupied or if the residence is occupied by a spouse and/or a person financially dependent on the claimant for support:

(2) The person claiming the exemption must have owned, at the time of filing, in fee, as a life estate, or by contract purchase, the residence on which the property taxes have been imposed or if the person claiming the exemption lives in a cooperative housing association, corporation, or partnership, such person must own a share therein representing the unit or portion of the structure in which he or she resides. For purposes of this subsection, a residence owned by a marital community or owned by cotenants shall be deemed to be owned by each spouse or cotenant, and any lease for life shall be deemed a life estate:

(3) The person claiming the exemption must have been sixty-one years of age or older on January 1st of the year in which the exemption claim is filed, or must have been, at the time of filing, retired from regular gainful employment by reason of physical disability: PROVIDED, That any surviving spouse of a person who was receiving an exemption at the time of the person's death shall qualify if the surviving spouse is fifty-seven years of age or older and otherwise meets the requirements of this section:

(4) The amount that the person shall be exempt from an obligation to pay shall be calculated on the basis of combined disposable income, as defined in RCW 84.36.383. If the person claiming the exemption was retired for two months or more of the preceding year, the combined disposable income of such person shall be calculated by multiplying the average monthly combined disposable income of such person during the months such person was retired by twelve.

(5) A person who otherwise qualifies under this section and has a combined disposable income of ~~((fifteen))~~ sixteen thousand five hundred dollars or less shall be exempt from all excess property taxes: and in addition

(a) ~~((For taxes first due in 1984, a person who otherwise qualifies under this section and has a combined disposable income of twelve thousand dollars or less shall be exempt from all regular property taxes on up to twenty thousand dollars of the valuation of his or her residence: and~~

~~(b) For taxes first due in 1985 and thereafter:~~

~~((b)) A person who otherwise qualifies under this section and has a combined disposable income of ~~((twelve))~~ thirteen thousand dollars or less but greater than nine thousand five hundred dollars shall be exempt from all regular property taxes on the greater of twenty-two thousand dollars or thirty percent of the valuation of his or her residence, but not to exceed forty-two thousand dollars of the valuation of his or her residence: or~~

~~((b)) (b) A person who otherwise qualifies under this section and has a combined disposable income of nine thousand five hundred dollars or less shall be exempt from all regular property taxes on the greater of ~~((twenty-five))~~ twenty-six thousand dollars or fifty percent of the valuation of his or her residence.~~

NEW SECTION. Sec. 12. This act applies to taxes first due in 1987 and thereafter."

Debate ensued:

POINT OF INQUIRY

Senator Kiskaddon: "Senator McDermott, what kind of a fiscal impact does this have on us?"

Senator McDermott: "The fiscal impact of this is unknown. Until people apply, you never know how much anything is going to impact."

POINT OF INQUIRY

Senator Rasmussen: "Senator McDermott, on the deferred taxes, they can only be deferred up to eighty percent of the value of the property?"

Senator McDermott: "That is correct."

Senator Rasmussen: "I wanted to make that clear, because a lot of people think they can just defer forever. Not very many people are using the program. They don't like it, but in some cases they might figure they can defer for a number of years, but once they get up to eighty percent, they will sell them out?"

Senator McDermott: "That's right."

The President declared the question before the Senate to be adoption of the amendment by Senators Rasmussen, McDermott, Conner, Fleming, Gaspard, DeJarnatt, Bauer, Wojahn, Johnson, Bailey, Stratton, Moore, Bender, Newhouse, Hayner, Patterson, Goltz, Talmadge, Warnke, Vognild, Guess, Pullen, McCaslin, Metcalf, McDonald, Cantu and Saling.

The motion by Senator McDermott carried and the amendment was adopted.

MOTIONS

On motion of Senator McDermott, the following title amendment was adopted:

On page 1, line 1 of the title, after "taxation;" strike "and" and on line 3 strike "and 84.56.290" and insert "84.56.290, and 84.36.381; and creating a new section"

On motion of Senator McDermott, the rules were suspended. Engrossed House Bill No. 1001, 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 House Bill No. 1001, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1001, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Owen - 1.

ENGROSSED HOUSE BILL NO. 1001, as amended by the Senate, having received the constitutional majority, 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. 62, by Committee on Environmental Affairs (originally sponsored by Representatives Valle, Allen, Rust, Patrick, Sommers, Isaacson, Haugen, Silver, Lux, Nealey, D. Nelson, Lewis, Leonard, Holland, Appelwick, Ebersole, Brekke, Sanders, Jacobsen, Bond, Unsoeld, Braddock, R. King, Wineberry, Todd, Chandler, Dellwo, Locke, Grimm, Brough, Van Luven, Betrozoff, Long, Dobbs and Tanner)

Prohibiting smoking in certain public places.

The bill was read the second time.

MOTION

Senator Warnke moved that the following Committee on Commerce and Labor amendment be adopted:

Strike everything after the enacting clause and insert the following:

*PART I

WASHINGTON CLEAN INDOOR AIR ACT

NEW SECTION, Sec. 1. The legislature recognizes the increasing evidence that tobacco smoke in closely confined places may create a danger to the health of some citizens of this state. In order to protect the health and welfare of those citizens, it is necessary to prohibit smoking in public places except in areas designated as smoking areas.

NEW SECTION, Sec. 2. As used in this chapter, the following terms have the meanings indicated unless the context clearly indicates otherwise.

(1) "Smoke" or "smoking" means the carrying or smoking of any kind of lighted pipe, cigar, cigarette, or any other lighted smoking equipment.

(2) "Public place" means that portion of any building or vehicle used by and open to the public, regardless of whether the building or vehicle is owned in whole or in part by private persons or entities, the state of Washington, or other public entity, and regardless of whether a fee is charged for admission.

Public places include, but are not limited to: Elevators, public conveyances or transportation facilities, museums, concert halls, theaters, auditoriums, exhibition halls, indoor sports arenas, hospitals, nursing homes, health care facilities or clinics, enclosed shopping centers, retail stores, retail service establishments, financial institutions, educational facilities, ticket areas, public hearing facilities, public restrooms, libraries, restaurants, waiting areas, lobbies, and reception areas. A public place does not include a private residence. This chapter is not intended to restrict smoking in private facilities which are occasionally open to the public except upon the occasions when the facility is open to the public.

(3) "Restaurant" means any building, structure, or area used, maintained, or advertised as, or held out to the public to be, an enclosure where meals are made available to be consumed on the premises, for consideration of payment.

NEW SECTION, Sec. 3. No person may smoke in a public place except in designated smoking areas.

NEW SECTION, Sec. 4. (1) A smoking area may be designated in a public place by the owner or, in the case of a leased or rented space, by the lessee or other person in charge except in:

(a) Elevators; buses, except for private hire; streetcars; taxis, except those clearly and visibly designated by the owner to permit smoking; public areas of retail stores and lobbies of financial institutions; office reception areas and waiting rooms of any building owned or leased by the state of Washington or by any city, county, or other municipality in the state of Washington; museums; public meetings or hearings; classrooms and lecture halls of schools, colleges, and universities; and the seating areas and aisle ways which are contiguous to seating areas of concert halls, theaters, auditoriums, exhibition halls, and indoor sports arenas; and

(b) Hallways of health care facilities, with the exception of nursing homes, and lobbies of concert halls, theaters, auditoriums, exhibition halls, and indoor sports arenas, if the area is not physically separated. Owners or other persons in charge are not required to incur any expense to make structural or other physical modifications in providing these areas.

Except as provided in other provisions of this chapter, no public place, other than a bar, tavern, bowling alley, tobacco shop, or restaurant, may be designated as a smoking area in its entirety. If a bar, tobacco shop, or restaurant is designated as a smoking area in its entirety, this designation shall be posted conspicuously on all entrances normally used by the public.

(2) Where smoking areas are designated, existing physical barriers and ventilation systems shall be used to minimize the toxic effect of smoke in adjacent nonsmoking areas.

(3) Managers of restaurants who choose to provide smoking areas shall designate an adequate amount of seating to meet the demands of restaurant patrons who wish to smoke. Owners of restaurants are not required to incur any expense to make structural or other physical modifications in providing these areas. Restaurant patrons shall be informed that separate smoking and nonsmoking sections are available.

(4) Except as otherwise provided in this chapter, a facility or area may be designated in its entirety as a nonsmoking area by the owner or other person in charge.

NEW SECTION, Sec. 5. Owners, or in the case of a leased or rented space the lessee or other person in charge, of a place regulated under this chapter shall make every reasonable effort to prohibit smoking in public places by posting signs prohibiting or permitting smoking as appropriate under this chapter. Signs shall be posted conspicuously at each building entrance. In the case of retail stores and retail service establishments, signs shall be posted conspicuously at each entrance and in prominent locations throughout the place. The boundary between a nonsmoking area and a smoking permitted area shall be clearly designated so that persons may differentiate between the two areas.

NEW SECTION. Sec. 6. This chapter is not intended to regulate smoking in a private enclosed workplace, within a public place, even though such workplace may be visited by nonsmokers, excepting places in which smoking is prohibited by the state fire marshal or by other law, ordinance, or regulation.

NEW SECTION. Sec. 7. (1) Any person intentionally violating this chapter by smoking in a public place not designated as a smoking area or any person removing, defacing, or destroying a sign required by this chapter is subject to a civil fine of up to one hundred dollars. Local law enforcement agencies shall enforce this section by issuing a notice of infraction to be assessed in the same manner as traffic infractions. The provisions contained in chapter 46.63 RCW for the disposition of traffic infractions apply to the disposition of infractions for violation of this subsection except as follows:

(a) The provisions in chapter 46.63 RCW relating to the provision of records to the department of licensing in accordance with RCW 46.20.270 are not applicable to this chapter; and

(b) The provisions in chapter 46.63 RCW relating to the imposition of sanctions against a person's driver's license or vehicle license are not applicable to this chapter.

The form for the notice of infraction for a violation of this subsection shall be prescribed by rule of the supreme court.

(2) When violations of section 4 or 5 of this act occur, a warning shall first be given to the owner or other person in charge. Any subsequent violation is subject to a civil fine of up to one hundred dollars. Each day upon which a violation occurs or is permitted to continue constitutes a separate violation.

(3) Local fire departments or fire districts shall enforce section 4 or 5 of this act regarding the duties of owners or persons in control of public places, and local health departments shall enforce section 4 or 5 of this act regarding the duties of owners of restaurants by either of the following actions:

(a) Serving notice requiring the correction of any violation; or

(b) Calling upon the city or town attorney or county prosecutor to maintain an action for an injunction to enforce sections 4 and 5 of this act, to correct a violation, and to assess and recover a civil penalty for the violation.

NEW SECTION. Sec. 8. Any penalty assessed and recovered in an action brought under this chapter shall be paid to the city or county bringing the action.

NEW SECTION. Sec. 9. Local fire departments or fire districts and local health departments may adopt regulations as required to implement this chapter.

NEW SECTION. Sec. 10. The state hereby fully occupies and preempts the entire field of regulating smoking in public places. No political subdivision of the state may enact laws or ordinances relating to this subject.

NEW SECTION. Sec. 11. This chapter shall be known as the Washington clean indoor air act.

NEW SECTION. Sec. 12. Sections 1 through 11 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 13. 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."

MOTION

Senator Kreidler moved that the following amendment by Senators Kreidler and Kiskaddon to the Committee on Commerce and Labor amendment be adopted:

On page 2, line 21, after "Hallways" insert "and waiting rooms"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Kreidler and Kiskaddon to the Committee on Commerce and Labor amendment.

The motion by Senator Kreidler failed and the amendment to the committee amendment was not adopted.

MOTION

Senator Kreidler moved the following amendment by Senators Kreidler, Bluechel and Cantu to the Committee on Commerce and Labor amendment be adopted:

On page 4, beginning on line 30, strike all material through "subject." on line 33. Renumber the remaining sections consecutively.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Kreidler, Bluechel and Cantu to the Committee on Commerce and Labor amendment.

The motion by Senator Kreidler carried and the amendment to the committee amendment was adopted.

MOTION

Senator Kreidler moved that the the following amendment by Senators Kreidler and Bluechel to the Committee on Commerce and Labor amendment be adopted:

On page 4, after line 29, insert the following:

*NEW SECTION. Sec. 10. (1) Because the smoking of tobacco or any other weed or plant is a danger to health and is a cause of material annoyance and discomfort to those who are present in confined places, the legislature declares that the purposes of this chapter are to protect the public health and welfare by regulating smoking in the office workplace by requiring an employer to adopt a policy that will accommodate, insofar as possible, the preferences of nonsmokers and smokers.

(2) This chapter is not intended to create any right to smoke or to impair or alter an employer's prerogative to prohibit smoking in the workplace. Rather, if an employer allows employees to smoke in the workplace, then this chapter requires that the employer make accommodations for the preferences of both nonsmoking and smoking employees.*

Renumber the remaining sections consecutively.

POINT OF INQUIRY

Senator Pullen: "Senator Warnke, the problem I see is perhaps a technical problem. Maybe some of the other legislators can comment on this, but the proposed amendment says, 'the employer must establish this policy to regulate smoking in the workplace and to try to resolve the problems that might occur,' and yet in the committee amendment in Section 6, line 21, it says, 'this chapter is not intended to regulate smoking in a private enclosed workplace.' I guess the question I have is if this amendment is adopted, does that leave it in conflict with other language in the bill?"

Senator Warnke: "Senator Pullen is absolutely correct. The reason for the language, Senator Pullen, was brought to the committee by one of the committee members in which you may have a private office--a one or two person private office that may be a public place, but only deals occasionally with the public--an attorney's office, an accountant's office--how do you regulate, then, that situation or set up the area where part of the time they are a private office and part of the time they are accommodating the public?"

"The second part about the amendment and why the language is in the amendment the way it is now--if you have a small office--a one room office and you may employ two or three employees and one of those employees smokes. How is the employer going to designate a non-smoking area in a one-room office? What happens with the employee who smokes and you have two who do not? Do you fire that employee who smokes? That is the reason the language is there--to try and clarify that situation."

The President declared the question before the Senate to be adoption of the amendment by Senators Kreidler and Bluechel to the Committee on Commerce and Labor amendment.

The motion by Senator Kreidler failed and the amendment to the committee amendment was not adopted on a rising vote.

MOTION

Senator Kreidler moved that the following amendments by Senators Kreidler, Kiskaddon and Bluechel to the Committee on Commerce and Labor amendments be considered simultaneously and adopted:

On page 5, beginning on line 4, strike all material through "thereof." on line 8

On page 5, beginning on line 9, strike all material through "people" on line 15

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senators Kreidler, Kiskaddon and Bluechel to the Committee on Commerce and Labor amendment.

The motion by Senator Kreidler carried and the amendments to the committee amendment were adopted.

MOTION

Senator McManus moved that the following amendment by Senators McManus, Guess and Stratton to the Committee on Commerce and Labor amendment be adopted:

On page 2, line 28, of the committee amendment, strike "bowling alley."

Debate ensued.

POINT OF INQUIRY

Senator McCaslin: "Senator McManus, how many games did you bowl that evening?"

Senator McManus: "I didn't bowl any games, because of the simple reason I couldn't stand the smoke."

Further debate ensued.

POINT OF INQUIRY

Senator Sellar: "Senator McManus, Senator Guess has kind of put a question in my mind. You were at this bowling alley the other night and if you were a proprietor of that bowling alley, how would you go about setting up a non-smoking area in that bowling alley? The ones I've been in are great big rooms."

Senator McManus: "I think the intent of the legislation is that if we can put this amendment back in to include bowling alleys in the basic legislation, then the proprietor of a bowling alley will set aside some of the lanes as smoker's lanes, or if he has more smokers than non-smokers, he would set aside some of the lanes as non-smoker's lanes. And that would be better, it wouldn't be perfect, but it would be better than trying to bowl in the middle of a cloud of smoke."

Further debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator McManus, what would you do if you owned a bowling alley and on league nights where you are moving from one lane to the another and you had, maybe, a million dollar investment in that bowling alley--you need to be in that kind of a position--we all do--if we owned a bowling alley, a restaurant, an office like I have with twenty people and twelve of them smoke. What would you do if you owned a bowling alley and you could not comply with this law the way it is set up?"

Senator McManus: "If I owned a bowling alley, it would be off limits to smokers, number one. But if I were another proprietor, I would work out a situation with my customers. I think there is a way to work these things out."

Senator Deccio: "I think the bowling alley is just an example of the problems you are going to run into with people who have invested large sums of money. My response to your reply to my question is, I think you are being very impractical because you just can't do that. Assuming that you can't do that, how would you solve the problem if you owned a bowling alley?"

Senator McManus: "Senator Deccio, as a proprietor, I can do that if I choose to do it. I will pay the price if I have mostly smokers as my clientele, but I think the evidence shows you don't have mostly smokers as clientele any more. I just think there's a way to get around this situation by a compromise."

The President declared the question before the Senate to be adoption of the amendment by Senators McManus, Guess and Stratton to the Committee on Commerce and Labor amendment.

The motion by Senator McManus failed and the amendment to the committee amendment was not adopted on a rising vote.

MOTION

Senator McManus moves that the following amendment by Senators McManus, Guess and Stratton to the Committee on Commerce and Labor amendment be adopted:

On page 1, line 30 of the committee amendment, after "facilities," insert "state legislative chambers and immediately adjacent hallways."

Debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Guess, you've been down here, how many--twenty-three years--and you've faced all these problems with all these departed Senators. Can you tell us what this has done to your health?"

Senator Guess: "Yes sir, I sure can. Last August 4, they went into my lungs--a seven inch incision is there now--and since that time I've been on Prednisone. I'll tell you, had it not been for the operation, I would have been dead by now. Thank goodness, I got in there soon enough and have recovered. I've been trying to stay away from smoke ever since."

Senator Deccio: "And all of your problems were caused by cigarette smoke?"

Senator Guess: "They were caused by something in my lungs, but they couldn't tell me what it was."

The President declared the question before the Senate to be adoption of the amendment by Senators McManus, Guess and Stratton to the Committee on Commerce and Labor amendment.

The motion by Senator McManus carried and the amendment to the committee amendment was adopted.

MOTION

Senator Vognild moved that the following amendment by Senators Vognild, Craswell, Rasmussen, Warnke, Peterson, Sellar, Granlund, Bottiger, Patterson, Wojahn, Moore, Zimmerman, Deccio, Hansen, Owen and Hayner to the Committee on Commerce and Labor amendment be adopted:

Strike the committee amendment and insert the following:

"PART I

WASHINGTON CLEAN INDOOR AIR ACT

NEW SECTION. Sec. 1. The legislature recognizes the increasing evidence that tobacco smoke in closely confined places may create a danger to the health of some citizens of this state. In order to protect the health and welfare of those citizens, it is necessary to prohibit smoking in public places except in areas designated as smoking areas.

NEW SECTION. Sec. 2. As used in this chapter, the following terms have the meanings indicated unless the context clearly indicates otherwise.

(1) "Smoke" or "smoking" means the carrying or smoking of any kind of lighted pipe, cigar, cigarette, or any other lighted smoking equipment.

(2) "Public place" means that portion of any building or vehicle used by and open to the public if the building or vehicle is owned in whole or in part by the state of Washington or other public entity, and regardless of whether a fee is charged for admission.

Public places include, but are not limited to: Elevators, public conveyances or transportation facilities, museums, concert halls, theaters, auditoriums, exhibition halls, indoor sports arenas, hospitals, nursing homes, health care facilities or clinics, enclosed shopping centers, retail stores, retail service establishments, financial institutions, educational facilities, ticket areas, public hearing facilities, public restrooms, libraries, restaurants, waiting areas, lobbies, and reception areas. A public place does not include a private residence, building, or vehicle. This chapter is not intended to restrict smoking in private facilities.

NEW SECTION. Sec. 3. No person may smoke in a public place except in designated smoking areas. A smoking area may be designated in a public place by the owner or, in the case of a leased or rented space, by the lessee or other person.

NEW SECTION. Sec. 4. Owners, or in the case of a leased or rented space the lessee or other person in charge, of a place regulated under this chapter shall make every reasonable effort to prohibit smoking in public places by posting signs prohibiting or permitting smoking as appropriate under this chapter. Signs shall be posted conspicuously at each building entrance.

NEW SECTION. Sec. 5. This chapter is not intended to regulate smoking in a private enclosed workplace, within a public place, even though such workplace may be visited by nonsmokers, excepting places in which smoking is prohibited by the state fire marshal or by other law, ordinance, or regulation.

NEW SECTION. Sec. 6. (1) Any person intentionally violating this chapter by smoking in a public place not designated as a smoking area or any person removing, defacing, or destroying a sign required by this chapter is subject to a civil fine of up to one hundred dollars. Local law enforcement agencies shall enforce this section by issuing a notice of infraction to be assessed in the same manner as traffic infractions. The provisions contained in chapter 46.63 RCW for the disposition of traffic infractions apply to the disposition of infractions for violation of this subsection except as follows:

(a) The provisions in chapter 46.63 RCW relating to the provision of records to the department of licensing in accordance with RCW 46.20.270 are not applicable to this chapter; and

(b) The provisions in chapter 46.63 RCW relating to the imposition of sanctions against a person's driver's license or vehicle license are not applicable to this chapter.

The form for the notice of infraction for a violation of this subsection shall be prescribed by rule of the supreme court.

(2) When violations of this chapter occur, a warning shall first be given to the owner or other person in charge. Any subsequent violation is subject to a civil fine of up to one hundred dollars. Each day upon which a violation occurs or is permitted to continue constitutes a separate violation.

(3) Local fire departments or fire districts shall enforce this chapter regarding the duties of owners or persons in control of public places, and local health departments shall enforce this chapter regarding the duties of owners of restaurants by either of the following actions:

(a) Serving notice requiring the correction of any violation; or

(b) Calling upon the city or town attorney or county prosecutor to maintain an action for an injunction to enforce this chapter, to correct a violation, and to assess and recover a civil penalty for the violation.

NEW SECTION. Sec. 7. Any penalty assessed and recovered in an action brought under this chapter shall be paid to the city or county bringing the action.

NEW SECTION. Sec. 8. Local fire departments or fire districts and local health departments may adopt regulations as required to implement this chapter.

NEW SECTION. Sec. 9. The state hereby fully occupies and preempts the entire field of regulating smoking in public places. No political subdivision of the state may enact laws or ordinances relating to this subject.

NEW SECTION. Sec. 10. This chapter shall be known as the Washington clean indoor air act.

NEW SECTION. Sec. 11. Sections 1 through 10 of this act shall constitute a new chapter in Title 70 RCW."

Debate ensued.

Senator McManus demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Vognild, Craswell, Rasmussen, Warnke, Peterson, Sellar, Granlund, Bottiger, Patterson, Wojahn, Moore, Zimmerman, Deccio, Hansen, Owen and Hayner to the Committee on Commerce and Labor amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Vognild failed and the amendment to the committee amendment was not adopted by the following vote: Yeas, 23; nays, 25; excused, 1.

Voting yea: Senators Barr, Benitz, Bottiger, Conner, Craswell, Deccio, Granlund, Halsan, Hansen, Hayner, Johnson, McCaslin, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Sellar, Thompson, Vognild, Warnke, Wojahn - 23.

Voting nay: Senators Bailey, Bauer, Bender, Bluechel, Cantu, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Rinehart, Saling, Stratton, Talmadge, von Reichbauer, Williams, Zimmerman - 25.

Excused: Senator Owen - 1.

The President declared the question before the Senate to be adoption of the Committee on Commerce and Labor amendment, as amended.

The motion by Senator Warnke carried and the Committee on Commerce and Labor amendment, as amended, was adopted.

MOTION

On motion of Senator Warnke, the following title amendments were considered simultaneously and adopted:

On page 1, line 2 of the title, strike "and"

On page 1, line 2 of the title, after "penalties" and before the period insert "; and providing for submission of this act to a vote of the people"

MOTION

On motion of Senator Kreidler, the rules were suspended, Engrossed Substitute House Bill No. 62, 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. 62, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 62, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; nays, 9; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, von Reichbauer, Williams, Zimmerman - 39.

Voting nay: Senators Bottlger, Craswell, Hansen, McCaslin, Patterson, Peterson, Vognild, Warnke, Wojahn - 9.

Excused: Senator Owen - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 62, as amended by the Senate, having received the 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 House Bill No. 932 and the pending amendment by Senators Vognild, Warnke and Newhouse on page 4, line 34, to the Committee on Judiciary amendment, deferred April 11, 1985.

MOTIONS

On motion of Senator Vognild, and there being no objection, the amendment to the Committee on Judiciary amendment was withdrawn.

On motion of Senator Vognild, further consideration of Engrossed Substitute House Bill No. 932 was deferred.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 36, by Committee on Judiciary (originally sponsored by Representatives Patrick, Locke, Van Luven, McMullen, Padden, Armstrong, Tilly, Schoon, West, R. King, Lundquist, P. King, Fisch, Crane, Scott and G. Nelson)

Authorizing law enforcement officer to intercept telephone communications in a hostage or barricade situation.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendments were considered simultaneously and adopted:

On page 1, line 19, after "who" strike all the material down to an including "kidnapping" on page 1, line 20 and insert "commits or attempts to commit any of the offenses described in RCW 9A.40.020, RCW 9A.40.030, or RCW 9A.40.040"

On page 1, line 21, after "who" insert "establishes a perimeter around an area from which others are excluded and"

Senator McManus moved that the following amendment by Senators McManus, Williams and Talmadge be adopted:

On page 3, after line 7, insert the following:

"NEW SECTION, Sec. 3. A new section is added to chapter 49.44 RCW to read as follows:

(1) Except as provided in chapter 9.73 RCW, it is unlawful for any person, firm, or corporation to intercept or monitor, or to attempt to intercept or monitor, the transmission of a message, signal, or other communication by telephone between an employee or similar agent of the person, firm, or corporation and a customer of the person, firm, or corporation.

(2) Any person, firm, or corporation violating this section is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than two hundred dollars, or imprisoned in the county jail not more than one year, or both fined and imprisoned.

NEW SECTION, Sec. 4. Section 5, chapter 93, Laws of 1967 ex. sess. and RCW 9.73.070 are each repealed."

POINT OF ORDER

Senator Deccio: "A point of order, Mr. President. I'd like to challenge the scope and object of Senator McManus' amendment. I believe the basic bill deals with the issue of law enforcement and I think this amendment would expand the scope and object and intent of the bill."

Further debate ensued.

MOTION

On motion of Senator Talmadge, further consideration of Substitute House Bill No. 36 was deferred.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 932 and the pending Committee on Judiciary amendment, deferred earlier today.

MOTION

Senator Bluechel moved that the following amendment to the Committee on Judiciary amendment be adopted:

On page 4, line 34, after "disposition," insert a new section 6 stating:

NEW SECTION. Sec. 5. A new section is added to chapter 43.10 RCW to read as follows:

(1) A central file shall be kept on persons: (a) Who have been convicted of any crime involving the sexual assault, exploitation, or molestation of a child under the age of eighteen; (b) Whose parental rights have been terminated under chapter 13.34 RCW because of the sexual assault, exploitation, or molestation of a child under the age of eighteen; (c) Who have been found in any dependency action under chapter 13.34 RCW to have sexually assaulted, exploited, or molested any child under the age of eighteen; or (d) Who have been reported to the department of social and health services for sexually assaulting, exploiting, or molesting a child, subject to an appropriate administrative hearing if the listing is challenged. (2) All listings unless successfully challenged shall remain permanently on file. This central file shall be kept by the attorney general's office. Information in this file shall be coordinated when possible with criminal history information contained in national and international informational networks. (3) Information contained in the central file under subsection (1) of this section shall be available to any business or organization that deals primarily with the care, supervision, education, recreation, or guidance of children. Each such business or organization shall check all of its employees and volunteers who may have contact with children under the age of eighteen with the attorney general's office to find whether or not the employees and volunteers are listed in the central file within one hundred eighty days after the effective date of this act. All new employees or volunteers shall be similarly checked. If any employee or volunteer is found to be listed in the registry, the fact of being listed shall be reported in writing by the business or organization to the parents of legal guardians of all children under the age of eighteen participating in the activities of the business or organization. (4) Any parent or legal guardian may also apply to the attorney general's office to determine whether or not a person retained by them to care for a child under the age of eighteen is listed in the registry. (5) The attorney general's office shall record all inquiries and if subsequent to an inquiry a person inquired about is added to the registry, the attorney general's office shall notify all persons, at their last known address, who have made previous inquiries regarding that person about this fact. (6) Any person who has been convicted of a crime in another jurisdiction which, if committed in the state of Washington, would be a crime involving the sexual assault, exploitation, or molestation of a child under the age of eighteen, who establishes residency in the state of Washington, shall register with the attorney general's office within thirty days of establishing residency. Failure to so register shall be a class C felony as provided in chapter 9A.20 RCW.

POINT OF ORDER

Senator Talmadge: "Mr. President, a point of order. I believe the amendment by Senator Bluechel expands the scope and object of Engrossed Substitute House Bill 932. Engrossed Substitute House Bill No. 932 deals with the reporting of child abuse cases, both physical and sexual assaults on children, to prosecuting attorneys and child protective services. The proposed amendment by Senator Bluechel creates a separate new entity to deal with these kinds of reports and, also, provides for the dissemination of that information. It would appear that the amendment by Senator Bluechel repeals the child protective service registry by implication. It would appear that the amendment, also, repeals by implication those sections of the RCW that provide for the dissemination of criminal materials and for that reason I believe the amendment expands the scope and object of the bill.

"I would point out, too, Mr. President, that there are bills coming up--concurrency on Senate Bill 3596, for example, that provide for the accumulation of information relating to dependency proceedings, House Bill 1134 that deals with reporting issues--and the whole question of whether or not fingerprinting would be required by this amendment of some 250,000 Washington State citizens, certainly

expands the scope and object of the original bill, which dealt with only reporting information to prosecuting attorneys and CPS."

Further debate ensued.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Talmadge, the President finds that Engrossed Substitute House Bill No. 932 is a measure reducing the time requirements certain persons have to report incidents of child abuse or neglect, establishes time limits for local public attorneys to notify victims whether a child abuse charge will be filed and establishes procedures for investigating child abuse cases.

"The amendment proposed by Senator Bluechel establishes a central file in the State Attorney General's Office on persons convicted of child abuse or reported to DSHS for child abuse.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment to the Committee on Judiciary amendment was ruled out of order.

The President declared the question before the Senate to be adoption of the Committee on Judiciary amendment.

The motion by Senator Talmadge carried and the committee amendment was adopted.

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute House Bill No. 932, 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. 932, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 932, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJamatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senator Barr - 1.

Excused: Senator Owen - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 932, as amended by the Senate, having received the constitutional majority, 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. 1191, by Committee on Local Government (originally sponsored by Representatives Brough and Schoon)

Providing for equitable distribution of county property to new city.

The bill was read the second time.

MOTION

Senator Rasmussen moved that the following amendment be adopted:

On page 2, after line 18, insert:

"NEW SECTION, Sec. 3. A new section is added to chapter 35.21 RCW to read as follows: Sections 1 and 2 of this 1985 act shall apply only to counties with a population of at least one million."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Rasmussen.

The motion by Senator Rasmussen failed and the amendment was not adopted.

MOTION

On motion of Senator Thompson, the rules were suspended, Substitute House Bill No. 1191 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. 1191.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1191 and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; absent, 2; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Loe, McCaslin, McDermott, McDonald, McManus, Metcalif, Moore, Newhouse, Patterson, Peterson, Pullen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senators Conner, Rasmussen - 2.

Absent: Senators Benitz, Hansen - 2.

Excused: Senator Owen - 1.

SUBSTITUTE HOUSE BILL NO. 1191, having received the constitutional majority, 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. 199, by Committee on Commerce and Labor (originally sponsored by Representatives R. King, Patrick, Wang, Fisch, Ebersole, Sayan, Belcher, Locke and Fisher)

Modifying provisions relating to farm labor contractors.

The bill was read the second time.

MOTION

Senator Warnke moved that the the following Committee on Commerce and Labor amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 392, Laws of 1955 and RCW 19.30.010 are each amended to read as follows:

As used in this chapter:

(1) "Person" includes any individual, firm, partnership, association ((or)), corporation, or unit or agency of state or local government.

(2) "Farm labor contractor" means any person, or his or her agent or subcontractor, who, for a fee, ((employs workers to render personal services in connection with the production of any farm products, to, for, or under the direction of an employer engaged in the growing, producing or harvesting of farm products, or who recruits, solicits, supplies, or hires workers on behalf of an employer engaged in the growing, producing or harvesting of farm products or who provides in connection with recruiting, soliciting, supplying or hiring workers engaged in the growing, producing or harvesting of farm products, one or more of the following services: Furnishes board, lodging or transportation for such workers; supervises, times, checks, counts; sizes; or otherwise directs or measures their work; or disburses wage payments to such persons)) performs any farm labor contracting activity.

(3) "Farm labor contracting activity" means recruiting, soliciting, employing, supplying, transporting, or hiring agricultural employees.

(4) "Agricultural employer" means any person engaged in agricultural activity, including the growing, producing, or harvesting of farm or nursery products, or engaged in the forestation or reforestation of lands, which includes but is not limited to the planting, transplanting, tubing, precommercial thinning, and thinning of trees and seedlings, the clearing, piling, and disposal of brush and slash, the harvest of Christmas trees, and other related activities.

(5) "Agricultural employee" means any person who renders personal services to, or under the direction of, an agricultural employer in connection with the employer's agricultural activity.

(6) This chapter shall not apply to employees of the employment security department acting in their official capacity or their agents, nor to any common carrier or full time regular employees thereof while transporting agricultural employees, nor to any person who performs

any of the ~~((above))~~ services enumerated in subsection (3) of this section only within the scope of his or her regular employment for ~~((the))~~ one agricultural employer ~~((engaged in the growing, producing or harvesting of farm products))~~ on whose behalf he or she is so acting, unless he or she is receiving a commission or fee, which commission or fee is determined by the number of workers recruited, or to a nonprofit corporation or organization which performs the same functions for its members ~~((PROVIDED, HOWEVER, THAT SAID))~~. Such nonprofit corporation or organization shall be one in which:

(a) None of its directors, officers, or employees are deriving any profit beyond a reasonable salary for services performed in its behalf.

(b) Membership dues and fees are used solely for the maintenance of the association or corporation.

~~((3))~~ (7) "Fee" means:

(a) Any money or other valuable consideration paid or promised to be paid for services rendered or to be rendered by a farm labor contractor.

(b) Any valuable consideration received or to be received by a farm labor contractor for or in connection with any of the services described ~~((above))~~ in subsection (3) of this section, and shall include the difference between any amount received or to be received by him, and the amount paid out by him for or in connection with the rendering of such services.

~~((4))~~ (8) "Director" as used in this chapter means the director of the department of labor and industries of the state of Washington.

Sec. 2. Section 2, chapter 392, Laws of 1955 and RCW 19.30.020 are each amended to read as follows:

No person shall act as a farm labor contractor until a license to do so has been issued to him or her by the director, and unless such license is in full force and effect and is in ~~((his))~~ the contractor's possession. The director shall, by regulation, provide a means of issuing duplicate licenses in case of loss of the original license or any other appropriate instances. The director shall issue, on a monthly basis, a list of currently licensed farm labor contractors.

Sec. 3. Section 3, chapter 392, Laws of 1955 and RCW 19.30.030 are each amended to read as follows:

The director shall not issue to any person a license to act as a farm labor contractor until:

(1) Such person has executed a written application ~~((therefor))~~ on a form prescribed by the director, subscribed and sworn to by the applicant, and containing (a) a statement by the applicant of all facts required by the director concerning the applicant's character, competency, responsibility, and the manner and method by which he or she proposes to conduct ~~((his))~~ operations as a farm labor contractor if such license is issued, and (b) the names and addresses of all persons financially interested, either as partners, stockholders, associates ~~((or))~~, profit sharers, or providers of board or lodging to agricultural employees in the proposed operation as a labor contractor, together with the amount of their respective interests;

(2) The director, after investigation, is satisfied as to the character, competency, and responsibility of the applicant;

(3) The applicant has paid to the director a license fee of ~~((ten dollars, which shall accompany the license application and which shall be refunded to the applicant in the event a license is denied))~~ twenty-five dollars or such other sum as the director finds necessary, and adopts by rule, for the administrative costs of evaluating applications:

(4) The applicant has filed proof satisfactory to the director of the existence of a policy of insurance with any insurance carrier authorized to do business in the state of Washington in an amount satisfactory to the director, which insures ~~((said licensee))~~ the contractor against liability for damage to persons or property arising out of the ~~((licensee's))~~ contractor's operation of, or ownership of, any vehicle or vehicles for the transportation of individuals in connection with ~~((his))~~ the contractor's business, activities, or operations as a farm labor contractor;

(5) The applicant has filed a surety bond or other security which meets the requirements set forth in section 4 of this 1985 act;

(6) The applicant executes a written statement which shall be subscribed and sworn to and shall contain the following declaration:

"With regards to any action filed against me concerning my activities as a farm labor contractor, I appoint the director of the Washington department of labor and industries as my lawful agent to accept service of summons when I am not present in the jurisdiction in which the action is commenced or have in any other way become unavailable to accept service"; and

(7) The applicant has stated on his or her application whether or not his or her contractor's license or the license of any of his or her agents, partners, associates, stockholders, or profit sharers has ever been suspended, revoked, or denied by any state or federal agency, and whether or not there are any outstanding judgments against him or her or any of his or her agents, partners, associates, stockholders, or profit sharers in any state or federal court arising out of activities as a farm labor contractor.

Sec. 4. Section 4, chapter 392, Laws of 1955 and RCW 19.30.040 are each amended to read as follows:

(1) The director (~~(may)~~) shall require the deposit of a surety bond by any person (~~(seeking a license)~~) acting as a farm labor contractor under this chapter to insure compliance with the provisions of this chapter. Such bond shall be in an amount specified by the director (~~(and)~~) in accordance with such criteria as the director adopts by rule but shall not be less than five thousand dollars. The bond shall be payable to the state of Washington and shall be conditioned that the (~~(applicant)~~) contractor will comply with this chapter and will pay all sums legally owing to any person (~~(when the farm labor contractor or his agents have received such sums)~~) recruited, solicited, employed, supplied, or hired by the contractor, or the contractor's agent or subcontractor, and will pay all damages (~~(occasioned to any person by failure so to do, or by any violation of the provisions)~~) arising out of the violation of any provision of this chapter, or false statements or misrepresentations made in the procurement of (~~(his)~~) the contractor's license. The aggregate liability of the surety upon such bond for all claims which may arise thereunder shall not exceed the face amount of the bond.

(2) The amount of the bond may be raised or additional security required by the director, upon his or her own motion or upon petition to the director by any person, when it is shown that the security or bond is insufficient to satisfy the contractor's potential liability for the licensed period.

(3) No surety insurer may provide any bond, undertaking, recognizance, or other obligation for the purpose of securing or guaranteeing any act, duty, or obligation, or the refraining from any act with respect to a contract using the services of a farm labor contractor unless the farm labor contractor has made application for or has a valid license issued under section 3 of this 1985 act at the time of issuance of the bond, undertaking, recognizance, or other obligation.

(4) During the period for which a bond is executed, the bond may not be canceled or otherwise terminated, unless alternative security arrangements are approved by the director.

(5) In lieu of the surety bond required by this section, the contractor may file with the director a deposit consisting of cash or other security acceptable to the director. The deposit shall not be less than five thousand dollars in value. The security deposited with the director in lieu of the surety bond shall be returned to the contractor at the expiration of three years after the farm labor contractor's license has expired or been revoked if no legal action has been instituted against the contractor or on the security deposit at the expiration of the three years.

(6) If a contractor has deposited a bond with the director and has failed to comply with the conditions of the bond as provided by this section, and has departed from this state, service may be made upon the surety as prescribed in RCW 4.28.090.

Sec. 5. Section 5, chapter 392, Laws of 1955 and RCW 19.30.050 are each amended to read as follows:

A license to operate as a farm labor contractor shall be denied:

(1) To any person who sells or proposes to sell intoxicating liquors in a building or on premises where he or she operates or proposes to operate as a farm labor contractor, or

(2) To a person whose license has been revoked within three years from the date of application.

Sec. 6. Section 6, chapter 392, Laws of 1955 and RCW 19.30.060 are each amended to read as follows:

Any person may protest the grant or renewal of a license under this section. The director may revoke, suspend, or refuse to issue or renew any license when it is shown that:

(1) The (~~(licensee)~~) farm labor contractor or any agent of the (~~(licensee)~~) contractor has violated or failed to comply with any of the provisions of this chapter;

(2) The (~~(licensee)~~) farm labor contractor has made any misrepresentations or false statements in his or her application for a license;

(3) The conditions under which the license was issued have changed or no longer exist;

(4) The (~~(licensee)~~) farm labor contractor, or any agent of the (~~(licensee)~~) contractor, has violated or wilfully aided or abetted any person in the violation of, or failed to comply with, any law of the state of Washington regulating employment in agriculture, the payment of wages to farm employees, or the conditions, terms, or places of employment affecting the health and safety of farm employees, which is applicable to the business activities, or operations of the (~~(licensee)~~) contractor in his or her capacity as a farm labor contractor; (~~(or)~~)

(5) The (~~(licensee)~~) farm labor contractor or any agent of (~~(licensee)~~) the contractor has in recruiting farm labor solicited or induced the violation of any then existing contract of employment of such laborers; or

(6) The farm labor contractor or any agent of the contractor has an unsatisfied judgment against him or her in any state or federal court, arising out of his or her farm labor contracting activities.

Sec. 7. Section 7, chapter 392, Laws of 1955 and RCW 19.30.070 are each amended to read as follows:

Each license shall contain, on the face thereof:

(1) The name and address of the licensee and the fact that he or she is licensed to act as a farm labor contractor for the period upon the face of the license only;

(2) The number, date of issuance, and date of expiration of the license;

- (3) The amount of the surety bond deposited by the licensee; ~~((and))~~
 (4) The fact that the license may not be transferred or assigned; ~~and~~
 (5) A statement that the licensee is or is not licensed to transport workers.

NEW SECTION, Sec. 8. A new section is added to chapter 19.30 RCW to read as follows:

Farm labor contractors may hold either a one-year license or a two-year license, at the director's discretion.

The one-year license shall run to and include the 31st day of December next following the date thereof unless sooner revoked by the director. A license may be renewed each year upon the payment of the annual license fee, but the director shall require that a new application and a renewed bond be submitted.

The two-year license shall run to and include the 31st day of December of the year following the year of issuance unless sooner revoked by the director. This license may be renewed every two years under the same terms as the one-year license, except that a farm labor contractor possessing a two-year license shall renew his or her bond each year and file an application on which he or she shall disclose all information required by RCW 19.30.030 (1)(b), (4), and (7).

Sec. 9. Section 11, chapter 392, Laws of 1955 and RCW 19.30.110 are each amended to read as follows:

Every ~~((licensee must))~~ person acting as a farm labor contractor shall:

(1) Carry ~~((his))~~ a current farm labor contractor's license ~~((with him))~~ at all times and exhibit ~~((the same))~~ it to all persons with whom ~~((he))~~ the contractor intends to deal in ~~((his))~~ the capacity ~~((as))~~ of a farm labor contractor prior to so dealing.

(2) Disclose to every person with whom he or she deals in the capacity of a farm labor contractor the amount of his or her bond and the existence and amount of any claims against the bond.

(3) File at the United States post office serving the address of the ~~((licensee))~~ contractor, as noted on the face of ~~((his))~~ the farm labor contractor's license, a correct change of address immediately upon each occasion ~~((said licensee))~~ the contractor permanently moves his or her address, and notify the director within ten days after an address change is made.

~~((3))~~ (4) Promptly when due, pay or distribute to the individuals entitled thereto all moneys or other things of value entrusted to the ~~((licensee))~~ contractor by any third person for such purpose.

~~((4))~~ (5) Comply ~~((on his part))~~ with the terms and provisions of all legal and valid agreements and contracts entered into between ~~((licensee))~~ the contractor in ~~((his))~~ the capacity ~~((as))~~ of a farm labor contractor and third persons.

~~((5))~~ (6) File information regarding ~~((his))~~ work offers with the nearest employment service office, such information to include wages and work to be performed and any other information prescribed by the director.

(7) On a form prescribed by the director, furnish to each worker, at the time of hiring, recruiting, soliciting, or supplying, whichever occurs first, a written statement in English and any other language common to workers who are not fluent or literate in English that contains a description of:

(a) The compensation to be paid and the method of computing the rate of compensation;

(b) The terms and conditions of any bonus offered, including the manner of determining when the bonus is earned;

(c) The terms and conditions of any loan made to the worker;

(d) The conditions of any transportation, housing, board, health, and day care services or any other employee benefit to be provided by the farm labor contractor or by his or her agents, and the costs to be charged for each of them;

(e) The terms and conditions of employment, including the approximate length of season or period of employment and the approximate starting and ending dates thereof, and the crops on which and kinds of activities in which the worker may be employed;

(f) The terms and conditions under which the worker is furnished clothing or equipment;

(g) The place of employment;

(h) The name and address of the owner of all operations, or the owner's agent, where the worker will be working as a result of being recruited, solicited, supplied, or employed by the farm labor contractor;

(i) The existence of a labor dispute at the worksite;

(j) The name and address of the farm labor contractor;

(k) The existence of any arrangements with any owner or agent of any establishment at the place of employment under which the farm labor contractor is to receive a fee or any other benefit resulting from any sales by such establishment to the workers; and

(l) The name and address of the surety on the contractor's bond and the workers' right to claim against the bond.

(8) Furnish to the worker each time the worker receives a compensation payment from the farm labor contractor, a written statement itemizing the total payment and the amount and purpose of each deduction therefrom, hours worked, rate of pay, and pieces done if the work is done on a piece rate basis, and if the work is done under the Service Contract Act (41 U.S.C.

Secs. 351 through 401) or related federal or state law, a written statement of any applicable prevailing wage.

(9) With respect to each worker recruited, solicited, employed, supplied, or hired by the farm labor contractor:

(a) Make, keep, and preserve for three years a record of the following information:

(i) The basis on which wages are paid;

(ii) The number of piecework units earned, if paid on a piecework basis;

(iii) The number of hours worked;

(iv) The total pay period earnings;

(v) The specific sums withheld and the purpose of each sum withheld; and

(vi) The net pay; and

(b) Provide to any other farm labor contractor and to any user of farm labor for whom he or she recruits, solicits, supplies, hires, or employs workers copies of all records, with respect to each such worker, which the contractor is required by this chapter to make, keep, and preserve. The recipient of such records shall keep them for a period of three years from the end of the period of employment. When necessary to administer this chapter, the director may require that any farm labor contractor provide the director with certified copies of his or her payroll records for any payment period.

The record-keeping requirements of this chapter shall be met if either the farm labor contractor or any user of the contractor's services makes, keeps, and preserves for the requisite time period the records required under this section, and so long as each worker receives the written statements specified in subsection (8) of this section.

Sec. 10. Section 12, chapter 392, Laws of 1955 and RCW 19.30.120 are each amended to read as follows:

No (~~(licensee)~~) person acting as a farm labor contractor shall:

(1) Make any misrepresentation or false statement in (~~(his)~~) an application for a license.

(2) Make or cause to be made, to any person, any false, fraudulent, or misleading representation, or publish or circulate or cause to be published or circulated any false, fraudulent, or misleading information concerning the terms or conditions or existence of employment at any place or places, or by any person or persons, or of any individual or individuals.

(3) Send or transport any worker to any place where the farm labor contractor knows a strike or lockout exists.

(4) Do any act in (~~(his)~~) the capacity (~~(as)~~) of a farm labor contractor, or cause any act to be done, which constitutes a crime involving moral turpitude under any law of the state of Washington.

Sec. 11. Section 14, chapter 392, Laws of 1955 and RCW 19.30.130 are each amended to read as follows:

(1) The director (~~(may promulgate)~~) shall adopt rules (~~(and regulations)~~) not inconsistent with this chapter for the purpose of enforcing and administering this chapter.

(2) The director shall investigate and attempt to adjust equitably controversies between farm labor contractors and their workers with respect to claims arising under this chapter.

NEW SECTION. Sec. 12. A new section is added to chapter 19.30 RCW to read as follows:

The director or any other person may bring suit in any court of competent jurisdiction to enjoin any person from using the services of an unlicensed farm labor contractor or to enjoin any person acting as a farm labor contractor in violation of this chapter, or any rule adopted under this chapter, from committing future violations. The court may award to the prevailing party costs and disbursements and a reasonable attorney fee.

NEW SECTION. Sec. 13. A new section is added to chapter 19.30 RCW to read as follows:

No farm labor contractor or agricultural employer may discharge or in any other manner discriminate against any employee because:

(1) The employee has made a claim against the farm labor contractor or agricultural employer for compensation for the employee's personal services.

(2) The employee has caused to be instituted any proceedings under or related to section 12 of this act.

(3) The employee has testified or is about to testify in any such proceedings.

(4) The employee has discussed or consulted with anyone concerning the employee's rights under this chapter.

NEW SECTION. Sec. 14. A new section is added to chapter 19.30 RCW to read as follows:

(1) Any person who uses the services of a farm labor contractor shall be liable to the same extent and in the same manner as the farm labor contractor if: (a) Both the farm labor contractor and the user are found to be employers of the same agricultural employee and (b) the employer had prior knowledge of a violation of this chapter and failed to take reasonable corrective action: PROVIDED, That joint employment shall not be found in any case in which the farm labor contractor and the user are acting entirely independently of each other and are completely disassociated with respect to the employment of any particular agricultural employee.

(2) Any person who knowingly uses the services of an unlicensed farm labor contractor shall be personally, jointly, and severally liable with the person acting as a farm labor contractor to the same extent and in the same manner as provided in this chapter. In making determinations under this subsection, any user may rely upon either the license issued by the director to the farm labor contractor under section 3 of this act or the director's representation that such contractor is licensed as required by this chapter.

NEW SECTION. Sec. 15. A new section is added to chapter 19.30 RCW to read as follows:

(1) In addition to any criminal penalty imposed under RCW 19.30.150, the director may assess against any person who violates this chapter, or any rule adopted under this chapter, a civil penalty of not more than one thousand dollars for each violation.

(2) The person shall be afforded the opportunity for a hearing, upon request to the director made within thirty days after the date of issuance of the notice of assessment. The hearing shall be conducted in accordance with chapter 34.04 RCW.

(3) If any person fails to pay an assessment after it has become a final and unappealable order, or after the court has entered final judgment in favor of the agency, the director shall refer the matter to the state attorney general, who shall recover the amount assessed by action in the appropriate superior court. In such action, the validity and appropriateness of the final order imposing the penalty shall not be subject to review.

(4) Without regard to any other remedy otherwise provided in this chapter, the director may bring suit upon the surety bond filed by the farm labor contractor on behalf of any worker whose rights under this chapter have been violated by the contractor. Such action may be commenced in any court of competent jurisdiction. In any such action, the notice and service requirements set forth in section 16(3) of this act shall be complied with.

NEW SECTION. Sec. 16. A new section is added to chapter 19.30 RCW to read as follows:

(1) After filing a notice of a claim with the director, in addition to any other penalty provided by law, any person aggrieved by a violation of this chapter or any rule adopted under this chapter may bring suit in any court of competent jurisdiction of the county in which the claim arose, or in which either the plaintiff or respondent resides, without regard to the amount in controversy and without regard to exhaustion of any alternative administrative remedies provided in this chapter. No such action may be commenced later than three years after the date of the violation giving rise to the right of action. In any such action the court may award to the prevailing party, in addition to costs and disbursements, reasonable attorney fees at trial and appeal.

(2) In any action under subsection (1) of this section, if the court finds that the respondent has violated this chapter or any rule adopted under this chapter, it may award damages up to and including an amount equal to the amount of actual damages, or statutory damages of five hundred dollars per plaintiff per violation, whichever is greater, or other equitable relief.

(3) Without regard to any other remedy otherwise provided in this chapter, any person having a claim against the farm labor contractor for any violation of this chapter may bring suit upon the surety bond or security deposit filed by the contractor pursuant to RCW 19.30.040, in any court of competent jurisdiction of the county in which the claim arose, or in which either the claimant or contractor resides. An action upon the bond or security deposit shall be commenced by serving and filing the complaint within three years from the date of expiration or cancellation of the bond, or in the case of a security deposit, within three years of the date of the expiration or revocation of the license. A copy of the complaint in any such action shall be served upon the director at the time of commencement of the action and the director shall maintain a record, available for public inspection, of all suits so commenced. Such service shall constitute service on the farm labor contractor and the surety for suit upon the bond and the director shall transmit the complaint or a copy thereof to the contractor at the address listed in his or her application and to the surety within forty-eight hours after it has been received. The surety upon the bond may, upon notice to the director and the parties, tender to the clerk of the court having jurisdiction of the action an amount equal to the claims thereunder or the amount of the bond less the amount of judgments, if any, previously satisfied therefrom and to the extent of such tender the surety upon the bond shall be exonerated. A claimant against the bond or security deposit shall be entitled to damages under subsection (2) of this section. If the actions commenced and pending at any one time exceed the amount of the bond then unimpaired, the claims shall be satisfied from the bond in the following order:

(a) Wages, including employee benefits;

(b) Damages imposed under subsection (2) of this section;

(c) Any costs and attorney's fees claimant may be entitled to recover.

If any final judgment impairs the liability of the surety upon the bond so furnished so that there is not in effect a bond undertaking in the full amount prescribed by the director, the director shall suspend the license of such contractor until the bond liability in the required amount unimpaired by unsatisfied judgment claims has been furnished. If such bond becomes fully impaired, a new bond must be furnished.

If the farm labor contractor has filed other security with the director in lieu of a surety bond, any person having an unsatisfied final judgment against the contractor for any violation

of this chapter may execute upon the security deposit held by the director by serving a certified copy of the unsatisfied final judgment by registered or certified mail upon the director. Upon the receipt of service of such certified copy, the director shall pay or order paid from the deposit, through the registry of the court which rendered judgment, towards the amount of the unsatisfied judgment. The priority of payment by the director shall be the order of receipt by the director, but the director shall have no liability for payment in excess of the amount of the deposit.

NEW SECTION. Sec. 17. The following acts or parts of acts are each repealed:

(1) Section 10, chapter 392, Laws of 1955 and RCW 19.30.100;

(2) Section 15, chapter 392, Laws of 1955, section 20, chapter 199, Laws of 1969 ex. sess. and RCW 19.30.140; and

(3) Section 8, chapter 392, Laws of 1955 and RCW 19.30.080.

NEW SECTION. Sec. 18. 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. 19. This 1985 act shall take effect January 1, 1986."

MOTIONS

On motion of Senator Bottiger, the following amendments to the Committee on Commerce and Labor amendment were considered simultaneously and adopted:

On page 5, beginning on line 28 of the amendment, after "~~deleted~~")) strike "twenty-five" and insert "(1) Thirty-five"

On page 5, line 29 of the amendment, after "dollars" insert "in the case of a farm labor contractor not engaged in forestation or reforestation, or (2) one hundred dollars in the case of a farm labor contractor engaged in forestation or reforestation"

On motion of Senator Bender, Senator Granlund was excused.

Senator Newhouse moved that the following amendment to the Committee on Commerce and Labor amendment be adopted:

On page 11, line 33, after "follows:" strike all through "(2)" on page 12, line 10

Debate ensued.

Senator Talmadge demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Newhouse to the Committee on Commerce and Labor amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Newhouse carried and the amendment to the committee amendment was adopted by the following vote: Yeas, 27; nays, 19; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Moore, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, von Reichbauer, Zimmerman - 27.

Voting nay: Senators Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Halsan, Kreidler, McDermott, McManus, Peterson, Rinehart, Talmadge, Thompson, Vognilid, Warnke, Williams, Wojahn - 19.

Absent: Senator Goltz - 1.

Excused: Senators Granlund, Owen - 2.

The President declared the question before the Senate to be adoption of the Committee on Commerce and Labor amendment, as amended.

The motion by Senator Warnke carried and the committee amendment, as amended, was adopted.

MOTIONS

On motion of Senator Warnke, the following title amendment was adopted:

On page 1, line 1 of the title, after "labor;" strike the remainder of the title and insert "amending RCW 19.30.010, 19.30.020, 19.30.030, 19.30.040, 19.30.050, 19.30.060, 19.30.070, 19.30.110, 19.30.120, and 19.30.130; adding new sections to chapter 19.30 RCW; repealing RCW 19.30.100, 19.30.140, and 19.30.080; and providing an effective date."

On motion of Senator Warnke, the rules were suspended, Engrossed Substitute House Bill No. 199, 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 Substitute House Bill No. 199, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 199, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 5; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 42.

Voting nay: Senators Barr, Benitz, Patterson, Sellar, Zimmerman - 5.

Excused: Senators Granlund, Owen - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 199, as amended by the Senate, having received the 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 House Bill No. 36 and the pending amendment by Senators McManus, Williams and Talmadge on page 3, line 7, deferred earlier today.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Deccio, the President finds that Substitute House Bill No. 36 is a measure authorizing law enforcement officers to intercept telephone communications in hostage or barricade situations.

"The amendment proposed by Senators McManus, Williams and Talmadge makes it a crime for any person, firm or corporation to intercept telephone communications between employees and customers.

"The President, therefore, finds that the proposed amendment does change 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 Talmadge, the rules were suspended, Substitute House Bill No. 36, 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. 36, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 36, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; absent, 3; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Benitz, Hansen, von Reichbauer - 3.

Excused: Senators Granlund, Owen - 2.

SUBSTITUTE HOUSE BILL NO. 36, as amended by the Senate, having received the constitutional majority, 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. 543, by Committee on Local Government (originally sponsored by Representatives Hankins, Hine, Haugen, Isaacson, Brough, Ebersole and Fisher)

Establishing uniform laws on city consolidation.

The bill was read the second time.

MOTIONS

On motion of Senator Thompson, the following Committee on Governmental Operations amendments were considered simultaneously and adopted:

On page 12, after line 34, insert the following:

*Sec. 24. Section 1, chapter 73, Laws of 1967 and RCW 35.14.010 are each amended to read as follows:

Whenever ~~((cities are consolidated or cities of the third or fourth classes are annexed pursuant to the provisions of chapter 35.10 RCW, or))~~ unincorporated territory is annexed by a city pursuant to the provisions of chapter 35.13 RCW, community municipal corporations may be organized in the manner provided for in this 1967 amendatory act for the ~~((following service areas:~~

~~(1) The entire territory within the boundaries of the least populous of two cities consolidated pursuant to chapter 35.10 RCW;~~

~~(2) The entire territory within the boundaries of any city of the third or fourth class which has become annexed to a city of the first class pursuant to chapter 35.10 RCW; and~~

~~(3) The~~) territory comprised of all or a part of an unincorporated area annexed to a city pursuant to chapter 35.13 RCW, if ~~((a))~~ (1) the service area is such as would be eligible for incorporation as a city or town or ~~((b))~~ (2) the service area has a minimum population of not less than three hundred inhabitants and ten percent of the population of the annexing city or ~~((c))~~ (3) the service area has a minimum population of not less than one thousand inhabitants.

No territory shall be included in the service area of more than one community municipal corporation. Whenever a new community municipal corporation is formed embracing all of the territory of an existing community municipal corporation, the prior existing community municipal corporation shall be deemed to be dissolved on the effective date of the new corporation.

Sec. 25. Section 2, chapter 73, Laws of 1967 and RCW 35.14.020 are each amended to read as follows:

A community municipal corporation shall be governed by a community council composed ~~((as follows:~~

~~(1) As to a service area comprising the territory within the boundaries of the least populous of two consolidated cities, the members of the city council or commission of the least populous of the two cities shall be the members of the original community council. If the voters within the service area have elected to continue the community municipal corporation in existence as provided for in RCW 35.14.060, the membership of any such subsequent council shall be the same in number as the original council and such subsequent members shall be elected to consecutively numbered positions at the continuation election from qualified electors residing within the service area;~~

~~(2) As to a service area comprising the territory within a city of the third or fourth class annexed to a city of the first class, the members of the city council or commission of the third or fourth class city shall be the members of the original community council. If the voters within the service area have elected to continue the community municipal corporation in existence as provided for in RCW 35.14.060, the membership of any such subsequent council shall be the same in number as the original council and such subsequent members shall be elected to consecutively numbered positions at the continuation election from qualified electors residing within the service area;~~

~~(3) As to a service area comprising all or part of an unincorporated area annexed to a city, the community council shall consist~~) of five members. Initial council members shall be elected concurrently with the annexation election to consecutively numbered positions from qualified electors residing within the service area. Declarations of candidacy and withdrawals shall be in the same manner as is provided for members of the city council or other legislative body of the city to which annexation is proposed. Subsequent council membership shall be the same in number as the initial council and such members shall be elected to consecutively numbered positions at the continuation election pursuant to RCW 35.14.060 from qualified electors residing within the service area.

~~((4))~~ Terms of original council members shall be coexistent with the original term of existence of the community municipal corporation and until their successors are elected and qualified. Vacancies in any council shall be filled for the remainder of the unexpired term by a majority vote of the remaining members."

Renumber the sections consecutively.

On page 5, line 1, after "The" strike all material down to and including "therein, the" on line 6

On page 16, line 13, after "disincorporation" insert "of any city, town, or special purpose district"

Senator Thompson moved that the following Committee on Governmental Operations amendments be considered simultaneously and not be adopted:

On page 4, line 5, after "board," insert "In addition to any meeting requested by the county, a boundary review board, if requested by a majority of the boundary review board members, may hold a public meeting and review and make written comments on proposed consolidation of cities. The meeting shall be limited to considering the proposed consolidation of that portion of cities located in the county which the boundary review board serves. The

comments and review of the boundary review board are supplemental and advisory to the consolidation of cities."

On page 16, beginning on line 31, strike all of section 27 and renumber the sections consecutively.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Thompson to not adopt the Committee on Governmental Operations amendments on page 4, line 5, and page 16, line 31.

The motion by Senator Thompson carried and the two Committee on Governmental Operations amendments were not adopted.

MOTIONS

On motion of Senator Thompson, the following amendments were considered simultaneously and adopted:

On page 4, line 2, after "county," strike all material down through "board," on line 5 and insert "In addition to any meeting held by the county, a boundary review board, if requested by a majority of the county legislative authority, may hold a public meeting on proposed consolidation of cities. The meeting shall be limited to receiving comments and written materials from citizens and city officials on the proposed consolidation of that portion of cities located in the county which the boundary review board serves. The record and proceedings of the boundary review board are supplemental and advisory to the consolidation of cities. If a boundary review board meets pursuant to this section, the boundary review board may include, as part of its record, comments pertaining to the probable environmental impact of the proposed consolidation. The record of the meeting and advisory comments of the board, if any, must be filed with the county legislative authority no later than twenty days before the date of the election at which the question of consolidating the cities is presented to the voters."

On page 4, line 8, after "meetings" insert "of the county or the boundary review board"

On motion of Senator Thompson, the following title amendment was adopted:

On page 1, line 3 of the title, after "35.10.331," insert "35.14.010, 35.14.020,"

On motion of Senator Thompson, the rules were suspended, Engrossed Substitute House Bill No. 543, 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. 543, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 543, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Taimadge, Thompson, Vognlild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Absent: Senator McManus - 1.

Excused: Senator Owen - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 543, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Bottiger: "Mr. President, I'm not quite sure this is a point of personal privilege or what, but we've tried to do something in this session about giving everyone notice and warning. Earlier on, Senator Vognlild put out a sheet on the attempted order that we would follow. On two consecutive bills, now, amendments were put up at the last minute, which has now generated this wait while we duplicate them. On the remaining five bills, that everybody was prewarned about, if you have your amendments and would put them up now, so they can be duplicated, the orderly process of the Senate works a lot better. If they are put up at the last minute, it is possible you know, to just run right over them. They weren't there on time and, therefore, will not be considered."

MOTION

On motion of Senator Bender, Senator McManus was excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 133, by Committee on Transportation (originally sponsored by Representatives Dellwo, Taylor, Padden, Day, Silver, Barrett and Kremen)

Revising placement restrictions and listing requirements on highway information panels.

The bill was read the second time.

MOTION

Senator Metcalf moved that the following amendment by Senators Metcalf, Zimmerman, Vognilid and Sellar be adopted:

On page 1, line 19, after "655.307(a)," insert "Signs of dimension no greater than four by eight feet may be placed adjacent to highway rights-of-way only if the signs give information about, and directions to, agricultural produce stands, recreational facilities, and tourist accommodations in the vicinity, and such signs pose no hazard."

POINT OF INQUIRY

Senator Bottiger: "Senator Metcalf, has the Federal Scenic Highway Act been amended?"

Senator Metcalf: "I do not know."

Senator Bottiger: "The Federal Scenic Highway Act specifically prohibits this and it's a condition of the receipt of federal funds to build those highways."

Senator Metcalf: "If we wanted to take a section of the highway and take it out of the Scenic Highway, then it's perfectly all right to do this, or if it's on an incorporated city, but the town of Freeland, for example, on Whidbey Island, we would have to have an amendment to take that out of the federal plan and then it would be fine. It is sort of silly to take it out when this would solve it and I don't believe a sign for bed and breakfast or a small restaurant on Whidbey Island is going to deprive the state of Washington of the federal funds."

Senator Bottiger: "I don't know--Senator Peterson or Senator Guess--it isn't depriving them, it's paying them back. If we go in violation--perhaps Senator Guess can--"

REMARKS BY SENATOR GUESS

Senator Guess: "Senator Bottiger is correct. Were we to do this, then the state of Washington would be required to pay back all of the money that we have spent on the Interstate since it started--and we can't do that. I have a copy of the sign manual upstairs that I would be happy to share with you and believe you me, you don't change that sign manual.

"A couple of years ago, I tried to get a bill through that would have permitted private citizens--not the government--to post the railroad tracks that cross diagonally across the highway and I didn't get very far, Senator. Both my wife and I got dumped on our bicycles on one of those railroad tracks and several people have been very seriously hurt down at Cheney. We went down there and posted it, but the district engineer had to pull it down. We put it back, but if the state should pass a law allowing that action, we would be deprived of all our federal funds."

POINT OF INQUIRY

Senator Deccio: "Senator Metcalf, your amendment includes the words 'agricultural produce stands.' Would this preclude directions being given for the location of wineries in eastern Washington?"

Senator Metcalf: "I think it might. If you have an oral amendment, you could change it very simply to add that, because I believe in local directional signs. I can't believe that the intent of the federal government is to exclude all local signs of all sorts. If that's their intent, adding a couple of words, Senator Deccio, would be fine, I think."

Further debate ensued.

MOTIONS

On motion of Senator Metcalf, and there being no objection, the amendment was withdrawn.

On motion of Senator Peterson, the rules were suspended, Engrossed Substitute House Bill No. 133 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. 133.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 133 and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senators Bluechel, Kreidler, Rinehart - 3.

Excused: Senators McManus, Owen - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 133, having received the constitutional majority, 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. 999, by Representatives Appelwick, Jacobsen and Cole

Providing for the allocation of funds and programs for educational clinics.

The bill was read the second time.

MOTIONS

Senator Gaspard moved that the following Committee on Education amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. It is the intent of this act to provide for an equitable distribution of funds appropriated for educational clinics, to stabilize existing programs, and to provide a system for orderly expansion or retrenchment in the event of future increases or reductions in program appropriations.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.97 RCW to read as follows:

The superintendent of public instruction shall prepare a report on educational clinics that:

(1) Identifies a funding level that is adequate to fund the enrollment served by educational clinics during the previous fiscal year;

(2) Identifies locales in the state which are served by educational clinics but where demand for educational clinic services will support additional service, and recommends the funding level necessary to serve such demand;

(3) Identifies locales in the state which are not served by educational clinics but where demand will support operation of clinics, and recommends the funding level necessary to serve such demand; and

(4) Identifies locales in the state that are either underserved or not served by existing public school programs for drop-outs or for drop-out prevention, but where demand will support such services and recommends the funding level necessary to serve such demand.

The report shall be submitted to the legislature by January 1 in the year following the effective date of this act and updates of the report shall be submitted with each biennial budget request until such time as funding levels reach the levels recommended in subsections (2) and (3) of this section.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.97 RCW to read as follows:

In allocating funds appropriated for educational clinics, the superintendent of public instruction shall:

(1) Place priority upon stability and adequacy of funding for educational clinics that have demonstrated superior performance as defined in RCW 28A.97.040(2).

(2) Initiate and maintain a competitive review process to select new or expanded clinic programs in unserved or underserved areas. The criteria for review of competitive proposals for new or expanded education clinic services shall include but not be limited to:

(a) The proposing organization shall have obtained certification from the state board of education as provided in RCW 28A.97.010;

(b) The cost-effectiveness of the proposal as judged by the criteria established in RCW 28A.97.100(1) and (2); and

(c) The availability of committed nonstate funds to support, enrich, or otherwise enhance the basic program.

(3) In selecting areas for new or expanded educational clinics programs, the superintendent of public instruction shall consider factors including but not limited to:

(a) The proportion and total number of dropouts unserved by existing clinics programs, if any;

(b) The availability within the geographic area of programs other than educational clinics which address the basic educational needs of dropouts; and

(c) Waiting lists or other evidence of demand for expanded educational clinic programs.

(4) In the event of any curtailment of services resulting from lowered legislative appropriations, the superintendent of public instruction shall issue pro rata reductions to all clinics funded at the time of the lowered appropriation. Individual clinics may be exempted from such pro rata reductions if the superintendent finds that such reductions would impair the clinic's ability to operate at minimally acceptable levels of service. In the event of such exceptions, the superintendent shall determine an appropriate rate for reduction to permit the clinic to continue operation.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.97 RCW to read as follows:

Contracts between the superintendent of public instruction and the educational clinics shall include quarterly plans which provide for relatively stable student enrollment but take into consideration anticipated seasonal variations in enrollment in the individual clinics. Funds which are not expended by a clinic during the quarter for which they were planned may be carried forward to subsequent quarters of the fiscal year. The superintendent shall make payments to the clinics on a monthly basis pursuant to RCW 28A.97.040.

Sec. 5, Section 3, chapter 341, Laws of 1977 ex. sess. and RCW 28A.97.030 are each amended to read as follows:

The superintendent of public instruction shall adopt, by rules, policies and procedures to permit a prior common school dropout to reenter at the grade level appropriate to such individual's ability: PROVIDED, That such individual shall be placed with the class he would be in had he not dropped out and graduate with that class, if his ability so permits notwithstanding any loss of credits prior to reentry and if such student earns credits at the normal rate subsequent to reentry.

Notwithstanding any other provision of law, any certified educational clinic student, upon completion of an individual student program and irrespective of age, shall be eligible to take the general educational development test as given throughout the state. Any such student who passes the general educational development test shall not be permitted to reenroll in the common school system in the state for other than vocational courses.

NEW SECTION. Sec. 6. If specific funding for the purposes of section 2 of this act, referencing this act by bill number, is not provided by the legislature by July 1, 1987, section 2 of this act shall be null and void. Section 2 of this act shall be of no effect until such specific funding is provided. If such funding is so provided, section 2 of this act shall take effect when the legislation providing the funding takes effect."

On motion of Senator Gaspard, the following amendment to the Committee on Education amendment was adopted:

On page 4, on line 14, after "follows:" insert "The superintendent shall include the educational clinics program in the biennial budget request."

On motion of Senator Goltz, the following amendment by Senators Goltz and Johnson to the Committee on Education amendment was adopted:

On page 4, after line 11 of the amendment, insert the following:

"(5) In the event that an additional clinic or clinics become certified and apply to the superintendent for funds to be allocated from a legislative appropriation which does not increase from the immediately preceding biennium, or does not increase sufficiently to allow such additional clinic or clinics to operate at minimally acceptable levels of service without reducing the funds available to previously funded clinics, the superintendent shall not provide funding for such additional clinic or clinics from such appropriation."

On motion of Senator Goltz, the following amendment to the Committee on Education amendment was adopted:

On page 6, after line 2 of the amendment, insert the following:

***NEW SECTION.** Sec. 7. Section 4(5) of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

The President declared the question before the Senate to be adoption of the Committee on Education amendment, as amended.

The motion by Senator Gaspard carried and the committee amendment, as amended, was adopted.

MOTIONS

On motion of Senator Gaspard, the following title amendments were considered simultaneously and adopted:

On page 1, line 1 of the title, after "clinics;" strike the remainder of the title and insert "amending RCW 28A.97.030; adding new sections to chapter 28A.97 RCW; and creating new sections."

On page 6, line 10 of the title amendment, strike "and creating new sections" and insert "creating new sections; and declaring an emergency"

On motion of Senator Gaspard, the rules were suspended, House Bill No. 999, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Patterson: "Senator Gaspard, can you identify the number of educational clinics that are now operating in the state that are receiving state funds-- and the location of them?"

Senator Gaspard: "I don't have that information with me, but I could get that information and send it to you in a memo, if you'd like. I can tell you what the funding is in the Senate budget that we passed. It was approximately \$2.3 million for this coming biennium."

Senator Patterson: "I guess my concern is the amendment that Senator Goltz offered and it was adopted. What we are saying is that the ones that are ongoing and the areas they are serving gives me a feeling that we may not be recognizing that there are other major urban areas in the state that could benefit by educational clinics. I'm somewhat concerned that we are being very restrictive as to the expansion of the program. I'm personally supportive of the educational clinics, but I wonder whether or not we should, at this point in time, fund just those that are in existence without recognizing that there are some other areas in the state that might like to have educational clinic money. That's the reason I raise the question."

Senator Gaspard: "Staff has been able to give me some of that information you requested. SPI reports that of the 1,113 students that were served in the 1983-84 years, there were nine educational clinics located in Snohomish, King, Pierce, Thurston, Kitsap, Yakima and Spokane counties."

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 999, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 999, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; nays, 4; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Decchio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Patterson, Peterson, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senators Craswell, Pullen, Rasmussen, Sellar - 4.

Excused: Senators McManus, Owen - 2.

HOUSE BILL NO. 999, as amended by the Senate, having received the constitutional majority, 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. 506, by Select Committee on the Clean-up and Management of Puget Sound (originally sponsored by Representatives Jacobsen, Allen, Belcher, Miller, Braddock, Long, Valle, Brough, D. Nelson, Hine, Haugen, Cole, Rust, P. King, Niemi, Schmidt, Leonard, Winsley, Appelwick, Ebersole, R. King, Locke, O'Brien, McMullen, Fisch, Lux and Zellinsky)

Establishing a Puget Sound institute.

The bill was read the second time.

MOTION

Senator Kreidler moved that the following Committee on Parks and Ecology amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. Puget Sound is a treasured resource of the state of Washington that must be protected. The citizens of the state of Washington have invested in the creation and operation of a major research and educational facility in the University of Washington, whose faculty and staff are recognized as leaders in the fields of ecology, geology, fisheries, oceanography, public policy, and other fields pertinent to understanding and managing Puget Sound. The time is propitious to form a partnership among state agencies and the University of Washington to focus the collective expertise of that great research university on the solution of those problems currently threatening the health of Puget Sound.

NEW SECTION. Sec. 2. There is created a provisional Puget Sound institute at the University of Washington, which shall be referred to in this chapter as "the institute."

NEW SECTION. Sec. 3. The provisional Puget Sound institute shall:

(1) Coordinate the University of Washington's faculty and staff expertise to assist in:

(a) The conduct of basic and applied research on Puget Sound, including studies of normal processes, living and nonliving resources, and pollution effects;

(b) The provision of undergraduate and graduate education that will continue to train students to embark upon careers in the management or regulation of Puget Sound and its resources;

(c) The provision of midcareer training for Puget Sound management or regulatory agency personnel; and

(d) The provision of outreach activities to the citizens of Washington that will continue to offer educational opportunities relating to the priceless resources of Puget Sound and to the important policy questions that surround its use and that influence its future preservation;

(2) Be the sole state and national repository for information related to Puget Sound pollution and pollution prevention activities. The institute will also develop comprehensive library holdings relating to Puget Sound and its adjacent watersheds;

(3) Cooperate with such agencies as the departments of ecology, natural resources, and fisheries in conducting research and monitoring Puget Sound;

(4) Assist the departments of ecology, natural resources, and fisheries in the provision of rapid response, including data collection and research, in the event of an unforeseen emergency that threatens Puget Sound; and

(5) Serve as a means by which to focus the collective resources of all the schools and colleges of the University of Washington on the solution of Puget Sound questions.

In prioritizing research efforts, the institute shall consider the needs of a variety of entities, including other institutions of higher education and the Puget Sound water quality authority.

NEW SECTION. Sec. 4. The provisional Puget Sound institute shall be administered by a director appointed by the president of the University of Washington.

NEW SECTION. Sec. 5. The institute shall coordinate its activities with such agencies as the department of ecology, the department of natural resources, the state department of fisheries, the United States environmental protection agency, the national oceanic and atmospheric administration, and other state agencies to avoid duplication of effort and programs.

NEW SECTION. Sec. 6. The governor, the legislature, state agencies, and the public may use the institute's research, educational, and advisory services as may be needed.

NEW SECTION. Sec. 7. The institute shall solicit private contributions from businesses and individuals to help fund its activities, and shall use previously appropriated funds of the University of Washington and existing resources as much as is possible to further the institute's activities.

NEW SECTION. Sec. 8. Sections 1 through 7 of this act shall constitute a new chapter in Title 90 RCW.

NEW SECTION. Sec. 9. By January 1, 1986, the provisional Puget Sound institute shall present to the legislature: (1) A report of its progress; and (2) a detailed plan for future activities.

NEW SECTION. Sec. 10. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Debate ensued.

POINT OF INQUIRY

Senator Goltz: "Senator Kreidler, I'm concerned about the use of the words 'sole state and national repository for information,' because I would imagine that there are other places such as the State Library and such as the Department of Ecology resource room--whatever it is called--I don't think it's called a library, but it does

seem to me to be very, very restrictive if it is the only place where this information can be found. What is the meaning of 'sole' in this case?"

Senator Kreidler: "For purposes of establishing the institute, it would essentially mean that they would be the ones who would be assured of having a copy, of having primary information and, obviously, there would be many other repositories that would exist around the state for information relating to Puget Sound, but specifically, it would address--making sure that they would have the information made available to them."

Senator Goltz: "Would it be clearer if the word was 'official' or 'primary' or some other word than 'sole'? I guess I'm concerned about the very specific meaning of the word 'sole.'"

Senator Kreidler: "I appreciate your concern, Senator, and quite honestly, Senator Goltz, my feeling is that the language accomplishes exactly what you are alluding to here. It properly safeguards that other institutions and repositories for information would be able to maintain and continue to do exactly what they are doing. This gives absolute certainty that we're going to have information made available to the institute, so it is the focal point for information relative to the Puget Sound."

Further debate ensued.

MOTION

On motion of Senator Zimmerman, the following amendment to the Committee on Parks and Ecology amendment was adopted:

On page 2, line 30, strike "sole" and insert "primary"

POINT OF INQUIRY

Senator McDermott: "Senator Kreidler, could you tell us the relationship between the Puget Sound Institute and the Puget Sound Water Quality Authority and what the ultimate fiscal note will be on this bill?"

Senator Kreidler: "The Authority would, obviously, be the body that would be encompassed in the legislation we passed that could do any amount of research, and obviously, would have records of its own. The repository for those records--the Institute--would be one that would be assured of receiving all the information. It is my understanding that the Puget Sound Water Quality Authority, as it is presently constituted, is on record of supporting this measure."

Senator McDermott: "And the fiscal note?"

Senator Kreidler: "The fiscal note is under fifty thousand dollars. In fact, it is way below fifty thousand. It is zero right now. Any future funding would constitute coming back to the legislature and appropriating funds some time in the future. At the current time, there is no obligation for the legislature for any future or present funding of the Institute. In the future, we may wish to change that and allocate funds for one reason or another, but at this time, there is no funding necessary to implement the bill."

Senator McDermott: "It is your understanding, then, that there is no intention to come back either in the next session or the next biennium asking for more money?"

Senator Kreidler: "No one ever says 'never.'"

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 Kreidler failed and the committee amendment, as amended, was not adopted on a rising tie vote with the President voting 'no.'

MOTIONS

On motion of Senator Zimmerman, Senator McCaslin was excused.

On motion of Senator Bluechel, Senator Benitz was excused.

On motion of Senator Kreidler, the rules were suspended, Engrossed Substitute House Bill No. 506 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. 506.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 506 and the bill failed to pass the Senate by the following vote: Yeas, 23; nays, 22; excused, 4.

Voting yea: Senators Bailey, Bender, Bluechel, Bottiger, Cantu, Conner, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Halsan, Johnson, Kiskaddon, Kreidler, Lee, Peterson, Rinehart, Talmadge, Thompson, von Reichbauer, Warnke, Zimmerman - 23.

Voting nay: Senators Barr, Bauer, Craswell, Deccio, Fleming, Guess, Hansen, Hayner, McDermott, McDonald, Metcalf, Moore, Newhouse, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Vognilid, Williams, Wojahn - 22.

Excused: Senators Benitz, McCaslin, McManus, Owen - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 506, having failed to receive the constitutional majority, was declared lost.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Saling served notice that he would move to reconsider the vote by which House Bill No. 999, as amended by the Senate, passed the Senate earlier today.

SECOND READING

HOUSE BILL NO. 629, by Representatives Cole, R. King, Ebersole, Scott, Betzoff, Walker, Taylor, Armstrong, Jacobsen, Basich, Unsoeld, P. King, Leonard, Long, Appelwick, Vekich, Rust, Todd, D. Nelson, Belcher and Barnes

Modifying requirements for elections for general obligation bonds for capital purposes.

The bill was read the second time.

MOTION

Senator Gaspard moved that the following Committee on Education amendment not be adopted:

On page 1, after line 27, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 29.64 RCW to read as follows:

When the official canvass of returns at any school district election reveals that a measure to levy taxes for school districts under chapter 84.52 RCW passed or failed due to a number of votes equal to one-half of one percent of the total number of votes cast on such measure, the county auditor shall direct that a recount of all votes cast on such measure be made on such measure in the manner provided in RCW 29.64.030 and 29.64.040, and the cost of such recount shall be at county expense."

The President declared the question before the Senate to be the motion by Senator Gaspard to not adopt the Committee on Education amendment.

The motion by Senator Gaspard carried and the committee amendment was not adopted.

MOTIONS

On motion of Senator Pullen, the following amendment by Senators Pullen and Gaspard was adopted:

On page 1, after line 27, insert the following:

"NEW SECTION. Sec. 2. This act shall take effect December 5, 1985, if the proposed amendment to Article VII, section 2 of the state Constitution on voting requirements (HJR 22) is validly submitted to and is approved and ratified by the voters at a general election held in November 1985. If the proposed amendment is not so approved and ratified, this act shall be null and void in its entirety."

On motion of Senator Pullen, the following title amendment was adopted:

On page 1, line 1 of the title, strike "and" and on line 2, after "84.52.056" insert "; and providing an effective date"

On motion of Senator Gaspard, the rules were suspended, House Bill No. 629, 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 House Bill No. 629, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 629, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 37; nays, 8; excused, 4.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, Moore, Patterson, Peterson, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn - 37.

Voting nay: Senators Barr, Craswell, Deccio, Metcalf, Newhouse, Pullen, Rasmussen, Zimmerman - 8.

Excused: Senators Benitz, McCaslin, McManus, Owen - 4.

HOUSE BILL NO. 629, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bottiger, Substitute House Bill No. 246, which was on the second reading calendar, was referred to the Committee on Rules.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

April 10, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3279 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 10, Laws of 1972 ex. sess. as last amended by section 1, chapter 59, Laws of 1980 and RCW 28A.27.010 are each amended to read as follows:

(1) All parents(~~guardians and the persons~~) in this state (~~having custody~~) of any child eight years of age and under (~~fifteen~~) eighteen years of age shall cause such child to attend the public school of the district in which the child resides for the full time when such school may be in session (~~or to attend a~~) unless:

(a) The child is attending an approved private school for the same time (~~unless~~) or is enrolled in an extension program as provided in RCW 28A.02.201(4);

(b) The child is receiving home-based instruction as provided in subsection (4) of this section; or

(c) The school district superintendent of the district in which the child resides shall have excused such child from attendance because the child is physically or mentally unable to attend school, is attending a residential school operated by the department of social and health services, or has been temporarily excused upon the request of his or her parents (~~guardians or persons in this state having custody of any such child~~); for purposes agreed upon by the school authorities and the parent (~~guardian or custodian~~); PROVIDED, That such excused absences shall not be permitted if deemed to cause a serious adverse effect upon the student's educational progress; PROVIDED FURTHER, That students excused for such temporary absences may be claimed as full time equivalent students to the extent they would otherwise have been so claimed for the purposes of RCW 28A.41.130 and 28A.41.140, as now or hereafter amended, and shall not affect school district compliance with the provisions of RCW 28A.58.754, as now or hereafter amended(;

All parents, guardians and other persons in this state having custody of any child fifteen years of age and under eighteen years of age shall cause such child to attend the public school of the district in which the child resides for the full time when such school may be in session or to attend a private school for the same time excepting when);

(d) The child is fifteen years of age or older and:

(i) The school district superintendent determines that such child (~~is physically or mentally unable to attend school or~~) has already attained a reasonable proficiency in the branches required by law to be taught in the first nine grades of the public schools of this state (~~or the child has been temporarily excused in accordance with this section, or~~);

(ii) The child is regularly and lawfully engaged in a useful or remunerative occupation (~~or the child is attending a residential school operated by the department of social and health services, or~~);

(iii) The child has already met graduation requirements in accordance with state board of education rules and regulations (;

(iv) The child has received a certificate of educational competence under rules and regulations established by the state board of education under RCW 28A.04.135.

(2) A parent for the purpose of this chapter means a parent, guardian, or person having legal custody of a child.

(3) An approved private (~~and/or parochial~~) school for the purposes of this (~~section~~) chapter shall be one approved under regulations established by the state board of education pursuant to RCW 28A.04.120 as now or hereafter amended.

(4) For the purposes of this chapter, instruction shall be home-based if it consists of planned and supervised instructional and related educational activities, including a curriculum and instruction in the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of an appreciation of art and music, provided for a number of hours equivalent to the total annual program hours per grade level established for approved private schools under RCW 28A.02.201 and 28A.02.240 and if such activities are:

(a) Provided by a parent who is instructing his or her child only and are supervised by a certificated person. A certificated person for purposes of this chapter shall be a person certified under chapter 28A.70 RCW. For purposes of this section, "supervised by a certificated person" means: The planning by the certificated person and the parent of objectives consistent with this subsection; a minimum each month of an average of one contact hour per week with the child being supervised by the certificated person; and evaluation of such child's progress by the certificated person. The number of children supervised by the certificated person shall not exceed thirty for purposes of this subsection; or

(b) Provided by a parent who is instructing his or her child only and who has either earned forty-five college level quarter credit hours or its equivalent in semester hours or has completed a course in home-based instruction at a postsecondary institution or a vocational-technical institute; or

(c) Provided by a parent who is deemed sufficiently qualified to provide home-based instruction by the superintendent of the local school district in which the child resides.

(5) The legislature recognizes that home-based instruction is less structured and more experiential than the instruction normally provided in a classroom setting. Therefore, the provisions of subsection (4) of this section relating to the nature and quantity of instructional and related educational activities shall be liberally construed.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.27 RCW to read as follows:

Each parent whose child is receiving home-based instruction under RCW 28A.27.010(4) shall have the duty to:

(1) File annually a signed declaration of intent that he or she is planning to cause his or her child to receive home-based instruction. The statement shall include the name and age of the child, shall specify whether a certificated person will be supervising the instruction, and shall be written in a format prescribed by the superintendent of public instruction. Each parent shall file the statement by September 15 of the school year or within two weeks of the beginning of any public school quarter, trimester, or semester with the superintendent of the public school district within which the parent resides;

(2) Ensure that test scores or annual academic progress assessments and immunization records, together with any other records that are kept relating to the instructional and educational activities provided, are forwarded to any other public or private school to which the child transfers. At the time of a transfer to a public school, the superintendent of the local school district in which the child enrolls may require a standardized achievement test to be administered and shall have the authority to determine the appropriate grade and course level placement of the child after consultation with parents and review of the child's records; and

(3) Ensure that a standardized achievement test approved by the state board of education is administered annually to the child by a qualified individual or that an annual assessment of the student's academic progress is written by a certificated person who is currently working in the field of education. The standardized test administered or the annual academic progress assessment written shall be made a part of the child's permanent records. If, as a result of the annual test or assessment, it is determined that the child is not making reasonable progress consistent with his or her age or stage of development, the parent shall make a good faith effort to remedy any deficiency.

Failure of a parent to comply with the duties in this section shall be deemed a failure of such parent's child to attend school without valid justification under RCW 28A.27.020. Parents who do comply with the duties set forth in this section shall be presumed to be providing home-based instruction as set forth in RCW 28A.27.010(4).

NEW SECTION. Sec. 3. A new section is added to chapter 28A.27 RCW to read as follows:

The state hereby recognizes that parents who are causing their children to receive home-based instruction under RCW 28A.27.010(4) shall be subject only to those minimum state laws and regulations which are necessary to insure that a sufficient basic educational opportunity is provided to the children receiving such instruction. Therefore, all decisions relating to philosophy or doctrine, selection of books, teaching materials and curriculum, and methods, timing,

and place in the provision or evaluation of home-based instruction shall be the responsibility of the parent except for matters specifically referred to in this chapter.

Sec. 4. Section 2, chapter 92, Laws of 1974 ex. sess. as last amended by section 1, chapter 56, Laws of 1983 and RCW 28A.02.201 are each amended to read as follows:

The legislature hereby recognizes that private schools should be subject only to those minimum state controls necessary to insure the health and safety of all the students in the state and to insure a sufficient basic education to meet usual graduation requirements. The state, any agency or official thereof, shall not restrict or dictate any specific educational or other programs for private schools except as hereinafter in this section provided.

Principals of private schools or superintendents of private school districts shall file each year with the state superintendent of public instruction a statement certifying that the minimum requirements hereinafter set forth are being met, noting any deviations. After review of the statement, the state superintendent will notify schools or school districts of those deviations which must be corrected. In case of major deviations, the school or school district may request and the state board of education may grant provisional status for one year in order that the school or school district may take action to meet the requirements. Minimum requirements shall be as follows:

(1) The minimum school year shall be the same as that required of public schools in RCW 28A.01.025 as now or hereafter amended.

(2) The length of the school day shall be the same as that required of public schools in RCW 28A.01.010 and 28A.58.754, each as now or hereafter amended, except that the percentages of total program hour offerings as prescribed in RCW 28A.58.754 for basic skills, work skills, and optional subjects and activities shall not apply to private schools or private sectarian schools.

(3) All classroom teachers shall hold appropriate Washington state certification except as follows:

(a) Teachers for religious courses or courses for which no counterpart exists in public schools shall not be required to obtain a state certificate to teach those courses.

(b) In exceptional cases, people of unusual competence but without certification may teach students so long as a certified person exercises general supervision. Annual written statements shall be submitted to the office of the superintendent of public instruction reporting and explaining such circumstances.

(4) An approved private school may operate an extension program for parents, guardians, or persons having legal custody of a child to teach children in their custody. The extension program shall require at a minimum that:

(a) The parent, guardian, or custodian be under the supervision of an employee of the approved private school who is certified under chapter 28A.70 RCW;

(b) The planning by the certified person and the parent, guardian, or person having legal custody include objectives consistent with this subsection and subsections (1), (2), (5), (6), and (7) of this section;

(c) The certified person spend a minimum average each month of one contact hour per week with each student under his or her supervision who is enrolled in the approved private school extension program;

(d) Each student's progress be evaluated by the certified person; and

(e) The certified employee shall not supervise more than thirty students enrolled in the approved private school's extension program.

(5) Appropriate measures shall be taken to safeguard all permanent records against loss or damage.

((5)) (6) The physical facilities of the school or district shall be adequate to meet the program offered by the school or district: PROVIDED, That each school building shall meet reasonable health and fire safety requirements. A residential dwelling of the parent, guardian, or custodian shall be deemed to be an adequate physical facility when a parent, guardian, or person having legal custody is instructing his or her child under subsection (4) of this section.

((6)) (7) Private school curriculum shall include instruction of the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of appreciation of art and music, all in sufficient units for meeting state board of education graduation requirements.

((7)) (8) Each school or school district shall be required to maintain up-to-date policy statements related to the administration and operation of the school or school district.

All decisions of policy, philosophy, selection of books, teaching material, curriculum, except as in subsection ((6)) (7) above provided, school rules and administration, or other matters not specifically referred to in this section, shall be the responsibility of the administration and administrators of the particular private school involved.

Sec. 5. Section 4, chapter 217, Laws of 1969 ex. sess. as last amended by section 8, chapter 359, Laws of 1977 ex. sess. and RCW 28A.41.145 are each amended to read as follows:

(1) For purposes of this section, the following definitions shall apply:

(a) "Private school student" shall mean any student enrolled full time in a private (~~or private sectarian~~) school:

(b) "School" shall mean any primary, secondary or vocational school;

(c) "School funding authority" shall mean any nonfederal governmental authority which provides moneys to common schools;

(d) "Part time student" shall mean and include: Any student enrolled in a course of instruction in a private ((~~or private sectarian~~)) school and taking courses at and/or receiving ancillary services offered by any public school not available in such private ((~~or private sectarian~~)) school ((~~district and~~)); or any student who is not enrolled in a private school and is receiving home-based instruction under RCW 28A.27.010 which instruction includes taking courses at or receiving ancillary services from the local school district or both; or any student involved in any work training program and taking courses in any public school, which work training program is approved by the school board of the district in which such school is located.

(2) The board of directors of any school district is authorized and, in the same manner as for other public school students, shall permit the enrollment of and provide ancillary services for part time students(~~(- including (a) the part time enrollment of students involved in any work training program and desirous of taking courses within the district upon the school board's approval of any such work training program and (b) the part time enrollment of any private school student in any school within the district for the purpose of attending a class or classes or a course of instruction if the class, classes, or course of instruction for which the private school student requests enrollment, are unavailable to the student in the private school in which the student is regularly enrolled)~~); PROVIDED, That this section shall only apply to part time students who would be otherwise eligible for full time enrollment in the school district.

(3) The superintendent of public instruction shall recognize the costs to each school district occasioned by enrollment of and/or ancillary services provided for part time students authorized by subsection (2) of this section and shall include such costs in the distribution of funds to school districts pursuant to RCW 28A.41.140. Each school district shall be reimbursed for the costs or a portion thereof, occasioned by attendance of and/or ancillary services provided for part time students on a part time basis, by the superintendent of public instruction, according to law.

(4) Each school funding authority shall recognize the costs occasioned to each school district by enrollment of and ancillary services provided for part time students authorized by subsection (2) of this section, and shall include said costs in funding the activities of said school districts.

(5) The superintendent of public instruction is authorized to adopt rules and regulations to carry out the purposes of RCW 28A.41.140 and 28A.41.145.

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.*

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

Senator Gaspard moved that the Senate do concur in the House amendment to Substitute Senate Bill No. 3279.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Gaspard that the Senate do concur in the House amendment to Substitute Senate Bill No. 3279.

The motion by Senator Gaspard carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 3279.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3279, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3279, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 34; nays, 11; absent, 1; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Deccio, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McDonald, Moore, Newhouse, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn - 34.

Voting nay: Senators Benitz, Craswell, DeJarnatt, Fleming, Granlund, Kreidler, McDermott, Metcalf, Pullen, Williams, Zimmerman - 11.

Absent: Senator Patterson - 1.

Excused: Senators McCaslin, McManus, Owen - 3.

SUBSTITUTE SENATE BILL NO. 3279, 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

April 9, 1985

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3450 with the following amendment:

On page 3, line 27, after "employees" insert "while engaged in their employment".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 3450.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3450, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3450, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 34; nays, 12; excused, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McDonald, Metcalf, Moore, Newhouse, Peterson, Rasmussen, Saling, Stratton, Talmadge, Thompson, Vogt, von Reichbauer, Warnke, Zimmerman - 34.

Voting nay: Senators Craswell, Fleming, Garrett, Guess, Kiskaddon, McDermott, Patterson, Pullen, Rinehart, Sellar, Williams, Wojahn - 12.

Excused: Senators McCaslin, McManus, Owen - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3450, 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

April 11, 1985

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 3627 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) Prior to December 31, 1986, the commissioner may suspend the provisions of RCW 50.20.015(2) if the commissioner determines with respect to an individual claimant that a reasonable application of that subsection is precluded (a) by a condition of economic distress as defined in section 2 of this act; or (b) in an occupation in which governmental action prohibits the normal activities in such occupation. The commissioner shall adopt rules to implement the work search policy of the department for all claimants identified by this section. Factors to be considered in developing the policy shall include occupation of the claimant, employment conditions within the claimant's industry, labor market demand, length and frequency of unemployment of the claimant, and the potential for return to work at his or her previous employment. Claimant work search activities shall be conducted in accordance with the rules adopted under this section.

(2) The commissioner shall submit a report to the committees on commerce and labor of the senate and the house of representatives describing those conditions of economic distress identified under subsection (1) (a) or (b) of this section which preclude application of RCW 50.20.015(2). The report shall be filed within one week of the date that the suspension is made.

NEW SECTION. Sec. 2. For the purposes of section 1 of this act, a condition of economic distress exists when:

(1) A county has an unemployment rate that is twenty percent or more above the state-wide average for the previous three years;

(2) A labor market area has experienced a sudden and severe loss of employment as defined by the commissioner;

(3) A labor market area contains a distressed industry; or

(4) The commissioner determines that the circumstances of the individual claimant meet the intent of this section.

Sec. 3. Section 9, chapter 205, Laws of 1984 and RCW 50.20.015 are each amended to read as follows:

(1) If the product of an otherwise eligible individual's weekly benefit amount multiplied by thirteen is greater than the total amount of wages earned in ~~((the state of Washington))~~ covered employment in the higher of two corresponding calendar quarters included within the individual's determination period, that individual shall be considered to have marginal labor force attachment. However, the individual shall not be considered to have marginal labor force attachment if he or she had no wages or reduced wages in either of such two corresponding calendar quarters because of illness or disability sufficient to have resulted in a finding of marginal attachment, or because such individual's first wages in covered employment were earned after the fifth completed calendar quarter of the individual's determination period. For the purposes of this subsection and RCW 50.29.020, "determination period" means the first eight of the last nine completed calendar quarters immediately preceding the individual's current benefit year.

(2) With respect to new claims for benefits filed on or after July 1, 1985, in addition to any other requirements established under this chapter which are not inconsistent with (a) through (f) of this subsection, if a determination is made under subsection (1) of this section that an individual has marginal labor force attachment, the following provisions shall apply to benefits payable to such individuals under this chapter:

(a) Payment of benefits under this chapter shall not be made to any individual for any week of unemployment:

(i) During which he or she fails to accept any offer of suitable work, as defined in subsection (2)(c) of this section, or fails to apply for any suitable work to which he or she was referred by the department; or

(ii) During which he or she fails to actively engage in seeking work.

(b) If any individual is ineligible for benefits for any week by reason of a failure described in subsection (2)(a)(i) ~~((or (2)(a)(ii)))~~ of this section, the individual shall be ineligible to receive benefits for any week which begins during a period which:

(i) Begins with the week following the week in which such failure occurs; and

(ii) Does not end until such individual has obtained bona fide work and earned wages of not less than his or her suspended weekly benefit amount in each of five calendar weeks.

(c) For purposes of this section, the term "suitable work" means, with respect to any individual, any work which is within such individual's capabilities and which does not involve conditions described in RCW 50.20.110.

(d) Benefits shall not be denied under subsection (2)(a)(i) of this section to any individual for any week by reason of a failure to accept an offer of, or apply for, suitable work if:

(i) The gross average weekly remuneration payable to such individual for the position does not exceed the sum of:

(A) The individual's weekly benefit amount, as determined under RCW 50.20.120, for his or her benefit year; plus

(B) The amount (if any) of supplemental unemployment compensation benefits (as defined in section 501(c)(17)(D) of the Internal Revenue Code of 1954, 26 U.S.C. Sec. 501(c)(17)(D)), payable to such individual for such week;

(ii) The position was not offered to such individual in writing and was not listed with the department;

(iii) Such failure would not result in a denial of benefits under the provisions of RCW 50.20.080 and 50.20.100 to the extent such provisions are not inconsistent with the provisions of subsections (2)(c) and (2)(e) of this section; or

(iv) The position pays wages less than the higher of:

(A) The minimum wage provided by section (6)(a)(1) of the Fair Labor Standards Act of 1938, without regard to any exemption; or

(B) Any applicable state or local minimum wage.

(e) For purposes of this section, an individual shall be treated as actively engaged in seeking work during any week if:

(i) The individual has engaged in a systematic and sustained effort to obtain work during such week, which has included at least five employer contacts: PROVIDED, That if the department determines that economic conditions within a designated labor market area make it unlikely that individuals will be able to fulfill the requirement of five employer contacts per week, then the department shall designate an appropriate number of required contacts for individuals within such labor market area: PROVIDED FURTHER, That if the department makes such a determination, then it shall report the determination, the newly-established number of employer contacts required within the designated labor market area, and supporting documentation for these actions, to the governor and the respective chairpersons of the house committee on labor and the senate committee on commerce and labor;

(ii) The individual provides tangible evidence to the department that he or she has engaged in such an effort during such week. Such evidence shall include information supplied by the individual on forms developed by the department which also provide for employer

signature to verify work search contacts and comments regarding the individual's preparedness for immediate work.

(f) The department shall refer applicants to any suitable work to which subsections (2)(d)(i) through (2)(d)(iv) of this section would not apply. To the extent possible, the department shall provide each applicant with five referrals each week. A referral shall serve as one of the employer contacts required in subsection (2)(e)(i) of this section.

(3) This section shall not apply to an individual who earned wages in covered employment in at least eighty hours in each calendar quarter of the individual's base period, nor shall it apply to an individual who during the first half of the determination period performed work and earned wages for services not considered to be covered employment in Washington.

NEW SECTION. Sec. 4. Sections 1 and 2 of this act are each added to chapter 50.20 RCW.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

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 July 1, 1985."

On page 1, line 2 of the title, after "attachment;" strike all material through "RCW;" on line 3 of the title and insert "amending RCW 50.20.015: adding new sections to chapter 50.20 RCW;"

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Warnke, the Senate concurred in the House amendments to Engrossed Senate Bill No. 3627.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3627, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3627, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; nays, 2; absent, 1; excused, 3.

Voting yea: Senators Batley, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, Metcalf, Moore, Newhouse, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senators Craswell, Deccio - 2.

Absent: Senator Patterson - 1.

Excused: Senators McCaslin, McManus, Owen - 3.

ENGROSSED SENATE BILL NO. 3627, 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 Zimmerman, Senator Patterson was excused.

MESSAGE FROM THE HOUSE

April 11, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3342 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 55, Laws of 1933 as last amended by section 1, chapter 132, Laws of 1982 and RCW 67.16.010 are each amended to read as follows:

Unless the context otherwise requires, words and phrases as used herein shall mean:

"Commission" shall mean the Washington horse racing commission, hereinafter created.

"Person" shall mean and include individuals, firms, corporations and associations.

"Race meet" shall mean and include any exhibition of thoroughbred, quarter horse, paint horse, appaloosa horse racing, arabian horse racing, or standard bred harness horse racing, where the parimutuel system is used.

Singular shall include the plural, and the plural shall include the singular; and words importing one gender shall be regarded as including all other genders.

Sec. 2. Section 4, chapter 55, Laws of 1933 as amended by section 1, chapter 32, Laws of 1982 and RCW 67.16.020 are each amended to read as follows:

It shall be the duty of the commission, as soon as it is possible after its organization, to prepare and promulgate a complete set of rules and regulations to govern the race meets in this state. It shall determine and announce the place, time and duration of race meets for which license fees are exacted; and it shall be the duty of each person holding a license under the authority of this chapter, and every owner, trainer, jockey, and attendant at any race course in this state, to comply with all rules and regulations promulgated and all orders issued by the commission. It shall be unlawful for any person to hold any race meet without having first obtained and having in force and effect a license issued by the commission as in this chapter provided; and it shall be unlawful for any owner, trainer or jockey to participate in race meets in this state without first securing a license therefor from the state racing commission, the fee for which shall be set by the commission which shall offset the cost of administration and shall not be for a period ~~((of more than two))~~ exceeding three years.

Sec. 3. Section 6, chapter 55, Laws of 1933 as last amended by section 2, chapter 32, Laws of 1982 and RCW 67.16.050 are each amended to read as follows:

Every person making application for license to hold a race meet, under the provisions of this chapter shall file an application with the commission which shall set forth the time, the place, the number of days such meet will continue, and such other information as the commission may require. The commission shall be the sole judge of whether or not the race meet shall be licensed and the number of days the meet shall continue. No person who has been convicted of any crime involving moral turpitude shall be issued a license, nor shall any license be issued to any person who has violated the terms or provisions of this chapter, or any of the rules and regulations of the commission made pursuant thereto, or who has failed to pay to the commission any or all sums required under the provisions of this chapter. The license shall specify the number of days the race meet shall continue and the number of races per day, which shall be not less than six nor more than ~~((ten))~~ eleven, and for which a fee shall be paid daily in advance of five hundred dollars for each day for those meets which had gross receipts from parimutuel machines in excess of fifty million dollars in the previous year and two hundred dollars for each day for meets which had gross receipts from parimutuel machines at or below fifty million dollars in the previous year; in addition any newly authorized race meets shall pay two hundred dollars per day for the first year: PROVIDED, That if unforeseen obstacles arise, which prevent the holding, or completion of any race meet, the license fee for the meet, or for a portion which cannot be held may be refunded the licensee, if the commission deems the reasons for failure to hold or complete the race meet sufficient. Any unexpired license held by any person who violates any of the provisions of this chapter, or any of the rules or regulations of the commission made pursuant thereto, or who fails to pay to the commission any and all sums required under the provisions of this chapter, shall be subject to cancellation and revocation by the commission. Such cancellation shall be made only after a summary hearing before the commission, of which three days' notice, in writing, shall be given the licensee, specifying the grounds for the proposed cancellation, and at which hearing the licensee shall be given an opportunity to be heard in opposition to the proposed cancellation.

Sec. 4. Section 7, chapter 55, Laws of 1933 as amended by section 1, chapter 31, Laws of 1979 and RCW 67.16.060 are each amended to read as follows:

(1) It shall be unlawful:

- (a) To conduct pool selling, bookmaking, or to circulate hand books; or
- (b) To bet or wager on any horse race other than by the parimutuel method; or
- (c) For any licensee to take more than the percentage provided in RCW 67.16.170; or
- (d) For any licensee to compute breaks in the parimutuel system otherwise than at ~~((five))~~ ten cents.

(2) Any willful violation of the terms of this chapter, or of any rule, regulation, or order of the commission shall constitute a gross misdemeanor and when such violation is by a person holding a license under this chapter, the commission may cancel the license held by the offender, and such cancellation shall operate as a forfeiture of all rights and privileges granted by the commission and of all sums of money paid to the commission by the offender; and the action of the commission in that respect shall be final.

(3) The commission shall have power to exclude from any and all race courses of the state of Washington any person whom the commission deems detrimental to the best interests of racing or any person who willfully violates any of the provisions of this chapter or of any rule, regulation, or order issued by the commission.

(4) Every race meet held in this state contrary to the provisions of this chapter is hereby declared to be a public nuisance.

Sec. 5. Section 4, chapter 236, Laws of 1949 as last amended by section 3, chapter 132, Laws of 1982 and RCW 67.16.090 are each amended to read as follows:

In any race meet in which quarter horses, thoroughbred horses, appaloosa horses, ~~stand-~~ bred harness horses, paint horses, or arabian horses participate ~~((only horses of the same breed shall be allowed to compete in any individual race))~~ horses of different breeds may be allowed to compete in the same race if such mixed races are so designated in the racing conditions.

Sec. 6. Section 1, chapter 16, Laws of 1980 and RCW 67.16.100 are each amended to read as follows:

In addition to the license fees required by this chapter, the licensee shall pay to the commission the percentages of the gross receipts of all parimutuel machines at each race meet in accordance with RCW 67.16.105, which sums shall be paid daily to the commission.

All sums paid to the commission, together with all sums collected for license fees under the provisions of this chapter, shall be disposed of by the commission as follows: Twenty-two percent thereof shall be retained by the commission for the payment of the salaries of its members, secretary, clerical, office, and other help and all expenses incurred in carrying out the provisions of this chapter. No salary, wages, expenses, or compensation of any kind shall be paid by the state in connection with the work of the commission. ((Of the remaining eighty percent, forty-seven)) Forty percent shall, on the next business day following the receipt thereof, be paid to the state treasurer to be deposited in the general fund, and three percent shall, on the next business day following the receipt thereof, be paid to the state treasurer, who is hereby made ex officio treasurer of a fund to be known as the "state trade fair fund" which shall be maintained as a separate and independent fund, and made available to the director of commerce and economic development for the sole purpose of assisting state trade fairs. ((The remaining)) Thirty-five percent shall be paid to the state treasurer, who is hereby made ex officio treasurer of a fund to be known as the "fair fund," which shall be maintained as a separate and independent fund outside of the state treasury, and made available to the director of agriculture for the sole purpose of assisting fairs in the manner provided in Title 15 RCW. Any moneys collected or paid to the commission under the terms of this chapter and not expended at the close of the fiscal biennium shall be paid to the state treasurer and be placed in the general fund. The commission may, with the approval of the office of financial management, retain any sum required for working capital.

Sec. 7. Section 6, chapter 31, Laws of 1979 as amended by section 3, chapter 32, Laws of 1982 and RCW 67.16.105 are each amended to read as follows:

~~((1) For race meets which have gross receipts of all parimutuel machines averaging more than five hundred thousand dollars for each authorized day of racing, the licensee shall pay to the commission daily four and one-half percent of the gross receipts up to the first five hundred thousand dollars of all parimutuel machines at each race meet. All receipts in excess of five hundred thousand dollars shall be paid daily at the rate of five percent.~~

~~((2) For race meets which have gross receipts of all parimutuel machines from four hundred thousand one dollars to five hundred thousand dollars for each authorized day of racing, the licensee shall pay to the commission daily four percent of the gross receipts of all parimutuel machines at each race meet.~~

~~((3) For race meets which have gross receipts of all parimutuel machines from three hundred thousand one dollars to four hundred thousand dollars for each authorized day of racing, the licensee shall pay to the commission daily three and one-half percent of the gross receipts of all parimutuel machines at each race meet.~~

~~((4) For race meets which have gross receipts of all parimutuel machines from two hundred fifty thousand one dollars to three hundred thousand dollars for each authorized day of racing, the licensee shall pay to the commission daily three percent of the gross receipts of all parimutuel machines at each race meet.~~

~~((5) For race meets which have gross receipts of all parimutuel machines from two hundred thousand dollars to two hundred fifty thousand dollars for each authorized day of racing, the licensee shall pay to the commission daily two percent of the gross receipts of all parimutuel machines at each race meet.~~

~~((6) For race meets which have gross receipts of all parimutuel machines less than two hundred thousand dollars for each authorized day of racing, the licensee shall pay to the commission daily one percent of the gross receipts of all the parimutuel machines at each race meet.)) The licensee shall pay to the commission daily for each authorized day of racing the following applicable percentage of all daily gross receipts from all parimutuel machines at each race meet:~~

~~(1) One-half percent of the daily gross receipts, if the daily gross receipts are two hundred thousand dollars or less;~~

~~(2) One percent of the daily gross receipts, if the daily gross receipts are two hundred thousand one dollars to four hundred thousand dollars; and~~

~~(3) Four percent of the daily gross receipts if the daily gross receipts are four hundred thousand one dollars or more.~~

Sec. 8. Section 2, chapter 94, Laws of 1969 ex. sess. as last amended by section 4, chapter 32, Laws of 1982 and RCW 67.16.130 are each amended to read as follows:

(1) Notwithstanding any other provision of law or of chapter 67.16 RCW, the commission may license race meets which are nonprofit in nature, of ten days or less, and which have an average daily handle of one hundred twenty thousand dollars or less, at a daily licensing fee of ten dollars ~~((and a payment to the commission of one percent of the gross receipts of all parimutuel pools during such race meet)),~~ and the sponsoring nonprofit association shall be exempt from any other fees as provided for in chapter 67.16 RCW or by rule or regulation of

the commission: PROVIDED, That the commission on or after January 1, 1971 may deny the application for a license to conduct a racing meet by a nonprofit association, if same shall be determined not to be a nonprofit association by the Washington state racing commission.

(2) Notwithstanding any other provision of law or of chapter 67.16 RCW the licensees of race meets which are nonprofit in nature, of ten days or less, and which have an average daily handle of one hundred twenty thousand dollars or less, shall ~~((be permitted to retain fourteen percent of the gross receipts of all parimutuel pools during such race meet, except that exotic races at such meets shall be permitted to retain an additional one percent of the gross receipts of all parimutuel pools during such exotic races with the additional retained amount used for Washington bred breeder awards, not to exceed twenty percent of the winner's share of the purse. Any portion of the remainder of the one percent may be used to support the general purse structure of the race meet, except that all such increased revenue to the licensee to be used for purses will be in addition to and will not supplant the customary purse structure between racetracks and participating horsemen. As used in this section, "exotic races" means daily doubles, quinellas, trifectas, and exactas. Exotic races are subject to the approval of the commission))~~ withhold and shall pay daily to the commission the percentages authorized by RCW 67.16.105, 67.16.170, and 67.16.175.

(3) Notwithstanding any other provision of law or of chapter 67.16 RCW or any rule promulgated by the commission, no license for a race meet which is nonprofit in nature, of ten days or less, and which has an average daily handle of one hundred twenty thousand dollars or less, shall be denied for the reason that the applicant has not installed an electric parimutuel tote board.

(4) As a condition to the reduction in fees as provided for in subsection (1) hereof, all fees charged to horse owners, trainers, or jockeys, or any other fee charged for a permit incident to the running of such race meet shall be retained by the commission as reimbursement for its expenses incurred in connection with the particular race meet.

Sec. 9. Section 5, chapter 31, Laws of 1979 as amended by section 1, chapter 228, Laws of 1983 and RCW 67.16.170 are each amended to read as follows:

~~((1))~~ Race meets which have gross receipts of all parimutuel machines ((averaging more than five hundred thousand dollars)) for each authorized day of racing may retain the following from the daily gross receipts of all parimutuel machines:

~~((a))~~ From the first five hundred thousand dollars (1) On a daily handle of two hundred thousand dollars or less, the licensee ((may)) shall retain ((ten and one-half)) fourteen and one-half percent of such gross receipts; ((and

~~((b))~~ From any amount above the first five hundred thousand dollars (2) On a daily handle of two hundred thousand one dollars to four hundred thousand dollars, the licensee shall retain fourteen percent of such gross receipts; and

~~((c))~~ On a daily handle of four hundred thousand one dollars or more, the licensee ((may)) shall retain ((ten)) eleven percent of such gross receipts.

~~((2))~~ Race meets which have gross receipts of all parimutuel machines from four hundred thousand one dollars to five hundred thousand dollars for each authorized day of racing may retain eleven percent from such gross receipts of any parimutuel machine.

~~((3))~~ Race meets which have gross receipts of all parimutuel machines from three hundred thousand one dollars to four hundred thousand dollars for each authorized day of racing may retain eleven and one-half percent from such gross receipts of any parimutuel machine.

~~((4))~~ Race meets which have gross receipts of all parimutuel machines from two hundred fifty thousand one dollars to three hundred thousand dollars for each authorized day of racing may retain twelve percent from such gross receipts of any parimutuel machine.

~~((5))~~ Race meets which have gross receipts of all parimutuel machines from two hundred thousand dollars to two hundred fifty thousand dollars for each authorized day of racing may retain thirteen percent from such gross receipts of any parimutuel machine.

~~((6))~~ Race meets which have gross receipts of all parimutuel machines less than two hundred thousand dollars for each authorized day of racing may retain fourteen percent from such gross receipts of any parimutuel machine.

~~((7))~~ Of the amounts retained in subsections (1) through (6) of this section, at least one-half of one percent shall be utilized to support the general purse structure of the race meet, except that all such increased revenue to the licensee to be utilized for purses will be in addition to and will not supplant the customary purse structure between race tracks and participating horsemen. An additional one-half of one percent shall be utilized for maintenance of the running surface, parking areas, and training and barn facilities. Any portion of the percentage for maintenance not necessary for such purposes may be utilized to support the general purse structure of the race meet.))

Sec. 10. Section 1, chapter 135, Laws of 1981 and RCW 67.16.175 are each amended to read as follows:

~~((1))~~ (1)(a) Of the daily gross receipts of all parimutuel machines from wagers on exotic races ((after May 12, 1981, an additional one)) two and one-half percent on races requiring two selections and three and one-half percent on races requiring three or more selections shall be

retained and be forwarded to the state treasurer daily and deposited in the general fund of the state.

(b) In addition to the amounts authorized to be retained in RCW 67.16.170, race meets may retain an additional ~~((two))~~ three percent of the daily gross receipts of all parimutuel machines from wagers on exotic races requiring two selections to be used as provided in subsection ~~((s))~~ (2) ~~((and (3)))~~ of this section.

~~((2))~~ ~~Of the amounts retained under subsection (1)(b) of this section for race meets, those race meets which have gross receipts of all parimutuel machines averaging more than five hundred thousand dollars for each authorized day of racing:~~

~~(a) Fifty-six percent shall be used for Washington bred breeder awards, not to exceed twenty percent of the winner's share of the purse:~~

~~(b) Forty-four percent, not to exceed two thousand five hundred dollars per racing day, shall be used for capital improvements, including but not limited to the running surface, parking area, and training and barn and backstretch facilities:~~

~~(c) Any portion of the remaining two percent may be used to support the general purse structure of the race meet, except that all such increased revenue to the licensee to be used for purses will be in addition to and will not supplant the customary purse structure between race tracks and participating horsemen:~~

~~(3) Of the amounts retained in subsection (1)(b) of this section for race meets, those race meets which have gross receipts of all parimutuel machines averaging five hundred thousand dollars or less for each authorized day of racing:~~

~~(a) Forty-five percent shall be used for Washington bred breeder awards, not to exceed twenty percent of the winner's share of the purse:~~

~~(b) Any portion of the remaining two percent may be used to support the general purse structure of the race meet, except that all such increased revenue to the licensee to be used for purses will be in addition to and will not supplant the customary purse structure between racetracks and participating horsemen:~~

~~(4) As used in this section, "exotic races" means daily doubles, quinellas, trifectas, and exactas. Exotic races are subject to the approval of the commission:))~~

(c) In addition to the amounts authorized to be retained in RCW 67.16.170, race meets may retain an additional six percent of the daily gross receipts of all parimutuel machines from wagers on exotic races requiring three or more selections to be used as provided in subsection (2) of this section.

(2) Of the amounts retained in subsection (1) (b) and (c) of this section, one percent shall be used for Washington-bred breeder awards, not to exceed twenty percent of the winner's share of the purse.

(3) Any portion of the remaining moneys retained in subsection (1) (b) and (c) of this section shall be shared equally by the race track and participating horsemen. The amount shared by participating horsemen shall be in addition to and shall not supplant the customary purse structure between race tracks and participating horsemen.

(4) As used in this section, "exotic races" means any multiple wager. Exotic races are subject to approval of the commission.

Sec. 11. Section 14, chapter 2, Laws of 1983 and RCW 67.16.180 are each amended to read as follows:

~~((1) Race meets of twenty-five days or less, which run sixty percent quarter horses and/or Appaloosa races and/or Arabian races, may retain fourteen percent from the gross receipts of any parimutuel machine, except that exotic races at such meets shall be permitted to retain an additional one percent of the gross receipts of all parimutuel pools during such exotic races with the additional retained amount used for Washington bred breeder awards, not to exceed twenty percent of the winner's share of the purse. Any portion of the remainder of the one percent may be used to support the general purse structure of the race meet, except that all such increased revenue to the licensee to be used for purses will be in addition to and will not supplant the customary purse structure between racetracks and participating horsemen. As used in this section, "exotic races" means daily doubles, quinellas, trifectas, and exactas. Exotic races are subject to the approval of the commission:~~

~~((2) For race meets of twenty-five days or less, which run sixty percent quarter horses and/or Appaloosa races and/or Arabian races, the licensee shall pay to the commission daily one percent of the gross receipts of all parimutuel machines at each race meet. Such one percent shall be paid daily:))~~

Sec. 12. Section 3, chapter 70, Laws of 1981 and RCW 67.16.190 are each amended to read as follows:

Upon written application to the commission by a licensee holding a race meet, and approval by the commission, the licensee may conduct the sale of parimutuel pools on in-state or out-of-state televised or simulcast races of ~~((the Kentucky Derby, Preakness and Belmont races))~~ national or regional interest: PROVIDED, That the sale of such parimutuel pools shall be conducted only within the enclosure of the licensee's race course and only during the conduct of a race meet in the state of Washington by said licensee.

NEW SECTION. Sec. 13. A new section is added to chapter 67.16 RCW to read as follows:

Only breeders or owners of Washington-bred horses are eligible to demand and receive a breeder's award, an owner's bonus or both. The commission shall promulgate rules and regulations to certify Washington-bred horses. In setting standards to certify horses as Washington-bred, the commission shall seek the advice of and consult with industry, including (1) the Washington Horse Breeders' Association, for thoroughbreds; (2) the Washington State Standardbred Association, for standardbred harness horses; (3) the Northern Racing Quarter Horse Association, for quarter horses; (4) the Washington State Appaloosa Racing Association, for appaloosas; and (5) the Washington State Arabian Horse Racing Association, for arabian horses.

NEW SECTION. Sec. 14. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 15. If any provisions or application of any provisions of this chapter are invalidated by a court of law, the remainder of the chapter shall not be affected."

On page 1, line 4 of the title, strike "providing an effective date";.

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator McDermott, the Senate concurred in the House amendments to Substitute Senate Bill No. 3342.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3342, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3342, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; nays, 5; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hensen, Hayner, Johnson, Kiskaddon, Lee, McDermott, Moore, Newhouse, Peterson, Pullen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn - 40.

Voting nay: Senators Kreidler, McDonald, Metcalf, Rasmussen, Zimmerman - 5.

Excused: Senators McCaslin, McManus, Owen, Patterson - 4.

SUBSTITUTE SENATE BILL NO. 3342, 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 Zimmerman, Senator von Reichbauer was excused.

MESSAGE FROM THE HOUSE

April 10, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3035 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 10, chapter 260, Laws of 1981 and RCW 46.20.055 are each amended to read as follows:

(1) Any person who is at least fifteen and a half years of age may apply to the department for an instruction permit for the operation of any motor vehicle except a motorcycle. Any person who is at least sixteen years of age may apply for an instruction permit for the operation of a motorcycle. The department may in its discretion, after the applicant has successfully passed all parts of the examination other than the driving test, issue to the applicant ~~((an))~~ a driver's or motorcyclist's instruction permit ((which shall)).

((a)) A driver's instruction permit entitles the ((applicant)) permittee while having ((such)) the permit in immediate possession to drive a motor vehicle upon the public highways for a period of one year when accompanied by a licensed driver who has had at least five years of driving experience and is occupying a seat beside the driver ((-except if the permittee is operating a motorcycle)). Except as provided in subsection (c) of this subsection, only one additional ((instruction)) permit, valid for one year, may be issued.

((b)) A motorcyclist's instruction permit entitles the permittee while having the permit in immediate possession to drive a motorcycle upon the public highways for a period of ninety

days as provided in RCW 46.20.510(3). Except as provided in subsection (c) of this subsection, only one additional permit, valid for ninety days, may be issued.

(c) The department after investigation may ~~((in its discretion))~~ issue a third driver's or motorcyclist's instruction permit ~~((where))~~ when it finds that the permittee is diligently seeking to improve driving proficiency.

(2) The department upon receiving proper application may in its discretion issue ~~((am))~~ a driver's instruction permit effective for a school semester or other restricted period to an applicant who is at least fifteen years of age and is enrolled in a traffic safety education program which includes practice driving and which is approved and accredited by the superintendent of public instruction. Such instruction permit shall entitle the permittee having the permit in immediate possession to drive a motor vehicle only when an approved instructor or other licensed driver with at least five years of driving experience, is occupying a seat beside the permittee.

(3) The department may in its discretion issue a temporary driver's permit to an applicant for a driver's license permitting the applicant to drive a motor vehicle for a period not to exceed sixty days while the department is completing its investigation and determination of all facts relative to such applicant's right to receive a driver's license. Such permit must be in the ~~((applicant's))~~ permittee's immediate possession while driving a motor vehicle, and it shall be invalid when the ~~((applicant's))~~ permittee's license has been issued or for good cause has been refused.

Sec. 2. Section 46.20.100, chapter 12, Laws of 1961 as last amended by section 146, chapter 158, Laws of 1979 and RCW 46.20.100 are each amended to read as follows:

The department of licensing shall not consider ~~((the))~~ an application of any minor under the age of eighteen years for a driver's license or the issuance of a motorcycle endorsement for a particular category unless:

(1) The application is also signed by the father or mother of the applicant, otherwise by the parent or guardian having the custody of such minor, or in the event a minor under the age of eighteen has no father, mother, or guardian, then a driver's license shall not be issued to the minor unless his or her application is also signed by ~~((his))~~ the minor's employer; and

(2) The ~~((minor))~~ applicant has satisfactorily completed a traffic safety education course as defined in RCW 46.81.010, conducted by a recognized secondary school, that meets the standards established by the office of the state superintendent of public instruction or the ~~((minor))~~ applicant has satisfactorily completed a traffic safety education course, conducted by a commercial driving instruction enterprise, that meets the standards established by the office of the superintendent of public instruction and is officially approved by that office on an annual basis: PROVIDED, HOWEVER, That the director may upon a showing that an ~~((individual))~~ applicant was unable to take or complete a driver education course waive ~~((said))~~ that requirement if the ~~((minor))~~ applicant shows to the satisfaction of the department that a need exists for ~~((him))~~ the applicant to operate a motor vehicle and he or she has the ability to operate a motor vehicle in such a manner as not to jeopardize the safety of persons or property, under rules to be promulgated by the department in concert with the supervisor of the traffic safety education section, office of the superintendent of public instruction. For a person under the age of eighteen years to obtain a motorcycle endorsement, he or she must successfully complete a motorcycle safety education course that meets the standards established by the department of licensing.

The department may waive any education requirement under this subsection for an applicant previously licensed to drive a motor vehicle or motorcycle outside this state if the applicant provides proof satisfactory to the department that he or she has had education equivalent to that required under this subsection.

Sec. 3. Section 3, chapter 77, Laws of 1982 and RCW 46.20.510 are each amended to read as follows:

(1) There shall be three categories for the special motorcycle endorsement of a driver's license. Category one shall be for motorcycles or motor-driven cycles having an engine displacement of one hundred fifty cubic centimeters or less. Category two shall be for motorcycles having an engine displacement of five hundred cubic centimeters or less. Category three shall include categories one and two, and shall be for motorcycles having an engine displacement of five hundred one cubic centimeters or more.

(2) A motorcycle endorsement issued prior to June 10, 1982, is deemed to be for category three. Thereafter, a person first seeking a motorcycle endorsement or a person seeking an endorsement to operate a motorcycle with an engine displacement of a higher category than the one covered by his or her existing endorsement, shall obtain an endorsement for the appropriate category pursuant to RCW 46.20.505 through 46.20.515.

(3) The department may issue ~~((am))~~ a motorcyclist's instruction permit to an individual who wishes to learn to ride a motorcycle or obtain an endorsement of a larger endorsement category. This permit and a valid driver's license with current endorsement, if any, shall be carried when operating a motorcycle. An individual with ~~((am))~~ a motorcyclist's instruction permit may not carry passengers, may not operate a motorcycle during the hours of darkness

or on a fully controlled, limited access facility, and shall be under the direct visual supervision of a person with a motorcycle endorsement of the appropriate category.”.

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Peterson, the Senate concurred in the House amendment to Substitute Senate Bill No. 3035.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3035, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3035, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 32; nays, 11; absent, 1; excused, 5.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McDermott, Moore, Peterson, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognil, Warnke, Williams, Wojahn - 32.

Voting nay: Senators Barr, Cantu, Craswell, Deccio, Johnson, McDonald, Metcalf, Newhouse, Pullen, Sellar, Zimmerman - 11.

Absent: Senator Benitz - 1.

Excused: Senators McCaslin, McManus, Owen, Patterson, von Reichbauer - 5.

SUBSTITUTE SENATE BILL NO. 3035, 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

April 10, 1985

Mr. President:

The House has passed SUBSTITUE SENATE BILL NO. 3302 with the following amendments:

On page 1, beginning on line 18, after "chaplain" strike all material through "agencies" on line 22

On page 2, beginning on line 2, strike all material through "duties." on line 3,

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

Senator Talmadge moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 3302.

Debate ensued.

POINT OF INQUIRY

Senator Fleming: "Senator Talmadge, what effect does the amendment dealing with the language 'removed' which prohibits volunteer chaplains from conducting religious services or religious instruction as related to the question of constitutionality, etc?"

Senator Talmadge: "The language on page 2, lines 2 and 3 of the bill said that 'volunteer chaplains shall not conduct religious services nor provide religious instruction as part of their duties.' The House felt that this language was duplicative in light of the fact that Article 1, Section 11 of the State Constitution says 'no public money or property shall be appropriated or applied to any religious worship, exercise or institution or the support of any religious establishment.' The feeling was that the constitutional prohibition was absolutely clear and the statutory language was merely a duplication of what was already in the State Constitution."

The President declared the question before the Senate to be the motion by Senator Talmadge that the Senate do concur in the House amendments to Substitute Senate Bill No. 3302.

The motion by Senator Talmadge carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 3302.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3302, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3302, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; nays, 3; excused, 5.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, Fleming, Garrett, Gaspard, Granlund, Guess, Halsan, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, Metcalf, Moore, Newhouse, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 41.

Voting nays: Senators DeJarnatt, Goltz, Hansen - 3.

Excused: Senators McCaslin, McManus, Owen, Patterson, von Reichbauer - 5.

SUBSTITUTE SENATE BILL NO. 3302, 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

April 9, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3332 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 4, chapter 256, Laws of 1979 ex. sess. and RCW 48.62.040 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the governing body of any one or more local governmental entities may, as an alternative or in addition to exercising any one or more of the powers granted in RCW 48.62.030 and 36.16.138, as now or hereafter amended, or any other provision of law, form together into or join a pool or organization for the joint purchasing of insurance, and/or joint self-insuring, and/or joint hiring or contracting for risk management services to the same extent that they may individually purchase insurance, self-insure, or hire or contract for risk management services(~~:-PROVIDED-That~~).

(2)(a) No organization of local governmental entities, other than local school districts and educational service districts, that is organized under ((RCW 48.62.040)) this section for the purpose of self-insuring shall provide any self-insurance other than liability insurance. For purposes of this section, liability insurance shall include but not be limited to coverage for claims arising from the tortious or negligent conduct of the local government entity, its officers, employees, or agents thereof, or any error or omission on the part of said local government entity, its officers, employees or agents thereof as a result of which a claim may be made against the local government entity.

(b) Local school districts and educational service districts may not organize under this section for the purpose of providing joint self-insured life, health, health care, accident, disability and salary protection or insurance, or any combination thereof, to the district employees, students, directors, or any of their dependents.

(3) The agreement to form such a pooling arrangement shall be made under chapter 39.34 RCW. Any pool or organization authorized to be formed by this section shall be subject to audit by the state auditor."

On page 1, line 3 of the title, after "transactions;" strike the remainder of the title and insert "and amending RCW 48.62.040."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

Senator Gaspard moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 3332.

POINT OF INQUIRY

Senator Lee: "Senator Gaspard, a couple of years ago we passed an act that allowed ESD's to provide what normally would be workmen's compensation kind of insurance. In other words, a type of accident insurance. Does this repeal that permission?"

Senator Gaspard: "No, I think this just deals with the--allows them to deal with property and casualty. From my understanding of the bill, it does not repeal what we passed a few years ago--that you mentioned."

POINT OF INQUIRY

Senator Deccio: "Senator Gaspard, could you tell us what the bill now does which would be broader than what they are already doing under this bill?"

Senator Gaspard: "This bill expands the authority of local school districts and ESD's to self-insure for property and casualty. That's all."

The President declared the question before the Senate to be the motion by Senator Gaspard that the Senate do concur in the House amendments to Substitute Senate Bill No. 3332.

The motion by Senator Gaspard carried and the Senate concurred in the House amendments to Substitute Senate Bill No. 3332.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3332, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3332, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; absent, 2; excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, Metcalf, Moore, Newhouse, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vogniild, Warnke, Williams, Wojahn, Zimmerman - 42.

Absent: Senators Benitz, Sellar - 2.

Excused: Senators McCaslin, McManus, Owen, Patterson, von Reichbauer - 5.

SUBSTITUTE SENATE BILL NO. 3332, 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

April 9, 1985

Mr. President:

The House has passed SENATE BILL NO. 3373 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 133, Laws of 1893 as last amended by section 6, chapter 45, Laws of 1983 1st ex. sess. 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~~); an appearance fee of twenty-five dollars. If the judgment debtor or other persons fail to answer or appear, the plaintiff shall additionally be entitled to reasonable attorney fees. If a plaintiff institutes special proceedings and fails to appear, a judgment debtor or other person against whom the proceeding was instituted who appears is entitled to an appearance fee of twenty-five dollars and reasonable attorney fees."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendment to Senate Bill No. 3373.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3373, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3373, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; absent, 3; excused, 5.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, Metcalf, Moore, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 41.

Absent: Senators Barr, Newhouse, Sellar - 3.

Excused: Senators McCaslin, McManus, Owen, Patterson, von Reichbauer - 5.

SENATE BILL NO. 3373, 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 Bottiger, the rules were suspended and Second Substitute Senate Bill No. 3827 was referred to the Committee on Ways and Means.

MOTION

At 6:45 p.m., on motion of Senator Vognild, the Senate adjourned until 9:00 a.m., Tuesday, April 16, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

NINETY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, April 16, 1985

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, Guess, Kreidler, Pullen, Talmadge, von Reichbauer, Warnke and Wojahn. On motion of Senator Vognild, Senators Bender and Talmadge were excused. On motion of Senator Zimmerman, Senators Benitz, Pullen and von Reichbauer were excused.

The Sergeant at Arms Color Guard, consisting of Pages Kelly Robinson and Michael Grub, presented the Colors. Reverend Don Decker, pastor of the Olympic View Christian Church of Tacoma, and a guest of Senator Stanley Johnson, offered the prayer.

MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

MESSAGE FROM THE GOVERNOR

April 15, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on April 15, 1985, Governor Gardner approved the following Senate Bills entitled:

Senate Bill No. 3070

Relating to public records and filings.

Senate Bill No. 3096

Relating to vacancy elections for federal offices.

Senate Bill No. 3406

Relating to the approval of a shared work compensation plan.

Substitute Senate Bill No. 3407

Relating to the approval of training by the commissioner of employment security.

Senate Bill No. 3408

Relating to the definition of employer for unemployment insurance purposes.

Senate Bill No. 3409

Relating to experience rating accounts and noncharging.

Sincerely,

TERRY SEBRING, Counsel to the Governor

MESSAGES FROM THE HOUSE

April 15, 1985

Mr. President:

The House has passed:

SENATE BILL NO. 3337,

SUBSTITUTE SENATE BILL NO. 3602,

ENGROSSED SUBSTITUTE SENATE BILL NO. 3723,

SENATE BILL NO. 3794,

SENATE BILL NO. 3800,

SENATE BILL NO. 3818,

ENGROSSED SENATE BILL NO. 3846,

SUBSTITUTE SENATE BILL NO. 3981,

ENGROSSED SUBSTITUTE SENATE BILL NO. 4059,

ENGROSSED SUBSTITUTE SENATE BILL NO. 4105,

SENATE BILL NO. 4110, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 12, 1985

Mr. President:

The House has passed:

SENATE JOINT MEMORIAL NO. 127, and the same is herewith transmitted.

DENNIS L. HECK, Chief Clerk

There being no objection, the President reverted the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

GUBERNATORIAL APPOINTMENTS

April 15, 1985

GA 23 MARIETTA J. KILMER, to the position of member of the Peninsula Community College Board of Trustees, District No. 1, appointed by the Governor on January 28, 1985, for the term ending September 30, 1989.
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, Johnson, Kiskaddon, McManus, Patterson, Saling, Warnke.

Passed to Committee on Rules.

April 15, 1985

GA 29 JEAN BERKEY, to the position of member of the Everett Community College Board of Trustees, District No. 5, appointed by the Governor on January 28, 1985, 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, Benitz, Craswell, Fleming, Goltz, Guess, Johnson, Kiskaddon, McManus, Patterson, Saling, Warnke.

Passed to Committee on Rules.

April 15, 1985

GA 31 LEE PASQUARELLA, to the position of member of the Seattle Community College Board of Trustees, District No. 6, appointed by the Governor on January 28, 1985, for the term ending September 30, 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, Benitz, Craswell, Fleming, Goltz, Guess, Johnson, Kiskaddon, McManus, Patterson, Saling, Warnke.

Passed to Committee on Rules.

April 15, 1985

GA 39 ARLAND LYONS, to the position of member of the Centralia Community College Board of Trustees, District No. 12, appointed by the Governor on January 28, 1985, for the term ending September 30, 1989.
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, Johnson, Kiskaddon, McManus, Patterson, Saling, Warnke.

Passed to Committee on Rules.

April 15, 1985

GA 40 ASA REED, to the position of member of the Lower Columbia Community College Board of Trustees, District No. 13, appointed by the Governor on January 28, 1985, for the term ending September 30, 1989.
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, Johnson, Kiskaddon, McManus, Paterson, Saling, Warnke.

Passed to Committee on Rules.

April 15, 1985

GA 41 R. L. "DICK" SCHWARY, to the position of member of the Clark Community College Board of Trustees, District No. 14, appointed by the Governor on January 28, 1985, 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, Benitz, Craswell, Fleming, Goltz, Guess, Johnson, Kiskaddon, McManus, Paterson, Saling, Warnke.

Passed to Committee on Rules.

April 15, 1985

GA 42 GEROGIA-MAE GALLIVAN, to the position of member of the Clark Community College Board of Trustees, District No. 14, appointed by the Governor on January 28, 1985, for the term ending September 30, 1989.
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, Johnson, Kiskaddon, McManus, Paterson, Saling, Warnke.

Passed to Committee on Rules.

April 15, 1985

GA 43 T. W. SMALL, JR., to the position of member of the Wenatchee Community College Board of Trustees, District No. 15, appointed by the Governor on January 28, 1985, 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, Benitz, Craswell, Fleming, Goltz, Guess, Johnson, Kiskaddon, McManus, Paterson, Saling, Warnke.

Passed to Committee on Rules.

April 15, 1985

GA 44 CHERSTE N. BRUNDAGE, to the position of member of the Wenatchee Community College Board of Trustees, District No. 15, appointed by the Governor on January 28, 1985, for the term ending September 30, 1989.
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, Johnson, Kiskaddon, McManus, Paterson, Saling, Warnke.

Passed to Committee on Rules.

April 15, 1985

GA 53 JUDY WISEMAN, to the position of member of the Whatcom Community College Board of Trustees, District No. 21, appointed by the Governor on January 28, 1985, for the term ending September 30, 1987.
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, Johnson, Kiskaddon, McManus, Paterson, Saling, Warnke.

Passed to Committee on Rules.

April 15, 1985

GA 55 TERRY L. SMITH, to the position of member of the Tacoma Community College Board of Trustees, District No. 22, appointed by the Governor on January 28, 1985, for the term ending September 30, 1989.
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, Johnson, Kiskaddon, McManus, Patterson, Saling, Warnke.

Passed to Committee on Rules.

April 15, 1985

GA 56 MARGARET HAYS, to the position of member of the Edmonds Community College Board of Trustees, District No. 23, appointed by the Governor on January 28, 1985, for the term ending September 30, 1989.
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, Johnson, Kiskaddon, McManus, Patterson, Saling, Warnke.

Passed to Committee on Rules.

April 15, 1985

GA 73 RHONDA HILYER, to the position of member of the Seattle Community College Board of Trustees, District No. 6, appointed by the Governor on February 12, 1985, for the term ending September 30, 1988, succeeding Helen G. Sutton.
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, Johnson, Kiskaddon, McManus, Patterson, Saling, Warnke.

Passed to Committee on Rules.

April 15, 1985

GA 75 P. ROBERT BINNS, to the position of member of the Lower Columbia Community College Board of Trustees, District No. 13, appointed by the Governor on February 12, 1985, for the term ending September 30, 1988, succeeding Stanley R. Norquist.
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, Johnson, Kiskaddon, McManus, Patterson, Saling, Warnke.

Passed to Committee on Rules.

April 15, 1985

GA 76 DALE FOSTER, to the position of member of the Spokane Community College Board of Trustees, District No. 17, appointed by the Governor on February 12, 1985, for the term ending September 30, 1987, succeeding Max J. Kuney.
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, Johnson, Kiskaddon, McManus, Patterson, Saling, Warnke.

Passed to Committee on Rules.

April 15, 1985

GA 77 HARRY YAMAMOTO, to the position of member of the Big Bend Community College Board of Trustees, District No. 18, appointed by the Governor on February 12, 1985, for the term ending September 30, 1989, succeeding Norma Jean Watson.
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, Johnson, Kiskaddon, McManus, Patterson, Saling, Warnke.

Passed to Committee on Rules.

April 15, 1985

GA 78 M. ALEENE GALLOWAY, to the position of member of the Columbia Basin Community College Board of Trustees, District No. 19, appointed by the Governor on February 12, 1985, for the term ending September 30, 1989, succeeding Geneva U. Davidson.
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, Johnson, Kiskaddon, McManus, Patterson, Saling, Warnke.

Passed to Committee on Rules.

April 15, 1985

GA 81 RAMON L. BARNES, to the position of member of the Fort Steilacoom Community College Board of Trustees, District No. 11, appointed by the Governor on February 19, 1985, for the term ending September 30, 1989, succeeding Michael E. McGowan.
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, Johnson, Kiskaddon, McManus, Patterson, Saling, Warnke.

Passed to Committee on Rules.

There being no objection, the President advanced the Senate to the sixth order of business.

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Granlund, the appointment of Mary Ellen McCaffree as a member of the Hospital Commission was confirmed.

APPOINTMENT OF MARY ELLEN McCAFFREE

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 yea: Senators Bailey, Barr, Bauer, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Thompson, Vognild, Williams, Zimmerman - 39.

Voting nay: Senator Moore - 1.

Absent: Senators Guess, Kreidler, Warnke, Wojahn - 4.

Excused: Senators Bender, Benitz, Pullen, Talmadge, von Reichbauer - 5.

MOTION

On motion of Senator Granlund, the appointment of Steve Hill as a member of the Hospital Commission was confirmed.

APPOINTMENT OF STEVE HILL

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 42; absent, 2; excused, 5.

Voting yea: Senators Bailey, Barr, Bauer, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Thompson, Vognild, Warnke, Williams, Zimmerman - 42.

Absent: Senators Guess, Wojahn - 2.

Excused: Senators Bender, Benitz, Pullen, Talmadge, von Reichbauer - 5.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 178, by Committee on State Government (originally sponsored by Representatives Belcher, Hankins, Unsoeld, Allen, Baugher, Todd, Dellwo, Niemi, Smitherman, Prince, Locke, Peery, O'Brien, Leonard, Wang, K. Wilson, Wineberry, Lewis, Fisher, Sayan, P. King, Isaacson and Basich) (by Secretary of State request)

Establishing the Washington state internship program.

The bill was read the second time.

MOTIONS

On motion of Senator Thompson, the following amendment was adopted:

On page 2, beginning on line 14, after "work" strike all material down to and including "focus" on line 15 and insert "and have demonstrated a substantial interest in public sector management"

On motion of Senator Thompson, the following amendment was adopted:

On page 3, after line 27, add a new section to read as follows:

NEW SECTION. Sec. 10. Nothing in this act shall be construed to limit the authority of state agencies to continue or establish other internship programs or positions."

Renumber the remaining sections.

MOTION

On motion of Senator Thompson, the rules were suspended, Substitute House Bill No. 178, 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. 178, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 178, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 37; nays, 9; excused, 3.

Voting yea: Senators Bailey, Bauer, Benitz, Bluechel, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Stratton, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 37.

Voting nay: Senators Barr, Craswell, Deccio, Hayner, Johnson, Kiskaddon, McDonald, Pullen, Sellar - 9.

Excused: Senators Bender, Talmadge, von Reichbauer - 3.

SUBSTITUTE HOUSE BILL NO. 178, as amended by the Senate, having received the constitutional majority, 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. 271, by Representatives Patrick, Walk, Betrozoff, Wineberry, Hankins, Valle, Van Luven, Gallagher, J. Williams, Prince, Baugher, Thomas, Kremen, Schmidt, McMullen, Bond, Zellisky, Sutherland, S. Wilson, Winsley, May, Van Dyke, Silver, Fisher and Day

Allowing assistance vans to stop on limited access facilities.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended, House Bill No. 271 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. 271.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 271 and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Talmadge, von Reichbauer - 2.

HOUSE BILL NO. 271, having received the 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.

MESSAGE FROM THE HOUSE

April 9, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3146 with the following amendments:

On page 2, beginning on line 12, strike all of Sec. 2

Renumber sections consecutively and correct internal references accordingly

On page 3, beginning on line 34, strike all of Sec. 5

Renumber remaining sections consecutively and correct internal references accordingly

On page 4, line 8, after "RCW 72.12.050" insert "and Section 2, chapter 2, Laws of 1982 2nd ex. sess. and RCW 72.13.091"

On page 4, line 8, after "RCW 72.12.050" insert "and Section 109, chapter 136, Laws of 1981 and RCW 72.12.160"

On page 1, line 2 of the title, strike "72.65.010, and 72.13.091" and insert "and 72.65.010"

On page 1, line 2 of the title, strike "72.12.160,"

On page 1, line 3 of the title, after "72.12.050" insert "and RCW 72.13.091"

On page 1, line 3, after "72.12.150" insert "and RCW 72.12.160",

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTIONS

Senator Granlund moved that the Senate do not concur in the House amendments to Substitute Senate Bill No. 3146.

Senator Deccio moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 3146.

On motion of Senator Vognild, further consideration of Substitute Senate Bill No. 3146 was deferred.

MESSAGE FROM THE HOUSE

April 8, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4128 with the following amendments:

On page 18, after line 9, insert:

NEW SECTION. Sec. 18. The Legislative Budget Committee shall recommend to the legislature which of the Corrections Standards Boards' current responsibilities must be continued and where such continued activities, if any, shall be placed in other agencies. The Legislative Budget Committee shall report to the legislature by January 1, 1986."

Renumber remaining sections consecutively and correct internal references accordingly.

On page 1, line 4 of the title, after "70.48A.040," insert "creating a new section;".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Granlund, the Senate did not concur in the House amendments to Substitute Senate Bill No. 4128 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 8, 1985

Mr. President:

The House has passed SENATE BILL NO. 4129 with the following amendment:

On page 2, line 15, after "(d)" strike all the material down to and including "discharged." on line 24 and insert "Each work release prisoner's earnings may be collected by the chief law enforcement officer or a designee. The chief law enforcement officer or a designee ((shall collect the work release prisoner's earnings and from the earnings make)) may deduct from the earnings moneys for the payments for the prisoner's board, personal expenses inside and outside the jail, ((and) a share of the administrative expenses of this section, court-ordered victim compensation, and court-ordered restitution. Support payments for the prisoner's dependents, if any, shall be made as directed by the court. With the prisoner's consent, the remaining funds may be used to pay the prisoner's preexisting debts. Any remaining balance shall be ((retained and paid)) returned to the prisoner ((when the prisoner is discharged)).".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

Senator Granlund moved that the Senate do not concur in the House amendment to Senate Bill No. 4129 and asks the House to recede therefrom.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Granlund that the Senate do not concur in the House amendment to Senate Bill No. 4129.

The motion by Senator Granlund carried and the Senate did not concur in the House amendment to Senate Bill No. 4129 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 9, 1985

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 3067 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature declares that aquatic farming provides a consistent source of quality food, offers opportunities of new jobs, increased farm income stability, and improves balance of trade.

The legislature finds that many areas of the state of Washington are scientifically and biologically suitable for aquaculture development, and therefore the legislature encourages promotion of aquacultural activities, programs, and development with the same status as other agricultural activities, programs, and development within the state.

The legislature finds that aquaculture should be considered a branch of the agricultural industry of the state for purposes of any laws that apply to or provide for the advancement, benefit, or protection of the agriculture industry within the state.

The legislature further finds that in order to ensure the maximum yield and quality of cultured aquatic products, the department of fisheries should provide diagnostic services that are workable and proven remedies to aquaculture disease problems.

It is therefore the policy of this state to encourage the development and expansion of aquaculture within the state. It is also the policy of this state to protect wildstock fisheries by providing an effective disease inspection and control program and prohibiting the release of salmon or steelhead trout by the private sector into the public waters of the state and the subsequent recapture of such species as in the practice commonly known as ocean ranching.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Aquaculture" means the process of growing, farming, or cultivating private sector cultured aquatic products in marine or freshwaters and includes management by an aquatic farmer.

(2) "Aquatic farmer" is a private sector person who commercially farms and manages the cultivating of private sector cultured aquatic products on the person's own land or on land in which the person has a present right of possession.

(3) "Private sector cultured aquatic products" are native, nonnative, or hybrids of marine or freshwater plants and animals that are propagated, farmed, or cultivated on aquatic farms under the supervision and management of a private sector aquatic farmer or that are naturally set on aquatic farms which at the time of setting are under the active supervision and management of a private sector aquatic farmer. When produced under such supervision and management, private sector cultured aquatic products include, but are not limited to, the following plants and animals:

SCIENTIFIC NAME	COMMON NAME
Enteromorpha	green nori
Monostroma	awo-nori
Ulva	sea lettuce
Laminaria	konbu
Nereocystis	bull kelp
Porphyra	nori
Iridaea	
Haliotis	abalone
Zhamys	pink scallop
Hinnites	rock scallop
Tatinopecten	Japanese or weathervane scallop
Protothaca	native littleneck clam
Tapes	manila clam
Saxidomus	butter clam
Mytilus	mussels
Crassostrea	Pacific oysters
Ostrea	Olympia and European oysters
Pacifasticus	crayfish
Macrobrachium	freshwater prawn
Salmo and Salvelinus	trout, char, and Atlantic salmon
Oncorhynchus	salmon
Ictalurus	cattfish
Cyprinus	carp
Acipenseridae	sturgeon

(4) "Department" means the department of agriculture.

(5) "Director" means the director of agriculture.

NEW SECTION, Sec. 3. The department is the principal state agency for providing state marketing support services for the private sector aquaculture industry.

NEW SECTION, Sec. 4. The department shall exercise its authorities, including those provided by chapters 15.64, 15.65, 15.66, and 43.23 RCW, to develop a program for assisting the state's aquaculture industry to market and promote the use of its products. The department shall consult with the advisory council in developing such a program.

NEW SECTION, Sec. 5. The director shall establish identification requirements for private sector cultured aquatic products to the extent that identifying the source and quantity of the products is necessary to permit the departments of fisheries and game to administer and enforce Titles 75 and 77 RCW effectively. The rules shall apply only to those private sector cultured aquatic products the transportation, sale, processing, or other possession of which would otherwise be required to be licensed under Title 75 or 77 RCW if they were not cultivated by aquatic farmers. The rules shall apply to the transportation or possession of such products on land other than aquatic lands and may require that they be: (1) Placed in labeled containers or accompanied by bills of lading or sale or similar documents identifying the name and address of the producer of the products and the quantity of the products governed by the documents; or (2) both labeled and accompanied by such documents.

The director shall consult with the directors of the departments of fisheries and game to ensure that such rules enable the departments of fisheries and game to enforce the programs administered under those titles. If rules adopted under chapter 69.30 RCW satisfy the identification required under this section for shellfish, the director shall not establish different shellfish identification requirements under this section.

NEW SECTION, Sec. 6. (1) There is hereby created the aquaculture advisory council. The council shall consist of the following voting members appointed by the governor: One representative of private sector freshwater fin fish farmers; one representative of private sector marine fin fish farmers who does not practice ocean ranching; one representative of private sector marine shellfish farmers; one representative of marine plant farmers; one representative of farmers of oysters native to the state; and one representative of a state-wide sports fishing association or group. Each member shall serve a term of three years. The following shall serve as voting, ex officio members of the advisory council: A representative of the department of

agriculture; a representative of the department of game; a representative of the department of fisheries; and the veterinary pathologist referred to in section 8(5) of this act. A representative of the department of natural resources shall serve as a nonvoting member of the advisory council.

(2) The council shall advise the departments of agriculture, fisheries, and game on all aspects of aquatic farming including the performance, operation, expansion, development, promotion, and interdepartmental coordination.

(3) Any vacancies on the council shall be filled in the same manner as the original appointment.

(4) The council shall select a chairman by vote of the council members. A quorum consisting of at least six voting members must be present to conduct council business. The council shall meet at the call of the chairman or at the request of the director.

(5) The council shall expire June 30, 1991.

NEW SECTION. Sec. 7. The department shall adopt rules under chapter 34.04 RCW to implement this chapter.

NEW SECTION. Sec. 8. (1) The director of agriculture and the director of fisheries shall jointly develop, in consultation with the aquaculture advisory council, a program of disease inspection and control for aquatic farmers as defined in section 2 of this act. The program shall be administered by the department of fisheries under rules established under this section. The purpose of the program is to protect the aquaculture industry and wildstock fisheries from a loss of productivity due to aquatic diseases or maladies. As used in this section "diseases" means, in addition to its ordinary meaning, infestations of parasites or pests. The disease program may include, but is not limited to, the following elements:

- (a) Disease diagnosis;
- (b) Import and transfer requirements;
- (c) Provision for certification of stocks;
- (d) Classification of diseases by severity;
- (e) Provision for treatment of selected high-risk diseases;
- (f) Provision for containment and eradication of high-risk diseases;
- (g) Provision for destruction of diseased cultured aquatic products;
- (h) Provision for quarantine of diseased cultured aquatic products;
- (i) Provision for coordination with state and federal agencies;
- (j) Provision for development of preventative or control measures;
- (k) Provision for cooperative consultation service to aquatic farmers; and
- (l) Provision for disease history records.

(2) The director of fisheries shall adopt rules implementing this section. However, such rules shall have the prior approval of the director of agriculture and shall provide therein that the director of agriculture has provided such approval. The director of agriculture or the director's designee shall attend the rule-making hearings conducted under chapter 34.04 RCW and shall assist in conducting those hearings. The authorities granted the department of fisheries by these rules and by RCW 75.08.080(1)(g), 75.24.080, 75.24.110, 75.28.125, and sections 9, 10, and 11 of this act constitute the only authorities of the department of fisheries to regulate private sector cultured aquatic products and aquatic farmers as defined in section 2 of this act. Except as provided in subsection (3) of this section, no action may be taken against any person to enforce these rules unless the department has first provided the person an opportunity for a hearing. In such a case, if the hearing is requested, no enforcement action may be taken before the conclusion of that hearing.

(3) The rules adopted under this section shall specify the emergency enforcement actions that may be taken by the department of fisheries, and the circumstances under which they may be taken, without first providing the affected party with an opportunity for a hearing. Neither the provisions of this subsection nor the provisions of subsection (2) of this section shall preclude the department of fisheries from requesting the initiation of criminal proceedings for violations of the disease inspection and control rules.

(4) It is unlawful for any person to violate the rules adopted under subsection (2) or (3) of this section or to violate section 11 of this act.

(5) In administering the program established under this section, the department of fisheries shall use the services of a pathologist licensed to practice veterinary medicine.

(6) The director in administering the program shall not place constraints on or take enforcement actions in respect to the aquaculture industry that are more rigorous than those placed on the department of fisheries, the department of game, or other fish-rearing entities.

(7) Whenever a civil action for damages is brought by an aquatic farmer as defined in section 2 of this act against the department of fisheries as a result of the department's ordering and obtaining the destruction of the farmer's private sector cultured aquatic product as defined in section 2 of this act, the court may award the farmer damages not exceeding three times the actual damages sustained if the court determines that the department was unreasonable in concluding that the risks presented by the disease or infestation warranted the destruction of the product.

NEW SECTION. Sec. 9. The directors of agriculture and fisheries shall jointly adopt by rule, in the manner prescribed in section 8(2) of this act, a schedule of user fees for the disease inspection and control program established under section 8 of this act. The fees shall be established such that the program shall be entirely funded by revenues derived from the user fees by the beginning of the 1987-89 biennium.

There is established in the state treasury an account known as the aquaculture disease control account which is subject to appropriation. Proceeds of fees charged under this section shall be deposited in the account. Moneys from the account shall be used solely for administering the disease inspection and control program established under section 8 of this act.

NEW SECTION. Sec. 10. (1) The director of fisheries shall consult regarding the disease inspection and control program established under section 8 of this act with the department of game, federal agencies, and Indian tribes to assure protection of state, federal, and tribal aquatic resources and to protect private sector cultured aquatic products from disease that could originate from waters or facilities managed by those agencies.

(2) With regard to the program, the director of fisheries may enter into contracts or interagency agreements for diagnostic field services with government agencies and institutions of higher education and private industry.

(3) The director of fisheries shall provide for the creation and distribution of a roster of biologists having a speciality in the diagnosis or treatment of diseases of fish or shellfish. The director shall adopt rules specifying the qualifications which a person must have in order to be placed on the roster.

NEW SECTION. Sec. 11. All aquatic farmers as defined in section 2 of this act shall register with the department of fisheries. The director shall develop and maintain a registration list of all aquaculture farms. Registered aquaculture farms shall provide the department production statistical data. The state veterinarian and the department of game shall be provided with registration and statistical data by the department.

NEW SECTION. Sec. 12. A new section is added to chapter 75.08 RCW to read as follows:

(1) It is unlawful for any person other than the United States, an Indian tribe recognized as such by the federal government, the state, a subdivision of the state, or a municipal corporation or an agency of such a unit of government to release salmon or steelhead trout into the public waters of the state and subsequently to recapture and commercially harvest such salmon or trout. This section shall not prevent any person from rearing salmon or steelhead trout in pens or in a confined area under circumstances where the salmon or steelhead trout are confined and never permitted to swim freely in open water.

(2) A violation of this section constitutes a gross misdemeanor.

Sec. 13. Section 2, chapter 256, Laws of 1961 as amended by section 2, chapter 7, Laws of 1975 1st ex. sess. and RCW 15.65.020 are each amended to read as follows:

The following terms are hereby defined:

(1) "Director" means the director of agriculture of the state of Washington or his duly appointed representative. The phrase "director or his designee" means the director unless, in the provisions of any marketing agreement or order, he has designated an administrator, board or other designee to act for him in the matter designated, in which case "director or his designee" means for such order or agreement the administrator, board or other person(s) so designated and not the director.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Marketing order" means an order issued by the director pursuant to this chapter.

(4) "Marketing agreement" means an agreement entered into and issued by the director pursuant to this chapter.

(5) "Agricultural commodity" means any distinctive type of agricultural, horticultural, viticultural, floricultural, vegetable or animal product, including private sector cultured aquatic products as defined in section 2 of this 1985 act, either in its natural or processed state, including bees and honey but not including timber or timber products. The director is hereby authorized to determine (on the basis of common usage and practice) what kinds, types or subtypes should be classed together as an agricultural commodity for the purposes of this chapter.

(6) "Production area" and "marketing area" means any area defined as such in any marketing order or agreement in accordance with RCW 15.65.350. "Affected area" means the marketing or production area so defined in such order, agreement or proposal.

(7) "Unit" of an agricultural commodity means a unit of volume, weight, quantity, or other measure in which such commodity is commonly measured. The director shall designate in each marketing order and agreement the unit to be used therein.

(8) "Affected unit" means in the case of marketing agreements and orders drawn on the basis of a production area, any unit of the commodity specified in or covered by such agreement or order which is produced in such area and sold or marketed or delivered for sale or marketing; and "affected unit" means, in the case of marketing agreements and orders drawn on the basis of marketing area, any unit of the commodity specified in or covered by such agreement or order which is sold or marketed or delivered for sale or marketing within such marketing area: PROVIDED, That in the case of marketing agreements "affected unit" shall

include only those units which are produced by producers or handled by handlers who have assented to such agreement.

(9) "Affected commodity" means that part or portion of any agricultural commodity which is covered by or forms the subject matter of any marketing agreement or order or proposal, and includes all affected units thereof as herein defined and no others.

(10) "Producer" means any person engaged in the business of producing any agricultural commodity for market in commercial quantities. "Affected producer" means any producer of an affected commodity. "To produce" means to act as a producer. For the purposes of RCW 15.65.140 and 15.65.160 as now or hereafter amended "producer" shall include bailees who contract to produce or grow any agricultural product on behalf of a bailor who retains title to the seed and its resulting agricultural product or the agricultural product delivered for further production or increase.

(11) "Handler" means any person who acts, either as principal, agent or otherwise, in processing, selling, marketing or distributing an agricultural commodity which was not produced by him. "Affected handler" means any handler of an affected commodity. "To handle" means to act as a handler.

(12) "Producer-handler" means any person who acts both as a producer and as a handler with respect to any agricultural commodity. A producer-handler shall be deemed to be a producer with respect to the agricultural commodities which he produces, and a handler with respect to the agricultural commodities which he handles, including those produced by himself.

(13) "Cooperative association" means any incorporated or unincorporated association of producers which conforms to the qualifications set out in the act of congress of the United States of February 18, 1922 as amended, known as the "Capper-Volstead Act" and which is engaged in making collective sales or in marketing any agricultural commodity or product thereof or in rendering service for or advancing the interests of the producers of such commodity on a non-profit cooperative basis.

(14) "Member of a cooperative association" means any producer who markets his product through such cooperative association and who is a voting stockholder of or has a vote in the control of or is a party to a marketing agreement with such cooperative association with respect to such product.

(15) "Producer marketing" or "marketed by producers" means any or all operations performed by any producer or cooperative association of producers in preparing for market and marketing, and shall include: (a) selling any agricultural commodity produced by such producer(s) to any handler; (b) delivering any such commodity or otherwise disposing of it for commercial purposes to or through any handler.

(16) "Commercial quantities" as applied to producers and/or production means such quantities per year (or other period of time) of an agricultural commodity as the director finds are not less than the minimum which a prudent man engaged in agricultural production would produce for the purpose of making such quantity of such commodity a substantial contribution to the economic operation of the farm on which such commodity is produced. "Commercial quantities" as applied to handlers and/or handling means such quantities per year (or other period of time) of an agricultural commodity or product thereof as the director finds are not less than the minimum which a prudent man engaged in such handling would handle for the purpose of making such quantity a substantial contribution to the handling operation in which such commodity or product thereof is so handled. In either case the director may in his discretion: (a) determine that substantial quantity is any amount above zero; and (b) apply the quantity so determined on a uniform rule applicable alike to all persons which he finds to be similarly situated.

(17) "Commodity board" means any board established pursuant to RCW 15.65.220. "Board" means any such commodity board unless a different board is expressly specified.

(18) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter or trade.

(19) "Section" means a section of this chapter unless some other statute is specifically mentioned. The present includes the past and future tenses, and the past or future the present. The masculine gender includes the feminine and neuter. The singular number includes the plural and the plural includes the singular.

(20) "Represented in a referendum" means that a written document evidencing approval or assent or disapproval or dissent is duly and timely filed with or mailed to the director by or on behalf of an affected producer and/or a volume of production of an affected commodity in a form which the director finds meets the requirements of this chapter.

(21) "Person" as used in this chapter shall mean any person, firm, association or corporation.

Sec. 14. Section 15.66.010, chapter 11, Laws of 1961 as last amended by section 6, chapter 288, Laws of 1983 and RCW 15.66.010 Substitute Senate Bill No. 3146.

are each amended to read as follows:

For the purposes of this chapter:

(1) "Director" means the director of agriculture of the state of Washington or any qualified person or persons designated by the director of agriculture to act for him concerning some matter under this chapter.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Marketing order" means an order issued by the director pursuant to this chapter.

(4) "Agricultural commodity" means any distinctive type of agricultural, horticultural, viticultural, vegetable, and/or animal product, including private sector cultured aquatic products as defined in section 2 of this 1985 act, within its natural or processed state, including bees and honey but not including timber or timber products. The director is authorized to determine what kinds, types or subtypes should be classed together as an agricultural commodity for the purposes of this chapter.

(5) "Producer" means any person engaged in the business of producing or causing to be produced for market in commercial quantities any agricultural commodity. For the purposes of RCW 15.66.060, 15.66.090, and 15.66.120, as now or hereafter amended "producer" shall include bailees who contract to produce or grow any agricultural product on behalf of a bailor who retains title to the seed and its resulting agricultural product or the agricultural product delivered for further production or increase.

(6) "Affected producer" means any producer of an affected commodity.

(7) "Affected commodity" means any agricultural commodity for which the director has established a list of producers pursuant to RCW 15.66.060.

(8) "Commodity commission" or "commission" means a commission formed to carry out the purposes of this chapter under a particular marketing order concerning an affected commodity.

(9) "Unit" means a unit of volume, quantity or other measure in which an agricultural commodity is commonly measured.

(10) "Unfair trade practice" means any practice which is unlawful or prohibited under the laws of the state of Washington including but not limited to Titles 15, 16 and 69 RCW and chapters 9.16, 19.77, 19.80, 19.84, and 19.83 RCW, or any practice, whether concerning interstate or intrastate commerce that is unlawful under the provisions of the act of Congress of the United States, September 26, 1914, chapter 311, section 5, 38 U.S. Statutes at Large 719 as amended, known as the "Federal Trade Commission Act of 1914", or the violation of or failure accurately to label as to grades and standards in accordance with any lawfully established grades or standards or labels.

(11) "Person" includes any individual, firm, corporation, trust, association, partnership, society, or any other organization of individuals.

(12) "Cooperative association" means any incorporated or unincorporated association of producers which conforms to the qualifications set out in the act of Congress of the United States, Feb. 18, 1922, chapter 57, sections 1 and 2, 42 U.S. Statutes at Large 388 as amended, known as the "Capper-Volstead Act" and which is engaged in making collective sales or in marketing any agricultural commodity or product thereof or in rendering service for or advancing the interests of the producers of such commodity on a nonprofit cooperative basis.

(13) "Member of a cooperative association" or "member" means any producer of an agricultural commodity who markets his product through such cooperative association and who is a voting stockholder of or has a vote in the control of or is under a marketing agreement with such cooperative association with respect to such product.

Sec. 15. Section 43.23.030, chapter 8, Laws of 1965 as last amended by section 5, chapter 248, Laws of 1983 and RCW 43.23.030 are each amended to read as follows:

The director of agriculture shall exercise all the powers and perform all the duties relating to the development of markets, for agricultural products, state and federal cooperative marketing programs, land utilization for agricultural purposes, water resources, transportation, and farm labor as such matters relate to the production, distribution and sale of agricultural commodities including private sector cultured aquatic products as defined in section 2 of this 1985 act.

Sec. 16. Section 46.16.090, chapter 12, Laws of 1961 as last amended by section 45, chapter 136, Laws of 1979 ex. sess. and RCW 46.16.090 are each amended to read as follows:

Motor trucks or trailers may be specially licensed based on the maximum gross weight thereof for fifty percent of the various amounts set forth in the schedule provided in RCW 46.16.070, when such trucks or trailers are owned and operated by farmers, but only if the following condition or conditions exist:

(1) When such trucks or trailers are to be used for the transportation of such farmer's own farm, orchard, or dairy products, or such farmer's own private sector cultured aquatic products as defined in section 2 of this 1985 act, from point of production to market or warehouse, and of supplies to be used on ~~((his))~~ the farmer's farm: PROVIDED, That fish other than those that are such private sector cultured aquatic products and forestry products shall not be considered as farm products; and/or

(2) When such trucks or trailers are to be used for the infrequent or seasonal transportation by one such farmer for another farmer in ~~((his))~~ the farmer's neighborhood of products of the

farm, orchard, ((or)) dairy, or aquatic farm owned by such other farmer from point of production to market or warehouse, or supplies to be used on such other farm, but only if such transportation for another farmer is for compensation other than money: PROVIDED, HOWEVER, That farmers shall be permitted an allowance of an additional eight thousand pounds, within the legal limits, on motor trucks or trailers, when used in the transportation of such farmer's own farm machinery between ((his)) the farmer's own farm or farms and for a distance of not more than thirty-five miles from ((his)) the farmer's farm or farms.

The department shall prepare a special form of application to be used by farmers applying for licenses under this section, which form shall contain a statement to the effect that the vehicle or trailer concerned will be used subject to the limitations of this section. The department shall prepare special insignia which shall be placed upon all such vehicles or trailers to indicate that the vehicle or trailer is specially licensed, or may, in its discretion, substitute a special license plate for such vehicles or trailers for such designation.

Operation of such a specially licensed vehicle or trailer in transportation upon public highways in violation of the limitations of this section is a traffic infraction.

Sec. 17. Section 75.08.080, chapter 12, Laws of 1955 as last amended by section 15, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.08.080 are each amended to read as follows:

(1) The director may adopt, amend, or repeal rules as follows:

(a) Specifying the times when the taking of food fish or shellfish is lawful or unlawful.

(b) Specifying the areas and waters in which the taking and possession of food fish or shellfish is lawful or unlawful.

(c) Specifying and defining the gear, appliances, or other equipment and methods that may be used to take food fish or shellfish, and specifying the times, places, and manner in which the equipment may be used or possessed.

(d) Regulating the possession, disposal, landing, and sale of food fish or shellfish within the state, whether acquired within or without the state.

(e) Regulating the prevention and suppression of diseases and pests affecting food fish or shellfish.

(f) Regulating the size, sex, species, and quantities of food fish or shellfish that may be taken, possessed, sold, or disposed of.

(g) Specifying the statistical and biological reports required from fishermen, dealers, boat-houses, or processors of food fish or shellfish.

(h) Classifying species of marine and freshwater life as food fish or shellfish.

(i) Classifying the species of food fish and shellfish that may be used for purposes other than human consumption.

(j) Other rules necessary to carry out this title and the purposes and duties of the department.

(2) Subsections (1)(a), (b), (c), (d), and (f) of this section do not apply to((:

~~(a) licensed oyster farms or oysters produced thereon; or~~

~~(b)) private tideland owners and lessees of state tidelands, when they take or possess oysters, clams, cockles, borers, or mussels, excluding razor clams, produced on their own private tidelands or their leased state tidelands for personal use.~~

(3) Except for subsection (1)(g) of this section, this section does not apply to private sector cultured aquatic products as defined in section 2 of this 1985 act. Subsection (1)(g) of this section does apply to such products.

Sec. 18. Section 75.28.010, chapter 12, Laws of 1955 as last amended by section 101, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.010 are each amended to read as follows:

(1) Except as otherwise provided by this title, a license or permit issued by the director is required to:

(a) Commercially fish for or take food fish or shellfish;

(b) Deliver food fish or shellfish taken in offshore waters;

(c) Operate a charter boat; or

~~(d) ((Operate a commercial food fish or shellfish farm; or~~

~~(e)) Engage in processing or wholesaling food fish or shellfish.~~

(2) It is unlawful to engage in the activities described in subsection (1) of this section without having in possession the licenses or permits required by this title.

(3) No license or permit is required for the production or harvesting of private sector cultured aquatic products as defined in section 2 of this 1985 act or for the delivery, processing, or wholesaling of such aquatic products. However, if a means of identifying such products is required by rules adopted under section 5 of this 1985 act, the exemption from licensing or permit requirements established by this subsection applies only if the aquatic products are identified in conformance with those rules.

Sec. 19. Section 75.28.280, chapter 12, Laws of 1955 as last amended by section 125, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.280 are each amended to read as follows:

((+) A clam farm license is required for the licensee to operate a commercial clam farm of one or more tracts of lands on tidelands or beds of navigable waters. The annual license fee is fifteen dollars for residents and nonresidents.

A clam farm license is not required for subtidal geoduck tracts for which licenses have been obtained under RCW 75.28.287.

(2) An oyster farm license is required for the licensee to operate a commercial oyster farm on tidelands or beds of navigable waters. The annual license fee is fifteen dollars for residents and nonresidents:

(3) Separate clam farm and oyster farm licenses are required for each of the following districts as defined by rule of the director: Northern Puget Sound district, southern Puget Sound district, Grays Harbor district, and Willapa Harbor district.

(4) A mechanical harvester license is required to operate a mechanical or hydraulic device for commercially harvesting clams, other than geoduck clams, on a clam farm unless the requirements of RCW 75.20.100 are fulfilled for the proposed activity. The annual license fee is three hundred dollars for residents and nonresidents.

Sec. 20. Section 75.28.300, chapter 12, Laws of 1955 as last amended by section 132, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.300 are each amended to read as follows:

A wholesale fish dealer's license is required for:

(1) A business in the state to engage in the commercial processing of food fish or shellfish, including custom canning or processing of personal use food fish or shellfish.

(2) A business in the state to engage in the wholesale selling, buying, or brokering of food fish or shellfish. A wholesale fish dealer's license is not required of those businesses which buy exclusively from Washington licensed wholesale dealers and sell solely at retail.

(3) Fishermen ((or aquaculturists)) who land and sell their catch or harvest in the state to anyone other than a licensed wholesale dealer within or outside the state.

(4) A business to engage in the commercial manufacture or preparation of fertilizer, oil, meal, caviar, fish bait, or other byproducts from food fish or shellfish.

The annual license fee is thirty-seven dollars and fifty cents. A wholesale fish dealer's license is not required for persons ((buying or selling oyster seed for transplant)) engaged in the processing, wholesale selling, buying, or brokering of private sector cultured aquatic products as defined in section 2 of this 1985 act. However, if a means of identifying such products is required by rules adopted under section 5 of this 1985 act, the exemption from licensing requirements established by this subsection applies only if the aquatic products are identified in conformance with those rules.

Sec. 21. Section 77.08.020, chapter 36, Laws of 1955 as last amended by section 10, chapter 78, Laws of 1980 and RCW 77.08.020 are each amended to read as follows:

(1) As used in this title or rules of the commission, "game fish" means those species of the class Osteichthyes that shall not be fished for except as authorized by rule of the commission and includes:

SCIENTIFIC NAME

COMMON NAME

Ambloplites rupestris	rock bass
Coregonus clupeaformis	lake white fish
Ictalurus furcatus	blue catfish
Ictalurus melas	black bullhead
Ictalurus natalis	yellow bullhead
Ictalurus nebulosus	brown bullhead
Ictalurus punctatus	channel catfish
Lepomis cyanellus	green sunfish
Lepomis gibbosus	pumpkinseed
Lepomis gulosus	warmouth
Lepomis macrochirus	bluegill
Lota lota	burbot or fresh water ling
Micropterus dolomieu	smallmouth bass
Micropterus salmoides	largemouth bass
Oncorhynchus nerka (in its landlocked form)	kokanee or silver trout
Perca flavescens	yellow perch
Pomixis annularis	white crappie
Pomixis nigromaculatus	black crappie
Prosopium williamsoni	mountain white fish
Salmo aquabonita	golden trout
Salmo clarkii	cutthroat trout
Salmo gairdnerii	rainbow or steelhead trout
Salmo salar	Atlantic salmon
Salmo trutta	brown trout
Salvelinus fontinalis	eastern brook trout
Salvelinus malma	Dolly Varden trout
Salvelinus namaycush	lake trout
Stizostedion vitreum	Walleye
Thymallus arcticus	arctic grayling

(2) Private sector cultured aquatic products as defined in section 2 of this 1985 act are not game fish.

Sec. 22. Section 77.28.020, chapter 36, Laws of 1955 as last amended by section 98, chapter 78, Laws of 1980 and RCW 77.12.570 are each amended to read as follows:

The commission shall adopt rules specifying the procedures, qualifications, and conditions for issuing a game farm license and governing the operation of game farms. Private sector cultured aquatic products as defined in section 2 of this 1985 act are exempt from regulation under this section.

Sec. 23. Section 77.28.080, chapter 36, Laws of 1955 as amended by section 100, chapter 78, Laws of 1980 and RCW 77.12.590 are each amended to read as follows:

Wildlife given away, sold, or transferred by a licensed game farmer shall have attached to each wildlife member, package, or container, a tag, seal, or invoice as required by the commission. Private sector cultured aquatic products as defined in section 2 of this 1985 act are exempt from regulation under this section.

Sec. 24. Section 77.28.090, chapter 36, Laws of 1955 as amended by section 101, chapter 78, Laws of 1980 and RCW 77.12.600 are each amended to read as follows:

A common carrier may transport wildlife shipped by a licensed game farmer if the wildlife is tagged, sealed, or invoiced as provided in RCW 77.12.590. Packages containing wildlife shall have affixed to them tags or labels showing the name of the licensee and the consignee. For purposes of this section, wildlife does not include private sector cultured aquatic products as defined in section 2 of this 1985 act. However, if a means of identifying such products is required by rules adopted under section 5 of this 1985 act, this exemption from the definition of wildlife applies only if the aquatic products are identified in conformance with those rules.

Sec. 25. Section 77.32.010, chapter 36, Laws of 1955 as last amended by section 2, chapter 284, Laws of 1983 and RCW 77.32.010 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, a license issued by the commission is required to:

- (a) Hunt for wild animals or wild birds or fish for game fish;
 - (b) Practice taxidermy for profit;
 - (c) Deal in raw furs for profit;
 - (d) Act as a fishing guide;
 - (e) Operate a game farm;
 - (f) Purchase or sell anadromous game fish; or
 - (g) Use department-managed lands or facilities as provided by rule of the commission.
- (2) A permit issued by the director is required to:
- (a) Conduct, hold, or sponsor hunting or fishing contests or competitive field trials using live wildlife;

(b) Collect wild animals, wild birds, game fish, or protected wildlife for research or display; or

- (c) Stock game fish.

(3) Aquaculture as defined in section 2 of this 1985 act is exempt from the requirements of this section, except when being stocked in public waters under contract with the department of game.

NEW SECTION. Sec. 26. (1) The department of fisheries shall report to the legislature on the expenditure of funds needed to implement the disease program called for in section 8 of this act. The report shall detail the percentage of the funds originating from user fees and the percentage of the funds from the state general fund. The report shall be delivered to the legislature by January 1, 1987.

(2) The department shall survey the boundaries of the state's Puget Sound oyster reserves and shall assess the ability of those lands to support aquatic products if actively cultivated. The department shall submit a report to the legislature by January 1, 1986, identifying its findings regarding the support capacity of the reserves and the optimum use of the reserves for cultivating aquatic products.

NEW SECTION. Sec. 27. (1) Sections 1 through 7 of this act shall constitute a new chapter in Title 15 RCW.

(2) Sections 8 through 11 of this act shall constitute a new chapter in Title 75 RCW.

NEW SECTION. Sec. 28. The following acts or parts of acts are each repealed:

(1) Section 2, chapter 35, Laws of 1971, section 124, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.265; and

(2) Section 10, chapter 212, Laws of 1955, section 126, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.282.

On page 1, on line 1 of the title, after "farming;" strike the remainder of the title and insert "amending RCW 15.65.020, 15.66.010, 43.23.030, 46.16.090, 75.08.080, 75.28.010, 75.28.280, 75.28.300, 77.08.020, 77.12.570, 77.12.590, 77.12.600, and 77.32.010; adding a new section to chapter 75.08 RCW; adding a new chapter to Title 15 RCW; adding a new chapter to Title 75 RCW; creating new sections; repealing RCW 75.28.265 and 75.28.282; and prescribing penalties."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

Senator Hansen moved that the Senate do concur in the House amendments to Engrossed Senate Bill No. 3067.

POINT OF INQUIRY

Senator Guess: "I'm somewhat disturbed that the Fisheries Department will have charge of the disease. Are you aware whether or not the Fisheries Department has a pathologist?"

Senator Hansen: "I really don't think they do. They told us in committee that they could use one of their biologists for one-half of an FTE. I think it's going to be the aquaculture people, themselves, that have the expertise along with the veterinarians of the state to control the disease. So, this is the best we can do, Sam. This is a lot better than we had."

Senator Guess: "Thank you, Senator. I am disturbed over allowing the Fisheries Department to do the disease control, because as you say, they only have biologists; they don't have pathologists. The Department of Agriculture has many pathologists in their Department and they would be able to recognize and control diseases far better than the Fisheries."

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Hansen that the Senate do concur in the House amendments to Engrossed Senate Bill No. 3067.

The motion by Senator Hansen carried and the Senate concurred in the House amendments to Engrossed Senate Bill No. 3067.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3067, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3067, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Melcalf, Moore, Newhouse, Owen, Patterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Thompson, Vognil, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senators Conner, Sellar - 2.

Excused: Senators Talmadge, von Reichbauer - 2.

ENGROSSED SENATE BILL NO. 3067, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 8, 1985

Mr. President:

The House has passed SENATE BILL NO. 3401 with the following amendment:
On page 7, line 18, after "rate of" strike "four" and insert "((four)) eight",

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Peterson, the Senate concurred in the House amendment to Senate Bill No. 3401.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3401, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3401, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald,

McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 47.

Excused: Senators Talmadge, von Reichbauer - 2.

SENATE BILL NO. 3401, 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

April 8, 1985

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 3415 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 80, Laws of 1899 as last amended by section 1, chapter 78, Laws of 1981 and RCW 19.52.020 are each amended to read as follows:

(1) Any rate of interest (~~(not exceeding)~~) shall be legal so long as the rate of interest does not exceed the higher of: (a) Twelve percent per annum; or (b) four percentage points above the equivalent coupon issue yield (as published by the Federal Reserve Bank of San Francisco) of the average bill rate for twenty-six week treasury bills as determined at the first bill market auction conducted during the (~~(preceding)~~) calendar month(~~(-agreed to in writing by the parties to the contract, shall be legal, and)~~) immediately preceding the later of (i) the establishment of the interest rate by written agreement of the parties to the contract, or (ii) any adjustment in the interest rate in the case of a written agreement permitting an adjustment in the interest rate. No person shall directly or indirectly take or receive in money, goods, or things in action, or in any other way, any greater interest for the loan or forbearance of any money, goods, or things in action(~~(-PROVIDED, That)~~).

(2)(a) In any loan of money in which the funds advanced do not exceed the sum of five hundred dollars, a setup charge may be charged and collected by the lender, and such setup charge shall not be considered interest hereunder(~~(-PROVIDED FURTHER, That such)~~).

(b) The setup charge (~~(does)~~) shall not exceed four percent of the amount of funds advanced, or fifteen dollars, whichever is the lesser, except that on loans of under one hundred dollars a minimum not exceeding four dollars may be so charged.

(3) Any loan made pursuant to a commitment to lend at an interest rate permitted at the time the commitment is made shall not be usurious. Credit extended pursuant to an open-end credit agreement upon which interest is computed on the basis of a balance or balances outstanding during a billing cycle shall not be usurious if on any one day during the billing cycle the rate at which interest is charged for the billing cycle is not usurious (~~(on any day during the billing cycle)~~).

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, 1985.

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

Senator Bender moved that the Senate do concur in the House amendment to Engrossed Senate Bill No. 3415.

Debate ensued.

POINT OF INQUIRY

Senator Moore: "Senator Bender, is it the intent of the Senate concurrence in the House amendment to alter the historic interpretations of the usury statute?"

Senator Bender: "Senator Moore, the answer is 'no.' There is no intent to alter anything like that. It is merely being rewritten to read more clearly."

The President declared the question before the Senate to be the motion by Senator Bender that the Senate do concur in the House amendment to Engrossed Senate Bill No. 3415.

The motion by Senator Bender carried and the Senate concurred in the House amendment to Engrossed Senate Bill No. 3415.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3415, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3415, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 47.
Excused: Senators Talmadge, von Reichbauer - 2.

ENGROSSED SENATE BILL NO. 3415, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 8, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3553 with the following amendment:

Strike everything after the enacting clause and insert the following:
"DEFINITIONS

NEW SECTION. Sec. 1. The definitions set forth in this section apply throughout this chapter:

(1) "Abandoned vehicle" means a vehicle that a registered tow truck operator has impounded and held in his possession for ninety-six consecutive hours.

(2) "Abandoned vehicle report" means the document prescribed by the state that the towing operator forwards to the department after a vehicle has become abandoned.

(3) "Commission" means the state commission on equipment established under RCW 46.37.005.

(4) "Impound" means to take and hold a vehicle in legal custody. There are two types of impounds--public and private.

(a) "Public impound" means that the vehicle has been impounded at the direction of a law enforcement officer or other public official having jurisdiction over the public property upon which the vehicle was located.

(b) "Private impound" means that the vehicle has been impounded at the direction of a person having control or possession of the private property upon which the vehicle was located.

(5) "Junk vehicle" means a motor vehicle certified under section 23 of this act as meeting all the following requirements:

(a) Is three years old or older;

(b) Is extensively damaged, such damage including but not limited to any of the following: A broken window or windshield or missing wheels, tires, motor, or transmission;

(c) Is apparently inoperable;

(d) Is without a valid, current registration plate;

(e) Has a fair market value equal only to the value of the scrap in it.

(6) "Registered tow truck operator" or "operator" means any person who engages in the impounding, transporting, or storage of unauthorized vehicles or the disposal of abandoned vehicles.

(7) "Residential property" means property that has no more than four living units located on it.

(8) "Tow truck" means a motor vehicle that is equipped for and used in the business of towing vehicles with equipment as approved by the commission.

(9) "Tow truck number" means the number issued by the department to tow trucks used by a registered tow truck operator in the state of Washington.

(10) "Tow truck permit" means the permit issued annually by the department that has the classification of service the tow truck may provide stamped upon it.

(11) "Tow truck service" means the transporting upon the public streets and highways of this state of unauthorized vehicles, together with personal effects and cargo, by a tow truck of a registered operator.

(12) "Unauthorized vehicle" means a vehicle that is subject to impoundment after being left unattended in one of the following public or private locations for the indicated period of time:

Subject to removal after:

(a) Public locations:

(i) Constituting a traffic hazard as defined in RCW 46.61.565 Immediately

(ii) On a highway and tagged as described in RCW 46.52.170 24 hours

- (iii) In a publicly owned or controlled parking facility, properly posted under section 7 of this act Immediately
- (b) Private locations:
 - (i) On residential property Immediately
 - (ii) On private, nonresidential property, properly posted under section 7 of this act Immediately
 - (iii) On private, nonresidential property, not posted 24 hours

REGISTRATION REQUIREMENTS

NEW SECTION. Sec. 2. A person who engages in or offers to engage in the activities of a registered tow truck operator shall not do so without first obtaining a registration certificate from the department of licensing authorizing him to engage in such activities. Any person engaging in or offering to engage in the activities of a registered tow truck operator without the registration certificate required by this chapter is guilty of a gross misdemeanor.

NEW SECTION. Sec. 3. (1) Application for licensing as a registered tow truck operator shall be made on forms furnished by the department, shall be accompanied by an inspection certification from the Washington state patrol, shall be signed by the applicant or his agent, and shall include the following information:

- (a) The name and address of the person, firm, partnership, association, or corporation under whose name the business is to be conducted;
- (b) The names and addresses of all persons having an interest in the business, or if the owner is a corporation, the names and addresses of the officers of the corporation;
- (c) The names and addresses of all employees who serve as tow truck drivers;
- (d) Proof of minimum insurance required by subsection (3) of this section;
- (e) Any other information the department may require; and
- (f) A certificate of approval from the chief of police if the applicant's principal place of business is located in a city or town having a population over five thousand persons or, in all other instances, from a member of the Washington state patrol, certifying that:

- (i) The applicant has an established place of business at the address shown on the application;
- (ii) The place of business has an office area that is accessible to the public without entering the storage area; and
- (iii) The place of business has adequate and secure storage facilities, as defined in this chapter and the rules of the department, where vehicles and their contents can be properly stored and protected.

(2) Before issuing a registration certificate to an applicant the department shall require the applicant to file with the department a surety bond in the amount of five thousand dollars running to the state and executed by a surety company authorized to do business in this state. The bond shall be approved as to form by the attorney general and conditioned that the operator shall conduct his business in conformity with the provisions of this chapter pertaining to abandoned or unauthorized vehicles, and to compensate any person, company, or the state for failure to comply with this chapter or the rules adopted hereunder, or for fraud, negligence, or misrepresentation in the handling of these vehicles. Any person injured by the tow truck operator's failure to fully perform duties imposed by this chapter and the rules adopted hereunder, or an ordinance or resolution adopted by a city, town, or county is entitled to recover actual damages, including reasonable attorney's fees against the surety and the tow truck operator. Successive recoveries against the bond shall be permitted, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. As a condition of authority to do business, the operator shall keep the bond in full force and effect. Failure to maintain the penalty value of the bond or cancellation of the bond by the surety automatically cancels the operator's registration.

(3) Before the department may issue a registration certificate to an applicant, the applicant shall provide proof of minimum insurance requirements of:

- (a) Two hundred fifty thousand dollars for liability for bodily injury or property damage per occurrence; and
- (b) One hundred thousand dollars of legal liability per occurrence, to protect against vehicle damage, including but not limited to fire and theft, from the time a vehicle comes into the custody of an operator until it is redeemed or sold.

(4) The fee for each original registration and annual renewal is one hundred dollars per company, plus fifty dollars per truck. The department shall forward the registration fee to the state treasurer for deposit in the motor vehicle fund.

(5) Upon approval of the application, the department shall issue a registration certificate to the registered operator to be displayed prominently at the operator's place of business.

NEW SECTION. Sec. 4. (1) Application for a tow truck permit shall be accompanied by a report from the Washington state patrol covering a physical inspection of each tow truck to be used by the applicant.

(2) Upon receipt of the fee provided in section 3(4) of this act and a satisfactory inspection report from the state patrol, the department shall issue each tow truck an annual tow truck

permit. The class of the tow truck, determined according to section 5 of this act, shall be stamped on the permit. The permit shall be displayed on the passenger side of the truck's front windshield.

(3) A tow truck number from the department shall be affixed in a permanent manner to each tow truck.

(4) The Washington state patrol shall conduct annual inspections of tow truck operators' equipment and facilities. Unscheduled inspections may be conducted without notice at the operator's place of business by an inspector to determine the fitness of a tow truck or facilities.

(5) If at the time of the annual or subsequent inspections the equipment does not meet the requirements of this chapter, and the deficiency is a safety related deficiency, or the equipment is necessary to the truck's performance, the inspector shall cause the registered tow truck operator to remove that equipment from service as a tow truck until such time as the equipment has been satisfactorily repaired. A red tag shall be placed on the windshield of a tow truck taken out of service, and the tow truck shall not provide tow truck service until the Washington state patrol recertifies the truck and removes the tag.

NEW SECTION. Sec. 5. (1) Tow trucks shall be classified by towing capabilities, and shall meet or exceed all equipment standards set by the commission on equipment for the type of tow trucks to be used by an operator.

(2) All tow trucks shall display the firm's name, city of address, and telephone number. This information shall be painted on or permanently affixed to both sides of the vehicle in accordance with rules adopted by the department.

(3) Before a tow truck is put into tow truck service, or when the reinspection of a tow truck is necessary, the district commander of the state patrol shall designate a location and time for the inspection to be conducted. When practicable, the inspection or reinspection shall be made within three business days following the request by the operator.

(4) Failure to comply with any requirement of this section or rules adopted under it is a traffic infraction.

NEW SECTION. Sec. 6. (1) The address that the tow truck operator lists on his or her application shall be the business location of the firm where its files are kept. The application shall also list all locations of secure areas for vehicle storage and redemption.

(2) At the business locations listed where vehicles may be redeemed, the registered operator shall post in a conspicuous and accessible location:

(a) All pertinent licenses and permits to operate as a registered tow truck operator;

(b) The current towing and storage charges itemized on a form approved by the department;

(c) The vehicle redemption procedure and rights;

(d) Information supplied by the department as to where complaints regarding either equipment or service are to be directed;

(e) Information concerning the acceptance of commercially reasonable tender as defined in section 12(1)(b) of this act.

(3) Ten days before the effective date of any change in an operator's fee schedule, the registered tow truck operator shall file the revised fee schedule with the department.

(4) The department shall adopt rules concerning fencing and security requirements of storage areas, which may provide for modifications or exemptions where needed to achieve compliance with local zoning laws.

(5) On any day when the registered tow truck operator holds the towing services open for business, the business office shall remain open with personnel present who are able to release impounded vehicles in accordance with this chapter and the rules adopted under it.

(6) A registered tow truck operator shall maintain personnel who can be contacted twenty-four hours a day to release impounded vehicles within a reasonable time.

(7) Towing contracts with private property owners shall be in written form and state the hours of authorization to impound, the persons empowered to authorize such impounds, and the present charge of a private impound for the classes of tow trucks to be used in such impound, and shall be retained in the files of the registered tow truck operator for three years.

(8) Any fee that is charged for the storage of a vehicle shall be calculated on a twenty-four hour basis, and shall be charged to the nearest half day from the time the vehicle arrived at the secure storage area.

(9) All billing invoices that are provided to the redeemer of the vehicle shall be itemized so that the individual fees are clearly discernable.

IMPOUNDING UNAUTHORIZED VEHICLES

NEW SECTION. Sec. 7. (1) No person may impound, tow, or otherwise disturb any motor vehicle standing on nonresidential private property or in a public parking facility for less than twenty-four hours unless a sign is posted near each entrance and on the property in a clearly conspicuous and visible location to all who park on such property that clearly indicates:

(a) The times a vehicle may be impounded as an unauthorized vehicle; and

(b) The name, telephone number, and address of the towing firm where the vehicle may be redeemed.

(2) The requirements of subsection (1) of this section do not apply to residential property. Any person having charge of such property may have an unauthorized vehicle impounded immediately upon giving written authorization.

(3) The department shall adopt rules relating to the size of the sign required by subsection (1) of this section, its lettering, placement, and the number required.

(4) This section applies to all new signs erected after July 1, 1986. All other signs must meet these requirements by July 1, 1989.

NEW SECTION, Sec. 8. If a vehicle is in violation of the time restrictions of section 1(12) of this act, it may be impounded by a registered tow truck operator at the direction of a law enforcement officer or other public official with jurisdiction if the vehicle is on public property, or at the direction of the property owner or his agent if it is on private property.

The person requesting a private impound shall provide a signed authorization for the impound at the time and place of the impound to the registered tow truck operator before the operator may proceed with the impound.

NEW SECTION, Sec. 9. (1) All vehicles impounded shall be taken to the nearest storage location that has been inspected and is listed on the application filed with the department.

(2) All vehicles shall be handled and returned in substantially the same condition as they existed before being towed.

(3) All personal belongings and contents in the vehicle shall be kept intact, and shall be returned to the vehicle's owner or agent during normal business hours upon request and presentation of a driver's license or other sufficient identification. Personal belongings shall not be sold at auction to fulfill a lien against the vehicle.

(4) All personal belongings not claimed before the auction shall be turned over to the local law enforcement agency to which the initial notification of impoundment was given. Such personal belongings shall be disposed of pursuant to chapter 63.29 RCW.

(5) After January 1, 1986, all employees who serve as tow truck drivers shall have a Washington state driver's license endorsed for vehicle combinations under RCW 46.20.440.

(6) Any person who shows proof of ownership or written authorization from the impounded vehicle's registered or legal owner may view the vehicle without charge during normal business hours.

NEW SECTION, Sec. 10. (1) At the time of impoundment the registered tow truck operator providing the towing service shall give immediate notification, by telephone or radio, to a law enforcement agency having jurisdiction who shall maintain a log of such reports, unless the impoundment was requested by that law enforcement agency. The initial notice of impoundment shall be followed by a written notice within twenty-four hours.

(2) The operator shall immediately send an abandoned vehicle report to the department for any vehicle in the operator's possession after the ninety-six hour abandonment period.

(3) Within fifteen days of the sale of an abandoned vehicle at public auction, the towing operator shall send a copy of the abandoned vehicle report showing the disposition of the abandoned vehicle to the crime information center of the Washington state patrol.

NEW SECTION, Sec. 11. (1) In the case of an unauthorized vehicle impounded from public property, the law enforcement agency or other public official directing the impoundment, or in the case of a vehicle impounded from private property, the impounding towing operator, shall notify the legal and registered owners of the impoundment of the unauthorized vehicle. The notification shall be sent by first-class mail within twenty-four hours after the impoundment to the last known registered and legal owners of the vehicle, as provided by the law enforcement agency. The notification shall include the name of the impounding tow firm, its address, and telephone number. The notice shall also include the location, time of the impound, and by whose authority the vehicle was impounded.

(2) In the case of an abandoned vehicle, within twenty-four hours after receiving information on the vehicle owners from the department through the abandoned vehicle report, the tow truck operator shall send by certified mail, a notice of custody and sale to the legal and registered owners.

REDEMPTION RIGHTS AND HEARING PROCEDURES

NEW SECTION, Sec. 12. (1) Vehicles impounded by registered tow truck operators pursuant to RCW 46.52.170, 46.61.565, or section 8 of this act may be redeemed only under the following circumstances:

(a) Only the legal owner, the registered owner, a person authorized by the registered owner, or one who has purchased a vehicle from the registered owner, who produces proof of ownership or written authorization and signs a receipt therefor may redeem an impounded vehicle.

(b) The vehicle shall be released upon the presentation to any person having custody of the vehicle of commercially reasonable tender sufficient to cover the costs of towing, storage, or other services rendered during the course of towing, removing, impounding, or storing any such motor vehicle. Commercially reasonable tender shall include, without limitation, cash, major bank credit cards, or personal checks drawn on in-state banks if accompanied by two pieces of valid identification, one of which may be required by the operator to have a photograph. Any person who stops payment on a personal check or does not make restitution within

ten days from the date a check becomes insufficient due to lack of funds to a towing firm that has provided a service pursuant to this section or in any other manner defrauds the towing firm in connection with services rendered pursuant to this section shall be liable for damages in the amount of twice the towing and storage fees, plus costs and reasonable attorney's fees.

(2) (a) The towing company shall give to each person who seeks to redeem an impounded vehicle written notice of the right of redemption and opportunity for a hearing, which notice shall be accompanied by a form to be used for requesting a hearing, and a copy of the tow and storage receipt. The towing company shall maintain a record evidenced by the redeeming person's signature that such notification was provided.

(b) Any person seeking to redeem an impounded vehicle under this section has a right to a hearing in the district court for the jurisdiction in which the vehicle was impounded to contest the validity of the impoundment or the amount of towing and storage charges. Any request for a hearing shall be made in writing on the form provided for that purpose and must be received by the district court within ten days of the date the opportunity was provided for in subsection (2)(a) of this section. If the hearing request is not received by the district court within the ten-day period, the right to a hearing is waived and the registered owner is liable for any towing, storage, or other impoundment charges permitted under this chapter. Upon receipt of a timely hearing request, the district court shall proceed to hear and determine the validity of the impoundment.

(3)(a) The district court, within five days after the request for a hearing, shall notify the registered tow truck operator, the person requesting the hearing if not the owner, and the registered and legal owners of the motor vehicle in writing of the hearing date and time.

(b) At the hearing, the person or persons requesting the hearing may produce any relevant evidence to show that the impoundment, towing, or storage fees charged were not proper.

(c) At the conclusion of the hearing, the district court shall determine whether the impoundment was proper, whether the towing or storage fees charged were in compliance with the posted rates, and who is responsible for payment of the charges.

(d) If the impoundment is found proper, the impoundment, towing, and storage fees as permitted under this chapter together with court costs shall be assessed against the person or persons requesting the hearing, unless the operator did not have a signed and valid impoundment authorization from a private property owner or an authorized agent.

(e) If the impoundment is determined to be invalid, then the registered and legal owners of the vehicle shall bear no impoundment, towing, or storage costs, and any bond or other security shall be returned or discharged as appropriate, and the person who authorized the impoundment shall be liable for any towing, storage, or other impoundment charges permitted under this chapter.

(4) Any impounded vehicle not redeemed within fifteen days of mailing of the notice of custody and sale as required by section 11(2) of this act shall be sold at public auction in accordance with all the provisions and subject to all the conditions of section 13 of this act. A vehicle may be redeemed any time before the start of the auction upon payment of towing and storage costs.

NEW SECTION. Sec. 13. (1) If, after the expiration of fifteen days from the date of mailing of notice of custody and sale required in section 11(2) of this act to the registered and legal owners, the vehicle or hulk remains unclaimed and has not been listed as a stolen vehicle, then the registered disposer having custody of the vehicle or hulk shall conduct a sale of the vehicle at public auction after having first published a notice of the date, place, and time of the auction in a newspaper of general circulation in the county in which the vehicle is located not less than three days before the date of the auction. The advertisement shall contain a description of the vehicle including the make, model, year, and license number and a notification that a three-hour public viewing period will be available before the auction. The auction shall be held during daylight hours of a normal business day.

(2) The following procedures are required in any public auction of abandoned vehicles:

(a) The auction shall be held in such a manner that all persons present are given an equal time and opportunity to bid;

(b) All bidders must be present at the time of auction unless they have submitted to the registered tow truck operator, who may or may not choose to use the preauction bid method, a written bid on a specific vehicle. Written bids may be submitted up to five days before the auction and shall clearly state which vehicle is being bid upon, the amount of the bid, and who is submitting the bid;

(c) The open bid process, including all written bids, shall be used so that everyone knows the dollar value that must be exceeded;

(d) The highest two bids received shall be recorded in written form;

(e) In case the high bidder defaults, the next bidder has the right to purchase the vehicle for the amount of his or her bid;

(f) The registered tow truck operator shall post a copy of the auction procedure at the bidding site. If the bidding site is different from the licensed office location the operator shall post a clearly visible sign at the office location that describes in detail where the auction will

be held. At the bidding site a copy of the newspaper advertisement that lists the vehicles for sale shall be posted:

(g) All surplus moneys derived from the auction after satisfaction of the tow truck operator's lien shall be remitted within thirty days to the department for deposit in the state motor vehicle fund. A report identifying the vehicles resulting in any surplus shall accompany the remitted funds. If the director subsequently receives a valid claim from the registered vehicle owner of record within one year from the date of the auction, the surplus moneys shall be remitted to the registered owner:

(h) If an operator receives no bid, or if the operator is the successful bidder at auction, the operator shall, within thirty days sell the unclaimed abandoned vehicle to a licensed vehicle wrecker, hulk hauler, or scrap processor by use of the abandoned vehicle report-affidavit of sale, or the operator shall apply for title to the vehicle.

(3) (a) In no case may the accumulation of storage charges exceed fifteen days from the date of receipt of the information by the operator from the department as provided by section 11(2) of this act.

(b) The failure of the registered disposer to comply with the time limits provided in this chapter limits the accumulation of storage charges to five days except where delay is unavoidable. Providing incorrect or incomplete identifying information to the department in the abandoned vehicle report shall be considered a failure to comply with these time limits if correct information is available.

NEW SECTION. Sec. 14. (1) A registered tow truck operator who has a valid and signed impoundment authorization has a lien upon the vehicle for services provided in the towing and storage of the vehicle, unless the impoundment is determined to have been invalid. However, the lien does not apply to personal property in or upon the vehicle that is not permanently attached to or is not an integral part of the vehicle. The registered operator also has a deficiency claim against the last registered owner of the vehicle for services provided in the towing and storage of the vehicle not to exceed the sum of three hundred dollars less the amount bid at auction, and for vehicles of over ten thousand pounds gross vehicle weight, the operator has a deficiency claim of one thousand dollars less the amount bid at auction, unless the impound is determined to be invalid. A registered owner who has completed the seller's report as provided for by RCW 46.12.101 is relieved of liability under this section.

(2) Any person who tows, removes, or otherwise disturbs any motor vehicle parked, stalled, or otherwise left on privately owned or controlled property, and any person owning or controlling the private property, or either of them, are liable to the owner, operator, or driver of a motor vehicle, or each of them, for consequential and incidental damages arising from any interference with the ownership or use of the motor vehicle which does not comply with the requirements of this chapter.

RECORDS, INSPECTIONS, AND ENFORCEMENT

NEW SECTION. Sec. 15. The registered tow truck operator shall keep a transaction file on each vehicle. The transaction file shall contain as a minimum those of the following items that are required at the time the vehicle is redeemed or becomes abandoned and is sold at a public auction:

- (1) A signed impoundment authorization as required by section 8 of this act;
- (2) A record of the twenty-four hour written impound notice to a law enforcement agency;
- (3) A copy of the impoundment notification to registered and legal owners, sent within twenty-four hours of impoundment, that advises the owners of the address of the impounding firm, a twenty-four hour telephone number, and the person under whose authority the vehicle was impounded;
- (4) A copy of the abandoned vehicle report that was sent to and returned by the department;
- (5) A copy and proof of mailing of the notice of custody and sale sent by the registered operator to the owners advising them they have fifteen days to redeem the vehicle before it is sold at public auction;
- (6) A copy of the advertisement of public auction;
- (7) A copy of the affidavit of sale showing the sales date, purchaser, amount of the lien, and sale price;
- (8) A record of the two highest bid offers on the vehicle;
- (9) A copy of the notice of opportunity for hearing given to those who redeem vehicles.

The transaction file shall be kept for a minimum of three years.

NEW SECTION. Sec. 16. Records, equipment, and facilities of a registered tow truck operator shall be available during normal business hours for audit or inspection by the department of licensing, the Washington state patrol, or any law enforcement agency having jurisdiction.

NEW SECTION. Sec. 17. (1) All law enforcement agencies or local licensing agencies that receive complaints involving registered tow truck operators shall forward the complaints, along with any supporting documents including all results from local investigations, to the department.

(2) Complaints involving deficiencies of equipment shall be forwarded by the department to the state commission on equipment.

NEW SECTION. Sec. 18. The director or the commission may use a hearing officer or administrative law judge for presiding over a hearing regarding infractions by registered tow truck operators of this chapter, chapter 46.37 RCW, or rules adopted thereunder.

NEW SECTION. Sec. 19. The director, in cooperation with the chief of the Washington state patrol, shall adopt rules that carry out the provisions and intent of this chapter.

NEW SECTION. Sec. 20. A registered tow truck operator's license may be denied, suspended, or revoked, or the licensee may be ordered to pay a monetary penalty of a civil nature, not to exceed one thousand dollars per violation, whenever the director has reason to believe the licensee has committed, or is at the time committing, a violation of this chapter or rules adopted under it or any other statute or rule relating to the title or disposition of vehicles or vehicle hulks, including but not limited to:

(1) Towing any abandoned vehicle without first obtaining and having in his possession at all times while transporting it, appropriate evidence of ownership or an impound authorization properly executed by the private person having control over the property on which the unauthorized vehicle was found;

(2) Forging the signature of the registered or legal owner on a certificate of title, or forging the signature of any authorized person on documents pertaining to unauthorized or abandoned vehicles or automobile hulks;

(3) Failing to comply with the statutes and rules relating to the processing and sale of abandoned vehicles;

(4) Failing to accept bids on any abandoned vehicle offered at public sale;

(5) Failing to transmit to the state surplus funds derived from the sale of an abandoned vehicle;

(6) Selling, disposing of, or having in his possession, without notifying law enforcement officials, a vehicle that he knows or has reason to know has been stolen or illegally appropriated without the consent of the owner;

(7) Failing to comply with the statutes and rules relating to the transfer of ownership of vehicles or other procedures after public sale; or

(8) Failing to pay any civil monetary penalty assessed by the director pursuant to this section within ten days after the assessment becomes final.

All orders by the director made under this chapter are subject to the Administrative Procedure Act, chapter 34.04 RCW.

NEW SECTION. Sec. 21. Whenever it appears to the director that any registered operator or a person offering towing services has engaged in or is about to engage in any act or practice constituting a violation of any provision of this chapter or any rule adopted hereunder, the director may issue an order directing the operator to cease and desist from continuing the act or practice. Reasonable notice of and opportunity for a hearing shall be given. The director may issue a temporary order pending a hearing, the temporary order shall remain in effect until ten days after the hearing is held and shall become final if the person to whom notice is addressed does not request a hearing within fifteen days after the receipt of notice.

NEW SECTION. Sec. 22. If an application for a license to conduct business as a tow truck operator is filed by any person whose license has previously been canceled for cause by the department, or if the department is of the opinion that the application is not filed in good faith or that the application is filed by some person as a subterfuge for the real person in interest whose license has previously been canceled for cause, the department, after a hearing, of which the applicant has been given twenty days' notice in writing and at which the applicant may appear in person or by counsel and present testimony, may refuse to issue such a person a license to conduct business as a tow truck operator.

JUNK VEHICLE DISPOSITION

NEW SECTION. Sec. 23. (1) Notwithstanding any other provision of law, any law enforcement officer having jurisdiction or any person authorized by the director may inspect and certify that a vehicle meets the requirements of a junk vehicle. The person making the certification shall record the make and vehicle identification number or license number of the vehicle if available, and shall also describe in detail the damage or missing equipment to verify that the value of the junk vehicle is equivalent only to the value of the scrap in it.

(2) The law enforcement officer or department representative shall provide information on the vehicle's owner to the landowner.

(3) Upon receiving information on the vehicle's owner, the landowner shall obtain a junk vehicle notification form from the department. The landowner shall send by certified mail, notification to the registered and legal owners shown on the records of the department. The notification shall describe the redemption procedure and the right to contest the sale of a junk vehicle in a district court hearing.

(4) If the vehicle remains unclaimed more than fifteen days after the landowner has mailed notification to the owner, the landowner may sign an affidavit of sale to be used as a title document.

(5) If no information on the vehicle's owner is found in the records of the department, the landowner shall place a legal notice of custody and sale in a newspaper of general circulation in the county. The newspaper notice shall include (a) the description of the vehicle; (b) the

address of the location of the junk vehicle; (c) the date by which the owner must redeem the vehicle; and (d) a telephone number where the landowner can be reached. If the vehicle remains unclaimed more than twenty days after publication of the notice, the landowner may sign an affidavit of sale to be used as a title document.

(6) The landowner of the property upon which the junk vehicle is located is entitled to recover from the vehicle owner any costs incurred in the removal of the junk vehicle.

(7) For the purposes of this section, the term "landowner" includes a legal owner of private property, a person with possession or control of private property, or a public official having jurisdiction over public property.

LOCAL REGULATION

NEW SECTION. Sec. 24. (1) A city, town, or county that adopts an ordinance or resolution concerning unauthorized, abandoned, or impounded vehicles shall include the applicable provisions of this chapter.

(a) A city, town, or county may, by ordinance, authorize other impound situations that may arise locally upon the public right-of-way or other publicly owned or controlled property.

(b) A city, town, or county may, by ordinance, provide for release of an impounded vehicle by means of a promissory note in lieu of immediate payment, if at the time of redemption the legal or registered owner requests a hearing on the validity of the impoundment. If the municipal ordinance directs the release of an impounded vehicle before the payment of the impoundment charges, the municipality is responsible for the payment of those charges to the registered tow truck operator within thirty days of the hearing date.

(c) The hearing specified in section 12(2) of this act and in this section may be conducted by an administrative hearings officer instead of in the district court. A decision made by an administrative hearing officer may be appealed to the district court for final judgment.

(2) A city, town, or county may adopt an ordinance establishing procedures for the abatement and removal as public nuisances of unauthorized junk motor vehicles or parts thereof from private property. Costs of removal may be assessed against the last registered owner of the vehicle or automobile hulk if the identity of the owner can be determined, unless the owner in the transfer of ownership of the vehicle or automobile hulk has complied with RCW 46.12.101, or the costs may be assessed against the owner of the property on which the vehicle is stored.

(3) Ordinances pertaining to public nuisances shall contain:

(a) A provision requiring notice to the last registered owner of record and the property owner of record that a hearing may be requested and that if no hearing is requested, the vehicle or automobile hulk will be removed;

(b) A provision requiring that if a request for a hearing is received, a notice giving the time, location, and date of the hearing on the question of abatement and removal of the vehicle or part thereof as a public nuisance shall be mailed, by certified mail, with a five-day return receipt requested, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owner of record unless the vehicle is in such condition that identification numbers are not available to determine ownership;

(c) A provision that the ordinance shall not apply to (i) a vehicle or part thereof that is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property or (ii) a vehicle or part thereof that is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer and is fenced according to RCW 46.80.130;

(d) A provision that the owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his reasons for the denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in its presence, then the local agency shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect the cost from the owner;

(e) A provision that after notice has been given of the intent of the city, town, or county to dispose of the vehicle and after a hearing, if requested, has been held, the vehicle or part thereof shall be removed at the request of a law enforcement officer with notice to the Washington state patrol and the department of licensing that the vehicle has been wrecked. The city, town, or county may operate such a disposal site when its governing body determines that commercial channels of disposition are not available or are inadequate, and it may make final disposition of such vehicles or parts, or may transfer such vehicle or parts to another governmental body provided such disposal shall be only as scrap.

(4) A registered disposer under contract to a city or county for the impounding of vehicles shall comply with any administrative regulations adopted by the city or county on the handling and disposing of vehicles.

MISCELLANEOUS

NEW SECTION. Sec. 25. Sections 1 through 24 of this act shall constitute a new chapter in Title 46 RCW.

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. Headings and captions used in this act are not any part of the law. Sec. 28. Section 12, chapter 10, Laws of 1982 as amended by section 6, chapter 164, Laws of 1983 and RCW 46.63.020 are each amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

(1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

(2) RCW 46.09.130 relating to operation of nonhighway vehicles;

(3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

(4) RCW 46.10.130 relating to the operation of snowmobiles;

(5) Chapter 46.12 RCW relating to certificates of ownership and registration;

(6) RCW 46.16.160 relating to vehicle trip permits;

(7) RCW 46.20.021 relating to driving without a valid driver's license;

(8) RCW 46.20.336 relating to the unlawful possession and use of a driver's license;

(9) RCW 46.20.342 relating to driving with a suspended or revoked license;

(10) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license;

(11) RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;

(12) Chapter 46.29 RCW relating to financial responsibility;

(13) RCW 46.44.180 relating to operation of mobile home pilot vehicles;

(14) RCW 46.48.175 relating to the transportation of dangerous articles;

(15) RCW 46.52.010 relating to duty on striking an unattended car or other property;

(16) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(17) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;

(18) RCW 46.52.100 relating to driving under the influence of liquor or drugs;

(19) ~~RCW 46.52.108 relating to disposal of abandoned vehicles or hulks;~~

~~(20)~~ RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company and an employer;

~~((21) RCW 46.52.210 relating to abandoned vehicles or hulks;~~

~~((22))~~ (20) Section 2 of this act relating to engaging in the activities of a registered tow truck operator without a registration certificate;

(21) RCW 46.61.015 relating to obedience to police officers, flagmen, or fire fighters;

~~((23))~~ (22) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;

~~((24))~~ (23) RCW 46.61.022 relating to failure to stop and give identification to an officer;

~~((25))~~ (24) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;

~~((26))~~ (25) RCW 46.61.500 relating to reckless driving;

~~((27))~~ (26) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;

~~((28))~~ (27) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

~~((29))~~ (28) RCW 46.61.522 relating to vehicular assault;

~~((30))~~ (29) RCW 46.61.525 relating to negligent driving;

~~((31))~~ (30) RCW 46.61.530 relating to racing of vehicles on highways;

~~((32))~~ (31) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;

~~((33))~~ (32) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;

~~((34))~~ (33) RCW 46.64.020 relating to nonappearance after a written promise;

~~((35))~~ (34) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;

~~((36))~~ (35) Chapter 46.65 RCW relating to habitual traffic offenders;

~~((37))~~ (36) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;

~~((36))~~ (37) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;

~~((37))~~ (38) Chapter 46.80 RCW relating to motor vehicle wreckers;

~~((40))~~ (39) Chapter 46.82 RCW relating to driver's training schools.

NEW SECTION, Sec. 29. The following acts or parts of acts are each repealed:

(1) Section 3, chapter 42, Laws of 1969 ex. sess., section 7, chapter 178, Laws of 1979 ex. sess., section 2, chapter 185, Laws of 1981 and RCW 46.52.102;

(2) Section 39, chapter 281, Laws of 1969 ex. sess., section 164, chapter 158, Laws of 1979, section 8, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.104;

(3) Section 4, chapter 42, Laws of 1969 ex. sess., section 40, chapter 281, Laws of 1969 ex. sess., section 9, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.106;

(4) Section 5, chapter 42, Laws of 1969 ex. sess., section 44, chapter 281, Laws of 1969 ex. sess., section 165, chapter 158, Laws of 1979, section 10, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.108;

(5) Section 4, chapter 148, Laws of 1980 and RCW 46.52.110;

(6) Section 7, chapter 42, Laws of 1969 ex. sess., section 41, chapter 281, Laws of 1969 ex. sess., section 167, chapter 158, Laws of 1979, section 12, chapter 178, Laws of 1979 ex. sess., section 1, chapter 274, Laws of 1983 and RCW 46.52.111;

(7) Section 8, chapter 42, Laws of 1969 ex. sess., section 42, chapter 281, Laws of 1969 ex. sess., section 168, chapter 158, Laws of 1979, section 13, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.112;

(8) Section 9, chapter 42, Laws of 1969 ex. sess., section 169, chapter 158, Laws of 1979, section 14, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.113;

(9) Section 10, chapter 42, Laws of 1969 ex. sess., section 15, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.114;

(10) Section 2, chapter 42, Laws of 1969 ex. sess., section 45, chapter 281, Laws of 1969 ex. sess., section 170, chapter 158, Laws of 1979, section 16, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.115;

(11) Section 11, chapter 42, Laws of 1969 ex. sess., section 171, chapter 158, Laws of 1979, section 17, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.116;

(12) Section 12, chapter 42, Laws of 1969 ex. sess., section 43, chapter 281, Laws of 1969 ex. sess., section 172, chapter 158, Laws of 1979 and RCW 46.52.117;

(13) Section 1, chapter 281, Laws of 1975 1st ex. sess., section 2, chapter 274, Laws of 1983 and RCW 46.52.118;

(14) Section 1, chapter 208, Laws of 1969 ex. sess., section 2, chapter 281, Laws of 1975 1st ex. sess. and RCW 46.52.119;

(15) Section 3, chapter 281, Laws of 1975 1st ex. sess., section 173, chapter 158, Laws of 1979 and RCW 46.52.1192;

(16) Section 4, chapter 281, Laws of 1975 1st ex. sess., section 3, chapter 274, Laws of 1983 and RCW 46.52.1194;

(17) Section 4, chapter 274, Laws of 1983 and RCW 46.52.1195;

(18) Section 5, chapter 281, Laws of 1975 1st ex. sess., section 5, chapter 274, Laws of 1983 and RCW 46.52.1196;

(19) Section 6, chapter 281, Laws of 1975 1st ex. sess. and RCW 46.52.1198;

(20) Section 1, chapter 111, Laws of 1971 ex. sess., section 18, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.145;

(21) Section 2, chapter 111, Laws of 1971 ex. sess., section 174, chapter 158, Laws of 1979, section 19, chapter 178, Laws of 1979 ex. sess., section 6, chapter 274, Laws of 1983 and RCW 46.52.150;

(22) Section 3, chapter 111, Laws of 1971 ex. sess. and RCW 46.52.160; and

(23) Section 6, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.210.

NEW SECTION, Sec. 30. The sum of four hundred twenty thousand dollars is appropriated from the motor vehicle fund for the biennium ending June 30, 1987, to carry out this act. Of this amount, one hundred fifty thousand dollars is for the department of licensing, and two hundred seventy thousand dollars is for the Washington state patrol.

NEW SECTION, Sec. 31. This act shall take effect on January 1, 1986.*

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

Senator Peterson moved that the Senate do concur in the House amendment to Substitute Senate Bill No. 3553.

Debate ensued.

POINT OF INQUIRY

Senator Pullen: "Senator Peterson, is there any provision in this bill that gives tow truck operators a kind of a monopoly in a particular geographical area?"

Senator Peterson: "There is nothing to my knowledge that would grant them a monopoly in any geographical area."

The President declared the question before the Senate to be the motion by Senator Peterson that the Senate do concur in the House amendment to Substitute Senate Bill No. 3553.

The motion by Senator Peterson carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 3553.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3553, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3553, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent, 1; excused, 2.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Stratton, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 45.

Voting nay: Senator Pullen - 1.

Absent: Senator Sellar - 1.

Excused: Senators Talmadge, von Reichbauer - 2.

SUBSTITUTE SENATE BILL NO. 3553, 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

April 11, 1985

Mr. President:

The House has passed SENATE BILL NO. 3233 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 3, chapter 108, Laws of 1979 ex. sess. as amended by section 2, chapter 279, Laws of 1983 and RCW 72.72.030 are each amended to read as follows:

(1) There is hereby created, in the general fund, an institutional impact account. The secretary of social and health services may reimburse political subdivisions for criminal justice costs incurred directly as a result of crimes committed by (a) offenders residing in an institution as defined herein under the jurisdiction of the secretary of social and health services and (b) a visitor to the institution who is involved in criminal conduct with an offender or with an employee of the institution while on the premises of the institution. Such reimbursement shall be made to the extent funds are available from the general fund—institutional impact account. Reimbursements shall be limited to law enforcement, prosecutorial, judicial, and jail facilities costs which are documented to be strictly related to the criminal activities of the offender or to the criminal activities of a visitor to the institution who is involved in such activities with an offender residing in the institution or with an employee of the institution while on the premises of the institution. The secretary of social and health services shall adopt rules to carry out the provisions of this subsection.

(2) The secretary of corrections may reimburse political subdivisions for criminal justice costs incurred directly as a result of crimes committed by (a) offenders residing in an institution as defined herein under the jurisdiction of the secretary of corrections and (b) a visitor to the institution who is involved in criminal conduct with an offender or with an employee of the institution while on the premises of the institution. Such reimbursement shall be made to the extent funds are available from the general fund—institutional impact account. Reimbursements shall be limited to law enforcement, prosecutorial, judicial, and jail facilities costs which are documented to be strictly related to the criminal activities of the offender or to the criminal activities of a visitor to the institution who is involved in such activities with an offender residing in the institution or with an employee of the institution while on the premises of the institution. The secretary of corrections shall adopt rules to carry out the provisions of this subsection.

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, 1985.

On page 1, line 1 of the title, after "account;" strike the remainder of the title and insert "amending RCW 72.72.030; providing an effective date; and declaring an emergency."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

Senator Granlund moved that the Senate do not concur in the House amendments to Senate Bill No. 3233 and asks the House to recede therefrom.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Granlund that the Senate do not concur in the House amendments to Senate Bill No. 3233.

The motion by Senator Granlund carried and the Senate did not concur in the House amendments to Senate Bill No. 3233 and asks the House to recede therefrom.

MOTION

At 10:01 a.m., on motion of Senator Vognild, the Senate recessed until 11:30 a.m.

SECOND MORNING SESSION

The Senate was called to order at 11:37 a.m. by President Cherberg.

There being no objection, the President declared the Senate to be at recess 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

April 8, 1985

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 3596 with the following amendments:

On page 5, after line 21, insert the following:

"Sec. 7. Section 1, chapter 152, Laws of 1972 ex. sess. as amended by section 17, chapter 17, Laws of 1984 and RCW 43.43.700 are each amended to read as follows:

There is hereby established within the Washington state patrol a section on identification and criminal history hereafter referred to as the section.

In order to aid the administration of justice the section shall install systems for the identification of individuals, including the fingerprint system and such other systems as the chief deems necessary. The section shall keep a complete record and index of all information received in convenient form for consultation and comparison.

The section shall obtain from whatever source available and file for record the fingerprints, palmprints, photographs, or such other identification data as it deems necessary, of persons who have been or shall hereafter be lawfully arrested and charged with, or convicted of any criminal offense. The section may obtain like information concerning persons arrested for or convicted of crimes under the laws of another state or government.

The section shall also contain like information concerning persons, over the age of eighteen years, who have been found, pursuant to a dependency proceeding under chapter 13.34 RCW in which the person was a party, to have sexually molested, sexually abused, or sexually exploited a child.

Sec. 8. Section 2, chapter 152, Laws of 1972 ex. sess. as amended by section 14, chapter 314, Laws of 1977 ex. sess. and RCW 43.43.705 are each amended to read as follows:

Upon the receipt of identification data from criminal justice agencies within this state, the section shall immediately cause the files to be examined and upon request shall promptly return to the contributor of such data a transcript of the record of previous arrests and dispositions of the persons described in the data submitted.

Upon application, the section shall furnish to criminal justice agencies, or to the department of social and health services, hereinafter referred to as the "department", a transcript of the criminal offender record information or dependency record information available pertaining to any person of whom the section has a record.

For the purposes of RCW 43.43.700 through 43.43.800 the following words and phrases shall have the following meanings:

"Criminal offender record information" includes, and shall be restricted to identifying data and public record information recorded as the result of an arrest or other initiation of criminal proceedings and the consequent proceedings related thereto. "Criminal offender record information" shall not include intelligence, analytical, or investigative reports and files.

"Criminal justice agencies" are those public agencies within or outside the state which perform, as a principal function, activities directly relating to the apprehension, prosecution, adjudication or rehabilitation of criminal offenders.

"Dependency record information" includes and shall be restricted to identifying data regarding a person, over the age of eighteen, who was a party to a dependency proceeding brought under chapter 13.34 RCW and who has been found, pursuant to such dependency proceeding, to have sexually molested, sexually abused, or sexually exploited a child.

Applications for information shall be by a data communications network used exclusively by criminal justice agencies or the department or in writing and information applied for shall be used solely in the due administration of the criminal laws or for the purposes enumerated in RCW 43.43.760(3).

The section may refuse to furnish any information pertaining to the identification or history of any person or persons of whom it has a record, or other information in its files and records, to any applicant if the chief determines that the applicant has previously misused information furnished to such applicant by the section or the chief believes that the applicant will not use the information requested solely for the purpose of due administration of the criminal laws or for the purposes enumerated in RCW 43.43.760(3). The applicant may appeal such determination and denial of information to the advisory council created in RCW 43.43.785 and the council may direct that the section furnish such information to the applicant.

Sec. 9. Section 7, chapter 36, Laws of 1979 ex. sess. and RCW 43.43.710 are each amended to read as follows:

Information contained in the files and records of the section relative to the commission of any crime by any person shall be considered privileged and shall not be made public or disclosed for any personal purpose or in any civil court proceedings except upon a written order of the judge of a court wherein such civil proceedings are had. All information contained in the files of the section relative to criminal records and personal histories of persons arrested for the commission of a crime shall be available to all criminal justice agencies and, for the sole purpose of investigating the cause of fires under RCW 48.48.060(2) where the cause is suspected to be arson, to the state fire marshal, upon the filing of an application as provided in RCW 43.43.705.

Dependency record information contained in the files and records of the section shall be considered privileged and shall not be made public. Dependency record information may be disclosed as authorized by this chapter or may be disclosed to the same extent that information regarding dependency proceedings may generally be disclosed, as authorized by applicable laws or court rules.

Although no application for information has been made to the section as provided in RCW 43.43.705, the section may transmit such information in the chief's discretion, to such agencies as are authorized by RCW 43.43.705 to make application for it.

Sec. 10. Section 4, chapter 152, Laws of 1972 ex. sess. and RCW 43.43.715 are each amended to read as follows:

The section shall, consistent with the procedures set forth in this 1972 act, cooperate with all other criminal justice agencies, and the department, within or without the state, in an exchange of information regarding convicted criminals and those suspected of or wanted for the commission of crimes, and persons who are the subject of dependency record information, to the end that proper identification may rapidly be made and the ends of justice served.

Sec. 11. Section 6, chapter 152, Laws of 1972 ex. sess. and RCW 43.43.725 Any copy of a criminal offender record, photograph, fingerprint, or other paper or document in the files of the section, including dependency record information, certified by the chief or his designee to be a true and complete copy of the original or of information on file with the section, shall be admissible in evidence in any court of this state pursuant to the provisions of RCW 5.44.040.

Sec. 12. Section 7, chapter 152, Laws of 1972 ex. sess. as amended by section 16, chapter 314, Laws of 1977 ex. sess. and RCW 43.43.730 are each amended to read as follows:

(1) Any individual shall have the right to inspect criminal offender record information, or dependency record information, on file with the section which refers to him. If an individual believes such information to be inaccurate or incomplete, he may request the section to purge, modify or supplement it and to advise such persons or agencies who have received his record and whom the individual designates to modify it accordingly. Should the section decline to so act, or should the individual believe the section's decision to be otherwise unsatisfactory, the individual may appeal such decision to the superior court in the county in which he is resident, or the county from which the disputed record emanated or Thurston county. The court shall in such case conduct a de novo hearing, and may order such relief as it finds to be just and equitable.

(2) The section may prescribe reasonable hours and a place for inspection, and may impose such additional restrictions, including fingerprinting, as are reasonably necessary both to assure the record's security and to verify the identities of those who seek to inspect them: PROVIDED, That the section may charge a reasonable fee for fingerprinting.

Sec. 13. Section 8, chapter 152, Laws of 1972 ex. sess. and RCW 43.43.735 are each amended to read as follows:

(1) It shall be the duty of the sheriff or director of public safety of every county, and the chief of police of every city or town, and of every chief officer of other law enforcement agencies duly operating within this state, to cause the photographing and fingerprinting of all persons lawfully arrested for the commission of any criminal offense constituting a felony or gross misdemeanor: PROVIDED, That an exception may be made when the arrest is for a violation punishable as a gross misdemeanor and the arrested person is not taken into custody.

(2) It shall be the right, but not the duty, of the sheriff or director of public safety of every county, and the chief of police of every city or town, and every chief officer of other law enforcement agencies operating within this state to photograph and record the fingerprints of all persons lawfully arrested, or all persons who are the subject of dependency record information.

(3) Such sheriffs, directors of public safety, chiefs of police, and other chief law enforcement officers, may record, in addition to photographs and fingerprints, the palmprints, soleprints, toeprints, or any other identification data of all persons lawfully arrested for the commission of any criminal offense, or all persons who are the subject of dependency record information, when in the discretion of such law enforcement officers it is necessary for proper identification of the arrested person or the investigation of the crime with which he is charged.

(4) It shall be the duty of the court having jurisdiction over the dependency action to cause the fingerprinting of all persons who are the subject of dependency record information and to obtain other necessary identifying information, as specified by the section in rules promulgated pursuant to chapter 34.04 RCW to carry out the provisions of this subsection.

(5) The court having jurisdiction over the dependency action may obtain and record, in addition to fingerprints, the photographs, palmprints, soleprints, toeprints, or any other identification data of all persons who are the subject of dependency record information, when in the discretion of the court it is necessary for proper identification of the person.

Sec. 14. Section 9, chapter 152, Laws of 1972 ex. sess. and RCW 43.43.740 are each amended to read as follows:

Except as provided in RCW 43.43.755 relating to the fingerprinting of juveniles:

(1) It shall be the duty of the sheriff or director of public safety of every county, and the chief of police of every city or town, and of every chief officer of other law enforcement agencies duly operating within this state to furnish within seventy-two hours from the time of arrest to the section the required sets of fingerprints together with other identifying data as may be prescribed by the chief, of any person lawfully arrested, fingerprinted, and photographed pursuant to RCW 43.43.735.

(2) Law enforcement agencies may retain and file copies of the fingerprints, photographs, and other identifying data and information obtained pursuant to RCW 43.43.735. Said records shall remain in the possession of the law enforcement agency as part of the identification record and are not returnable to the subjects thereof.

(3) It shall be the duty of the court having jurisdiction over the dependency action to furnish dependency record information, obtained pursuant to RCW 43.43.735, to the section within seven days, excluding Saturdays, Sundays, and holidays, from the date that the court enters a finding, pursuant to a dependency action brought under chapter 13.34 RCW, that a person over the age of eighteen, who is a party to the dependency action, has sexually molested, sexually abused, or sexually exploited a child.

(4) The court having jurisdiction over the dependency action may retain and file copies of the fingerprints, photographs, and other identifying data and information obtained pursuant to RCW 43.43.735. These records shall remain in the possession of the court as part of the identification record and are not returnable to the subjects thereof.

Sec. 15. Section 13, chapter 152, Laws of 1972 ex. sess. as amended by section 1, chapter 184, Laws of 1983 and RCW 43.43.760 are each amended to read as follows:

(1) Whenever a resident of this state appears before any law enforcement agency and requests an impression of his fingerprints to be made, such agency may comply with his request and make the required copies of the impressions on forms marked "Personal Identification". The required copies shall be forwarded to the section and marked "for personal identification only".

The section shall accept and file such fingerprints submitted voluntarily by such resident, for the purpose of securing a more certain and easy identification in case of death, injury, loss of memory, or other similar circumstances. Upon the request of such person, the section shall return his identification data.

(2) Whenever any person is an applicant for appointment to any position or is an applicant for employment or is an applicant for a license to be issued by any governmental agency, and the law or a regulation of such governmental agency requires that the applicant be of good moral character or not have been convicted of a crime, or is an applicant for appointment to or employment with a criminal justice agency, or the department, the applicant may request any law enforcement agency to make an impression of his fingerprints to be submitted to the section. The law enforcement agency may comply with such request and make copies of the impressions on forms marked "applicant", and submit such copies to the section.

The section shall accept such fingerprints and shall cause its files to be examined and shall promptly send to the appointing authority, employer, or licensing authority indicated on the form of application, a transcript of the record of previous crimes committed by the person described on the data submitted, or a transcript of the dependency record information regarding the person described on the data submitted, or if there is no record of his commission of any crimes, or if there is no dependency record information, a statement to that effect.

(3) The Washington state patrol shall charge fees for processing of noncriminal justice system requests for criminal history record information pursuant to this section which will cover, as nearly as practicable, the direct and indirect costs to the patrol of processing such requests.

Any law enforcement agency may charge a fee not to exceed five dollars for the purpose of taking fingerprint impressions or searching its files of identification for noncriminal purposes."

On page 1, line 2 of the title, after "10.98.100" strike "and" and after "10.98.140" insert "43.43.700, 43.43.705, 43.43.710, 43.43.715, 43.43.725, 43.43.730, 43.43.735, 43.43.740, and 43.43.760".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Granlund, the Senate concurred in the House amendments to Engrossed Senate Bill No. 3596.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3596, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3596, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; absent, 8; excused, 1.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Saling, Sellar, Stratton, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 40.

Absent: Senators Benitz, Bluechel, Craswell, Fleming, Guess, Metcalf, Patterson, Rinehart - 8.

Excused: Senator Talmadge - 1.

ENGROSSED SENATE BILL NO. 3596, 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

April 9, 1985

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 4152 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 29, chapter 261, Laws of 1969 ex. sess. as last amended by section 8, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.520 are each amended to read as follows:

Notwithstanding any other provision of this chapter or chapter 28B.50 RCW as now or hereafter amended (1) boards of trustees of the various community colleges shall waive general tuition fees, operating fees, and services and activities fees for students nineteen years of age or older who are eligible for resident tuition and fee rates as defined in RCW 28B.15.012 through 28B.15.015 and who enroll in a course of study or program which will enable them to finish their high school education and obtain a high school diploma or certificate, and (2) the various community college boards may waive the general tuition, operating and services and activities fees for children after the age of nineteen years of any law enforcement officer or fire fighter who lost his life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state.

(3) Boards of trustees of the various community colleges may waive residency requirements for students enrolled in that community college in a course of study or program which will enable them to finish their high school education and obtain a high school diploma or certificate. The waiver shall be in effect only for those courses which lead to a high school diploma or certificate."

On page 1, on line 2 of the title, after "RCW" strike "28B.15.012" and insert "28B.15.520".

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Gaspard, the Senate concurred in the House amendments to Engrossed Senate Bill No. 4152.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4152, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4152, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; absent, 3; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Benitz, Guess, Sellar - 3.

Excused: Senator Talmadge - 1.

ENGROSSED SENATE BILL NO. 4152, 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 Substitute Senate Bill No. 3146 and the pending motion by Senator Granlund to not concur in the House amendments and the pending motion by Senator Deccio to concur in the House amendments, deferred earlier today.

MOTION

On motion of Senator Deccio, and there being no objection, the motion to concur in the House amendments to Substitute Senate Bill No. 3146 was withdrawn.

The President declared the question before the Senate to be the motion by Senator Granlund that the Senate do not concur in the House amendments to Substitute Senate Bill No. 3146.

The motion by Senator Granlund carried and the Senate did not concur in the House amendments to Substitute Senate Bill No. 3146 and asks the House to recede therefrom.

MOTION

At 1:48 p.m., on motion of Senator Vognild, the Senate was declared to be at ease.

The Senate was called to order at 2:53 p.m. by President Cherberg.

There being no objection, the Senate advanced to the sixth order of business.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 493 and the pending amendment by Senator Warnke on page 3, line 1, deferred April 12, 1985.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Guess, the President finds that Substitute House Bill No. 493 is a measure establishing a seismic safety commission responsible for seismic safety and earthquake disaster preparedness.

"The amendment proposed by Senator Warnke authorizes the Department of Emergency Management to develop a comprehensive state mine safety plan.

"The President, therefore, finds that the proposed amendment does change 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, further consideration of Substitute House Bill No. 493 was deferred.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 124, by Committee on State Government (originally sponsored by Representatives O'Brien, Belcher, Unsoeld and Isaacson) (by Department of Community Development request)

Authorizing the defense, payment, or settlement of claims against volunteers of the state.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Substitute House Bill No. 124 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 Thompson, could you tell me exactly what sort of volunteers we're talking about? Maybe you could give an example of volunteers that you referred to."

Senator Thompson: "Thank you, Senator Pullen. We have volunteers who clear trails, remove the litter from beaches for the Parks and Recreation Commission, among others."

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 124.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 124 and the bill passed the Senate by the following vote: Yeas, 43; nays, 3; absent, 2; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senators Barr, Patterson, Pullen - 3.

Absent: Senators Craswell, Deccio - 2.

Excused: Senator Talmadge - 1.

SUBSTITUTE HOUSE BILL NO. 124, having received the constitutional majority, 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. 479, by Representatives Appelwick, Jacobsen, Hargrove, Schoon, May and Taylor

Authorizing state park passes and fishing licenses for disabled persons.

The bill was read the second time.

MOTION

On motion of Senator Kreidler, the rules were suspended, House Bill No. 479 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. 479.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 479 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Talmadge - 1.

HOUSE BILL NO. 479, having received the constitutional majority, 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. 281, by Representatives Jacobsen, Long, Unsoeld, Nealey, Todd, Gallagher, McMullen, Sutherland, Barnes, Miller, Ballard, D. Nelson, Madsen, Bond and Hine

Authorizing limited regulation by the state of radio communications service companies.

The bill was read the second time.

MOTION

On motion of Senator Williams, the rules were suspended, Engrossed House Bill No. 281 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 House Bill No. 281.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 281 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yeas: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Talmadge - 1.

ENGROSSED HOUSE BILL NO. 281, having received the constitutional majority, 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. 39, by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Lux, Winsley, Zellinsky, Prince and P. King)

Making miscellaneous changes to the insurance code.

The bill was read the second time.

MOTION

Senator Moore moved that the following Committee on Financial Institutions amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 48.01 RCW to read as follows:

The term "developmental disability" as used in this title means a disability attributable to mental retardation, cerebral palsy, epilepsy, autism, or another neurological condition 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.

Sec. 2. Section .02.12, chapter 79, Laws of 1947 as amended by section 1, chapter 130, Laws of 1979 ex. sess. and RCW 48.02.120 are each amended to read as follows:

(1) The commissioner shall preserve in permanent form records of his or her proceedings, hearings, investigations, and examinations, and shall file such records in his or her office.

(2) The records of the commissioner and insurance filings in his or her office shall be open to public inspection, except as otherwise provided by this code.

(3) Actuarial formulas, statistics, and assumptions submitted in support of a rate or form filing by an insurer, health care service contractor, or health maintenance organization or submitted to the commissioner upon his or her request shall be withheld from public inspection in order to preserve trade secrets or prevent unfair competition.

Sec. 3. Section .05.20, chapter 79, Laws of 1947 and RCW 48.05.200 are each amended to read as follows:

(1) Each authorized foreign or alien insurer shall appoint the commissioner as its attorney to receive service of, and upon whom shall be served, all legal process issued against it in this state upon causes of action arising within this state. Service upon the commissioner as attorney shall constitute service upon the insurer. Service of legal process against such insurer can be had only by service upon the commissioner, except actions upon contractor bonds pursuant to RCW 18.27.040, where service may be upon the department of labor and industries.

(2) With the appointment the insurer shall designate by name and address the person to whom the commissioner shall forward legal process so served upon him or her. The insurer may change such person by filing a new designation.

(3) The appointment of the commissioner as attorney shall be irrevocable, shall bind any successor in interest or to the assets or liabilities of the insurer, and shall remain in effect as long as there is in force in this state any contract made by the insurer or liabilities or duties arising therefrom.

Sec. 4. Section .10.07, chapter 79, Laws of 1947 as last amended by section 5, chapter 266, Laws of 1975 1st ex. sess. and RCW 48.10.070 are each amended to read as follows:

(1) A domestic reciprocal insurer hereafter formed, if it has otherwise complied with the provisions of this code, may be authorized to transact insurance if it ~~((deposits and maintains on deposit with the commissioner surplus funds in the minimum amount of three hundred thousand dollars))~~ initially possesses surplus in an amount equal to or exceeding the capital and surplus requirements required under RCW 48.05.340(1) plus special surplus, if any, required under RCW 48.05.360 and thereafter possesses, and maintains surplus funds equal to the paid-in capital stock required under RCW 48.05.340 of a stock insurer transacting like kinds of insurance, and the special surplus, if any, required under RCW 48.05.360.

(2) A ~~((domestic reciprocal insurer may be authorized to transact other kinds of insurance in addition to that for which it was originally authorized, if it has otherwise complied with the provisions of this code therefor and possesses and maintains surplus funds equal to the paid-in capital stock required under RCW 48.05.340 of a stock insurer transacting like kinds of insurance, and the special surplus, if any, required under RCW 48.05.360 as to such a stock insurer. The minimum deposit held by the commissioner shall constitute part of the surplus funds so otherwise required. The insurer need not deposit such additional surplus funds with the commissioner. PROVIDED, That a))~~ domestic reciprocal insurer which under prior laws held authority to transact insurance in this state may continue to be so authorized so long as it otherwise qualifies therefor and maintains surplus funds in amount not less than as required under laws of this state in force at the time such authority to transact insurance in this state was granted.

(3) A domestic reciprocal insurer heretofore formed shall maintain on deposit with the commissioner surplus funds of not less than the sum of one hundred thousand dollars, and to transact kinds of insurance transacted by it in addition to that authorized by its original certificate of authority, shall have and maintain surplus (including the amount of such deposit) in amount not less than the paid-in capital stock required under RCW 48.05.340(1) plus special surplus, if any, required under RCW 48.05.360, of a domestic stock insurer formed after 1967 and transacting the same kinds of insurance. Such additional surplus funds need not be deposited with the commissioner.

Sec. 5. Section .15.16, chapter 79, Laws of 1947 as amended by section 22, chapter 190, Laws of 1949 and RCW 48.15.160 are each amended to read as follows:

(1) The provisions of this chapter controlling the placing of insurance with unauthorized insurers shall not apply to reinsurance or to the following insurances when so placed by licensed agents or brokers of this state:

(a) Ocean marine and foreign trade insurances.

(b) Insurance on subjects located, resident, or to be performed wholly outside of this state, or on vehicles or aircraft owned and principally garaged outside this state.

(c) Insurance on operations of railroads engaged in transportation in interstate commerce and their property used in such operations.

(d) Insurance of aircraft owned or operated by manufacturers of aircraft, or of aircraft operated in schedule interstate flight, or cargo of such aircraft, or against liability, other than workmen's compensation and employer's liability, arising out of the ownership, maintenance or use of such aircraft.

(2) Agents and brokers so placing any such insurance with an unauthorized insurer shall keep a full and true record of each such coverage in detail as required of surplus line insurance under this chapter and shall meet the requirements imposed upon a surplus line broker pursuant to RCW 48.15.090 and any regulations adopted thereunder. The record shall be preserved for not less than five years from the effective date of the insurance and shall be kept available in this state and open to the examination of the commissioner. The agent or broker shall furnish to the commissioner at ~~((his))~~ the commissioner's request and on forms as designated and furnished by him or her a report of all such coverages so placed in a designated calendar year.

Sec. 6. Section .16.07, chapter 79, Laws of 1947 as amended by section 8, chapter 86, Laws of 1955 and RCW 48.16.070 are each amended to read as follows:

The commissioner may designate any solvent trust company or other solvent financial institution having trust powers domiciled in this state, as the commissioner's depository to receive and hold any ~~((such))~~ deposit of securities. Any deposit so held shall be at the expense of the insurer. Any solvent financial institution domiciled in this state, the deposits of which are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, may be designated as the commissioner's depository to receive and hold any deposit of funds. All funds deposited shall be fully insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

Sec. 7. Section .17.01, chapter 79, Laws of 1947 as amended by section 9, chapter 339, Laws of 1981 and RCW 48.17.010 are each amended to read as follows:

"Agent" means any person appointed by an insurer to solicit applications for insurance on its behalf ~~((and)).~~ If authorized so to do, ~~((to))~~ an agent may effectuate insurance contracts ~~((and to)).~~ An agent may collect premiums on insurances so applied for or effectuated.

Sec. 8. Section .17.52, chapter 79, Laws of 1947 as amended by section 9, chapter 197, Laws of 1953 and RCW 48.17.520 are each amended to read as follows:

(1) No such temporary license shall be effective for more than ninety days in any twelve month period, subject to extension for an additional period of not more than ninety days at the commissioner's discretion and for good cause shown. The commissioner may refuse so to license again any person who has previously been so licensed.

(2) An individual requesting temporary agent's license on account of death or disability of an agent, shall not be so licensed for any insurer as to which such agent was not licensed at the time of death or commencement of disability.

~~((3) No person writing or renewing any "controlled business," as defined in this chapter, under any temporary license, shall be entitled to receive any commission or other compensation on account thereof unless and until prior to the expiration of the temporary license such person fully qualifies for and receives a permanent license in replacement of the temporary license. Otherwise, the licensee under such temporary license may exercise the same powers as under a like permanent license.))~~

Sec. 9. Section .18.11, chapter 79, Laws of 1947 as amended by section 9, chapter 181, Laws of 1982 and RCW 48.18.110 are each amended to read as follows:

(1) The commissioner shall disapprove any such form of policy, application, rider, or endorsement, or withdraw any previous approval thereof, only:

(a) If it is in any respect in violation of or does not comply with this code or any applicable order or regulation of the commissioner issued pursuant to the code; or

(b) If it does not comply with any controlling filing theretofore made and approved; or

(c) If it contains or incorporates by reference any inconsistent, ambiguous or misleading clauses, or exceptions and conditions which unreasonably or deceptively affect the risk purported to be assumed in the general coverage of the contract; or

(d) If it has any title, heading, or other indication of its provisions which is misleading; or

(e) If purchase of insurance thereunder is being solicited by deceptive advertising.

(2) In addition to the grounds for disapproval of any such form as provided in subsection (1) of this section, the commissioner may disapprove any form of disability insurance policy if the benefits provided therein are unreasonable in relation to the premium charged.

Sec. 10. Section 3, chapter 128, Laws of 1969 ex. sess. and RCW 48.20.420 are each amended to read as follows:

Any disability insurance contract providing health care services, delivered or issued for delivery in this state more than one hundred twenty days after August 11, 1969, which provides that coverage of a dependent child shall terminate upon attainment of the limiting age for dependent children specified in the contract, shall also provide in substance that attainment of such limiting age shall not operate to terminate the coverage of such child while the child is and continues to be both (1) incapable of self-sustaining employment by reason of ~~((mental retardation))~~ developmental disability or physical handicap and (2) chiefly dependent upon the subscriber for support and maintenance, provided proof of such incapacity and dependency is furnished to the insurer by the subscriber within thirty-one days of the child's attainment of the limiting age and subsequently as may be required by the insurer but not more frequently than annually after the two year period following the child's attainment of the limiting age.

Sec. 11. Section 16, chapter 266, Laws of 1975 1st ex. sess. and RCW 48.20.450 are each amended to read as follows:

The commissioner shall issue regulations to establish specific standards, including standards of full and fair disclosure, that set forth the manner, content, and required disclosure for the sale of individual policies of disability insurance which shall be in addition to and in accordance with applicable laws of this state, including RCW ~~((48-20-032))~~ 48.20.450 through 48.20.480, which may cover but shall not be limited to:

(1) Terms of renewability;

(2) Initial and subsequent conditions of eligibility;

- (3) Nonduplication of coverage provisions;
- (4) Coverage of dependents;
- (5) Preexisting conditions;
- (6) Termination of insurance;
- (7) Probationary periods;
- (8) Limitations;
- (9) Exceptions;
- (10) Reductions;
- (11) Elimination periods;
- (12) Requirements for replacement;
- (13) Recurrent conditions; and
- (14) The definition of terms including but not limited to the following: Hospital, accident, sickness, injury, physician, accidental means, total disability, partial disability, nervous disorder, guaranteed renewable, and noncancellable.

Sec. 12. Section 18, chapter 266, Laws of 1975 1st ex. sess. and RCW 48.20.470 are each amended to read as follows:

(1) No policy of individual disability insurance shall be delivered or issued for delivery in this state unless an outline of coverage described in subsection (2) of this section is furnished to the applicant in accord with such rules or regulations as the commissioner shall prescribe.

(2) The commissioner shall prescribe the format and content of the outline of coverage required by subsection (1) of this section. "Format" means style, arrangement, and overall appearance, including such items as the size, color, and prominence of type and the arrangement of text and captions. Such outline of coverage shall include:

(a) A statement identifying the applicable category or categories of coverage provided by the policy as prescribed in ~~((section 15 of this 1975 act))~~ RCW 48.20.450;

(b) A description of the principal benefits and coverage provided in the policy;

(c) A statement of the exceptions, reductions and limitations contained in the policy;

(d) A statement of the renewal provisions including any reservation by the insurer of a right to change premiums; and

(e) A statement that the outline is a summary of the policy issued or applied for and that the policy should be consulted to determine governing contractual provisions.

Sec. 13. Section .30.01, chapter 79, Laws of 1947 as last amended by section 6, chapter 152, Laws of 1973 1st ex. sess. and RCW 48.30.010 are each amended to read as follows:

(1) No person engaged in the business of insurance shall engage in unfair methods of competition or in unfair or deceptive acts or practices in the conduct of such business as such methods, acts, or practices are defined pursuant to subsection (2) of this section.

(2) In addition to such unfair methods and unfair or deceptive acts or practices as are expressly defined and prohibited by this code, the commissioner may from time to time by regulation promulgated pursuant to chapter 34.04 RCW, define other methods of competition and other acts and practices in the conduct of such business reasonably found by ~~((him))~~ the commissioner to be unfair or deceptive.

(3) No such regulation shall be made effective prior to the expiration of thirty days after the date of the order by which it is promulgated.

(4) If the commissioner has cause to believe that any person is violating any such regulation ~~((he))~~, the commissioner may order such person to cease and desist therefrom. The commissioner shall deliver such order to such person direct or mail it to the person by registered mail with return receipt requested. If the person violates the order after expiration of ten days after the cease and desist order has been received by him or her, he or she may be fined by the commissioner a sum not to exceed two hundred and fifty dollars for each violation committed thereafter ~~((; or the commissioner may take such other action independently, or in addition, as is permitted under the insurance code for the violation of the regulation))~~.

(5) If any such regulation is violated, the commissioner may take such other or additional action as is permitted under the insurance code for violation of a regulation.

Sec. 14. Section .30.14, chapter 79, Laws of 1947 as amended by section 3, chapter 119, Laws of 1975-'76 2nd ex. sess. and RCW 48.30.140 are each amended to read as follows:

(1) Except to the extent provided for in an applicable filing with the commissioner then in effect, no insurer, general agent, agent, broker, or solicitor shall, as an inducement to insurance, or after insurance has been effected, directly or indirectly, offer, promise, allow, give, set off, or pay to the insured or to any employee of the insured, any rebate, discount, abatement, or reduction of premium or any part thereof named in any insurance contract, or any commission thereon, or earnings, profits, dividends, or other benefit, or any other valuable consideration or inducement whatsoever which is not expressly provided for in the policy.

(2) Subsection (1) of this section shall not apply as to commissions paid to a licensed agent, general agent, broker, or solicitor for insurance placed on his or her own property or risks ~~((; if the aggregate of such commissions does not exceed five percent of the total net commissions received by the agent, general agent, broker, or solicitor during the same twelve month period))~~.

(3) This section shall not apply to the allowance by any marine insurer, or marine insurance agent, general agent, broker, or solicitor, to any insured, in connection with marine insurance, of such discount as is sanctioned by custom among marine insurers as being additional to the agent's or broker's commission.

(4) This section shall not apply to advertising or promotional programs conducted by insurers, agents, or brokers whereby prizes, goods, wares, or merchandise, not exceeding five dollars in value per person in the aggregate in any twelve month period, are given to all insureds or prospective insureds under similar qualifying circumstances.

Sec. 15. Section 1, chapter 36, Laws of 1983 and RCW 48.42.010 are each amended to read as follows:

Notwithstanding any other provision of law, and except as provided in this chapter, any person or other entity which provides coverage in this state for life insurance, annuities, loss of time, medical, surgical, chiropractic, physical therapy, speech pathology, audiology, professional mental health, dental, hospital, or optometric expenses, whether the coverage is by direct payment, reimbursement, the providing of services, or otherwise, shall be subject to the authority of the state insurance commissioner, unless the person or other entity shows that while providing the services it is subject to the jurisdiction and regulation of another agency of this state, any subdivisions thereof, or the federal government.

NEW SECTION. Sec. 16. Section .17.08, chapter 79, Laws of 1947 and RCW 48.17.080 are each repealed.

Sec. 17. Section .18.29, chapter 79, Laws of 1947 as last amended by section 7, chapter 110, Laws of 1982 and RCW 48.18.290 are each amended to read as follows:

(1) Cancellation by the insurer of any policy which by its terms is cancellable at the option of the insurer, or of any binder based on such policy, may be effected as to any interest only upon compliance with either or both of the following:

(a) Written notice of such cancellation must be actually delivered or mailed to the insured or to his or her representative in charge of the subject of the insurance not less than ~~((twenty))~~ forty-five days prior to the effective date of the cancellation except for cancellation of insurance policies for nonpayment of premiums, which notice shall be not less than ten days prior to such date and except for cancellation of fire insurance policies under chapter 48.53 RCW, which notice shall not be less than five days prior to such date;

(b) Like notice of not less than ~~((twenty))~~ forty-five days must also be so delivered or mailed to each mortgagee, pledgee, or other person shown by the policy to have an interest in any loss which may occur thereunder.

(2) The mailing of any such notice shall be effected by depositing it in a sealed envelope, directed to the addressee at his or her last address as known to the insurer or as shown by the insurer's records, with proper prepaid postage affixed, in a letter depository of the United States post office. The insurer shall retain in its records any such item so mailed, together with its envelope, which was returned by the post office upon failure to find, or deliver the mailing to, the addressee.

(3) The affidavit of the individual making or supervising such a mailing, shall constitute prima facie evidence of such facts of the mailing as are therein affirmed.

(4) The portion of any premium paid to the insurer on account of the policy, unearned because of the cancellation and in amount as computed on the pro rata basis, must be actually paid to the insured or other person entitled thereto as shown by the policy or by any endorsement thereon, or be mailed to the insured or such person as soon as possible, and no later than ~~((thirty))~~ forty-five days after the date of notice of cancellation to the insured for homeowners', dwelling fire, and private passenger auto. Any such payment may be made by cash, or by check, bank draft, or money order.

(5) This section shall not apply to contracts of life or disability insurance without provision for cancellation prior to the date to which premiums have been paid.

Sec. 18. Section 19, chapter 241, Laws of 1969 ex. sess. as amended by section 6, chapter 199, Laws of 1979 ex. sess. and RCW 48.18.291 are each amended to read as follows:

(1) No contract of insurance predicated wholly or in part upon the use of a private passenger automobile shall be terminated by cancellation by the insurer until at least twenty days after mailing written notice of cancellation to the named insured at the latest address filed with the insurer by or on behalf of the named insured, accompanied by the reason therefor: PROVIDED, That where cancellation is for nonpayment of premium, or is within the first thirty days after the contract has been in effect, at least ten days notice of cancellation, accompanied by the reason therefor, shall be given: PROVIDED HOWEVER, That in case of a contract evidenced by a written binder which has been delivered to the insured, if such binder contains a clearly stated expiration date, no additional notice of cancellation or nonrenewal shall be required.

(2) (a) No notice of cancellation by the insurer as to a contract of insurance to which subsection (1) applies shall be valid if sent more than sixty days after the contract has been in effect unless:

(i) The named insured fails to discharge when due any of his or her obligations in connection with the payment of premium for the policy or any installment thereof, whether payable

directly to the insurer or to its agent or indirectly under any premium finance plan or extension of credit.

(ii) The driver's license of the named insured, or of any other operator who customarily operates an automobile insured under the policy, has been under suspension or revocation during the policy period or, if the policy is a renewal, during its policy period or the one hundred eighty days immediately preceding the effective date of the renewal policy.

(b) Modification by the insurer of automobile physical damage coverage by the inclusion of a deductible not exceeding one hundred dollars shall not be deemed a cancellation of the coverage or of the policy.

(3) The substance of subsections (1) and (2)(a) of this section must be set forth in each contract of insurance subject to the provisions of subsection (1) above, and may be in the form of an attached endorsement.

(4) No notice of cancellation of a policy which can be canceled only pursuant to subsection (2) shall be effective unless the reason therefor accompanies or is included in the notice of cancellation.

Sec. 19. Section 20, chapter 241, Laws of 1969 ex. sess. as last amended by section 17, chapter 339, Laws of 1981 and RCW 48.18.292 are each amended to read as follows:

(1) Each insurer shall be required to renew any contract of insurance subject to RCW 48.18.291 unless one of the following situations exists:

(a) The insurer gives the named insured at least (~~twenty~~) forty-five days' notice in writing as provided for in RCW 48.18.291(1), that it proposes to refuse to renew the insurance contract upon its expiration date; and sets forth therein the actual reason for refusing to renew; or

(b) At least twenty days prior to its expiration date, the insurer has communicated its willingness to renew in writing to the named insured, and has included therein a statement of the amount of the premium or portion thereof required to be paid by the insured to renew the policy, including the amount by which the premium or deductibles have changed from the previous policy period, and the date by which such payment must be made, and the insured fails to discharge when due his obligation in connection with the payment of such premium or portion thereof; or

(c) The insured's agent or broker has procured other coverage acceptable to the insured prior to the expiration of the policy period.

(2) Renewal of a policy shall not constitute a waiver or estoppel with respect to grounds for cancellation which existed before the effective date of such renewal.

(3) "Renewal" or "to renew" means the issuance and delivery by an insurer of a contract of insurance replacing at the end of the contract period a contract of insurance previously issued and delivered by the same insurer, or the issuance and delivery of a certificate or notice extending the term of a contract beyond its policy period or term: PROVIDED, HOWEVER, That any contract of insurance with a policy period or term of six months or less whether or not made continuous for successive terms upon the payment of additional premiums shall for the purpose of RCW 48.18.291 through 48.18.297 be considered as if written for a policy period or term of six months: PROVIDED, FURTHER, That any policy written for a term longer than one year or any policy with no fixed expiration date, shall, for the purpose of RCW 48.18.291 through 48.18.297, be considered as if written for successive policy periods or terms of one year.

(4) On and after January 1, 1980, no policy of insurance subject to RCW 48.18.291 shall be issued for a policy period or term of less than six months.

(5) No insurer shall refuse to renew the liability and/or collision coverage of an automobile insurance policy on the basis that an insured covered by the policy of the insurer has submitted one or more claims under the comprehensive, road service, or towing coverage of the policy. Nothing in this subsection shall prohibit the nonrenewal of comprehensive, road service, or towing coverage on the basis of one or more claims submitted by an insured.

NEW SECTION. Sec. 20. A new section is added to chapter 48.18 RCW, to be codified as RCW 48.18.2901, to read as follows:

(1) Each insurer shall be required to renew any contract of insurance subject to RCW 48.18.290 unless one of the following situations exists:

(a) The insurer gives the named insured at least forty-five days' notice in writing as provided for in RCW 48.18.290, that it proposes to refuse to renew the insurance contract upon its expiration date; and sets forth therein the actual reason for refusing to renew; or

(b) At least twenty days prior to its expiration date, the insurer has communicated its willingness to renew in writing to the named insured, and has included therein a statement of the amount of the premium or portion thereof required to be paid by the insured to renew the policy, including the amount by which the premium or deductibles have changed from the previous policy period, and the date by which such payment must be made, and the insured fails to discharge when due his obligation in connection with the payment of such premium or portion thereof; or

(c) The insured's agent or broker has procured other coverage acceptable to the insured prior to the expiration of the policy period.

(2) Renewal of a policy shall not constitute a waiver or estoppel with respect to grounds for cancellation which existed before the effective date of such renewal, or with respect to cancellation of fire policies under chapter 48.53 RCW.

(3) "Renewal" or "to renew" means the issuance and delivery by an insurer of a contract of insurance replacing at the end of the contract period a contract of insurance previously issued and delivered by the same insurer, or the issuance and delivery of a certificate or notice extending the term of a contract beyond its policy period or term: PROVIDED, HOWEVER, That any contract of insurance with a policy period or term of six months or less whether or not made continuous for successive terms upon the payment of additional premiums shall for the purpose of RCW 48.18.290 and 48.18.293 through 48.18.295 be considered as if written for a policy period or term of six months: PROVIDED, FURTHER, That any policy written for a term longer than one year or any policy with no fixed expiration date, shall, for the purpose of RCW 48.18.290 and 48.18.293 through 48.18.295, be considered as if written for successive policy periods or terms of one year.

Sec. 21. Section 2, chapter 95, Laws of 1967 ex. sess. as amended by section 22, chapter 241, Laws of 1969 ex. sess. and RCW 48.18.295 are each amended to read as follows:

Nothing in RCW (~~48.18.291~~) 48.18.290 through 48.18.297 shall be construed to prevent the cancellation or nonrenewal of any such insurance where:

(1) Such cancellation or nonrenewal is ordered by the commissioner under a statutory delinquency proceeding commenced under the provisions of chapter 48.31 RCW, or

(2) Permission for such cancellation or nonrenewal has been given by the commissioner on a showing that the continuation of such coverage can reasonably be expected to create a condition in the company hazardous to its policyholder, or to its creditors, or to its members, subscribers, or stockholders, or to the public.

Sec. 22. Section 23, chapter 241, Laws of 1969 ex. sess. as amended by section 6, chapter 32, Laws of 1983 1st ex. sess. and RCW 48.18.296 are each amended to read as follows:

~~((+))~~ The provisions of RCW 48.18.291 through 48.18.297 shall not apply to:

~~((a))~~ (1) Contracts of insurance issued under the assigned risk plan; and

~~((b))~~ ~~Contracts of insurance, other than combination homeowners and vehicle insurance policies, providing principally general casualty or property insurance with only incidental additional vehicle insurance; and~~

~~(c)~~ ~~Contracts of insurance insuring more than four motor vehicles; and~~

~~((d))~~ (2) Any policy covering garage, automobile sales agency, repair shop, service station, or public parking place operation hazards.

NEW SECTION. Sec. 23. Sections 17 through 22 of this act apply to all new or renewal policies issued or renewed after the effective date of sections 17 through 22 of this act. Sections 17 through 22 of this act shall not apply to or affect the validity of any notice of cancellation mailed or delivered prior to the effective date of sections 17 through 22 of this act. Sections 17 through 22 of this act shall not be construed to affect cancellation of a renewal policy, if notice of cancellation is mailed or delivered within forty-five days after the effective date of sections 17 through 22 of this act. Sections 17 through 22 of this act shall not be construed to require notice, other than that already required, of intention not to renew any policy which expires less than forty-five days after the effective date of sections 17 through 22 of this act.

NEW SECTION. Sec. 24. Sections 17 through 22 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1985."

MOTION

Senator Bauer moved that the following amendment to the Committee on Financial Institutions amendment be adopted:

On page 8, after line 8, insert the following:

NEW SECTION. Sec. 13. A new section is added to chapter 48.27 RCW to read as follows:

The commissioner may by regulation approve a reasonable plan or plans for the equitable apportionment, among insurers licensed to write property and casualty insurance in this state, of property and casualty insurance for applicants for such insurance who are in good faith entitled to but are unable to procure insurance through ordinary methods and when such plan has been approved, all such insurers shall subscribe thereto and shall participate therein. Any applicant for such insurance, any person insured under such plan, and any insurer affected may appeal to the commissioner from any ruling or decision of the manager or committee designated to operate such plan."

Renumber the remaining sections accordingly.

Debate ensued.

POINT OF ORDER

Senator Hayner: "Mr. President, I would challenge the scope and object of this amendment. As the chairman of the committee has said, this bill deals with the guaranty fund limiting it to Washingtonians only to be sure that that guaranty fund

is solvent and it's very important to us, because there are insurance companies that are failing in these times and it, also, limits annuity claims. This certainly expands the scope and object, because this gives the Insurance Commissioner the right to set up an assigned risk for all property and casualty insurance and makes it mandatory for the insurance companies involved to be a part of this. I think it goes far beyond the scope and object of this bill."

Further debate ensued.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Hayner, the President finds that Substitute House Bill No. 39 is a measure making numerous minor technical and administrative changes in the insurance code.

"The amendment proposed by Senator Bauer authorizes the Insurance Commissioner to approve plans whereby insurers contribute to a pool for property and casualty insurance for applicants unable to procure such insurance through ordinary methods.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment to the Committee on Financial Insurance amendment was ruled out of order.

MOTION

Senator Deccio moved that the following amendments by Senators Deccio and Moore to the Committee amendment be considered simultaneously and adopted:

On page 13 of the amendment, line 2, strike "~~((twenty)) forty-five~~" and insert "twenty"

On page 14 of the amendment, line 15, strike "forty-five" and insert "twenty"

On page 16, line 21 of the amendment, after "effect" strike "July 1, 1985" and insert "immediately"

Debate ensued.

POINT OF INQUIRY

Senator Vognild: "Senator Deccio, two years ago we passed a bill through here regarding insurance policies written on a building which the company then determined was susceptible to arson--it was probably over insured, unoccupied, etc. At that time, we gave them special permission, under certain rules, to cancel within ten days. The ten days we felt was reasonable and that they could even place a guard if necessary on the building. Would this amendment change that procedure?"

Senator Deccio: "Senator Vognild, it does not, because we are not dealing with that chapter in either of these amendments."

The President declared the question before the Senate to be adoption of the amendments by Senators Deccio and Moore to the Committee on Financial Institutions amendment.

The motion by Senator Deccio carried and the amendments to the committee amendment were adopted.

MOTION

Senator Rinehart moved that the following amendment to the Committee on Financial Institutions amendment be adopted:

On page 16 of the amendment, after line 17, insert the following:

"NEW SECTION. Sec. 24. If a health care provider submits a claim directly to a health care service contractor for health care services covered by the health care service contract, and if the terms of such health care service contract permit payment to the provider submitting the claim, then the health care service contractor shall issue a check in payment directly to and in the single name of the provider as payee.

A provider receiving direct payment under this section shall endorse and deliver such check to the person covered by the health care contract if the provider has previously received payment for the covered services. Failure of the provider to make such endorsement and delivery within three business days after the check is received shall result in the provider's liability to the person covered under the contract for one hundred twenty-five percent of the face value of the check issued under this section. For the purposes of this section, delivery is accomplished when the check is deposited in the mail or personally transferred by the provider or the provider's agent to the person covered under the health care services contract.

NEW SECTION. Sec. 25. Section 1, chapter 168, Laws of 1982 as amended by section 1, chapter 283, Laws of 1984 and RCW 48.44.026 are each repealed.

Renumber the sections consecutively.

Debate ensued.

POINT OF ORDER

Senator Sellar: "Thank you, Mr. President, I would like to challenge the scope and object of this amendment. It appears to me that this amendment relates solely to health care service contractors who are not insurers. The amendment seems to add new sections to Chapter 48.44, which the bill does not deal with, and seems to deal with certain types of checks and payment procedures where Substitute House Bill No. 39 contains no provisions for that."

Further debate ensued.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Sellar, the President finds that Substitute House Bill No. 39 is a measure making numerous minor technical and administrative changes in the insurance code.

"The amendment proposed by Senator Rinehart authorizes health care service contracts to provide for direct payment of claims to health care service providers with certain restrictions.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment to the Committee on Financial Institutions amendment was ruled out of order.

MOTION

Senator Moore moved that the following amendment by Senators Moore and Decchio to the Committee on Financial Institutions amendment be adopted:

On page 16, after line 21 of the Committee Amendment, insert the following:

"Sec. 25. Section .23.30, chapter 79, Laws of 1947 as amended by section 21, chapter 32, Laws of 1983 1st ex. sess. 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)) An insurer shall pay interest on death benefits payable under the terms of a life insurance policy insuring the life of any person who was a resident of this state at the time of death. Such interest shall accrue commencing on the date of death at the rate then paid by the insurer on other withdrawable policy proceeds left with the company, but not less than eight percent. Benefits payable that have not been tendered to the beneficiary within ninety days of the receipt of proof of death shall accrue interest, commencing on the ninety-first day, at the aforementioned rate plus three percent. This section applies to death of insureds that occur on or after September 1, 1985."~~

Debate ensued.

POINT OF INQUIRY

Senator Bottiger: "Senator Moore, where in the original bill is this subject matter addressed?"

Senator Moore: "Well, it's been a long time, Senator. I'm not sure that I can answer that."

Senator Bottiger: "Perhaps Senator Deccio knows where this scope and object exists in the original bill. Does anybody know if this subject matter was considered in the original bill or any of the other amendments?"

Senator Moore: "We discussed it in committee."

The President declared the question before the Senate to be adoption of the amendment by Senators Moore and Deccio to the Committee on Financial Institutions amendment.

The motion by Senator Moore carried and the amendment to the committee amendment was adopted.

MOTION

Senator Moore moved that the following amendment by Senators Moore and Deccio to the Committee on Financial Institutions amendment be adopted:

On page 16, after line 21 of the Committee Amendment, insert the following:

"Sec. 25. Section 2, chapter 259, Laws of 1971 ex. sess. and RCW 48.32A.020 are each amended to read as follows:

This chapter shall (~~apply as follows to life insurance policies, disability insurance policies, and annuity contracts of liquidating insurers, other than separate account variable policies and contracts authorized by chapter 48.16A RCW:~~

~~(1) To all such policies and contracts of a domestic insurer, without regard to the place of residence or domicile of the policy or contract owner, insured, annuitant, beneficiary, or payee;~~

~~(2) To all such policies and contracts of a foreign or alien insurer authorized to transact such insurance or annuity business in this state at the time such policies or contracts were issued or at the time of entry of the order of liquidation of the insolvent insurer, and of which the policy or contract owner, insured, annuitant, beneficiary, or payee is a resident of and domiciled within this state. With respect to group policies or group contracts of such foreign or alien insurers, this chapter shall apply only as to the insurance or annuities thereunder of individuals who are residents of and domiciled within this state. The place of residence or domicile shall be determined as of the date of entry of the order of liquidation against the insurer;~~

~~(3) To policies and contracts only of insolvent insurers with respect to which an order of liquidation is entered after May 21, 1971;~~

~~(4) The obligations of the association created under this chapter shall apply only as to contractual obligations of the insurer under insurance policies and annuity contracts, and shall be no greater than such obligations of the insolvent insurer at the time of entry of the order of liquidation; except that the association shall have no liability with respect to any portions of such policies or contracts to the extent that the death benefit coverage on any one life exceeds an aggregate of three hundred thousand dollars;~~

~~(5) This chapter shall not apply to fraternal benefit societies, health care service contractors, or to insurance or liability assumed by the liquidating insurer under a contract of reinsurance other than of bulk reinsurance;)) provide coverage under the policies and contracts issued by a liquidating insurer and specified in subsection (2) of this section and payment of immediate needs under policies and contracts issued by an impaired insurer if the laws of the impaired insurer's state of domicile provide that all funds expended by the association must be repaid to the association prior to such impaired insurer writing new policies and contracts, acquiring a certificate of authority or returned to the control of its management or shareholders and specified in subsection (2) of this section.~~

~~(1) This chapter shall provide coverage, under the policies and contracts specified in subsection (2) of this section:~~

~~(a) To persons who, regardless of where they reside (except for nonresident certificate holders under group policies or contracts), are the beneficiaries, assignees, or payees of the persons covered under (b) of this subsection; and~~

~~(b) To persons who are owners of such policies or contracts, or are insureds or annuitants under such policies or contracts, and who:~~

~~(i) Are residents; or~~

~~(ii) Are not residents, but only under all of the following conditions: (A) The states in which they reside have associations similar to the association created by this chapter, (B) they are not eligible for coverage by such associations, (C) the insurers which issued such policies or contracts never held a certificate of authority in such states, and (D) such insurers are domiciled in this state.~~

~~(2) (a) This chapter shall provide coverage to the persons specified in subsection (1) of this section under direct life insurance policies, disability insurance policies, annuity contracts, supplemental contracts, and certificates under group life policies, group disability policies, or annuity or supplemental contracts issued by member insurers.~~

~~(b) This chapter shall not provide coverage under:~~

(i) Any portion of a policy or contract not guaranteed by the insurer, or under which the risk is borne by the policy or contract holder;

(ii) Any policy or contract of reinsurance unless assumption certificates have been issued;

(iii) Any portion of a policy or contract to the extent that it is based:

(A) Over the period of four years prior to the date on which the association becomes obligated with respect to such policy or contract, on a rate of interest which, averaged for the same four-year period, exceeds the rate of interest calculated according to a short-term interest index reflecting the market of insurer crediting rates, averaged for the same four-year period; and

(B) On and after the date on which the association becomes obligated with respect to such policy or contract, on a rate of interest which exceeds the rate of interest calculated according to a short-term interest index reflecting the market of insurer crediting rates on the date on which the association becomes obligated with respect to such policy or contract, minus one percentage point;

(iv) Any plan or program of an employer, association, or similar entity to provide life, health, or annuity benefits to its employees or members to the extent that such plan or program is self-funded or uninsured, including but not limited to benefits payable by an employer, association, or similar entity under: (A) A multiple employer welfare arrangement as defined in section 514 of the employee retirement income security act of 1974, as amended; (B) a minimum premium group insurance plan; (C) a stop-loss group insurance plan; or (D) an administrative services only contract;

(v) Any portion of a policy or contract to the extent that it provides dividends or experience rating credits, or provides fees or allowances to be paid to any person, including the policy or contract holder, in connection with the service to or administration of such policy or contract;

(vi) Policies or contracts issued by a fraternal benefit society, health care service contractor, or health maintenance organization; and

(vii) Policies or contracts issued by a member insurer when it did not possess a valid certificate of authority to transact life and disability insurance in this state.

(c) The benefits for which the association may become liable shall in no event exceed the lesser of:

(i) The contractual obligations for which the insurer is liable or would have been liable if it were not an impaired or liquidated insurer; or

(ii) With respect to any one life, five hundred thousand dollars total for all policies and contracts covered under this chapter.

Policies or contracts issued to provide coverage for a structured settlement of a personal injury action in the state of Washington shall be fully covered if the settlement was reached prior to the effective date of this 1985 act.

Sec. 26. Section 3, chapter 259, Laws of 1971 ex. sess. and RCW 48.32A.030 are each amended to read as follows:

Within the meaning of this chapter:

(1) "Association" means "the Washington life and disability insurance guaranty association".

(2) "Board" means the board of directors of the Washington life and disability insurance guaranty association.

(3) "Commissioner" means the insurance commissioner of this state.

(4) "Policies" means life or disability insurance policies; "contracts" means annuity contracts and contracts supplemental to such insurance policies and annuity contracts.

(5) "Liquidating insurer" means an insurer with respect to which an order of liquidation has been entered by a court of competent jurisdiction.

(6) "Fund" means a guaranty fund provided for in RCW 48.32A.080.

(7) "Account" means any one of the four guaranty fund accounts created under RCW 48.32A.080(1).

(8) "Assessment" means a charge made upon an insurer by the board under this chapter for payment into a guaranty fund. The charge shall constitute a legal liability of the insurer so assessed.

(9) "Contributor" means an insurer which has paid an assessment.

(10) "Certificate" means a certificate of contribution provided for in RCW 48.32A.090.

(11) "Impaired insurer" means a foreign or alien insurer placed under an order of rehabilitation or conservation by a court of competent jurisdiction.

(12) "Payment of immediate needs" means the payment of health claims, death benefits, periodic annuity benefit payments, supplemental benefits, and cash withdrawals for hardships and emergencies.

Sec. 27. Section 4, chapter 259, Laws of 1971 ex. sess. and RCW 48.32A.040 are each amended to read as follows:

(1) There is hereby created a nonprofit unincorporated legal entity to be known as the Washington life and disability insurance guaranty association, which shall be composed of the commissioner, ex officio, and of each insurer authorized to transact life insurance, or disability

insurance, or annuity business in this state. All such insurers shall be and remain members of the association during the continuance of, and as a condition to, their authority to transact such business in this state.

(2) The association shall be managed by a board of directors composed of the commissioner, ex officio, and of not less than five nor more than nine member insurers, each of whom shall initially be appointed by the commissioner to serve for terms of one, two, or three years. After the initial board is appointed, the board shall provide in its bylaws for selection of board members by member insurers subject to the commissioner's approval; members so selected shall serve for three year terms, acceding to office upon expiration of the terms of the respective initial board members; and board members shall thereafter serve for three year terms and shall continue in office until their respective successors be selected, approved, and have qualified. At least a majority of the members of the board shall be domestic insurers. In case of a vacancy for any reason on the initial board appointed, the commissioner shall appoint a member insurer to fill the unexpired term; vacancies on the board thereafter shall be filled in the same manner as in the original selection and approval. Board members may be reimbursed for reasonable and necessary expenses incurred in connection with the performance of their duties.

(3) A director, officer, employee, agent or other representative of the association or of a member insurer, or the commissioner or his representative shall in no event be individually liable to any person, including the association, for any act or omission to act, or for any liability incurred or assumed, on behalf of the association or by virtue thereof, any such liability so incurred or assumed to be collectible only out of a fund; nor shall any insurer member of the association be subject to any liability except for assessment as in this chapter provided.

(4) The association shall be under the immediate supervision of the commissioner and shall be subject to such provisions of the insurance code of the state of Washington as may be applicable and not inconsistent with the provisions of this chapter.

(5) The board may, upon majority vote, make recommendations to the commissioner for the detection and prevention of insurer insolvencies.

(6) The association may join and participate in the national association of life and health insurance guaranty associations and any immunity set forth in subsection (3) of this section shall apply to actions in connection with such national association.

Sec. 28. Section 5, chapter 259, Laws of 1971 ex. sess. and RCW 48.32A.050 are each amended to read as follows:

The association shall have the power:

(1) To use a seal, to contract, to sue and be sued and, in addition, possess and exercise all powers necessary or convenient for the purposes of this chapter.

(2) With the approval of the commissioner and as provided in RCW 48.32A.060, to assume, reinsure or guarantee or cause to be assumed, reinsured, or guaranteed, partially or wholly, any or all of the policies or contracts ~~((of any liquidating domestic life or disability insurer or any policy or contract))~~ to which this chapter applies, and to make available from a fund, the creation of which is hereinafter in RCW 48.32A.080 provided, such sum or sums as may be necessary for such purpose.

(3) To carry out the provisions of this section, the association shall have, and may exercise, all necessary rights, powers, privileges, and franchises of a domestic insurer, except that it shall not be authorized to issue contracts or policies unless such contracts or policies are pursuant to contracts and policies representing obligations in whole or in part of the liquidating insurer or of the association.

(4) To borrow money for the purposes of the fund, either with or without security, and pledge such assets in a fund as security for such loans, and in connection therewith, rehypothecate any securities or collateral pledged to it by an insurer. Any notes or other evidence of indebtedness of the association shall be legal investments for domestic insurers and may be carried as admitted assets.

(5) To collect or enforce by legal proceedings, if necessary, the payment of all assessments for which any insurer may be liable under this chapter; and to collect any other debt or obligation due to the association or a fund created in this chapter.

(6) To make bylaws and regulations for the conduct of the affairs of the association, not inconsistent with this chapter.

Sec. 29. Section 6, chapter 259, Laws of 1971 ex. sess. as amended by section 2, chapter 133, Laws of 1975 1st ex. sess. and RCW 48.32A.060 are each amended to read as follows:

(1) The association shall, subject to such terms and conditions as it may impose with the approval of the commissioner, assume, reinsure, or guarantee the performance of the policies and contracts of any ~~((domestic life or disability)) liquidating insurer ((with respect to which an order of liquidation has been entered by any court of general jurisdiction in the state of Washington))~~ in accordance with the provisions of RCW 48.32A.020, and shall have power to receive, own, and administer any assets acquired in connection with such assumption, reinsurance, or guaranty. The association, as to any such policy or contract under which there is no default in payment of premiums subsequent to such assumption, reinsurance, or guaranty, shall

make or cause to be made prompt payment of the benefits due under the terms of the policy or contract.

(2) ~~(The association shall make or cause to be made payment of the death, endowment, or disability insurance or annuity benefits due under the terms of each policy or contract insuring the life or health of, or providing annuity or other benefits for, a resident of this state which was issued or assumed by a foreign or alien insurer with respect to which an order of liquidation has been entered by a court of competent jurisdiction in the state or country of its domicile.)~~ The association shall make or cause to be made the payment of immediate needs under policies and contracts of an impaired insurer in accordance with the provisions of RCW 48.32A.020 and the approval of the commissioner.

(3) In determining benefits to be paid with respect to the policies and contracts of a particular liquidating insurer the board may give due consideration to amounts reasonably recoverable or deductible because of the contingent liability, if any, of policyholders of the insurer (if a mutual insurer) or recoverable because of the assessment liability, if any, of the insurer's stockholders (if a stock insurer).

(4) With respect to ~~((an insolvent))~~ a liquidating domestic insurer, the board shall have power to petition the court in which the delinquency proceedings are pending for, and the court shall have authority to order and effectuate, such modifications in the terms, benefits, values, and premiums thereafter to be in effect of policies and contracts of the insurer as may reasonably be necessary to effect a bulk reinsurance of such policies and contract in a solvent insurer.

In the event, after the entry of an order of liquidation, an assessment on the members is necessary to increase the assets of the insolvent company to an extent that a bulk reinsurance of such policies may be effected, the court shall have authority to order such assessment.

(5) In addition to any other rights of the association acquired by assignment or otherwise, the association shall be subrogated to the rights of any person entitled to receive benefits under this chapter against the liquidating insurer, impaired insurer, or the receiver, rehabilitator, liquidator, or conservator, as the case may be, under the policy or contract with respect to which a payment is made or guaranteed, or obligation assumed by the association pursuant to this section, and the association may require an assignment to it of such rights by any such persons as a condition precedent to the receipt by such person of payment of any benefits under this chapter.

(6) For the purpose of carrying out its obligations under this chapter, the association shall be deemed to be a creditor of the liquidating insurer or impaired insurer to the extent of assets attributable to covered policies and contracts reduced by any amounts to which the association is entitled as a subrogee. All assets of the liquidating insurer or impaired insurer attributable to covered policies and contracts shall be used to continue all covered policies and contracts and pay all contractual obligations of the liquidating insurer or impaired insurer as required by this chapter. Assets attributable to covered policies and contracts, as used in this subsection, are those in that proportion of the assets which the reserves that should have been established for such policies and contracts bear to the reserves that should have been established for all insurances written by the liquidating insurer or impaired insurer.

(7) The association shall have the power to petition the superior court for an order appointing the commissioner as receiver of a domestic insurer upon any of the grounds set forth in RCW 48.31.030.

Sec. 30. Section 8, chapter 259, Laws of 1971 ex. sess. as amended by section 5, chapter 119, Laws of 1975-76 2nd ex. sess. and RCW 48.32A.080 are each amended to read as follows:

(1) For purposes of administration and assessment, the association shall establish and maintain four guaranty fund accounts: (a) the life insurance account; (b) the disability insurance account; (c) the annuity account; and (d) the general account.

(2) For the purpose of providing the funds necessary to carry out the powers and duties of the association, the board shall assess the member insurers, separately for each account, at such times and for such amounts as the board finds necessary. The board shall collect the assessment after thirty days written notice to the member insurers before payment is due.

(3) (a) The amount of any assessment for each account shall be determined by the board, and shall be divided among the accounts in the proportion that the premiums received by the liquidating insurer or impaired insurer on the policies or contracts covered by each account bears to the premiums received by such insurer on all covered policies and contracts.

(b) Assessments against member insurers for each account shall be in the proportion that the premiums received on business in this state by each assessed member insurer on policies or contracts covered by each account bears to such premiums received on business in this state by all assessed member insurers.

(c) Assessments for funds to meet the requirements of the association with respect to a particular liquidating insurer shall not be made until necessary, in the board's opinion, to implement the purposes of this chapter; and in no event shall such an assessment be made with respect to such insurer until an order of liquidation has been entered against the insurer by a court of competent jurisdiction of the insurer's state or country of domicile or a foreign or alien

insurer has been placed under an order of rehabilitation or conservation by a court of competent jurisdiction if the insurer's state or country of domicile and determined to be an impaired insurer by the commissioner. Computation of assessments under this subsection shall be made with a reasonable degree of accuracy, recognizing that exact determination may not always be possible.

(d) The board may make an assessment of up to fifty dollars for each member insurer to be deposited in the general account and used for administrative and general expenses in carrying out the provisions of this chapter.

(4) The association may abate or defer, in whole or in part, the assessment of a member insurer if, in the opinion of the board, payment of the assessment would endanger the ability of the insurer to fulfill its contractual obligations. The total of all assessments upon a member insurer for each account shall not in any one calendar year exceed two percent of such insurer's premiums in this state on the policies or contracts covered by the account.

(5) In the event an assessment against a member insurer is abated or deferred, in whole or in part, because of the limitations set forth in subsection (4) of this section, the amount by which such assessment is abated or deferred may be assessed against the other member insurers in a manner consistent with the basis for assessments set forth in this section. If the maximum assessment, together with the other assets of the association in an account, does not provide in any one year an amount sufficient to carry out the responsibilities of the association with respect to such account, the necessary additional funds shall be assessed as soon thereafter as permitted by this chapter.

(6) The amount in a fund shall be kept at such a sum as in the opinion of the board will enable the association to meet the immediate obligations and liabilities of such fund. Whenever in the opinion of the board the amount in a fund is in excess of such immediate obligations and liabilities, with the approval of the commissioner the association may distribute such excess by retirement of certificates previously issued against the fund. Such distribution shall be made pro rata upon the basis of outstanding certificates, except that by unanimous consent of all directors and with the approval of the commissioner any other reasonable method of retirement of such certificates may be adopted.

(7) As used in this section, "premiums" are those for the calendar year preceding the entry of the order of liquidation or a determination of impaired insurer as to a particular liquidating insurer, and shall be direct gross insurance premiums and annuity considerations received on policies and contracts to which this chapter applies, less return premiums and considerations and less dividends paid or credited to policyholders.

(8) Upon dissolution of a fund by the repeal of this chapter or otherwise, the fund shall be distributed in the same manner as is provided for the repayment or retirement of certificates. If the amount in the fund at the time of dissolution is in excess of outstanding certificates issued against the fund, such excess shall be distributed among contributing member insurers in such equitable manner as is approved by the commissioner.

NEW SECTION. Sec. 31. A new section is added to chapter 48.32A RCW to read as follows:

Within one hundred eighty days of the effective date of this act, the association shall prepare a summary document describing the general purposes and current limitations of this chapter. This document shall be submitted to the commissioner for approval. The document shall be provided by member companies to all new policy or contract holders not later than the time of delivery of any new policy or contract. The document should also be available upon request by a policyholder. However, the distribution or delivery of this document shall not mean that either the policy or the contract or the holder thereof would be covered in the event of the impairment or insolvency of a member insurer. The description document shall be revised by the association as amendments to this chapter may require."

Debate ensued.

POINT OF ORDER

Senator McDermott: "Mr. President, I raise the point of scope and object on this amendment. Obviously, we are adding an entirely new bill to this bill and I think if we do that we are clearly expanding the scope and object. For that reason, I think it falls outside."

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator McDermott, the President finds that Substitute House Bill No. 39 is a measure making numerous minor technical and administrative changes in the insurance code.

"The amendment proposed by Senators Moore and Deccio amends the Washington Life and Disability Insurance Guaranty Association Act.

"The President, therefore, finds that the proposed amendment does change the scope and object of the bill and that the point of order is well taken."

The amendment to the Committee on Financial Institutions amendment was ruled out of order.

The President declared the question before the Senate to be adoption of the Committee on Financial Institutions amendment, as amended.

The motion by Senator Moore carried and the committee amendment, as amended, was adopted.

MOTION

On motion of Senator Moore, the following title amendments were considered simultaneously and adopted:

On page 1, line 1 of the title, after "insurance," strike the remainder of the title and insert "amending RCW 48.02.120, 48.05.200, 48.10.070, 48.15.160, 48.16.070, 48.17.010, 48.17.520, 48.18.110, 48.20.420, 48.20.450, 48.20.470, 48.30.010, 48.30.140, 48.42.010, 48.18.290, 48.18.291, 48.18.292, 48.18.295, and 48.18.296; adding a new section to chapter 48.01 RCW; adding a new section to chapter 48.18 RCW; creating a new section; repealing RCW 48.17.080; providing an effective date; and declaring an emergency."

On page 16, beginning on line 31 of the title amendment, strike "providing an effective date;"

On page 16, line 29 of the title amendment, strike "and" and after "48.18.296" insert ", and 48.23.300"

MOTION

On motion of Senator Moore, 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. 279, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sailing, Sellar, Stratton, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senators Bauer, Fleming - 2.

Excused: Senator Talmadge - 1.

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.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 270, by Committee on Social and Health Services (originally sponsored by Representatives Locke, Brooks, Lux, Allen, Fisch, Niemi, Wang, Appelwick, Brough, Belcher and D. Nelson)

Certifying the practice of acupuncture.

The bill was read the second time.

MOTION

On motion of Senator Granlund, the following Committee on Human Services and Corrections amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The following terms in this chapter shall have the meanings set forth in this section unless the context clearly indicates otherwise:

(1) "Acupuncture" means a health care service based on a traditional Oriental system of medical theory utilizing Oriental diagnosis and treatment to promote health and treat organic or functional disorders by treating specific acupuncture points or meridians. Acupuncture includes but is not necessarily limited to the following techniques:

(a) Use of acupuncture needles to stimulate acupuncture points and meridians;

(b) Use of electrical, mechanical, or magnetic devices to stimulate acupuncture points and meridians;

(c) Moxibustion;

- (d) Acupressure;
 - (e) Cupping;
 - (f) Dermal friction technique (gwa hsa);
 - (g) Infra-red;
 - (h) Sonopuncture;
 - (i) Laserpuncture;
 - (j) Dietary advice based on traditional Chinese medical theory; and
 - (k) Point injection therapy (aquapuncture).
- (2) "Acupuncturist" means a person certified under this chapter.
- (3) "Department" means the department of licensing.
- (4) "Director" means the director of licensing or the director's designee.

NEW SECTION. Sec. 2. (1) No one may hold themselves out to the public as an acupuncturist or certified acupuncturist or any derivative thereof which is intended to or is likely to lead the public to believe such a person is an acupuncturist or certified acupuncturist unless certified as provided for in this chapter.

(2) No one may use any configuration of letters after their name (including Ac.) which indicates a degree or formal training in acupuncture unless certified as provided for in this chapter.

(3) The director may by rule proscribe or regulate advertising and other forms of patient solicitation which are likely to mislead or deceive the public as to whether someone is certified under this chapter.

NEW SECTION. Sec. 3. Any person certified as provided for in this chapter may practice acupuncture irrespective of any other occupational licensing law. This authorization also extends to:

(1) The practice of acupuncture by a person who is a regular student in a school of acupuncture approved by the director: PROVIDED, HOWEVER, That the performance of such services be pursuant only to a regular course of instruction or assignments from his instructor and that such services are performed only under the direct supervision and control of a person certified pursuant to this chapter or licensed under any other healing art whose scope of practice includes acupuncture; and

(2) The practice of acupuncture by any person licensed or certified to perform acupuncture in any other jurisdiction where such person is doing so in the course of regular instruction of a school of acupuncture approved by the director or in an educational seminar sponsored by a professional organization of acupuncture: PROVIDED, That in the latter case, the practice is supervised directly by a person certified pursuant to this chapter or licensed under any other healing art whose scope of practice includes acupuncture.

NEW SECTION. Sec. 4. The proscriptions contained in section 2 (1) and (2) of this act do not extend to:

(1) Those holding valid licenses under chapter 18.71, 18.57, 18.22, or 18.32 RCW operating within their lawful scopes of practice or valid registration authorizing the performance of acupuncture procedures pursuant to chapter 18.71A or 18.57A RCW;

(2) Those practicing acupuncture in the state under the authority of any instrumentality of the United States; and

(3) Those performing acupuncture procedures under section 3 (1) and (2) of this act. PROVIDED, That such persons shall not hold themselves out as being certified acupuncturists under this chapter.

NEW SECTION. Sec. 5. Any person seeking to be examined shall present to the director at least forty-five days before the commencement of the examination:

(1) A written application on a form or forms provided by the director setting forth under affidavit such information as the director may require; and

(2) Proof that the candidate has:

(a) Completed a minimum of two academic years or seventy-two quarter credits of undergraduate college education in the general sciences and humanities prior to entering an acupuncture training program. The obtaining of a degree is not required for the educational credits to qualify;

(b) Successfully completed a course, approved by the director, of didactic training in basic sciences and acupuncture over a minimum period of two academic years. The training shall include such subjects as anatomy, physiology, bacteriology, biochemistry, pathology, hygiene, and a survey of western clinical sciences. The basic science classes must be equivalent to those offered at the collegiate level. However, if the applicant is a licensed chiropractor under chapter 18.25 RCW or a drugless healer under chapter 18.36 RCW, the requirements of this subsection relating to basic sciences may be reduced by up to one year depending upon the extent of the candidate's qualifications as determined under rules adopted by the director;

(c) Successfully completed a course, approved by the director, of clinical training in acupuncture over a minimum period of one academic year. The training shall include a minimum of: (i) Twenty-nine quarter credits of supervised practice, consisting of at least four hundred separate patient treatments involving a minimum of one hundred different patients, and (ii)

one hundred hours or nine quarter credits of observation which shall include case presentation and discussion.

NEW SECTION. Sec. 6. The department shall consider for approval any school, program, apprenticeship, or tutorial which meets the requirements outlined in this chapter and provides the training required under section 5 of this act. Clinical and didactic training may be approved as separate programs or as a joint program. The process for approval shall be established by the director by rule.

NEW SECTION. Sec. 7. No applicant may be permitted to take an examination under this chapter until the director has approved his or her application and the applicant has paid an examination fee as prescribed under RCW 43.24.086. The examination fee shall accompany the application.

NEW SECTION. Sec. 8. (1) The director of licensing is hereby authorized and empowered to execute the provisions of this chapter and shall offer examinations in acupuncture at least twice a year at such times and places as the director may select. The examination shall be a written examination in English and may include a practical examination.

(2) The director shall develop or approve a licensure examination in the subjects that the director determines are within the scope of and commensurate with the work performed by certified acupuncturists and shall include but not necessarily be limited to anatomy, physiology, bacteriology, biochemistry, pathology, hygiene, and acupuncture. All application papers shall be deposited with the director and there retained for a least one year, when they may be destroyed.

(3) If the examination is successfully passed, the director shall confer on such candidate the title of Certified Acupuncturist.

NEW SECTION. Sec. 9. Before certification, each applicant shall demonstrate sufficient fluency in reading, speaking, and understanding the English language to enable the applicant to communicate with other health care providers and patients concerning health care problems and treatment.

NEW SECTION. Sec. 10. Each applicant shall, as part of his or her application, furnish written consent to an investigation of his or her personal background, professional training, and experience by the department or any person acting on its behalf.

NEW SECTION. Sec. 11. The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of certificates and the disciplining of certificate holders under this chapter. The director shall be the disciplining authority under this chapter.

NEW SECTION. Sec. 12. (1) Every person certified in acupuncture shall register with the director annually and pay an annual renewal registration fee determined by the director as provided in RCW 43.24.086 on or before the certificate holder's birth anniversary date. The certificate of the person shall be renewed for a period of one year or longer in the discretion of the director.

(2) Any failure to register and pay the annual renewal registration fee shall render the certificate invalid. The certificate shall be reinstated upon: (a) Written application to the director; (b) payment to the state of a penalty fee determined by the director as provided in RCW 43.24.086; and (c) payment to the state of all delinquent annual certificate renewal fees.

(3) Any person who fails to renew his or her certification for a period of three years shall not be entitled to renew such certification under this section. Such person, in order to obtain a certification in acupuncture in this state, shall file a new application under this chapter, along with the required fee, and shall meet examination or continuing education requirements as the director, by rule, provides.

(4) All fees collected under this section and section 6 of this act shall be credited to the health professions account as required under RCW 43.24.072.

NEW SECTION. Sec. 13. The director shall develop a form to be used by an acupuncturist to inform the patient of the acupuncturist's scope of practice and qualifications. All certificate holders shall bring the form to the attention of the patients in whatever manner the director, by rule, provides.

NEW SECTION. Sec. 14. Every certified acupuncturist shall develop a written plan for consultation, emergency transfer, and referral to other health care practitioners operating within the scope of their authorized practices. The written plan shall be submitted with the initial application for certification as well as annually thereafter with the certificate renewal fee to the department. The department may withhold certification or renewal of certification if the plan fails to meet the standards contained in rules promulgated by the director.

When the acupuncturist sees patients with potentially serious disorders such as cardiac conditions, acute abdominal symptoms, and such other conditions, the acupuncturist shall immediately request a consultation or recent written diagnosis from a physician licensed under chapter 18.71 or 18.57 RCW. In the event that the patient with the disorder refuses to authorize such consultation or provide a recent diagnosis from such physician, acupuncture treatment shall not be continued.

NEW SECTION. Sec. 15. Any person violating the provisions of section 13 or 14 of this act shall be guilty of a misdemeanor and shall be punished as provided in RCW 9.92.030.

NEW SECTION. Sec. 16. The director shall adopt rules in the manner provided by chapter 34.04 RCW as are necessary to carry out the purposes of this chapter.

NEW SECTION. Sec. 17. (1) The acupuncture advisory committee is created. The committee shall be composed of one physician licensed under chapter 18.71 or 18.57 RCW, three acupuncturists certified under this chapter, and one public member, who does not have any financial interest in the rendering of health services.

(2) The director shall appoint members to staggered terms so as to provide continuity in membership. Members shall serve at the pleasure of the director but may not serve more than five years total. Members of the committee shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(3) Each member of the committee shall receive fifty dollars for each day during which the member attends an official meeting of the group or performs statutorily prescribed duties approved by the director.

(4) The committee shall meet only on the request of the director and consider only those matters referred to it by the director.

NEW SECTION. Sec. 18. All persons registered as acupuncture assistants pursuant to chapter 18.71A or 18.57A RCW on the effective date of this act shall be certified under this chapter by the director without examination if they otherwise would qualify for certification under this chapter and apply for certification within one hundred twenty days of the effective date of this act.

NEW SECTION. Sec. 19. The director may certify a person without examination if such person is licensed or certified as an acupuncturist in another jurisdiction if, in the director's judgment, the requirements of that jurisdiction are equivalent to or greater than those of Washington state.

NEW SECTION. Sec. 20. Nothing in this chapter may be construed to require that individual or group policies or contracts of an insurance carrier, health care service contractor, or health maintenance organization provide benefits or coverage for services and supplies provided by a person registered or certified under this chapter.

NEW SECTION. Sec. 21. This chapter shall not be construed as permitting the administration or prescription of drugs or in any way infringing upon the practice of medicine and surgery as defined in chapter 18.71 or 18.57 RCW, except as authorized in this chapter.

NEW SECTION. Sec. 22. Sections 1 through 21 of this act shall terminate on July 1, 1991, and shall be subject to the process provided for in chapter 43.131 RCW.

NEW SECTION. Sec. 23. Sections 1 through 21 of this act are each repealed effective July 1, 1992.

NEW SECTION. Sec. 24. Sections 1 through 23 of this act shall constitute a new chapter in Title 18 RCW.

Sec. 25. Section 1, chapter 157, Laws of 1969 ex. sess. as last amended by section 4, chapter 56, Laws of 1975-76 2nd ex. sess. and RCW 4.24.240 are each amended to read as follows:

(1) (a) A person licensed by this state to provide health care or related services, including, but not limited to, a certified acupuncturist, a physician, osteopathic physician, dentist, nurse, optometrist, podiatrist, chiropractor, physical therapist, psychologist, pharmacist, optician, physician's assistant, osteopathic physician's assistant, nurse practitioner, including, in the event such person is deceased, his estate or personal representative;

(b) An employee or agent of a person described in subparagraph (a) of this subsection, acting in the course and scope of his employment, including, in the event such employee or agent is deceased, his estate or personal representative; or

(c) An entity, whether or not incorporated, facility, or institution employing one or more persons described in subparagraph (a) of this subsection, including, but not limited to, a hospital, clinic, health maintenance organization, or nursing home; or an officer, director, trustee, employee, or agent thereof acting in the course and scope of his employment, including in the event such officer, director, employee, or agent is deceased, his estate or personal representative;

shall be immune from civil action for damages arising out of the good faith performance of their duties on such committees, where such actions are being brought by or on behalf of the person who is being evaluated.

(2) No member, employee, staff person, or investigator of a professional review committee shall be liable in a civil action as a result of acts or omissions made in good faith on behalf of the committee; nor shall any person be so liable for filing charges with or supplying information or testimony in good faith to any professional review committee; nor shall a member, employee, staff person, or investigator of a professional society, of a professional examining or licensing board, of a professional disciplinary board, of a governing board of any institution, or of any employer of professionals be so liable for good faith acts or omissions made in full or partial reliance on recommendations or decisions of a professional review committee or examining board.

Sec. 26. Section 1, chapter 35, Laws of 1975 1st ex. sess. as amended by section 1, chapter 149, Laws of 1983 and RCW 4.24.290 are each amended to read as follows:

In any civil action for damages based on professional negligence against a hospital which is licensed by the state of Washington or against the personnel of any such hospital, or against a member of the healing arts including, but not limited to, an acupuncturist certified under chapter 18.-- RCW (sections 1 through 23 of this 1985 act), a physician licensed under chapter 18.71 RCW, an osteopathic physician licensed under chapter 18.57 RCW, a chiropractor licensed under chapter 18.25 RCW, a dentist licensed under chapter 18.32 RCW, a podiatrist licensed under chapter 18.22 RCW, or a nurse licensed under chapters 18.78 or 18.88 RCW, the plaintiff in order to prevail shall be required to prove by a preponderance of the evidence that the defendant or defendants failed to exercise that degree of skill, care, and learning possessed at that time by other persons in the same profession, and that as a proximate result of such failure the plaintiff suffered damages, but in no event shall the provisions of this section apply to an action based on the failure to obtain the informed consent of a patient.

Sec. 27. Section 7, chapter 56, Laws of 1975-'76 2nd ex. sess. as amended by section 1, chapter 53, Laws of 1981 and RCW 7.70.020 are each amended to read as follows:

As used in this chapter "health care provider" means either:

(1) A person licensed by this state to provide health care or related services, including, but not limited to, a certified acupuncturist, a physician, osteopathic physician, dentist, nurse, optometrist, podiatrist, chiropractor, physical therapist, psychologist, pharmacist, optician, physician's assistant, midwife, osteopathic physician's assistant, nurse practitioner, or physician's trained mobile intensive care paramedic, including, in the event such person is deceased, his estate or personal representative;

(2) An employee or agent of a person described in part (1) above, acting in the course and scope of his employment, including, in the event such employee or agent is deceased, his estate or personal representative; or

(3) An entity, whether or not incorporated, facility, or institution employing one or more persons described in part (1) above, including, but not limited to, a hospital, clinic, health maintenance organization, or nursing home; or an officer, director, employee, or agent thereof acting in the course and scope of his employment, including in the event such officer, director, employee, or agent is deceased, his estate or personal representative.

Sec. 28. Section 2, chapter 168, Laws of 1983 as amended by section 18, chapter 9, Laws of 1984 and by section 57, chapter 279, Laws of 1984 and RCW 18.120.020 are each reenacted and amended to read as follows:

The definitions contained in this section shall apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant group" includes any health professional group or organization, any individual, or any other interested party which proposes that any health professional group not presently regulated be regulated or which proposes to substantially increase the scope of practice of the profession.

(2) "Certificate" and "certification" mean a voluntary process by which a statutory regulatory entity grants recognition to an individual who (a) has met certain prerequisite qualifications specified by that regulatory entity, and (b) may assume or use "certified" in the title or designation to perform prescribed health professional tasks.

(3) "Grandfather clause" means a provision in a regulatory statute applicable to practitioners actively engaged in the regulated health profession prior to the effective date of the regulatory statute which exempts the practitioners from meeting the prerequisite qualifications set forth in the regulatory statute to perform prescribed occupational tasks.

(4) "Health professions" means and includes the following health and health-related licensed or regulated professions and occupations: Podiatry under chapter 18.22 RCW; chiropractic under chapters 18.25 and 18.26 RCW; dental hygiene under chapter 18.29 RCW; dentistry under chapter 18.32 RCW; dispensing opticians under chapter 18.34 RCW; hearing aids under chapter 18.35 RCW; drugless healing under chapter 18.36 RCW; embalming and funeral directing under chapter 18.39 RCW; midwifery under chapter 18.50 RCW; nursing home administration under chapter 18.52 RCW; optometry under chapters 18.53 and 18.54 RCW; ophthalmologists under chapter 18.55 RCW; osteopathy and osteopathic medicine and surgery under chapters 18.57 and 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine under chapters 18.71, 18.71A, and 18.72 RCW; emergency medicine under chapter 18.73 RCW; physical therapy under chapter 18.74 RCW; practical nurses under chapter 18.78 RCW; psychologists under chapter 18.83 RCW; registered nurses under chapter 18.88 RCW; occupational therapists licensed pursuant to chapter 18.59 RCW; veterinarians and animal technicians under chapter 18.92 RCW; ((and)) massage practitioners under chapter 18.108 RCW; and acupuncturists certified under chapter 18.-- RCW (sections 1 through 23 of this 1985 act).

(5) "Inspection" means the periodic examination of practitioners by a state agency in order to ascertain whether the practitioners' occupation is being carried out in a fashion consistent with the public health, safety, and welfare.

(6) "Legislative committees of reference" means the standing legislative committees designated by the respective rules committees of the senate and house of representatives to consider proposed legislation to regulate health professions not previously regulated.

(7) "License", "licensing", and "licensure" mean permission to engage in a health profession which would otherwise be unlawful in the state in the absence of the permission. A license is granted to those individuals who meet prerequisite qualifications to perform prescribed health professional tasks and for the use of a particular title.

(8) "Professional license" means an individual, nontransferable authorization to carry on a health activity based on qualifications which include: (a) Graduation from an accredited or approved program, and (b) acceptable performance on a qualifying examination or series of examinations.

(9) "Practitioner" means an individual who (a) has achieved knowledge and skill by practice, and (b) is actively engaged in a specified health profession.

(10) "Public member" means an individual who is not, and never was, a member of the health profession being regulated or the spouse of a member, or an individual who does not have and never has had a material financial interest in either the rendering of the health professional service being regulated or an activity directly related to the profession being regulated.

(11) "Registration" means the formal notification which, prior to rendering services, a practitioner shall submit to a state agency setting forth the name and address of the practitioner; the location, nature and operation of the health activity to be practiced; and, if required by the regulatory entity, a description of the service to be provided.

(12) "Regulatory entity" means any board, commission, agency, division, or other unit or subunit of state government which regulates one or more professions, occupations, industries, businesses, or other endeavors in this state.

(13) "State agency" includes every state office, department, board, commission, regulatory entity, and agency of the state, and, where provided by law, programs and activities involving less than the full responsibility of a state agency.

Sec. 29, Section 4, chapter 279, Laws of 1984 and RCW 18.130.040 are each amended to read as follows:

(1) This chapter applies only to the director and the boards having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2) (a) The director has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed under chapter 18.34 RCW;

(ii) Drugless healers licensed under chapter 18.36 RCW;

(iii) Midwives licensed under chapter 18.50 RCW;

(iv) Ocularists licensed under chapter 18.55 RCW;

(v) Psychologists licensed under chapter 18.83 RCW unless a disciplinary committee is established under chapter 18.83 RCW;

(vi) Massage operators and businesses licensed under chapter 18.108 RCW; ~~((and))~~

(vii) Dental hygienists licensed under chapter 18.29 RCW; and

(viii) Acupuncturists certified under chapter 18.-- RCW (sections 1 through 23 of this 1985 act).

(b) The boards having authority under this chapter are as follows:

(i) The podiatry board as established in chapter 18.22 RCW;

(ii) The chiropractic disciplinary board as established in chapter 18.26 RCW governing licenses issued under chapter 18.25 RCW;

(iii) The dental disciplinary board as established in chapter 18.32 RCW;

(iv) The council on hearing aids as established in chapter 18.35 RCW;

(v) The board of funeral directors and embalmers as established in chapter 18.39 RCW;

(vi) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;

(vii) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;

(viii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW;

(ix) The medical disciplinary board as established in chapter 18.72 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

(x) The board of physical therapy as established in chapter 18.74 RCW;

(xi) The board of occupational therapy practice as established in chapter 18.59 RCW;

(xii) The board of practical nursing as established in chapter 18.78 RCW;

(xiii) The board of nursing as established in chapter 18.88 RCW; and

(xiv) The veterinary board of governors as established in chapter 18.92 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. However, the board of chiropractic examiners has authority over issuance and denial of licenses provided for in chapter 18.25 RCW, the board of dental examiners has authority over issuance and denial of licenses provided for in RCW 18.32.040, and the board of medical examiners has authority over issuance and denial of licenses and registrations provided for in chapters 18.71 and 18.71A RCW.

This chapter governs any investigation, hearing, or proceeding relating to denial of licensure by the disciplining authority, the board of chiropractic examiners, the board of dental examiners, and the board of medical examiners, if adopted pursuant to this chapter by the disciplinary authority.

NEW SECTION. Sec. 30. There is hereby appropriated the sum of eighty-one thousand seven hundred seven dollars to the department of licensing from the health professions account--general fund for the implementation of this chapter for the 1985-87 biennium."

MOTION

On motion of Senator Granlund, the rules were suspended, Substitute House Bill No. 270, 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. 270, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 270, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 4; excused, 1.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Thompson, Vogndil, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senators Bauer, Craswell, Newhouse, Sellar - 4.

Excused: Senator Talmadge - 1.

SUBSTITUTE HOUSE BILL NO. 270, as amended by the Senate, having received the 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 House Bill No. 855 and the pending amendment by Senators McDermott, Bender, Thompson, Owen, Halsan, DeJarnatt, McManus, Warnke, Moore, Rinehart, Rasmussen, Peterson, Conner, Garrett, Bauer, Talmadge, Gaspard, Fleming and Bottiger, deferred April 12, 1985.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Newhouse, the President finds that Substitute House Bill No. 855 is a measure which establishes the Washington State Development Finance Authority providing for economic development through the use of investments to distressed areas with high unemployment.

"The amendment proposed by Senator McDermott and others provides for an extension of additional unemployment benefits when federally funded benefits are not payable during the period from March 31, 1985, through March 31, 1986.

"The President, therefore, finds that the proposed amendment does change 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 Warnke, the rules were suspended, Substitute House Bill No. 855, 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. 855, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 855, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; nays, 11; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Kiskaddon,

Kreidler, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 36.

Voting nay: Senators Cantu, Conner, Craswell, Guess, Johnson, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson - 11.

Absent: Senator Pullen - 1.

Excused: Senator Talmadge - 1.

SUBSTITUTE HOUSE BILL NO. 855, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Barr served notice that he would move to reconsider the vote by which Substitute House Bill No. 124 passed the Senate earlier today.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 32, by Committee on Commerce and Labor (originally sponsored by Representatives R. King, Fisch, Miller, Wang, Winsley, Allen, Fisher, O'Brien, P. King, Sayan, Basich, McMullen, Lux, Brekke and Rayburn)

Providing collective bargaining for institutions of higher education.

The bill was read the second time.

MOTIONS

On motion of Senator Warnke, the following Committee on Ways and Means amendment was adopted:

On page 12, line 15, strike "commission" and insert "parties to the dispute, in equal amounts"

On motion of Senator Warnke, the following Committee on Ways and Means amendment was adopted:

On page 13, line 13, strike "salary adjustment" and insert "compensation adjustments, including salaries and fringe benefits."

MOTION

Senator McDonald moved Engrossed Substitute House Bill No. 32 be referred to the Committee on Ways and Means.

Debate ensued.

Senator Newhouse demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the motion by Senator McDonald to refer Engrossed Substitute House Bill No. 32 to the Committee on Ways and Means.

ROLL CALL

The Secretary called the roll and the motion by Senator McDonald carried by the following vote: Yeas, 27; nays, 20; absent, 1; excused, 1.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Granlund, Guess, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Rasmussen, Saling, Sellar, Stratton, von Reichbauer, Zimmerman - 27.

Voting nay: Senators Bauer, Bender, Boltiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Halsan, Kreidler, McDermott, Moore, Peterson, Rinehart, Thompson, Vognild, Warnke, Williams, Wojahn - 20.

Absent: Senator Pullen - 1.

Excused: Senator Talmadge - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 32 was referred to the Committee on Ways and Means.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1134, by Committee on Social and Health Services (originally sponsored by Representatives West, G. Nelson, Lewis, Isaacson and May)

Requiring department of social and health services to screen employees dealing with children and developmentally disabled persons.

The bill was read the second time.

MOTION

Senator Vognild moved that the following amendment be adopted:

On page 1, after line 24 insert the following:

"Sec. 3. Section 6, chapter 35, Laws of 1969 ex. sess. as last amended by section 6, chapter 97, Laws of 1984 and RCW 26.44.070 are each amended to read as follows:

The department shall maintain a central registry of ((reported)) cases of child abuse or neglect or abuse of an adult dependent person that have been substantiated through a court proceeding and shall adopt such rules and regulations as necessary in carrying out the provisions of this section. Records in the central registry shall be considered confidential and privileged and will not be available except upon court order to any person or agency except (1) law enforcement agencies as defined in this chapter in the course of an investigation of alleged abuse or neglect; (2) protective services workers or juvenile court personnel who are investigating reported incidents of abuse or neglect; (3) department of social and health services personnel who are investigating the character and/or suitability of an agency and other persons who are applicants for licensure, registration, or certification, or applicants for employment with such an agency or persons, or under contract to or employed by an agency or persons directly responsible for the care and treatment of children, expectant mothers, or adult dependent persons pursuant to chapter 74.15 RCW; (4) department of social and health services personnel who are investigating the character or suitability of any persons with whom children may be placed under the interstate compact on the placement of children, chapter 26.34 RCW; (5) physicians who are treating the child or adult dependent person or family; (6) any child or adult dependent person named in the registry who is alleged to be abused or neglected, or his or her guardian ad litem and/or attorney; (7) a parent, guardian, or other person legally responsible for the welfare and safety of the child or adult dependent person named in the registry; (8) any person engaged in a bona fide research purpose, as determined by the department, according to rules and regulations, provided that information identifying the persons of the registry shall remain privileged; and (9) any individual whose name appears on the registry shall have access to his own records. Those persons or agencies exempted by this section from the confidentiality of the records of the registry shall not further disseminate or release such information so provided to them and shall respect the confidentiality of such information, and any violation of this section shall constitute a misdemeanor."

POINT OF INQUIRY

Senator Lee: "Senator Vognild, I agree with what you were talking about--to be sure to have a substantiated case, because someone who is simply angry at an individual could bring charges without any substantiation, but what I'm concerned about are the words 'court proceedings.' In some of these cases, the individual will admit guilt and will agree to counseling, psychiatric treatment and things of this sort without actually going through the court process. It seems to me that those would be substantiated cases, but they would not have been through a court proceeding. Therefore, I'm concerned that--though I agree that I want to have some specificity of what kinds of records they keep--that the ones that require a court proceeding may be a bit narrower than we really wish to have."

Senator Vognild: "Senator Lee, I was searching frantically for some papers here to answer that and I do not have them. I concur with you. The original amendment that I drew up on this had three different proceedings in it. This one was reduced to a single court proceeding and I believe there is substantial reason for that and still get the records we want, but since I am not sure, Mr. Chairman, I would ask that the bill hold its place until I can verify that we do not need changes here."

MOTION

On motion of Senator Vognild, further consideration of Substitute House Bill No. 1134 was deferred.

MOTION

At 4:26 p.m., on motion of Senator Vognild, the Senate recessed until 4:45 p.m.

SECOND AFTERNOON SESSION

The Senate was called to order at 4:48 p.m. by President Cherberg.

SECOND READING

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 16, by Committee on Local Government (originally sponsored by Representatives Niemi, Armstrong, Valle, Brekke, Betzoff, Rust, Unsoeld, Vekich, Wineberry, Miller, J. Williams and D. Nelson) (by Washington Centennial Commission request)

Requesting the federal government transfer ownership of the South Lake Union Naval Reserve Base.

The memorial was read the second time.

MOTION

On motion of Senator McDermott, the rules were suspended, Substitute House Joint Memorial No. 16 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Joint Memorial No. 16.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Joint Memorial No. 16 and the memorial passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 49.

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 16, having received the constitutional majority, was declared passed.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 435, by Committee on Commerce and Labor (originally sponsored by Representatives Wang, Barrett, R. King, Patrick, Sayan, Winsley, Fisch, Vekich, Madsen, Fisher, P. King, Basich and Isaacson)

Revising provisions relating to law enforcement officers and fire fighters.

The bill was read the second time.

MOTIONS

On motion of Senator Warnke, the following Committee on Commerce and Labor amendments were considered simultaneously and adopted:

On page 2, line 5, after "purposes of" strike "sections 1 through 5, 7, and 8 of this act" and insert "this section"

On page 2, line 7, after "overtime pay" strike everything through "compensation" on line 8

On motion of Senator Warnke, the following Committee on Commerce and Labor amendments were considered simultaneously and adopted:

On page 4, line 22, after "apply to" strike "salary"

On page 4, line 27, before "The" insert "(1)"

On page 4, line 30, after "supplement" insert "

(2) The disability leave supplement provided in section 3(3) of this act shall not be considered salary or wages for personal services"

On motion of Senator Warnke, the following Committee on Commerce and Labor amendment was adopted:

On page 6, after line 9, insert the following:

*NEW SECTION. Sec. 12. A new section is added to chapter 41.04 RCW to read as follows:

Cities and towns with a population of less than twenty-five hundred and counties with a population of less than ten thousand shall not be required to provide a disability leave supplement to their commissioned law enforcement officers and full-time paid fire fighters who qualify for payments pursuant to RCW 51.32.090, due to temporary total disability.

NEW SECTION, Sec. 13. A new section is added to chapter 41.04 RCW to read as follows:

This act neither grants employees a vested right to receive a disability leave supplement nor creates a contractual obligation on behalf of the state or its political subdivisions to provide a disability leave supplement."

Senator Zimmerman moved that the following amendment be adopted:

On page 1, line 16, after "receiving" strike everything through "service" on line 17 and insert "seventy-five percent of the employee's base monthly salary"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Zimmerman.

The motion by Senator Zimmerman failed and the amendment was not adopted on a rising tie vote and the President voting 'no.'

MOTION

Senator Zimmerman moved that the following amendment be adopted:

On page 1, line 19, after "taxes", strike everything through "service" on line 20

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Zimmerman.

The motion by Senator Zimmerman failed and the amendment was not adopted on a rising vote.

MOTION

Senator Cantu moved that the following amendment be adopted:

On page 2, line 20, after "of" strike "six months" and insert "ninety days"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Cantu.

The motion by Senator Cantu failed and the amendment was not adopted on a rising vote.

MOTION

Senator McDonald moved that the following amendment be adopted:

On page 4, line 27, after "to" strike everything through "employer" on line 29 and insert "earn sick leave and annual leave"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator McDonald.

The motion by Senator McDonald failed and the amendment was not adopted.

MOTION

Senator Zimmerman moved that the following amendment be adopted:

On page 5, line 15, strike "1989" and insert "1987"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Zimmerman.

The motion by Senator Zimmerman failed and the amendment was not adopted.

MOTION

Senator Cantu moved that the following amendment be adopted:

On page 6, after line 9, insert the following:

NEW SECTION, Sec. 12. A new section is added to chapter 41.04 RCW to read as follows:

Disability leave supplement payments and plans for employees covered by this act shall not be subject to interest arbitration as defined in RCW 41.56.430 through 41.56.905."

Renumber any remaining sections and correct any internal references accordingly.

Debate ensued.

MOTION

On motion of Senator Bottiger, the following amendment to the amendment was adopted:

On line 10 of the amendment, strike "and plans"

The President declared the question before the Senate to be adoption of the amendment by Senator Cantu, as amended.

The motion by Senator Cantu carried and the amendment, as amended, was adopted.

MOTION

On motion of Senator Warnke, the rules were suspended, Engrossed Substitute House Bill No. 435, 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 Bottiger, I've been listening to your arguments here and I'm a little concerned. This eliminates 'in populations 10,000 or under,' and I'm wondering if a police officer and a fireman don't have as many children, as many house payments and mortgages and hurt just as badly when they get hurt in these localities and I'm wondering if this is constitutional when you're saying if you get hurt over here in Roy--which is in your district and has a lot of pretty rough, tough people out there, as you well know--but it doesn't affect my police officers that I'm representing in my district--or the firemen. When they have a tavern burn down, they get injured, too. That's what I am wondering. I can't understand that. Maybe you can answer that."

Senator Bottiger: "Senator, the small towns and counties brought the problem of finding another job for those people and I think somebody else has mentioned this--that this purpose is not to give somebody some money for not working, it's to supplement their income for working, even at a light duty. If there is no job for them, the system won't work. When you get into a town like Roy, there is no other job for them to take, so it would then amount to simply an increase for them--not working--and this is not the purpose of the bill."

Senator Rasmussen: "Senator, you didn't clear that up entirely. I thought the purpose of the bill was to assess support of their families and, also, to take care of their mortgages and other expenses. That's the point that they have just as many problems as say in the city of Tacoma or Seattle."

Senator Bottiger: "Senator, I guess I can only repeat, obviously, they do and, obviously, they go on time loss. They go to a statewide average salary of about a thousand a month which many of these people--they are living beyond that in their paid jobs. The purpose of this bill is not to handle that problem. It's to provide them with a light duty job, so they maintain at a Y rate--their original salary and can take care of their family. If there is no job in a small town like Roy for an injured fireman or policeman, the system wouldn't work."

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. 435, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 435, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 29; nays, 20.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Garrett, Gaspard, Goltz, Graniund, Halsan, Hansen, Johnson, Kreidler, McDermott, McManus, Moore, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn - 29.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, DeJarnatt, Guess, Hayner, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Owen, Patterson, Sellar, Zimmerman - 20.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 435, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGGROSSED SUBSTITUTE HOUSE BILL NO. 815, by Select Committee on Clean-up and Management of Puget Sound (originally sponsored by Representatives Unsoeld, Jacobsen and G. Nelson)

Revising provisions relating to sewage treatment facilities.

The bill was read the second time.

MOTION

Senator Kreidler moved that the following Committee on Parks and Ecology amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) In order to protect water quality, the department of ecology, in cooperation with the Puget Sound water quality authority, shall review existing standards for pretreatment of industrial wastewater that is discharged into sewage treatment facilities that discharge into Puget Sound. Standards for treatment by industrial facilities that discharge directly into Puget Sound or into waters that flow into Puget Sound shall also be reviewed.

(2) The department of ecology shall report its progress to the legislature by January 1, 1986. The report shall address whether standards require revision to reflect all known, available, and reasonable methods of treatment. The department shall report its conclusions to the legislature by January 1, 1987.

NEW SECTION. Sec. 2. (1) The department of ecology shall work with local governments to develop reasonable plans and compliance schedules for the greatest reasonable reduction of combined sewer overflows. The plan shall address various options, including construction of storage tanks for sewage and separation of sewage and stormwater transport systems. The compliance schedule shall be designed to achieve the greatest reasonable reduction of combined sewer overflows at the earliest possible date. The plans and compliance schedules shall be completed by January 1, 1988. A compliance schedule will be a condition of any waste discharge permit issued or renewed after January 1, 1988.

(2) By September 1, 1987, the department of ecology shall report to the legislature any statutory changes necessary to implement the plans and compliance schedules described in subsection (1) of this section. The report shall include (a) a recommended date by which all sewage treatment facilities shall achieve the greatest reasonable reduction of combined sewer overflows, and (b) a comprehensive assessment of the total cost to achieve compliance, the projected need and recommended distribution of local, state, and federal funding, and the availability of local, state, and federal funding. A thorough discussion of the potential funding sources shall accompany the report.

NEW SECTION. Sec. 3. Plans for upgrading sewage treatment facilities and plans for new sewage treatment facilities shall address the greatest reasonable reduction of combined sewer overflows and implementation of pretreatment standards.

NEW SECTION. Sec. 4. The department of ecology shall collect administrative expenses from any person or entity requesting action of the department pertaining to the processing of applications for permits provided in RCW 90.48.160, 90.48.162, and 90.48.260. For the purposes of this section, "administrative expenses" shall mean the total actual costs incurred by the department in processing such permit applications.

NEW SECTION. Sec. 5. Sections 1 through 4 of this act are each added to chapter 90.48 RCW."

Debate ensued.

POINT OF INQUIRY

Senator Goltz: "Senator Kreidler, this question is about Section 4 of the committee amendment to Engrossed Substitute House Bill No. 815. I want to be certain that I understand the intent of Section 4. Is it the intent of Section 4 to allow the Department of Ecology to charge fees for the issuance, reissuance and modification of wastewater discharge permits?"

Senator Kreidler: "Senator Goltz, I understand that it is the intent of Section 4 to allow the Department of Ecology to charge fees to cover the administrative expense incurred for the issuance, reissuance and modification of those permits."

Senator Goltz: "Is it the intent of this section to allow the Department of Ecology to charge fees for compliance monitoring or compliance inspection?"

Senator Kreidler: "No, Senator Goltz, Section 4 does not give the Department of Ecology the authority to charge fees for compliance monitoring or compliance inspection."

Senator Goltz: "Finally, Senator Kreidler, is it the intent of Section 4 to allow the Department of Ecology to adopt in conformance with the Administrative Procedures Act, a schedule of fees for permits which reflects the varying cost and complexity of permits?"

Senator Kreidler: "Yes, Senator Goltz, this section gives the Department of Ecology the authority to set a schedule of fees for different classes of permits based upon the administrative costs incurred."

The President declared the question before the Senate to be adoption of the Committee on Parks and Ecology amendment.

The motion by Senator Kreidler carried and the committee amendment was adopted.

MOTION

On motion of Senator Kreidler, the rules were suspended, Engrossed Substitute House Bill No. 815, 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 Kreidler, it is my understanding that the city of Olympia is one of the worst violators for letting sewage run wild out into the bay. They have killed thousands of fish. Are they able to handle the expense of the separation between storm drains and sewers or are they going to flush the people down the tube?"

Senator Kreidler: "Senator Rasmussen, I'm not aware that Olympia is any greater violator than Metro is--relative to sewer overflows--but in any case the ones that are going to have to come back to the legislature in a sense of economic consideration have to be a part of the consideration as to see whether it's going to be possible to address the problem of combined sewer overflow. So, it's going to be one that is going to be balanced off against the environment and the cost in making that decision, for the very reasons that your question described, because it can be a very expensive proposition."

Senator Rasmussen: "What you're saying is, Senator Kreidler, that in the event that they have to pay a little bit for it--whether they are going to bypass it--is that correct or am I getting the wrong interpretation?"

Senator Kreidler: "We're going to get a report back to the legislature relative to the decisions that we'll be making relative to combined sewer overflows and the decisions local government will be having to make and if it's going to be a burdensome cost, one that is going to be excessive for local government, obviously, the economic parts of it are going to be weighed against the environment in some point in time because we are trying to address the problem within its own standing."

Senator Rasmussen: "Thank you, Senator. I just want you to know that the environment comes first and the economic costs come second."

Further debate ensued.

POINT OF INQUIRY

Senator Stratton: "Senator Kreidler, I would like to know--what has the Department of Ecology been doing? We've been hearing about water quality for a long, long time. Does it take a bill to get the Department of Ecology involved in the problem with Puget Sound?"

Senator Kreidler: "What we're, essentially, trying to do is to try to get some plans, some organization, some time schedules to the addressing of the specific problem of combined sewer overflow which is certainly the major part of this bill. That's what we're going to get with the passage of this bill and I think it's the kind of issue that needs to be kind of pushed with the legislature and certainly with local governments that they attempt to address what is a very serious problem if we are going to get at this problem of cleaning up Puget Sound."

POINT OF INQUIRY

Senator Barr: "Perhaps Senator Kreidler would like to yield to another question along the same lines as Senator Stratton. Outside of what the Department of Ecology must charge, I can't see anything in this bill that they need that they wouldn't

and shouldn't and probably are doing anyway. Maybe you would care to respond to that. Secondly, then on the amendment and throughout the bill, if they are to report back by 1987, what connotation does this have that when this study comes in and we're waiting for it--there isn't any need for funding until we get this study done? Would you agree with that concept?"

Senator Kreidler: "Senator Barr, I do not agree that this is a bill that is not needed. It's certainly one that puts a time schedule into place to come back with some very valuable information for us to react to and it certainly is going to help to address the problems that the local governments need in identifying their problems.

"The Department, currently, cannot charge fees for certain permits which are going to be the funding for this particular bill and they are going to be able to collect monies to pay for the reports we will be getting back. They don't have the authority to do it right now. We are giving them that authority to charge for those permits so there is no cost to the general fund. The fees will be able to pay for it and we're going to get some very valuable information that will allow us to make the appropriate decisions. This will also be done in coordination with the Puget Sound Water Quality Authority--in coming up with the information we need to react to."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 815, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 815, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Melcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senators Conner, Guess, Stratton - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 815, as amended by the Senate, having received the constitutional majority, 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. 116, by Representatives Belcher, Niemi, Unsoeld, Vekich, Walk, Peery, Kremen, McMullen, Fisch and Rayburn

Requiring that seniority determine salary increases, layoffs, and rehiring of state employees; that ratio of management and direct service employees be maintained; and providing mobility between personnel systems.

The bill was read the second time.

MOTIONS

On motion of Senator Thompson, the following Committee on Governmental Operations amendments were considered simultaneously and adopted:

On page 6, line 9, after "chapter" strike all material down to and including "agency" on line 14

On page 12, line 27, after "chapter" strike all material down to and including "board" on line 33

On page 13, line 2, after "board" strike all material down to and including "board" on line 8

On page 17, line 1, after "section" strike "8" and insert "7"

Senator Zimmerman moved that the following amendments be considered simultaneously and adopted:

On page 3, line 4, after "promotions" strike "~~((and reemployment from layoff))~~" and insert "and reemployment from layoff"

On page 3, line 18, after "reemployment" strike "both according to seniority"

On page 9, line 20, after "promotions" strike "~~((and reemployment from layoff))~~" and insert "and reemployment from layoff"

On page 9, line 31, after "reemployment" strike "both according to seniority"

On page 16, beginning on line 8, strike all of subsection (7) and subsection (8) and renumber the remaining subsections accordingly.

On page 16, beginning on line 28, strike all of subsection (17) and subsection (18)

Debate ensued.

Senator McDonald 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 Zimmerman.

ROLL CALL

The Secretary called the roll and the motion by Senator Zimmerman failed and the amendments were not adopted by the following vote: Yeas, 21; nays, 27; absent, 1.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Saling, Sellar, Stratton, Zimmerman - 21.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Pullen, Rinehart, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 27.

Absent: Senator Rasmussen - 1.

MOTION

Senator Zimmerman moved that the following amendments be considered simultaneously and adopted:

On page 5, line 9, after "Increment" strike "((or merit))" and insert "or merit"

On page 5, line 10, after "service" strike all material down to and including "service" on line 12, and insert "and a performance evaluation rated satisfactory or better"

On page 7, line 4, after "improvement" and before the period insert "but shall not be eligible for an increment increase until a subsequent evaluation judges the employee's work to be satisfactory or better"

On page 13, line 30, after "improvement" and before the period insert "but shall not be eligible for an increment increase until a subsequent evaluation judges the employee's work to be satisfactory or better"

On page 11, line 33, after "Increment" strike "((or merit))" and insert "or merit"

On page 11, line 34, after "service" strike all material down to and including "service" on line 36, and insert "and a performance evaluation rated satisfactory or better"

Debate ensued.

Senator McDonald 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 Zimmerman.

ROLL CALL

The Secretary called the roll and the motion by Senator Zimmerman failed, the President voting 'no,' and the amendments were not adopted by the following vote: Yeas, 24; nays, 24; absent, 1.

Voting yea: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Goltz, Guess, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Saling, Sellar, Stratton, von Reichbauer, Zimmerman - 24.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Granlund, Halsan, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Pullen, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 24.

Absent: Senator Rasmussen - 1.

MOTION

Senator Zimmerman moved that the following amendment be adopted:

On page 17, beginning on line 1, strike all of New Section, Sec. 18, down to and including "necessary," on line 5.

Debate ensued.

Senator McDonald 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 Zimmerman.

ROLL CALL

The Secretary called the roll and the motion by Senator Zimmerman failed and the amendment was not adopted by the following vote: Yeas, 22; nays, 25; absent, 2.

Voting yea: Senators Bailey, Benitz, Bluechel, Cantu, Craswell, Deccio, Goltz, Guess, Hansen, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalfe, Newhouse, Patterson, Saling, Sellar, von Reichbauer, Zimmerman - 22.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Granlund, Halsan, Kreidler, McDermott, McManus, Moore, Owen, Peterson, Pullen, Rasmussen, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 25.

Absent: Senators Barr, Rinehart - 2.

MOTION

Senator Zimmerman moved that the following amendment be adopted:

Beginning on page 15, line 29, strike all of "NEW SECTION. Sec. 16" and renumber the remaining sections accordingly.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Zimmerman.

The motion by Senator Zimmerman failed and the amendment was not adopted.

MOTION

On motion of Senator Thompson, the rules were suspended, Engrossed House Bill No. 116, 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. 116, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 116, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 26; nays, 21; absent, 2.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, McDermott, McManus, Owen, Peterson, Pullen, Rasmussen, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 26.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Hayner, Johnson, Kiskaddon, Lee, McCaslin, McDonald, Metcalfe, Moore, Newhouse, Patterson, Saling, Sellar, von Reichbauer, Zimmerman - 21.

Absent: Senators Guess, Rinehart - 2.

ENGROSSED HOUSE BILL NO. 116, as amended by the Senate, having received the 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

April 16, 1985

Had I been able to vote on Engrossed House Bill No. 116, as amended by the Senate, I would have voted 'aye.'

Nita Rinehart,
Forty-sixth District

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1134 and the pending amendment by Senator Vognild on page 1, line 24, deferred earlier today.

MOTION

On motion of Senator Vognild, and there being no objection, the amendment was withdrawn.

MOTION

On motion of Senator Vognild, the following amendment was adopted:

On page 1, after line 24 insert the following:

*Sec. 3. Section 6, chapter 35, Laws of 1969 ex. sess. as last amended by section 6, chapter 97, Laws of 1984 and RCW 26.44.070 are each amended to read as follows:

The department shall maintain a central registry of (~~reported~~) cases of child abuse or neglect or abuse of an adult dependent person that have been substantiated through a court proceeding or an administrative hearing, and shall adopt such rules and regulations as necessary in carrying out the provisions of this section. Records in the central registry shall be considered confidential and privileged and will not be available except upon court order to any person or agency except (1) law enforcement agencies as defined in this chapter in the course of an investigation of alleged abuse or neglect; (2) protective services workers or juvenile court personnel who are investigating reported incidents of abuse or neglect; (3) department of social and health services personnel who are investigating the character and/or suitability of an agency and other persons who are applicants for licensure, registration, or certification, or applicants for employment with such an agency or persons, or under contract to or employed by an agency or persons directly responsible for the care and treatment of children, expectant mothers, or adult dependent persons pursuant to chapter 74.15 RCW; (4) department of social and health services personnel who are investigating the character or suitability of any persons with whom children may be placed under the interstate compact on the placement of children, chapter 26.34 RCW; (5) physicians who are treating the child or adult dependent person or family; (6) any child or adult dependent person named in the registry who is alleged to be abused or neglected, or his or her guardian ad litem and/or attorney; (7) a parent, guardian, or other person legally responsible for the welfare and safety of the child or adult dependent person named in the registry; (8) any person engaged in a bona fide research purpose, as determined by the department, according to rules and regulations, provided that information identifying the persons of the registry shall remain privileged; and (9) any individual whose name appears on the registry shall have access to his own records. Those persons or agencies exempted by this section from the confidentiality of the records of the registry shall not further disseminate or release such information so provided to them and shall respect the confidentiality of such information, and any violation of this section shall constitute a misdemeanor.*

MOTION

On motion of Senator Vognild, further consideration of Substitute House Bill No. 1134 was deferred.

MOTION

At 6:54 p.m., on motion of Senator Vognild, the Senate adjourned until 10:00 a.m., Wednesday, April 17, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

NINETY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, April 17, 1985

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 and Deccio.

The Sergeant at Arms Color Guard, consisting of Pages Daina Higginbotham and Connie Phegley, presented the Colors. Reverend Lester G. Olson, senior pastor of the Gloria Dei Lutheran Church of Olympia, offered the prayer.

MOTION

On motion of Senator Vognild, the reading of the journal of the previous day was dispensed with and it was approved.

MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

April 16, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Evelyn J. Whitney, appointed April 16, 1985, for a term ending January 4, 1989, as a member of the State Personnel Board, succeeding Della M. Newman.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Governmental Operations.

April 16, 1985

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

Virginia P. Apodaca, appointed April 16, 1985, for a term ending July 1, 1989, as a member of the Higher Education Personnel Board, succeeding Jane M. McCormach.

Sincerely,
BOOTH GARDNER, Governor

Referred to Committee on Education.

MESSAGES FROM THE HOUSE

April 16, 1985

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 94,

SUBSTITUTE HOUSE BILL NO. 133,

HOUSE BILL NO. 261,

HOUSE BILL NO. 293,

HOUSE BILL NO. 1000,

HOUSE BILL NO. 1004,

HOUSE BILL NO. 1006,

HOUSE BILL NO. 1009,

SUBSTITUTE HOUSE BILL NO. 1191,

SUBSTITUTE HOUSE BILL NO. 1232, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 16, 1985

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 4,
HOUSE BILL NO. 31,
SUBSTITUTE HOUSE BILL NO. 48,
HOUSE BILL NO. 80,
SUBSTITUTE HOUSE BILL NO. 127,
HOUSE BILL NO. 169,
SUBSTITUTE HOUSE BILL NO. 194,
SUBSTITUTE HOUSE BILL NO. 223,
HOUSE BILL NO. 251,
SECOND SUBSTITUTE HOUSE BILL NO. 428,
HOUSE BILL NO. 720,
SUBSTITUTE HOUSE BILL NO. 837,
SUBSTITUTE HOUSE BILL NO. 839,
SUBSTITUTE HOUSE BILL NO. 1129, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 16, 1985

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 14,
SUBSTITUTE HOUSE BILL NO. 28,
SUBSTITUTE HOUSE BILL NO. 52,
HOUSE BILL NO. 73,
HOUSE BILL NO. 77,
SUBSTITUTE HOUSE BILL NO. 86,
HOUSE BILL NO. 99,
HOUSE BILL NO. 132,
HOUSE BILL NO. 152,
SUBSTITUTE HOUSE BILL NO. 155,
HOUSE BILL NO. 156,
SUBSTITUTE HOUSE BILL NO. 166,
SUBSTITUTE HOUSE BILL NO. 177,
HOUSE BILL NO. 250,
SUBSTITUTE HOUSE BILL NO. 279,
SUBSTITUTE HOUSE BILL NO. 303,
SUBSTITUTE HOUSE BILL NO. 459,
SUBSTITUTE HOUSE BILL NO. 469,
HOUSE BILL NO. 643,
HOUSE BILL NO. 675,
SUBSTITUTE HOUSE BILL NO. 802,
SUBSTITUTE HOUSE BILL NO. 831,
HOUSE BILL NO. 914,
HOUSE BILL NO. 949,
SUBSTITUTE HOUSE BILL NO. 958,
HOUSE BILL NO. 1021,
SUBSTITUTE HOUSE BILL NO. 1044,
SUBSTITUTE HOUSE BILL NO. 1114,
SUBSTITUTE HOUSE BILL NO. 1234,
HOUSE JOINT MEMORIAL NO. 2, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 16, 1985

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 3007,
SENATE BILL NO. 3008,
SENATE BILL NO. 3091,
SUBSTITUTE SENATE BILL NO. 3094,
SENATE BILL NO. 3103,

SUBSTITUTE SENATE BILL NO. 3122,
 SENATE BILL NO. 3127,
 SUBSTITUTE SENATE BILL NO. 3145,
 SENATE BILL NO. 3205,
 SENATE BILL NO. 3298,
 SENATE BILL NO. 3374,
 SUBSTITUTE SENATE BILL NO. 3387,
 SENATE BILL NO. 3393,
 SENATE BILL NO. 3436,
 SENATE BILL NO. 3467,
 SENATE BILL NO. 3486,
 SENATE BILL NO. 3494,
 SENATE BILL NO. 3569,
 SENATE BILL NO. 3593,
 SUBSTITUTE SENATE BILL NO. 3897, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

April 16, 1985

Mr. President:

The House has passed:

SUBSTITUTE SENATE BILL NO. 3580,
 SUBSTITUTE SENATE BILL NO. 4190,
 SENATE BILL NO. 4216,
 SENATE BILL NO. 4236,
 ENGROSSED SENATE BILL NO. 4259,
 SUBSTITUTE SENATE BILL NO. 4294,
 SUBSTITUTE SENATE BILL NO. 4314, and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 3035,
 SENATE BILL NO. 3067,
 SUBSTITUTE SENATE BILL NO. 3279,
 SUBSTITUTE SENATE BILL NO. 3302,
 SUBSTITUTE SENATE BILL NO. 3332,
 SENATE BILL NO. 3337,
 SUBSTITUTE SENATE BILL NO. 3342,
 SENATE BILL NO. 3373,
 SENATE BILL NO. 3401,
 SENATE BILL NO. 3415,
 SUBSTITUTE SENATE BILL NO. 3450,
 SUBSTITUTE SENATE BILL NO. 3553,
 SUBSTITUTE SENATE BILL NO. 3602,
 SENATE BILL NO. 3627,
 SUBSTITUTE SENATE BILL NO. 3723,
 SENATE BILL NO. 3794,
 SENATE BILL NO. 3800,
 SENATE BILL NO. 3818,
 SENATE BILL NO. 3846,
 SUBSTITUTE SENATE BILL NO. 3981,
 SUBSTITUTE SENATE BILL NO. 4059,
 SUBSTITUTE SENATE BILL NO. 4105,
 SENATE BILL NO. 4110,
 SENATE BILL NO. 4127,
 SENATE BILL NO. 4227,
 SENATE JOINT MEMORIAL NO. 127.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 14,
 SUBSTITUTE HOUSE BILL NO. 28,

SUBSTITUTE HOUSE BILL NO. 52,
 HOUSE BILL NO. 73,
 HOUSE BILL NO. 77,
 SUBSTITUTE HOUSE BILL NO. 86,
 HOUSE BILL NO. 99,
 HOUSE BILL NO. 132,
 HOUSE BILL NO. 152,
 SUBSTITUTE HOUSE BILL NO. 155,
 HOUSE BILL NO. 156,
 SUBSTITUTE HOUSE BILL NO. 166,
 SUBSTITUTE HOUSE BILL NO. 177,
 HOUSE BILL NO. 250,
 SUBSTITUTE HOUSE BILL NO. 279,
 SUBSTITUTE HOUSE BILL NO. 303,
 SUBSTITUTE HOUSE BILL NO. 459,
 SUBSTITUTE HOUSE BILL NO. 469,
 HOUSE BILL NO. 643,
 HOUSE BILL NO. 675,
 SUBSTITUTE HOUSE BILL NO. 802,
 SUBSTITUTE HOUSE BILL NO. 831,
 HOUSE BILL NO. 914,
 HOUSE BILL NO. 949,
 SUBSTITUTE HOUSE BILL NO. 958,
 HOUSE BILL NO. 1021,
 SUBSTITUTE HOUSE BILL NO. 1044,
 SUBSTITUTE HOUSE BILL NO. 1114,
 SUBSTITUTE HOUSE BILL NO. 1234,
 HOUSE JOINT MEMORIAL NO. 2.

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE HOUSE BILL NO. 4,
 HOUSE BILL NO. 31,
 SUBSTITUTE HOUSE BILL NO. 48,
 HOUSE BILL NO. 80,
 SUBSTITUTE HOUSE BILL NO. 127,
 HOUSE BILL NO. 169,
 SUBSTITUTE HOUSE BILL NO. 194,
 SUBSTITUTE HOUSE BILL NO. 223,
 HOUSE BILL NO. 251,
 SECOND SUBSTITUTE HOUSE BILL NO. 428,
 HOUSE BILL NO. 720,
 SUBSTITUTE HOUSE BILL NO. 837,
 SUBSTITUTE HOUSE BILL NO. 839,
 SUBSTITUTE HOUSE BILL NO. 1129.

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE HOUSE BILL NO. 94,
 SUBSTITUTE HOUSE BILL NO. 133,
 HOUSE BILL NO. 261,
 HOUSE BILL NO. 293,
 HOUSE BILL NO. 1000,
 HOUSE BILL NO. 1004,
 HOUSE BILL NO. 1006,
 HOUSE BILL NO. 1009,
 SUBSTITUTE HOUSE BILL NO. 1191,
 SUBSTITUTE HOUSE BILL NO. 1232.

There being no objection, the President advanced the Senate to the sixth order of business.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 493, deferred on second reading April 16, 1985.

MOTION

On motion of Senator Thompson, the rules were suspended, Substitute House Bill No. 493 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. 493.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 493 and the bill passed the Senate by the following vote: Yeas, 43; nays, 2; absent, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Voting nay: Senators McCaslin, Patterson - 2.

Absent: Senators Benitz, Deccio, Hayner, Owen - 4.

SUBSTITUTE HOUSE BILL NO. 493, having received the constitutional majority, 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. 787, by Representatives Tilly, Wang, Betrozoff, Crane, J. Williams and Bond

Exempting avalanche control activities from the state explosive act.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, Engrossed House Bill No. 787 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 House Bill No. 787.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 787 and the bill passed the Senate by the following vote: Yeas, 46; absent, 3.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 46.

Absent: Senators Benitz, Owen, Wojahn - 3.

ENGROSSED HOUSE BILL NO. 787, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 112, by Committee on Judiciary (originally sponsored by Representatives Brekke, Patrick, Wang, Holland, D. Nelson, J. Williams, P. King, Lewis, Locke, Dellwo, Vekich, S. Wilson, Fisch, Tanner and Crane)

Authorizing petitions to the courts for disclosure of identity of adoptees and parents.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 1, line 23, after "adoptee" strike ", or an adoptive parent of an adult adoptee," and insert "or an adoptive parent"

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 112, 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. 112, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 112, as amended by the Senate, and the bill failed to pass the Senate by the following vote: Yeas, 22; nays, 27.

Voting yea: Senators Bender, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Moore, Newhouse, Peterson, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 22.

Voting nay: Senators Bailey, Barr, Bauer, Benitz, Bluechel, Boltiger, Cantu, Craswell, Deccio, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, McCaslin, Metcalf, Owen, Patterson, Pullen, Rasmussen, Saling, Sellar, Stratton, von Reichbauer, Zimmerman - 27.

SUBSTITUTE HOUSE BILL NO. 112, 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 Halsan served notice that he would move to reconsider the vote by which Substitute House Bill No. 112, as amended by the Senate, failed to pass the Senate.

MOTIONS

On motion of Senator Bender, Senator Vognild was excused.

On motion of Senator Zimmerman, Senator Kiskaddon was excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 204, by Committee on Social and Health Services (originally sponsored by Representatives Brekke, B. Williams and Tanner)

Changing provisions relating to the board of prison terms and paroles.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute House Bill No. 204 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. 204.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 204 and the bill passed the Senate by the following vote: Yeas, 42; nays, 5; excused, 2.

Voting yea: Senators Bailey, Bender, Benitz, Bluechel, Boltiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Voting nay: Senators Barr, Bauer, Garrett, McDonald, Sellar - 5.

Excused: Senators Kiskaddon, Vognild - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 204, having received the constitutional majority, 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. 272, by Committee on Judiciary (originally sponsored by Representatives Scott, Niemi, Padden, Tilly, Dellwo, Rayburn, Armstrong, Fisch, Tanner, Winsley, Taylor, Van Luven, Silver and Day)

Allowing admission of children's statements in criminal and dependency proceedings.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 9A.44 RCW to read as follows:

(1) This section applies only to a criminal proceeding involving a sexual offense alleged to have been committed against a child under ten years of age.

(2) The recording of an oral statement of the child made before the proceeding begins is admissible into evidence if the statement is admissible pursuant to RCW 9A.44.120 and if:

(a) The recording is both visual and aural and is recorded on film or videotape or by other electronic means, or is aural and is recorded on tape or by other electronic means;

(b) The recording equipment was capable of making an accurate recording, the operator of the equipment was competent, and the recording is accurate and has not been altered;

(c) The statement was not made in response to questioning calculated to lead the child to make a particular statement;

(d) Every voice on the recording is identified; and

(e) All parties to the proceeding or the parties' attorneys are afforded an opportunity to view the recording before it is offered into evidence.

(3) Upon a showing of cause, the court may at any time order that disclosure of a recording made pursuant to this section be restricted or deferred, or make such other order as is appropriate, provided that such recording to which a party is entitled must be disclosed in time to permit counsel to make beneficial use thereof.

NEW SECTION, Sec. 2. A new section is added to chapter 13.34 RCW to read as follows:

(1) This section applies only to a dependency proceeding involving abuse or neglect alleged to have been committed against a child under ten years of age.

(2) The recording of an oral statement of the child made before the proceeding begins is admissible into evidence if the statement is admissible pursuant to section 3 of this act and if:

(a) The recording is both visual and aural and is recorded on film or videotape or by other electronic means, or is aural and is recorded on tape or by other electronic means;

(b) The recording equipment was capable of making an accurate recording, the operator of the equipment was competent, and the recording is accurate and has not been altered;

(c) The statement was not made in response to questioning calculated to lead the child to make a particular statement;

(d) Every voice on the recording is identified; and

(e) The parties or the attorneys for the parties are afforded an opportunity to view the recording before it is offered into evidence.

(3) Upon a showing of cause, the court may at any time order that disclosure of a recording made pursuant to this section be restricted or deferred, or make such other order as is appropriate, provided that such recording to which a party is entitled must be disclosed in time to permit counsel to make beneficial use thereof.

NEW SECTION, Sec. 3. A new section is added to chapter 13.34 RCW to read as follows:

A statement made by a child when under the age of ten describing any act of abuse or neglect performed with or on the child by another, not otherwise admissible by statute or court rule, is admissible in evidence in a dependency proceeding brought under this chapter if:

(1) The court finds that the time, content, and circumstances of the statement provide sufficient indicia of reliability; and

(2) The child either:

(a) Testifies at the proceedings; or

(b) Is unavailable as a witness: PROVIDED, That when the child is unavailable as a witness, such statement may be admitted only if there is corroborative evidence of the act.

The child witness shall be deemed unavailable for the purposes of this section if the court determines that the child is not competent to testify or that there is a strong probability that the child would experience emotional trauma of a degree and kind that would seriously inhibit the child's ability to testify fully and accurately if the child were required to testify in open court. Nothing in this section shall limit or expand the court's discretion in exercising reasonable control over the mode and order of interrogating witnesses and presenting evidence so as to protect witnesses from harassment or undue embarrassment.

A statement shall not be admitted under this section unless the proponent of the statement makes known to the adverse party the proponent's intention to offer the statement and the particulars of the statement sufficiently in advance of the proceedings to provide the adverse party with a fair opportunity to prepare to meet the statement.

Sec. 4. Section 2, chapter 129, Laws of 1982 and RCW 9A.44.120 are each amended to read as follows:

A statement made by a child when under the age of ten describing any act of sexual contact performed with or on the child by another, not otherwise admissible by statute or court rule, is admissible in evidence in criminal proceedings in the courts of the state of Washington if:

(1) The court finds, in a hearing conducted outside the presence of the jury that the time, content, and circumstances of the statement provide sufficient indicia of reliability; and

(2) The child either:

(a) Testifies at the proceedings; or

(b) Is unavailable as a witness: PROVIDED, That when the child is unavailable as a witness, such statement may be admitted only if there is corroborative evidence of the act. The child witness shall be deemed unavailable for the purposes of this section if the court determines that the child is not competent to testify or that there is a strong probability that the child would experience emotional trauma of a degree and kind that would seriously inhibit the child's ability to testify fully and accurately if the child were required to testify in open court. Nothing in this section shall limit or expand the court's discretion in exercising reasonable control over the mode and order of interrogating witnesses and presenting evidence so as to protect witnesses from harassment or undue embarrassment.

A statement may not be admitted under this section unless the proponent of the statement makes known to the adverse party his intention to offer the statement and the particulars of the statement sufficiently in advance of the proceedings to provide the adverse party with a fair opportunity to prepare to meet the statement."

On motion of Senator Talmadge, the following title amendment was adopted:

On page 1, beginning on line 1 of the title, after "statements;" strike the remainder of the title and insert "amending RCW 9A.44.120; adding a new section to chapter 9A.44 RCW; and adding new sections to chapter 13.34 RCW."

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 272, 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. 272, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 272, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; absent, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Boltiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Absent: Senator McManus - 1.

SUBSTITUTE HOUSE BILL NO. 272, as amended by the Senate, having received the constitutional 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 Bender, Senator McManus was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 512, by Committee on Judiciary (originally sponsored by Representatives Leonard, Sanders, Cole, Scott, D. Nelson, Smitherman, Crane, Belcher, Lewis, Braddock, Allen, Winsley, Rayburn, K. Wilson, Kremen, Locke, Todd, Isaacson, P. King, Rust, Tanner, Holland, Brough and Fisher)

Establishing a bill of rights for children who are victims or witnesses to crime.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 1, line 19, after "act" strike all material down through and including "statute" on line 22 and insert "punishable as a felony, gross misdemeanor, or misdemeanor under the laws of this state or equivalent federal or local law"

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 2, line 35, after "proceedings" strike ", the ability to appreciate the importance of telling the truth, and all other fact-finding questions"

On motion of Senator Talmadge, the following Committee on Judiciary amendments were considered simultaneously and adopted:

On page 3, after line 14, insert a new section as follows:

"NEW SECTION. Sec. 4. The failure to provide notice to a child victim or witness under this chapter of the rights enumerated in section 3 of this act shall not result in civil liability so long as the failure to notify was in good faith and without gross negligence. The failure to make a reasonable effort to assure that child victims and witnesses are afforded the rights enumerated in section 3 of this act shall not result in civil liability so long as the failure to make a reasonable effort was in good faith and without gross negligence."

Renumber sections and correct internal references accordingly

On page 3, line 15, after "through" strike "3" and insert "4"

MOTION

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 512, 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. 512, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 512, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator McManus - 1.

SUBSTITUTE HOUSE BILL NO. 512, as amended by the Senate, having received the 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 House Bill No. 1134, deferred on second reading April 16, 1985.

MOTION

Senator Bluechel moved that the following amendment be adopted:

On page 1, line 24, following Sec. 3, and after "misdemeanor" insert the following:

" : Provided that no confidentiality shall attach to, and there shall be no liability for releasing, the information specified below. The central registry shall also include the following: Lists of persons (a) who have been convicted of any crime involving the sexual assault, exploitation, or molestation of a child under the age of eighteen; (b) whose parental rights have been terminated under chapter 13.34 RCW because of the sexual assault, exploitation, or molestation of a child under the age of eighteen; c) who have been found in any new dependency action under chapter 13.34 RCW to have sexually assaulted, exploited, or molested any child under the age of eighteen; or (d) who have been reported to the department of social and health services for sexually assaulting, exploiting, or molesting a child, and which has been substantiated through a court proceeding.

All listings unless successfully challenged shall remain permanently on file. Information in this file shall be coordinated when possible with criminal history."

"The above information shall be available to any business or organization that deals primarily with the care, supervision, education, recreation, or guidance of children. Each such business or organization shall check all of its employees and volunteers who may have contact

with children under the age of eighteen with the department to find whether or not the employees and volunteers are listed in the registry within one hundred eighty days after the effective date of this act. All new employees or volunteers shall be similarly checked. If any employee or volunteer is found to be listed in the registry, the fact of being listed shall be reported in writing by the business or organization to the parents or legal guardians of all children under the age of eighteen participating in the activities of the business or organization.

Any parent or legal guardian may also apply to the department to determine whether or not a person retained by them to care for a child under the age of eighteen is listed in the registry.

The department shall record all inquiries and if subsequent to an inquiry a person inquired about is added to the registry, the department shall notify all persons, at their last known address, who have made previous inquiries regarding that person about this fact.

Any person who have been convicted of a crime in another jurisdiction which, if committed in the state of Washington, would be a crime involving the sexual assault, exploitation, or molestation of a child under the age of eighteen, who establishes residency in the state of Washington, shall register with the department within thirty days of establishing residency. Failure to so register shall be a class C felony as provided in chapter 9A.20 RCW."

POINT OF ORDER

Senator Bottiger: Mr. President, a point of order. I raise the point of scope and object. It's very hard to speak against what Senator Bluechel would seek to do, but we have a bill before us that pertains to the Department of Social and Health Services employees or foster care people they employ--or place children with--in the case of foster care. Senator Bluechel's amendment expands that to all employees of the state of Washington creating a system whereby the legislature before they hired anybody because of the existence of Pages here would have to go through a checking process to determine if any of the members or other employees of the legislature had ever had any child abuse history. It would apply to McDonalds; it would apply to Sunday school teachers, everything else. While I do agree with Senator Bluechel, that some way has to be found, this bill is a narrow bill pertaining only to the Department of Social and Health Services and their placement or hiring."

Debate ensued.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Bottiger, the President finds that Substitute House Bill No. 1134 is a measure requiring the Department of Social and Health Services to screen employees dealing with children and developmentally disabled persons and amending the statute relating to the central registry of reported cases of child or developmentally disabled adult abuse.

"The amendment proposed by Senator Bluechel further amends the central registry statute.

"The President, therefore, finds that the proposed amendment does not change the scope and object of the bill and that the point of order is not well taken."

The amendment was ruled in order.

Further debate ensued.

POINT OF INQUIRY

Senator Bottiger: Senator Hayner, there's a drive-in restaurant out towards Puyallup which was found to have underpaid children less than the hourly wage and they were convicted of a misdemeanor of exploiting children. Would that conviction, then, have to be in this registry and those people--I think it was seven cents an hour they underpaid them--but they were found to have exploited the children under the minimum hourly wage. I take it all of those people would have to register with the state and we could always find out later."

Senator Hayner: "I think it would only deal with parents who were exploiting children or someone who was molesting the child. I think that in every case like this we want some rules and regulations with respect as to how this is administered and I think those would take care of that kind of situation."

Senator Bottiger: "In reading here, it says, 'The Central Registry shall also include the following: List of persons who have been convicted of any crime involving exploitation of children.' We would have that in the registry and I'm

wondering, Senator Hayner, we all are very conscious of costs, has anybody got any idea of what this section here that says, 'The Department shall record all inquiries and if subsequent to the inquiry the person inquired about is added to the registry--the Department shall notify all persons at their last known address who had made previous inquiries regarding that person'--has anybody got any idea what that costs?"

Senator Hayner: "I have no idea what that's going to cost, but I think that sexual molestation of children is probably one of the most important issues we have before us today. It may cost a little bit of money, but we've been passing some bills out of here--new taxes--that I can't believe are as important as the sexual molestation of our children. I think that word 'exploitation' in there refers, specifically, to sexual exploitation, not to exploitation in an economic way."

POINT OF INQUIRY

Senator Bottiger: Senator McDonald, you have invoked the Senate custom at every inch of the way in any bill costing more than fifty thousand dollars having to go to Ways and Means. Would you think it fair to say that it's going to cost at least fifty thousand dollars?"

Senator McDonald: "Senator Bottiger, I attempted to invoke that in every possible instance. Many times you have not entertained that and we have run it out here. I am not sure that we have ever sent a bill back to Ways and Means after adopting an amendment here on the floor because of the fifty thousand dollar increase, but if you want to do that, I guess that's fine."

POINT OF INQUIRY

Senator Pullen: "Maybe Senator Bluechel could clarify subsection (d). I'm a little worried on page 1, subsection (d) where it says, 'who have been reported to the Department of Social and Health Services for sexually assaulting, exploiting or molesting a child which has been substantiated through a court proceeding.' Does the clause 'which has been substantiated through a court proceeding'--is that intended to modify the report to the Department of Social and Health Services or is that intended to modify the sexual assault or the exploitation or the molestation? I guess I would feel that the antecedent of that is the report and if there has been a report to the Department of Social and Health Services, and that somehow subsequently substantiate it to some kind of court proceeding, regardless of whether the person is found guilty or not--then they would go into the registry? Is that your intent? That's the way I read subsection (d)."

Senator Bluechel: "Subsection (d) is meant to say, specifically, those people who have been reported to the Department of Social and Health Services for sexual assaulting and that this charge has been specifically substantiated through a court proceeding. There is no attempt to put some people on this list who may have been reported and who are unsubstantiated. We are specific in saying only those people who through a court proceeding which has substantiated the fact that they have sexually assaulted a child is true, are to go on this list."

Senator Pullen: "I guess I am still a little concerned. In your answer to my question, you referred to the word 'charge.' The word 'charge' doesn't appear in subsection (d); only the word 'report' appears in subsection (d). I guess what I am trying to understand is why we need the introductory clause at all--'who has been reported to the Department of Social and Health Services.' If we're dealing with the court action and we're dealing only with conviction, it seems to me that makes subsection (d) virtually synonymous with subsection (a)."

"I'm trying to understand what there is in subsection (d) that is different from subsection (a) and if we're dealing only with reports, but no conviction, then we're putting people on the registry who have not committed a crime and found guilty. If we're talking about convictions, that's covered in subsection (a)."

POINT OF INQUIRY

Senator Halsan: Senator Bluechel, I have some concerns about the same section that Senator Pullen was just questioning you about. In regards to that phraseology 'which is substantiated through a court proceeding.' If 'substantiated through a court proceeding' is not a term of art used in the law--being found to have done

something is--because we deal in courts with findings of fact and conclusions of law. What does 'substantiated' mean? Does that mean there's some corroborated evidence that is brought forward that does not lead to findings or what?"

Senator Bluechel: "Senator Halsan, when there is evidence or people report people who they think may be sexually assaulting a child to the Department of Social and Health Services, we did not want to include that they 'think may be.' Anybody who is reported--those on the list--we do not want that list made public. What we want made public is only those people who after that report has been made and a court hearing has been held. In other words, substantiation has been made of the fact that those people were guilty of sexual assault, then they would go on the list, but all the other people who are reported --heresay or otherwise-- would not go on the list. We are trying to be very, very specific on this one and say only if you've been reported and then if you've been reported, you don't go on any list until the courts have said that you are guilty of that."

Senator Halsan: "Senator Bluechel--if substantiated through a court proceeding--as you just mentioned, would either result in a finding of sexual abuse which would result in dependency or would result in a finding of sexual abuse which, then, would result in a criminal conviction. If, in fact, as you mentioned, that's the intent of this particular subsection, the particular subsection is totally unnecessary. The crimes are dealt with in subsection (a) and the dependency action will be dealt with in subsection (c). Those are the ones where there has been a finding by the judge that, in fact, it has occurred and some action had been taken. There is no judge who would make a finding of that and not take action on that or at least under subsection (c) even if there was such a finding and no action was taken, it would be covered under that subsection."

Senator Bluechel: "You're correct. We just want to be absolutely sure that we have everybody on the list who have been found by a court to have sexually assaulted a child. That's the reason for it. If it's a duplicate of the first two, it does absolutely no harm, but it is not meant to go any further than that substantiation by the court."

Senator Halsan: "I would, respectfully, disagree. If it is duplicative and yet the language is vague, what you could have is a situation in which there had been a report--two witnesses came in and substantiated the report and seven witnesses came in and denied it and had the court then find that it did not happen, but under that subsection, that would then be placed on the registry."

MOTION

On motion of Senator Vognild, further consideration of Substitute House Bill No. 1134 was deferred.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1269, by Committee on Local Government (originally sponsored by Representative Haugen)

Authorizing emergency medical service levies.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the following Committee on Governmental Operations amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 200, Laws of 1979 ex. sess. as amended by section 5, chapter 131, Laws of 1984 and RCW 84.52.069 are each amended to read as follows:

(1) As used in this section, "taxing district" means a county, emergency medical service district, city or town, public hospital district, or fire protection district.

(2) A taxing district may impose additional regular property tax levies in an amount equal to twenty-five cents or less per thousand dollars of the assessed value of property in the taxing district in each year for six consecutive years when specifically authorized so to do by a majority of at least three-fifths of the electors thereof approving a proposition authorizing the levies submitted at a general or special election, at which election the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty per centum of the total votes cast in such taxing district at the last preceding general election when the number of electors voting on the proposition does not exceed forty per centum of the total votes cast

in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the electors thereof voting on the proposition when the number of electors voting on the proposition exceeds forty per centum of the total votes cast in such taxing district in the last preceding general election. Ballot propositions shall conform with RCW 29.30.111.

(3) Any tax imposed under this section shall be used only for the provision of emergency medical care or emergency medical services, including related personnel costs, training for such personnel, and related equipment, supplies, vehicles and structures needed for the provision of emergency medical care or emergency medical services.

(4) If a county levies a tax under this section, no taxing district within the county may levy a tax under this section. No other taxing district may levy a tax under this section if another taxing district has levied a tax under this section within its boundaries: PROVIDED, That if a county levies less than twenty-five cents per thousand dollars of the assessed value of property, then any other taxing district may levy a tax under this section equal to the difference between the rate of the levy by the county and twenty-five cents: PROVIDED FURTHER, That if a taxing district within a county levies this tax, and the voters of the county subsequently approve a levying of this tax, then the ~~((tax levy for emergency medical services shall cease being levied in the taxing district originally levying it and shall be replaced with the county-wide levy))~~ amount of the taxing district levy within the county shall be reduced, when the combined levies exceed twenty-five cents. Whenever a tax is levied county-wide, the service shall, insofar as is feasible, be provided throughout the county: PROVIDED FURTHER, That no county-wide levy proposal may be placed on the ballot without the approval of the legislative authority of each city exceeding fifty thousand population within the county: AND PROVIDED FURTHER, That this section and RCW 36.32.480 shall not prohibit any city or town from levying an annual excess levy to fund emergency medical services: AND PROVIDED, FURTHER, That if a county proposes to impose tax levies under this section, no other ballot proposition authorizing tax levies under this section by another taxing district in the county may be placed before the voters at the same election at which the county ballot proposition is placed: AND PROVIDED FURTHER, That any taxing district emergency medical service levy that is authorized subsequent to a county emergency medical service levy, shall expire concurrently with the county emergency medical service levy.

(5) The tax levy authorized in this section is in addition to the tax levy authorized in RCW 84.52.043.

(6) The limitation in RCW 84.55.010 shall not apply to the first levy imposed pursuant to this section following the approval of such levy by the voters pursuant to subsection (2) of this section."

MOTION

On motion of Senator Thompson, the rules were suspended, Engrossed Substitute House Bill No. 1269, 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. 1269, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1269, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; absent, 1.

Voting yea: Senators Bailey, Barr, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognlind, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senator Craswell - 1.

Absent: Senator Bauer - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1269, as amended by the Senate, having received the constitutional majority, 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. 297, by Committee on Agriculture (originally sponsored by Representatives Jacobsen, Appelwick, Niemi, Vekich, Prince, Ballard, Todd, Unsoeld, Locke, D. Nelson, Baugher, Rayburn, Isaacson, Fisher and Lux)

Establishing standards for organic food products.

The bill was read the second time.

MOTION

On motion of Senator Hansen, the following Committee on Agriculture amendments were considered simultaneously and adopted:

On page 1, line 28, after "and" strike "similar" and insert "other"

On page 2, line 2, after "stimulants" insert "but excluding *Bacillus thuringiensis* and other natural pesticides"

On page 2, line 9, strike "harvesting" and insert "seed planting or transplanting or, in the case of perennial crops, within one year before the appearance of the flower bud"

MOTION

On motion of Senator Hansen, the rules were suspended, Substitute House Bill No. 297, 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 Hansen, I relate to the question by Senator Bailey where he wondered about it. This is only for one year that you can't use pesticide. You might have some long-life pesticide, but what I'm thinking about particularly--I could be buying an organic vegetable that was raised on sludge from the secondary sewer treatment plant, with heavy metals--numerous trace metals--of course are good for you, but some of the metals they are discovering are very bad. Would that be all right? I have no knowledge--I buy my organic vegetables from Joe down the street and I don't know what he's putting on his ground. Would I be, then, liable?"

Senator Hansen: "As far as I'm concerned, the reduction in quantity minus the reduction in quality that it takes to really be a farmer--but you're playing to a certain clientele that don't want these other products to be used and if they say a one-year limitation--a one-year limitation is good enough for me. Personally, I'm not going out to try and raise organic foods, but there are people out there and there are people who are serious about it and they have all agreed to this termination, so why should I take opposition to it if they've agreed to it?"

Senator Rasmussen: "What you're saying is that it doesn't make a bit of difference whether it's organic or not, but we should pass the bill, maybe?"

Senator Hansen: "If it makes them feel better, as far as I'm concerned, if this achieves their goals, then why should I take objection to it?"

Senator Rasmussen: "Thank you, Senator Hansen. I get the gist of what you mean. I was concerned too, Senator. While you're on the floor, what is this particular fertilizer that they are allowed to use?"

Senator Hansen: "I would say cow manure, sheep manure and chicken manure. Nitrogen very seldom carries over from one year to the next. There might be some phosphorous or potash that has been chemically applied that would carry over, but I don't think it would have any affect on the product that was raised."

Senator Rasmussen: "Thank you, Senator Hansen. It has been an advantage to have a farmer here that knows organic foods"

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 297, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 297, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; nays, 10; absent, 1.

Voting yea: Senators Bender, Bluechel, Bottiger, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Melcalf, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 38.

Voting nay: Senators Bailey, Barr, Benitz, Cantu, Craswell, Hayner, McCaslin, Newhouse, Patterson, Zimmerman - 10.

Absent: Senator Bauer - 1.

SUBSTITUTE HOUSE BILL NO. 297, as amended by the Senate, having received the 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 eighth order of business.

MOTION

On motion of Senator McManus, the following resolution was adopted:

SENATE RESOLUTION 1985-56

by Senators McManus, Fleming and McDermott

WHEREAS, The Central Area Youth Association (CAYA) has provided successful programming for Washington State's youth for twenty-one years; and

WHEREAS, A successful sports program including boys' football, girls' basketball, track and cheerleading squads; and

WHEREAS, A valuable tutorial program with 12 Seattle area schools has been established, encompassing 250 students and 100 volunteers; and

WHEREAS, The basic fundamental goals are to teach respect for authority, social development, discipline, team work and physical fitness; and

WHEREAS, Economic self-support is stressed in the group and is evidenced by a new bingo facility in Seattle; and

WHEREAS, The Central Area Youth Association's program has been successful in providing Washington State's youth with an outlet to have fun and to learn;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate assembled in this 49th Session, do honor the Central Area Youth Association for its position in society as a role model for the youth of our state.

MOTION

At 11:54 a.m., on motion of Senator Vognild, the Senate recessed until 2:30 p.m.

AFTERNOON SESSION

The Senate was called to order at 2:50 p.m. by President Cherberg.

There being no objection, the President returned the Senate to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 622, by Committee on Trade and Economic Development (originally sponsored by Representatives Vekich, Braddock, Basich, Kremen, J. King, Nutley, Schoon, Sanders, Peery, McMullen, Hargrove, L. Smith, Niemi, Brough, Bristow, Unsoeld, Todd, Allen, Armstrong, D. Nelson, Cole, Appelwick, Smitherman, G. Nelson, P. King and May)

Modifying provisions on the Washington centennial commission.

The bill was read the second time.

MOTIONS

Senator Kreidler moved that the following Committee on Parks and Ecology amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature declares that Captain Robert Gray's discovery of Grays Harbor, successful crossing of the Columbia river bar, and first entry into the great "River of the West" on May 11, 1792, were some of the greatest events in Northwest maritime history. The legislature further declares that Captain Robert Gray's exploration of the Columbia river, Grays Harbor, and Washington's coastal regions, Captain George Vancouver's exploration and mapping of Puget Sound and Washington's coastal regions, and the mapping and exploration of the Washington coast and inland areas by the Captain Charles Wilkes expedition were events of momentous historical significance and must be preserved for the inspiration of future generations. To these ends, the legislature finds that it is in the public interest to establish a "Return of the Tall Ships" program.

NEW SECTION. Sec. 2. A new section is added to chapter 27.60 RCW to read as follows:

(1) The 1989 Washington centennial commission shall include in its comprehensive program events commemorating:

(a) The first successful crossing of the Columbia river bar and exploration of the Columbia river, Grays Harbor, and Washington coast by Captain Robert Gray;

(b) The exploration and mapping of Puget Sound and the Washington coast by Captain George Vancouver; and

(c) The exploration and mapping of the Washington coast and inland areas by Captain Charles Wilkes and the Great United States Exploring Expedition.

The year 1992 will mark the bicentennial of the voyages of both Captain Robert Gray and Captain George Vancouver and the sesquicentennial of the voyage of Captain Charles Wilkes.

(2) The commission shall develop and implement the "Return of the Tall Ships" program. The purpose of this program is to develop destination tourism attractions and to promote the construction of life-sized replicas of the "Lady Washington" and the "Chatham," or other vessels which carried members of the Gray and Vancouver expeditions to this region and other appropriate commemorations of the accomplishments of these explorations in cooperation with communities throughout the state. The commission shall consider locating the destination tourism attractions required by this section in the economically depressed areas of the state. The commission shall report to the legislature and the governor on or before January 10, 1986, as to a plan to implement the purposes of this chapter.

As used in this section, "destination tourism attractions" means attractions based on the heritage of the state that are sponsored and owned by the state, a municipal corporation thereof, or a nonprofit corporation which has qualified under section 501(c)(3) of the federal internal revenue code and that satisfy economic development criteria established in cooperation with the director of commerce and economic development in accordance with the administrative procedure act, chapter 34.04 RCW.

Sec. 3. Section 6, chapter 90, Laws of 1982 and RCW 27.60.900 are each amended to read as follows:

The 1989 Washington centennial commission as established by this chapter shall cease to exist on December 31, ~~((1990))~~ 1993.

NEW SECTION. Sec. 4. There is appropriated from the general fund to the Washington centennial commission for the biennium ending June 30, 1987, the sum of twenty thousand dollars, or so much thereof as may be necessary, to carry out the purposes of this act."

Senator Talmadge moved that the following amendment to the Committee on Parks and Ecology amendment be adopted:

On page 3, line 25 of the committee amendment, delete section 3

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Talmadge to the Committee on Parks and Ecology amendment.

The motion by Senator Talmadge failed and the amendment to the committee amendment was not adopted.

MOTION

On motion of Senator Bottiger, further consideration of Substitute House Bill No. 622 was deferred.

SECOND READING

ENGROSSED HOUSE JOINT RESOLUTION NO. 42, by Representatives Baugher, Nealey, Peery and Vekich

Permitting agricultural assessments for agricultural development or trade promotion as a public use.

The resolution was read the second time.

MOTION

On motion of Senator Bottiger, the rules were suspended, Engrossed House Joint Resolution No. 42 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 Engrossed House Joint Resolution No. 42.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Joint Resolution No. 42 and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; absent, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senators Craswell, Pullen - 2.

Absent: Senator Guess - 1.

ENGROSSED HOUSE JOINT RESOLUTION NO. 42, having received the constitutional two-thirds majority, was declared passed.

SECOND READING

ENGROSSED HOUSE BILL NO. 610, by Representatives Brekke and B. Williams Modifying provisions relating to the board of health.

The bill was read the second time.

MOTION

On motion of Senator Granlund, the rules were suspended, Engrossed House Bill No. 610 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 Bill No. 610.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 610 and the bill passed the Senate by the following vote: Yeas, 42; nays, 7.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Kiskaddon, Kreidler, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Voting nay: Senators Barr, Craswell, Johnson, McCaslin, McDonald, Metcalf, Pullen - 7.

ENGROSSED HOUSE BILL NO. 610, having received the constitutional majority, 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. 550, by Committee on Judiciary (originally sponsored by Representatives P. King, D. Nelson, Isaacson, Armstrong, Addison, Lewis, Fisch, Barrett, Niemi, Zellinsky, Taylor, C. Smith, Hastings, Sanders and Long)

Penalizing the theft of cable television services.

The bill was read the second time.

MOTION

Senator Talmadge moved that the following Committee on Judiciary amendment be adopted:

Strike everything after the enacting clause and insert the following:

*NEW SECTION, Sec. 1. A new section is added to chapter 9A.56 RCW to read as follows:

(1) A person is guilty of theft of cable television services if:

(a) With intent to avoid payment of the lawful charge for any communication service of a cable system, he or she:

(i) Tamper with the equipment of the cable system, whether by mechanical, electrical, acoustical, or other means; or

(ii) Knowingly misrepresents a material fact; or

(iii) Uses any other artifice, trick, deception, code, or other device; and

(b) He or she wrongfully obtains cable communication services for himself or herself or another.

(2) Sections 1 through 4 of this act do not apply to the interception or receipt by any individual or the assisting (including the manufacture or sale), of such interception or receipt of any satellite-transmitted programming for private use.

(3) Proof that a person tampered with equipment of the cable system without the consent of the system creates a presumption that the person acted with intent to avoid payment of the lawful charge for any communication service of a cable system.

(4) Theft of cable television services is a gross misdemeanor.

NEW SECTION. Sec. 2. A new section is added to chapter 9A.56 RCW to read as follows:

(1) A person is guilty of unlawful sale of cable television services if, with intent to avoid payment of the lawful charge for any communications service of a cable system, he or she offers for sale or otherwise makes available any telecommunications decoder or descrambler that defeats a mechanism of electronic signal encryption, or that restricts delivery of individually addressed switching imposed by the cable system.

(2) Unlawful sale of cable television services is a gross misdemeanor.

NEW SECTION. Sec. 3. A new section is added to chapter 9A.56 RCW to read as follows:

Upon conviction of theft or unlawful sale of cable television services and upon motion and hearing, the court shall order the forfeiture of any decoder, descrambler, or other device used in committing the violation of section 1 or 2 of this act as contraband and dispose of it at the court's discretion.

NEW SECTION. Sec. 4. A new section is added to chapter 9A.56 RCW to read as follows:

(1) In addition to the criminal penalties provided in sections 1 and 2 of this act, there is created a civil cause of action for theft of cable television services and for unlawful sale of cable television services.

(2) The prevailing party may recover actual damages, reasonable attorneys' fees, and costs.

(3) The superior court may grant temporary and final injunctions on such terms as it deems reasonable to prevent or restrain violations of sections 1 and 2 of this act.

(4) Presumption of intent to avoid payment of the lawful charge for any communication service of a cable system under section 1 of this act applies in civil actions brought under this section.

NEW SECTION. Sec. 5. A new section is added to chapter 9A.56 RCW to read as follows:

No person may be charged with theft under section 1 of this act or subject to a civil cause of action under section 4 of this act for connecting a nondecoding or nondescrambling channel frequency converter, which includes cable-ready television sets, video recorders, or similar equipment, to a cable system.

NEW SECTION. Sec. 6. Section 1, chapter 94, Laws of 1973 1st ex. sess. and RCW 9.45.250 are each repealed.

NEW SECTION. Sec. 7. 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."

POINT OF INQUIRY

Senator Goltz: Senator Talmadge, I take it from your explanation and the language in the bill that if a person has purchased a cable television service and that cable service is now inside the home and that a person goes down to a Radio Shack or some other electronics store and buys a device to split that cable from one television set to a television set--let's say--and a stereo set, that kind of add-on in the home is not subject to the penalties of this bill?"

Senator Talmadge: "I believe that's the case, Senator Goltz. In Section 5 of the striking amendment, it says that 'no person shall be charged with theft under Section 1 of this act or be subject to a civil cause of action under Section 4 for connecting a non-decoding or non-descrambling channel frequency converter, which includes cable ready television set, video recorders and similar equipment to a cable system.' I think that was the intention of that particular section, as I understand it."

The President declared the question before the Senate to be adoption of the Committee on Judiciary amendment.

The motion by Senator Talmadge carried and the committee amendment was adopted.

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute House Bill No. 550, 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 Substitute House Bill No. 550, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 550, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 3.

Voting yea: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senators Barr, Craswell, McCaslin - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 550, as amended by the Senate, having received the constitutional majority, 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. 1107, by Committee on Transportation (originally sponsored by Representatives Long, Armstrong, Walk, Betzoff, Brough, Tilly, Holland, Tanner, Silver, Schmidt, Wineberry, Taylor, Patrick, Cole, Walker, Sanders and May)

Requiring a valid driver's license for issuance of a vehicle license.

The bill was read the second time.

MOTIONS

On motion of Senator Peterson, the following Committee on Transportation amendment was adopted:

On page 1, line 15, after "no" and before "vehicle", insert: "renewal or duplicate".

Senator Vognilid moved that the following Committee on Transportation amendment not be adopted:

On page 1, beginning on line 16, after the ";", strike all of the material through "license" on line 17.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Vognilid to not adopt the Committee on Transportation amendment.

The motion by Senator Vognilid carried and the committee amendment was not adopted.

MOTION

On motion of Senator Peterson, the rules were suspended, Substitute House Bill No. 1107, 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. 1107, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1107, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; absent, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kiskaddon, Kreidler, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling,

Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 47.

Voting nay: Senator Sellar - 1.

Absent: Senator Lee - 1.

SUBSTITUTE HOUSE BILL NO. 1107, as amended by the Senate, having received the constitutional 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, Senator Kiskaddon was excused.

SECOND READING

HOUSE BILL NO. 168, by Representatives R. King, Jacobsen, Fisch and Appelwick

Exempting UW printing craft employees from state higher education personnel law.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, House Bill No. 168 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. 168.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 168 and the bill passed the Senate by the following vote: Yeas, 29; nays, 18; absent, 1; excused, 1.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Granlund, Halsan, Hansen, Kreidler, Lee, McDermott, McManus, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 29.

Voting nay: Senators Bailey, Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Goltz, Guess, Hayrner, Johnson, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Sellar, von Reichbauer - 18.

Absent: Senator Zimmerman - 1.

Excused: Senator Kiskaddon - 1.

HOUSE BILL NO. 168, having received the constitutional majority, 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. 222, by Representatives Wineberry, Niemi, Lewis, Locke, Allen, Smitherman, Addison, Wang, J. King, O'Brien, Belcher, Lux, Jacobsen, Cole, K. Wilson, Fisher, D. Nelson, Leonard, Appelwick, Unsoeld, Tilly, Holland and Valle

Creating a state holiday observing the birth of Martin Luther King, Jr.

The bill was read the second time.

MOTIONS

On motion of Senator Gaspard, the following amendment by Senators Gaspard and Fleming was adopted:

On page 2, after line 23, insert the following:

*Sec. 2. Section 13, chapter 283, Laws of 1969 ex. sess. as last amended by section 1, chapter 92, Laws of 1984 and RCW 28A.02.061 are each amended to read as follows:

The following are school holidays, and school shall not be taught on these days: Saturday; Sunday; the first day of January, commonly called New Year's Day; the third Monday of January, being celebrated as the anniversary of the birth of Martin Luther King, Jr.; the third Monday in February (~~(-being the anniversary of the birth of)~~) to be known as Presidents' Day and to be celebrated as the anniversary of the births of Abraham Lincoln and George Washington; the last Monday in May, commonly known as Memorial Day; the fourth day of July, being the anniversary of the Declaration of Independence; the first Monday in September, to be known

as Labor Day; the eleventh day of November, to be known as Veterans' Day, the fourth Thursday in November, commonly known as Thanksgiving Day; the day immediately following Thanksgiving Day; the twenty-fifth day of December, commonly called Christmas Day: PROVIDED, That no reduction from the teacher's time or salary shall be made by reason of the fact that a school day happens to be one of the days referred to in this section as a day on which school shall not be taught."

On motion of Senator Thompson, the following title amendment was adopted:
On page 1, line 1 of the title, after "1.16.050" insert "and 28A.02.061"

MOTION

On motion of Senator Thompson, the rules were suspended, Engrossed House Bill No. 222, 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. 222, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 222, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 31; nays, 15; absent, 2; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Kreidler, Lee, McDermott, McDonald, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Stratton, Talmadge, Thompson, Vogt, von Reichbauer, Warnke, Williams, Wojahn - 31.

Voting nay: Senators Barr, Benitz, Bluechel, Cantu, Craswell, Deccio, Guess, Hayner, Johnson, McCaslin, Newhouse, Patterson, Pullen, Saling, Zimmerman - 15.

Absent: Senators Metcalf, Sellar - 2.

Excused: Senator Kiskaddon - 1.

ENGROSSED HOUSE BILL NO. 222, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Fleming: "Mr. President, a point of personal privilege. Mr. President, thank you."

SECOND READING

SUBSTITUTE HOUSE BILL NO. 61, by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Dellwo, Lux, Fisch, Hine and Basich)

Revising provisions relating to health insurance for public employees.

The bill was read the second time.

MOTIONS

Senator Moore moved that the following Committee on Financial Institutions amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 75, Laws of 1963 as last amended by section 1, chapter 82, Laws of 1974 ex. sess. and RCW 41.04.180 are each amended to read as follows:

(1) Any county, municipality, or other political subdivision of the state acting through its principal supervising official or governing body may, whenever funds shall be available for that purpose provide for all or a part of hospitalization and medical aid for its employees and their dependents through contracts with regularly constituted insurance carriers or with health care service contractors as defined in chapter 48.44 RCW or self-insurers as provided for in chapter 48.52 RCW, for group hospitalization and medical aid policies or plans: PROVIDED, That any county, municipality, or other political subdivision of the state acting through its principal supervising official or governing body shall provide the employees thereof a choice of policies or plans through contracts with not less than two regularly constituted insurance carriers or health care service contractors or other health care plans, including but not limited to, trusts of self-insurance as provided for in chapter 48.52 RCW: AND PROVIDED FURTHER, That any county may provide such hospitalization and medical aid to county elected officials and their dependents on the same basis as such hospitalization and medical aid is provided to other county employees and their dependents: PROVIDED FURTHER, That provision for school

district personnel shall not be made under this section but shall be as provided for in RCW 28A.58.420.

(2) Any county, municipality, or other political subdivision of the state that provides a plan for all or part of hospitalization and medical aid for its employees shall permit retired and disabled employees and their dependents to continue participation in such plan subject to the following exceptions, limitations, and conditions:

(a) This subsection shall have no application to school district personnel provided for in RCW 28A.58.420; to a county, municipality, or other political subdivision participating in an insurance program administered under chapter 41.05 RCW if retired and disabled employees and their dependents of such participating county, municipality, or other political subdivision are permitted to continue coverage under an insurance program administered under chapter 41.05 RCW; and members of the law enforcement officers' and fire fighters' retirement system under chapter 41.26 RCW.

(b) A person who requests continued participation in the plan may be required to pay for such continuation of coverage under the plan; however, such payment may not exceed the rate, cost, or premium provided for active employees.

If the person is eligible for federal medicare, the plan shall reduce benefits and rates, costs or premiums for such person to the extent medicare benefits duplicate plan benefits.

(c) Nothing contained in this subsection shall be deemed to affect any plan contained in a collective bargaining agreement in existence as of the effective date of this act; however, any plan contained in future collective bargaining agreements shall conform to the provisions of this subsection.

(d) A retired or disabled employee shall bear the full cost of the premium as determined by subsection (2)(b) of this section. However, the enactment of this subsection shall not require any reduction in benefits now being received.

(e) After an initial open enrollment period of not less than ninety days after the effective date of this 1985 act, no retired or disabled employee may be covered pursuant to this subsection if coverage is allowed to lapse at any time. If any employer offered a medical plan to its employees at the time they retired or became disabled, which plan had substantially the same benefits and premium charges as the plan offered to the active employees at the time, no retired or disabled employee who failed to enroll in such plan at the time it was offered may now enroll in a medical plan pursuant to this subsection except at the option of the employer.

(f) Premiums for coverage may be assigned to the insurance carrier from public pension benefits or paid to the former employer so that no carrier shall be required to accept individual premium payments from retired or disabled employees and/or dependents.

(g) The benefits granted under this subsection shall not be considered a matter of contractual right. Should the legislature, county, municipality, or other political subdivision of the state revoke or change any benefits granted under this subsection, no affected retiree, employee, or dependent shall be entitled thereafter to receive such benefits as a matter of contractual right.

(h) "Retired employee," as used in this subsection, is defined as an individual who is a public employee with not less than five years of service at the date of retirement.

(i) "Disabled employee," as used in this subsection, is defined as an individual eligible to receive a disability retirement allowance from a public retirement system.

(j) This subsection is applicable from and after January 1, 1986, or the date of current policy or contract renewal, whichever is later.

NEW SECTION. Sec. 2. To the extent it does not conflict with RCW 41.04.180(2), any employer or group providing insurance to any retired or disabled employee and/or their dependents may adopt terms and conditions necessary to administer the provisions of RCW 41.04.180(2). Such terms and conditions may include, but are not limited to, requirements for coordination of benefits with any other insurance plan covering a person affected by RCW 41.04.180(2)."

Senator Vognild moved that the following amendment by Senators Vognild and Moore to the Committee on Financial Institutions amendment be adopted:

On page 5, line 14 of the committee amendment, add a new subsection as follows:

"(k) If an employer leaves a group or trust medical plan, that plan has no further responsibility to the retired or disabled former employees who may have had coverage through that group or trust plan, however, the employer shall include all retired or disabled employees who have had such coverage in any new group or trust medical plan."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: Senator Vognild, as I read this, if an employer leaves a group—and this is entirely aside from the question that Senator Guess has raised—that plan has no further responsibility to the retired or to the disabled former employee? Supposing a person was under the plan that the employer was leaving and they had some very serious medical problems with continuing problems? This

says that the new employer shall include, but it doesn't cover that question of the person who may be under treatment at that time."

Senator Vognild: "Senator Rasmussen, I'm far from an expert in this type of insurance, but what the amendment does--if you'll read it--it says 'If an employer leaves a group or trust plan'--then they in fact, in simple terms, what it says is if the employer leaves a group or trust plan and takes all their active employees with them to a new plan, they will also take the retired ones with them to a new one. Now, it is my understanding that if there is a claim pending, any time that insurance coverage of any type is discontinued, the pending claim remains with the original insured."

Further debate ensued.

POINT OF INQUIRY

Senator McDermott: Senator Bottiger, I heard Senator Deccio say he wasn't much of an expert on this, but he's going to talk anyway--as though there was something wrong with doing it--and I wonder if there was some new rule around here that you have to know what you're talking about?"

Senator Bottiger did not answer.

Further debate ensued.

MOTION TO LIMIT DEBATE

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 April 28, 1985."

The President declared the question before the Senate to be the motion by Senator Bottiger that members of the Senate be allowed to speak only once and be limited to three minutes on each motion or amendment.

The motion by Senator Bottiger carried and the motion to limit debate was in effect through April 28, 1985.

The President declared the question before the Senate to be adoption of the amendment by Senators Vognild and Moore to the Committee on Financial Institutions amendment.

The motion by Senator Vognild carried and the amendment to the committee amendment was adopted.

MOTION

Senator Goltz moved that the following amendment to the Committee on Financial Institutions amendment be adopted:

On page 5, after line 14 of the amendment, insert the following:

"(k) Any county, municipality or other political subdivision of the state may offer one or more medical plans for retirees only which are designed to meet the needs of the retirees. The rate, cost, or premium for the medical plan or plans offered to retirees shall not exceed that charged to the active employee group of which the retiree was a member. However, the benefits provide in the retiree plan or plans may be different than the benefits provided in the plan or plans for active employees."

POINT OF INQUIRY

Senator Newhouse: Senator, would you agree that, perhaps, because many of these employers are relatively small--without too many employees--that we should allow them as a group of employers to also provide this? For instance, if they are small cities and so forth--might they get together?"

Senator Goltz: "I would have no objection to having a group plan which would provide this for a number of small cities."

Further debate ensued.

POINT OF INQUIRY

Senator Garrett: Senator Goltz, is it your intention that the amendment simply makes another option available to retired employees so that he or she has a choice of staying with the active employees' plan or choosing a plan tailored especially for the retirees offered by the political subdivision?"

Senator Goltz: "That is my intention in offering this amendment--that the retiree or disabled person could accept this plan or stay with the other offered plan."

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.

The President declared the question before the Senate to be adoption of the Committee on Financial Institutions amendment, as amended.

The motion by Senator Moore carried and the Committee on Financial Institutions amendment, as amended, was adopted.

MOTIONS

On motion of Senator Moore, the following title amendment was adopted:

On page 1, line 1 of the title, strike "and" and after "41.04.180" insert "; and creating a new section"

On motion of Senator Moore the rules were suspended, Substitute House Bill No. 61, 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. 61, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 61, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 35; nays, 12; absent, 1; excused, 1.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Halsan, Hansen, Johnson, Kreidler, Lee, McDermott, McManus, Metcalf, Moore, Owen, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 35.

Voting nay: Senators Barr, Benitz, Craswell, Deccio, Guess, Hayner, McCaslin, McDonald, Newhouse, Patterson, Pullen, Zimmerman - 12.

Absent: Senator Cantu - 1.

Excused: Senator Kiskaddon - 1.

SUBSTITUTE HOUSE BILL NO. 61, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 4:21 p.m., on motion of Senator Vognild, the Senate recessed until 5:00 p.m.

SECOND AFTERNOON SESSION

The Senate was called to order at 5:02 p.m. by President Cherberg.

SECOND READING

ENGROSSED HOUSE BILL NO. 228, by Representatives Peery, Sutherland, Madsen, Nutley, J. King, Baugher, Schoon, Day, Sanders, West, Lewis, Fuhrman, Miller, G. Nelson, J. Williams, Lundquist, L. Smith, van Dyke, May, Bond, Valle, Fisch, Ballard, Taylor and Isaacson

Exempting from registration small craft used on those waters not subject to federal jurisdiction.

The bill was read the second time.

MOTIONS

Senator Bottiger moved that the following amendment be adopted:

On page 2, after "United States" insert: "and are powered by propulsion machinery of ten or less horsepower"

Senator Halsan moved that the following amendment to the amendment be adopted:

On page 1 line 3 of the amendment, strike "ten" and insert "fifteen"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Halsan to the amendment by Senator Bottiger.

The motion by Senator Halsan failed and the amendment to the amendment was not adopted on a rising vote.

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

On motion of Senator Peterson, the rules were suspended. Engrossed House Bill No. 228, 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 House Bill No. 228, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 228, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Craswell, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Granlund, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCasin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 48.

Excused: Senator Kiskaddon - 1.

ENGROSSED HOUSE BILL NO. 228, as amended by the Senate, having received the constitutional 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 advanced to the ninth order of business.

MOTION FOR RECONSIDERATION

Having served prior notice, Senator Saling moved that the Senate now reconsider the vote by which House Bill No. 999, as amended by the Senate, passed the Senate April 15, 1985.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Saling that the Senate reconsider the vote by which House Bill No. 999 passed the Senate.

The motion for reconsideration by Senator Saling failed on a rising vote.

MOTION

On motion of Senator Vognild, the Senate returned to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1182, by Committee on Transportation (originally sponsored by Representatives J. King, S. Wilson, Haugen, Fisher, Gallagher, O'Brien, K. Wilson, McMullen, Hankins, Betrozoff, Schoon, Jacobsen, Miller, Isaacson and Tilly) (by Washington Traffic Commission request)

Requiring the use of safety belts and child safety seats in motor vehicles.

The bill was read the second time.

MOTION

Senator Peterson moved that the following Committee on Transportation amendment be adopted:

On page 2, line 35, after "1988," insert the following new section:

"NEW SECTION. Sec. 4. This act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in

accordance with Article II, Section I of the State Constitution, as amended, and the laws adopted to facilitate the operation thereof."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: Senator Goltz, are seat belts in all cars now?"

Senator Goltz: "No, not all cars do have seat belts, at least not all cars with seat belts in all seating positions."

Senator Rasmussen: "And what about school buses?"

Senator Goltz: "They do not have seat belts in school buses."

Senator Rasmussen: "Trucks?"

Senator Goltz: "Most trucks have seat belts."

Senator Rasmussen: "But the majority of the automobiles sold nowadays have seat belts?"

Senator Goltz: "They do."

Senator Rasmussen: "Well, then I was wondering, Senator Goltz, if you had gore and blood spread all over and if they have seat belts, you are saying we are killing people by letting them vote on it?"

Senator Goltz: "I'm saying we should pass the bill now to stop the carnage."

Senator Rasmussen: "Thank, you, Senator Goltz. I wanted to clear that up about the seat belts, because I was sure that a lot of the automobiles didn't have them the way you were talking."

Further debate ensued.

Senator Peterson 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 Committee on Transportation amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Peterson carried and the committee amendment was adopted by the following vote: Yeas, 28; nays, 20; excused, 1.

Voting yea: Senators Bailey, Barr, Benitz, Cantu, Craswell, Deccio, Gaspard, Halsan, Hansen, Hayner, Johnson, Lee, McCaslin, McDonald, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Saling, Sellar, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 28.

Voting nay: Senators Bauer, Bender, Bluechel, Bottiger, Conner, DeJarnatt, Fleming, Garrett, Goltz, Granlund, Guess, Kreidler, McDermott, McManus, Moore, Rinehart, Stratton, Talmadge, Thompson, Zimmerman - 20.

Excused: Senator Kiskaddon - 1.

MOTION

Senator Goltz moved that further consideration of Engrossed Substitute House Bill No. 1182 be deferred.

Debate ensued.

MOTION

Senator Goltz moved that the rules be suspended and Engrossed Substitute House Bill NO. 1182 be referred to the Committee on Rules.

PARLIAMENTARY INQUIRY

Senator Sellar: "Mr. President, a point of parliamentary inquiry. If that bill is sent back to Rules and was not passed before Friday evening at 5:00, would not that bill be dead? Then, this is a killing motion by Senator Goltz?"

RULING BY THE PRESIDENT

President Cherberg: "The bill itself, if it doesn't meet the cutoff, would be dead." Further debate ensued.

Senators Vognild, Bottiger and Peterson demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Goltz to suspend the rules and refer Engrossed Substitute House Bill No. 1182 to the Committee on Rules.

The motion by Senator Goltz failed and the Senate continued consideration of Engrossed Substitute House Bill No. 1182.

MOTION

On motion of Senator Bender, Senator Granlund was excused.

MOTIONS

On motion of Senator Peterson, the following Committee on Transportation amendments were considered simultaneously and adopted:

On page 2, beginning on line 4, strike all of the language down to and including the period on line 6, and insert:

"(5) From the effective date of this act to July 1, 1986, a person violating this section shall be issued a written warning of the violation."

On page 2, line 6, after "After" and before "1" strike "January" and insert "July".

Senator Patterson moved that the following amendment by Senators Patterson and Vognild be adopted:

On page 1, line 20, strike subsection "(2)" in its entirety and insert:

"(2) Every passenger vehicle licensed by this state and every school bus operated by a school district or a private school of this state, shall be equipped with a lap type safety belt assembly which meets standards set forth in federal motor vehicle safety standard 208 for each permanent passenger seating position."

Debate ensued.

MOTION

Senator Talmadge moved that the following amendment to the amendment be adopted:

On line 3 of the amendment, strike "Every passenger vehicle licensed by this state and every" and insert "Every"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Talmadge to the amendment by Senators Vognild and Patterson.

The motion by Senator Talmadge carried and the amendment to the amendment was adopted.

The President declared the question before the Senate to be adoption of the amendment by Senators Patterson and Vognild, as amended.

The motion by Senator Patterson carried and the amendment, as amended, was adopted.

MOTIONS

On motion of Senator Halsan, the following amendment was adopted:

On page 1, line 25, after "occupied," insert:

"This section does not apply to a vehicle being operated in a parade for which a permit has been granted by the local authority having jurisdiction."

Senator McCaslin moved that the following amendment be adopted:

On page 2, line 11, strike all of subsection (6) through "action" on line 13 and insert the following:

"(6) Failure to comply with the requirements of this section shall constitute prima facie evidence of negligence in civil actions for personal injury. Failure of a motor vehicle operator to secure all passengers under sixteen with a seat belt assembly or to securely fasten such passengers into an approved child restraint device, or the failure of the operator to wear a safety belt assembly, shall be admissible as evidence of negligence in such civil action for personal injury."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator McCaslin.

The motion by Senator McCaslin failed and the amendment was not adopted.

MOTION

Senator Halsan moved that the following amendment be adopted:

On page 2, after line 35, insert the following:

*Sec. 4. Section 2, chapter 215, Laws of 1983 and RCW 46.61.687 are each amended to read as follows:

(1) After December 31, 1983, the parent or legal guardian of a child less than five years old, when the parent or legal guardian is operating anywhere in the state his or her own motor vehicle registered under chapter 46.16 RCW, other than a motorcycle, in which the child is a passenger, shall have the child properly secured in a manner approved by the state commission on equipment. Even though a separate child passenger restraint device is considered the ideal method of protection, a properly adjusted and fastened, federally approved seat belt is deemed sufficient to meet the requirements of this section for children one through four years of age. This section does not apply to a vehicle being operated in a parade for which a permit has been granted by the local authority having jurisdiction.

(2) During the period from January 1, 1984, to July 1, 1984, a person violating subsection (1) of this section may be issued a written warning of the violation. After July 1, 1984, a person violating subsection (1) of this section may be issued a notice of traffic infraction under chapter 46.63 RCW. If the person to whom the notice was issued presents proof of acquisition of an approved child passenger restraint system within seven days to the jurisdiction issuing the notice, the jurisdiction shall dismiss the notice of traffic infraction. If the person fails to present proof of acquisition within the time required, he or she is subject to a penalty assessment of not less than thirty dollars.

(3) Failure to comply with the requirements of this section shall not constitute negligence by a parent or legal guardian; nor shall failure to use a child restraint system be admissible as evidence of negligence in any civil action."

Renumber accordingly.

Debate ensued.

POINT OF INQUIRY

Senator Pullen: "Mr. President and members of the Senate, I support the Halsan amendment--I'm not rising to object to it--in fact, I support it, but Senator Halsan keeps finding holes in the bill and I keep thinking of other potential problems and I don't have any amendment ready and I'm not going to offer any unless Senator Peterson or others, maybe, can give me some help here or suggest it's appropriate.

"To help me in possible amendments, I might draft, No. 1--is there anything here to cover the situation of pregnant women? The seat belts go around the hip to the fullest extent possible, yet modern seat belts have a strap that goes across the chest, and I'm just wondering if there should be any kind of special circumstance to cover pregnant women. To protect the unborn child, you certainly don't want a strap that is going to act sort of like the front part of the car.

"The other thing I'm worried about is antique cars. Is there any exemption in the bill for antique cars? Antique purists want their antique cars just the way they came from the manufacturer and if you have to drill holes in to mount some bolts, it seems to me that's a problem for the antique purists. Maybe Senator Peterson can clarify that."

Senator Peterson: "Anyone can get a waiver from the license position if it's impractical to wear a seat belt. That's taken care of and the Commission on Equipment has the authority to adopt rules exempting antique cars and others, so I don't think there's any problem there."

Further debate ensued.

POINT OF INQUIRY

Senator Rasmussen: Senator Halsan, I gather you are going to eliminate seat belts on motorcycles. Could you tell me, is that your intention?"

Senator Halsan: "I think that that would perhaps be a good idea, or if my intention is to eliminate seat belts on motorcycles and in regard to that as well, and perhaps in response to the question raised by Senator Zimmerman, this amendment is, in fact, worded such that this is not within the scope of the referendum, this is a section that is not referenced in the referendum language."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Halsan.

The motion by Senator Halsan carried and the amendment was adopted.

MOTIONS

On motion of Senator Peterson, the following title amendment was adopted:

In line 1 of the title, after "restraints;" insert "amending RCW 46.61.687;"

MOTION

On motion of Senator Peterson, the rules were suspended, Engrossed Substitute House Bill No. 1182, 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. 1182, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1182, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 6; excused, 2.

Voting yeas: Senators Bailey, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Johnson, Kreidler, Lee, McCasin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Stratton, Talmadge, Thompson, Vogt, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senators Barr, Conner, Craswell, Hayner, Pullen, Sellar - 6.

Excused: Senators Granlund, Kiskaddon - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1182, as amended by the Senate, having received the 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

April 17, 1985

SB 3038 Prime Sponsor, Senator Kreidler: Requiring the provision of information about day care centers. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 3038 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Cantu, Deccio, Fleming, Goltz, Lee, McDonald, Moore, Rinehart, Talmadge, Thompson, Warnke, Wojahn.

Hold.

April 17, 1985

SB 3764 Prime Sponsor, Senator Talmadge: Providing funds for criminal justice assistance. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 3764 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Deccio, Fleming, Goltz, Moore, Rinehart, Talmadge, Thompson, Warnke, Wojahn, Zimmerman.

Hold.

April 17, 1984

SB 4146 Prime Sponsor, Senator Thompson: Revising provisions relating to the effects of the eruption of Mount St. Helens. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Bottiger, Cantu, Deccio, Fleming, Goltz, Hayner, McDonald, Moore, Talmadge, Thompson, Warnke, Wojahn, Zimmerman.

Hold.

MOTION

On motion of Senator Bottiger, the rules were suspended and Senate Bill No. 3038, Senate Bill No. 3764 and Senate Bill No. 4146 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.

MESSAGE FROM THE HOUSE

April 9, 1985

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 3134 with the following amendments:

On page 2, beginning on line 21 strike all material through "act." on line 25

On page 1, line 3 of the title after "28B.15 RCW;" insert "and"

On page 1, beginning on line 3 of the title after "section" strike all material through "appropriation" on line 4.

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Goltz, the Senate did not concur in the House amendments to Engrossed Senate Bill No. 3134 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 12, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3184 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature recognizes that significant benefits accrue to the state and that certain types of state operations are more efficient when personnel services are available on an extended basis. Such operations include certain types of facilities managed by agencies such as the departments of natural resources, corrections, fisheries, game, social and health services, transportation, veterans affairs, and the parks and recreation commission.

The means of assuring that such personnel are available on an extended basis is through the establishment of on-site state-owned or leased living facilities. The legislature also recognizes the restrictions and hardship placed upon those personnel who are required to reside in such state-owned or leased living facilities in order to provide extended personnel services.

The legislature further recognizes that there are instances where it is to the benefit of the state to have state-owned or leased living facilities occupied even though such occupancy is not required by the agency as a condition of employment.

NEW SECTION. Sec. 2. (1) Whenever an agency requires that an employee reside in state-owned or leased living facilities as a condition of employment, such living facilities shall be made available to the employee under the conditions set forth in sections 3 and 4 of this act.

(2) Whenever an agency determines that (a) a living facility owned or leased by the agency is not occupied by employees under subsection (1) of this section and (b) it would be to the agency's benefit to have the facility occupied, the agency may make the facility available for occupancy to other employees of the agency or employees of other public agencies.

(3) Whenever an agency determines that (a) a living facility owned or leased by the agency is not occupied by employees under subsection (1) of this section and (b) the facility has been made available to employees under subsection (2) of this section and that no such employees have opted to reside in the facility, the agency may make the facility available for occupancy to other interested parties.

NEW SECTION. Sec. 3. (1) No rent may be charged to persons living in facilities provided under section 2 (1) and (2) of this act. Such employees shall pay the costs of utilities associated with the living facility.

(2) Rent and utility charges to residents of living facilities under section 2(3) of this act shall be established by the agency responsible for managing the living facility.

(3) Utility charges required by this section shall be based upon (a) the actual measured utility costs for the specific facility or (b) calculated utility costs based upon average actual costs for all living facilities available under section 2 of this act or (c) the guidelines established by the state personnel board which were in effect on July 1, 1984, whichever is less. Utility costs may be adjusted on a yearly basis. Individuals residing in living facilities available under

section 2 of this act shall pay all utility costs attributable to the personal enhancements of the individual.

(4) Any person occupying state-owned or leased living facilities shall do so with the understanding that he or she assumes custodial housekeeping responsibility as directed by the agency. Such responsibility shall not include maintenance, repairs, or improvements to the facilities. An occupant of a state-owned or leased facility is liable for damages to the facility in excess of normal wear and tear.

NEW SECTION, Sec. 4. The state shall maintain living facilities occupied under section 2 of this act in a safe, healthful condition.

NEW SECTION, Sec. 5. Sections 1 through 4 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION, Sec. 6. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Thompson, the Senate did not concur in the House amendment to Substitute Senate Bill No. 3184 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. 3184 and the House amendment thereto: Senators Thompson, Zimmerman and Rinehart.

MOTION

On motion of Senator Voguild, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 11, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3448 with the following amendment:

On page 3, line 21, after "1987." insert "NEW SECTION, Sec. 6. If specific funding for the purposes of this act, referencing this act by bill number, is not provided in the omnibus appropriations act enacted before July 1, 1985, this act shall be null and void."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Gaspard, the Senate did not concur in the House amendment to Substitute Senate Bill No. 3448 and asks the House for a conference thereon.

MESSAGE FROM THE HOUSE

April 15, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3384 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. Currently, many of the salmon stocks of Washington state are critically reduced from their sustainable level. The best interests of all fishing groups and the citizens as a whole are served by a stable and productive salmon resource. Immediate action is needed to reverse the severe decline of the resource and to insure its very survival. The legislature finds a state of emergency exists and that immediate action is required to restore its fishery.

Disagreement and strife have dominated the salmon fisheries for many years. Conflicts among the various fishing interests have only served to erode the resource. It is time for the state of Washington to make a major commitment to increasing productivity of the resource and to move forward with an effective rehabilitation and enhancement program. The department of fisheries is directed to dedicate its efforts to make increasing the productivity of the

salmon resource a first priority and to seek resolution to the many conflicts that involve the resource.

Success of the enhancement program can only occur if projects efficiently produce salmon or restore habitat. The expectation of the program is to optimize the efficient use of funding on projects that will increase artificially and naturally produced salmon, restore and improve habitat, or identify ways to increase the survival of salmon. The full utilization of state resources and cooperative efforts with interested groups are essential to the success of the program.

NEW SECTION, Sec. 2. (1) The director shall develop long-term regional policy statements regarding the salmon fishery resources before December 1, 1985. The director shall consider the following in formulating and updating regional policy statements:

- (a) Existing resource needs;
- (b) Potential for creation of new resources;
- (c) Successful existing programs, both within and outside the state;
- (d) Balanced utilization of natural and hatchery production;
- (e) Desires of the fishing interest;
- (f) Need for additional data or research;
- (g) Federal court orders; and
- (h) Salmon advisory council recommendations.

(2) The director shall review and update each policy statement at least once each year.

NEW SECTION, Sec. 3. (1) The director shall develop a detailed salmon enhancement plan with proposed enhancement projects. The plan and the regional policy statements shall be submitted to the secretary of the senate and chief clerk of the house of representatives for legislative distribution by June 30, 1986. The director shall provide a maximum opportunity for the public to participate in the development of the salmon enhancement plan. To insure full participation by all interested parties, the director shall solicit and consider enhancement project proposals from Indian tribes, sports fishermen, commercial fishermen, private aquaculturists, and other interested groups or individuals for potential inclusion in the salmon enhancement plan. Joint or cooperative enhancement projects shall be considered for funding.

(2) The following criteria shall be used by the director in formulating the project proposals:

- (a) Compatibility with the long-term policy statement;
- (b) Benefit/cost analysis;
- (c) Needs of all fishing interests;
- (d) Compatibility with regional plans, including harvest management plans;
- (e) Likely increase in resource productivity;
- (f) Direct applicability of any research;
- (g) Salmon advisory council recommendations;
- (h) Compatibility with federal court orders;
- (i) Coordination with the salmon and steelhead advisory commission program;
- (j) Economic impact to the state;
- (k) Technical feasibility; and
- (l) Preservation of native salmon runs.

(3) The director shall not approve projects that serve as replacement funding for projects that exist prior to the effective date of this act, unless no other sources of funds are available.

(4) The director shall prioritize various projects and establish a recommended implementation time schedule.

NEW SECTION, Sec. 4. Upon approval by the legislature of funds for its implementation, the director shall monitor the progress of projects detailed in the salmon enhancement plan.

The director shall be responsible for establishing criteria which shall be used to measure the success of each project in the salmon enhancement plan.

NEW SECTION, Sec. 5. The director shall report to the legislature on or before October 30th of each year on the progress and performance of each project. The report shall contain an analysis of the successes and failures of the program to enable optimum development of the program. The report shall include estimates of funding levels necessary to operate the projects in future years.

The director shall submit the reports and any additional recommendations to the committees on ways and means and the committees on natural resources of the senate and house of representatives.

NEW SECTION, Sec. 6. As used in this chapter, "enhancement project" means salmon propagation activities including, but not limited to, hatcheries, spawning channels, rearing ponds, egg boxes, fishways, fish screens, stream bed clearing, erosion control, habitat restoration, net pens, applied research projects, and any equipment, real property, or other interest necessary to the proper operation thereof.

Sec. 7. Section 2, chapter 327, Laws of 1977 ex. sess. as last amended by section 173, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.48.120 are each amended to read as follows:

(1) The department shall not acquire, construct, or substantially improve a salmon enhancement facility unless the requirements of this section are met.

(a) The productivity of a salmon propagation facility is very dependent on water quantity and quality. Due to the limited number of water sources which meet the critical needs of a

facility, it is imperative that these sources are acquired. Therefore, site acquisitions and preliminary design shall be considered by the department as generally having priority over project development.

(b) Prior to expending moneys for the construction and development of a particular salmon propagation facility, except for site acquisition and preliminary design, the department shall, with the advice of the advisory council created in subsection (2) of this section, give consideration to the following factors with respect to that facility:

(i) The department's management authority over propagated salmon;

(ii) The level of expected Canadian interception on the propagated salmon and whether this would be acceptable;

(iii) Whether an acceptable agreement has been reached on the status of treaty Indian salmon harvest: ~~((and))~~

(iv) Whether there can be a maximum harvest of propagated salmon with a tolerable impact on other salmonid stocks, both natural and artificial, and on their environment. The department shall consult on this matter with the department of game; and

(v) Compatibility with regional policy statements and the salmon enhancement plan under chapter 75.-- RCW (sections 1 through 6 of this 1985 act).

(2) To aid and advise the department in the performance of its functions with regard to the salmon enhancement program, a salmon advisory council is created. The advisory council consists of ~~((thirteen))~~ six members appointed by the governor: four legislative members, one appointed by each caucus in both the state senate and the house of representatives; and the director, who shall be chairman~~((-- the director of the department of game, or the director's designee, one member of the senate to be appointed by the president of the senate; and one member of the house of representatives to be appointed by the speaker of the house of representatives. Of the members appointed by the governor, two shall represent troll fishermen; two shall represent gill net fishermen, of which one shall be from the Puget Sound area and one from the southwest Washington area; one shall represent purse seine fishermen; one shall represent owners of charter boats; three shall represent sportsmen; two shall be members of Indian tribes of this state who shall be appointed from a list submitted by the Northwest Indian Fisheries Commission; and two shall represent fish processors, of which one shall represent fresh or frozen fish processors and one shall represent canneries)).~~ Of the members appointed by the governor, two shall represent non-Indian commercial fishermen, two shall represent sports fishermen, and two shall represent treaty Indian fishermen. Of the treaty Indian fishermen, one shall be selected from a list provided by the Washington state tribal coordinating body and one shall be selected from a list provided by the Columbia River tribal coordinating body defined in 16 U.S.C. 3302 (5) and (18).

All members appointed by the governor shall serve terms of two years. Vacancies shall be filled in the same manner as original appointments.

The advisory council shall be convened by the director prior to the decision to expend funds for construction and development of any salmon ~~((propagation facility))~~ enhancement project. The council shall advise the director with regard to the considerations listed in subsection (1)(b) of this section and other factors the council deems relevant with respect to the proposed facility. The council shall actively participate in the development of regional policy statements and the salmon enhancement plan.

~~((Except for the director of the department of game and legislative members;))~~ Members shall receive reimbursement through the department of fisheries for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060.

~~((The director of the department of game, or the director's designee, shall receive reimbursement through the department of game for travel expenses incurred in the performance of his or her duties in accordance with RCW 43.03.050 and 43.03.060. The legislative members shall be deemed engaged in legislative business while in attendance upon the business of the council and shall be limited to such allowances therefor as otherwise provided in RCW 44.04.120;))~~

The salmon advisory council shall cease to exist on December 31, 1989. This section expires on December 31, 1989.

NEW SECTION. Sec. 8. Thirty-nine thousand dollars, or so much thereof as may be necessary, is appropriated from the state general fund for the biennium ending June 30, 1987, to the department of fisheries for the purposes of this act.

NEW SECTION. Sec. 9. Sections 1 through 6 of this act shall constitute a new chapter in Title 75 RCW.

NEW SECTION. Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 11. This act 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 Owen, the Senate did not concur in the House amendment to Substitute Senate Bill No. 3384 and asks the House for a conference thereon.

MESSAGE FROM THE HOUSE

April 9, 1985

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3516 with the following amendments:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. The legislature recognizes that it is important for the students and future citizens of our state to develop an awareness and sensitivity to other cultures and have an opportunity to become fluent in a foreign language, particularly the cultures and languages of Pacific Rim countries and Latin American countries.

Sec. 2. Section 28A.67.020, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 340, Laws of 1977 ex. sess. and RCW 28A.67.020 are each amended to read as follows:

No person, who is not a citizen of the United States of America, shall be permitted to teach in the common schools in this state: PROVIDED, That the superintendent of public instruction may grant to an alien a permit to teach in the common schools of this state if such teacher has all the other qualifications required by law, and has declared his or her intention of becoming a citizen of the United States of America: PROVIDED FURTHER, That after a one year probationary period the superintendent of public instruction, at the request of the school district which employed such teacher on a permit, may grant to an alien whose qualifications have been approved by the state board of education a standard certificate to teach in the common schools of this state: PROVIDED FURTHER, That the superintendent of public instruction may grant to a nonimmigrant alien whose qualifications have been approved by the state board of education a temporary permit which is renewable to teach (~~as an exchange teacher~~) in the common schools of this state.

Before such alien shall be granted a temporary permit he or she shall be required to subscribe to an oath or affirmation in writing as follows: I do solemnly swear (or affirm) that I will support the Constitution and laws of the United States and the Constitution and laws of the state of Washington; that I do not advocate the overthrow, destruction, or alteration of the constitutional form of government of the United States or of the state of Washington or any political subdivision of either of them. All oaths or affirmations subscribed as herein provided shall be filed in the office of the superintendent of public instruction and shall be there retained for a period of five years. Such permits shall at all times be subject to revocation by the superintendent of public instruction."

On page 1, line 2 of the title, strike "and creating new sections" and insert "and creating a new section",

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

Senator Bauer moved that the Senate do not concur in the House amendments to Engrossed Substitute Senate Bill No. 3516 and asks the House to recede therefrom.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Bauer that the Senate do not concur in the House amendments to Engrossed Substitute Senate Bill No. 3516.

The motion by Senator Bauer carried and the Senate did not concur in the House amendments to Engrossed Substitute Senate Bill No. 3516 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 16, 1985

Mr. President:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3828 with the following amendment:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. The legislature finds that Puget Sound and related inland marine waterways of Washington state represent a unique and unparalleled resource. A rich and varied range of marine organisms, composing an interdependent, sensitive communal ecosystem reside in these sheltered waters. Residents of this region enjoy a way of life centered around the waters of Puget Sound, featuring accessible recreational opportunities, world-class

port facilities and water transportation systems, harvest of marine food resources, shoreline-oriented life styles, water-dependent industries, tourism, irreplaceable aesthetics and other activities, all of which to some degree depend upon a clean and healthy marine resource.

The legislature further finds that the consequences of careless husbanding of this resource have been dramatically illustrated in inland waterways associated with older and more extensively developed areas of the nation. Recent reports concerning degradation of water quality within this region's urban embayments raise alarming possibilities of similar despoliation of Puget Sound and other state waterways. These examples emphasize that the costs of restoration of aquatic resources, where such restoration is possible, greatly exceed the costs of responsible preservation.

The legislature declares that utilization of the Puget Sound resource carries a custodial obligation for preserving it. The people of the state have the unique opportunity to preserve this gift of nature, an understanding of the results of inattentive stewardship, the technical knowledge needed for control of degradation, and the obligation to undertake such control.

The legislature further finds that the large number of governmental entities that now affect the water quality of Puget Sound have diverse interests and limited jurisdictions which cannot adequately address the cumulative, wide-ranging impacts which contribute to the degradation of Puget Sound. It is therefore the policy of the state of Washington to create a single entity with adequate resources to develop a comprehensive plan for water quality protection in Puget Sound to be implemented by existing state and local government agencies.

NEW SECTION, Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

- (1) "Authority" means the Puget Sound water quality authority.
- (2) "Chair" means the presiding officer of the Puget Sound water quality authority.
- (3) "Plan" means the Puget Sound water quality management plan.

(4) "Puget Sound" means all salt waters of the state of Washington inside the international boundary line between the state of Washington and the province of British Columbia, lying east of one hundred twenty-three degrees, twenty-four minutes west longitude.

NEW SECTION, Sec. 3. (1) There is established the Puget Sound water quality authority composed of seven members who are appointed by the governor and confirmed by the senate. The governor shall select one of the seven members to act as chair of the authority and be presiding officer of the authority. In making these appointments, the governor shall seek to include representation of the variety of interested parties concerned about Puget Sound water quality. The commissioner of public lands and the director of ecology shall serve as ex officio, nonvoting members of the authority. The six appointed members, one from each of the six congressional districts surrounding Puget Sound, shall serve four-year terms. Of the initial members appointed to the authority, two shall serve for two years, two shall serve for three years, and two shall serve for four years. Thereafter members shall be appointed to four-year terms. Vacancies shall be filled by appointment for the remainder of the unexpired term of the position being vacated. The chair of the authority shall serve at the pleasure of the governor.

(2) The voting members, exclusive of the chair, shall be compensated as provided in RCW 43.03.250. The voting members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(3) The chair of the authority shall be a full time employee responsible for the administration of all functions of the authority, including hiring and terminating staff, contracting, coordinating with the governor, the legislature, and other state and local entities, and the delegation of responsibilities as deemed appropriate. The salary of the chair shall be fixed by the governor, subject to RCW 43.03.040.

(4) The chair shall prepare a budget and a work plan which are subject to review and approval by the authority.

NEW SECTION, Sec. 4. The authority shall:

(1) Prepare and adopt a comprehensive Puget Sound water quality management plan, as defined in section 8 of this act. In preparing the plan and any substantial revisions to the plan, the authority shall consult with its advisory committee or committees and appropriate federal, state, and local agencies. The authority shall also solicit extensive participation by the public by whatever means it finds appropriate, including public hearings throughout communities bordering or near Puget Sound, dissemination of information through the news media, public notices, and mailing lists, and the organization of workshops, conferences, and seminars;

(2) During the plan's initial development and any subsequent revisions, submit quarterly progress reports to the governor and the legislature.

(3) Submit the plan to the governor and the legislature no later than January 1, 1987. The authority shall review the plan at least every two years and revise the plan, as deemed appropriate;

(4) Prepare a biennial "state of the Sound" report and submit such report to the governor, the legislature, and the state agencies and local governments identified in the plan. Copies of the report shall be made available to the public. The report shall describe the current condition of water quality and related resources in Puget Sound and shall include:

(a) The status and condition of the resources of Puget Sound, including the results of ecological monitoring, including an assessment of the economic value of Puget Sound;

(b) Current and foreseeable trends in water quality of Puget Sound and the management of its resources;

(c) Review of significant public and private activities affecting Puget Sound and an assessment of whether such activities are consistent with the plan; and

(d) Recommendations to the governor, the legislature, and appropriate state and local agencies for actions needed to remedy any deficiencies in current policies, plans, programs, or activities relating to the water quality of Puget Sound, and recommendations concerning changes necessary to protect and improve Puget Sound water quality; and

(5) Review the budgets and regulatory and enforcement activities of state agencies with responsibilities for water quality and related resources in Puget Sound.

NEW SECTION. Sec. 5. In order to carry out its responsibilities under this chapter, the authority may:

(1) Develop interim proposals and recommendations, before the plan is adopted, concerning the elements identified in section 8 of this act;

(2) Enter into, amend, and terminate contracts with individuals, corporations, or research institutions for the purposes of this chapter;

(3) Receive such gifts, grants, and endowments, in trust or otherwise, for the use and benefit of the purposes of the authority. The authority may expend the same or any income therefrom according to the terms of the gifts, grants, or endowments;

(4) Conduct studies and research relating to Puget Sound water quality;

(5) Obtain information relating to Puget Sound from other state and local agencies;

(6) Conduct appropriate public hearings and otherwise seek to broadly disseminate information concerning Puget Sound;

(7) Receive funding from other public agencies;

(8) Prepare a biennial budget request for consideration by the governor and the legislature; and

(9) Adopt rules under chapter 34.04 RCW as it deems necessary for the purposes of this chapter.

NEW SECTION. Sec. 6. (1) The authority shall appoint one or more advisory committees to assist in the development of the plan. In making these appointments, the authority shall seek to include representation of all interested parties, including local governments, environmental and health agencies, tribal organizations, business, labor, citizens' groups such as environmental and public interest organizations, agricultural interests, recreational interests, and the fisheries and shellfish industries.

(2) The advisory committee or committees shall assist the authority to formulate policy goals and strategies, review the plan and make recommendations for its amendment to the authority, review the authority's reports, and review the authority's budget request proposals.

NEW SECTION. Sec. 7. (1) The chair shall hire staff for the authority. In so doing, the chair shall recognize the many continuing planning and research activities concerning Puget Sound water quality and shall seek to acquire competent and knowledgeable staff from state, federal, and local government agencies that are currently involved in these activities.

(2) As deemed appropriate, the chair may request the state departments of ecology, community development, fisheries, game, agriculture, natural resources, and social and health services to each assign at least one employee to the authority. The chair shall enter into an interagency agreement with agencies assigning employees to the authority. Such agreement shall provide for reimbursement, by the authority to the assigning agency, of all work-related expenditures associated with the assignment of the employees. During the term of their assignment, the chair shall have full authority and responsibility for the activities of these employees.

(3) The chair shall seek assignment of appropriate federal and local government employees under available means.

NEW SECTION. Sec. 8. The plan adopted by the authority shall be a positive document prescribing the needed actions for the maintenance and enhancement of Puget Sound water quality. The plan shall address all the waters of Puget Sound, the Strait of Juan de Fuca, and, to the extent that they affect water quality in Puget Sound, all waters flowing into Puget Sound, and adjacent lands. The authority may define specific geographic boundaries within which the plan applies. The plan shall coordinate and incorporate existing planning and research efforts of state agencies and local government related to Puget Sound, and shall avoid duplication of existing efforts. The plan shall include:

(1) A statement of the goals and objectives for long and short-term management of the water quality of Puget Sound;

(2) A resource assessment which identifies critically sensitive areas, key characteristics, and other factors which lead to an understanding of Puget Sound as an ecosystem;

(3) Demographic information and assessment as relates to future water quality impacts on Puget Sound;

(4) An identification and legal analysis of all existing laws governing actions of government entities which may affect water quality management of Puget Sound, the interrelationships of those laws, and the effect of those laws on implementation of the provisions of the plan;

(5) Review and assessment of existing criteria and guidelines for governmental activities affecting Puget Sound's resources, including shoreline resources, aquatic resources, associated watersheds, recreational resources and commercial resources;

(6) Identification of research needs and priorities;

(7) Recommendations for guidelines, standards, and timetables for protection and clean-up activities and the establishment of priorities for major clean-up investments and nonpoint source management, and the projected costs of such priorities;

(8) A procedure assuring local government initiated planning for Puget Sound water quality protection;

(9) Ways to better coordinate federal, state, and local planning and management activities affecting Puget Sound's water quality;

(10) Public involvement strategies, including household hazardous waste education, community clean-up efforts, and public participation in developing and implementing the plan;

(11) Recommendations on protecting, preserving and, where possible, restoring wetlands and wildlife habitat and shellfish beds throughout Puget Sound;

(12) Recommendations for a comprehensive water quality and sediment monitoring program;

(13) Analysis of current industrial pretreatment programs for toxic wastes, and procedures and enforcement measures needed to enhance them;

(14) Recommendations for a program of dredge spoil disposal, including interim measures for disposal and storage of dredge spoil material from or into Puget Sound;

(15) Definition of major public actions subject to review and comment by the authority because of a significant impact on Puget Sound water quality and related resources, and development of criteria for review thereof;

(16) Recommendations for implementation mechanisms to be used by state and local government agencies;

(17) Standards and procedures for reporting progress by state and local governments in the implementation of the plan;

(18) Recommendations for implementation of waivers from the uniform national requirements of secondary treatment. In making recommendations the authority shall consider the criteria specified in section 301(h) of the federal clean water act.

(19) An analysis of resource requirements and funding mechanisms for updating of the plan and plan implementation; and

(20) Legislation needed to assure plan implementation.

The authority shall circulate and receive comments on drafts of the plan mandated herein, and keep a record of all relevant comments made at public hearings and in writing. These records should be made easily available to interested persons.

NEW SECTION, Sec. 9. (1) In conducting planning, regulatory, and appeals actions, the state agencies and local governments identified in the plan must evaluate, and incorporate as applicable, the provisions of the plan, including any guidelines, standards, and timetables contained in the plan.

(2) The authority shall review the progress of state agencies and local governments regarding the timely implementation of the plan. Where prescribed actions have not been accomplished in accordance with the plan, the responsible state agencies and local governments shall, at the request of the authority, submit written explanations for the shortfalls, together with their proposed remedies, to the authority.

The results of the review and a description of the actions necessary to comply with the plan shall be included in the biennial state of the Sound report.

(3) The state agencies and local governments identified in the plan shall review their activities biennially and document their consistency with the plan. They shall submit written reports or updates of their findings to the authority.

(4) The authority shall review the major actions affected by the plan being considered by the state agencies and local governments and shall comment in a timely manner regarding consistency with the plan and may participate in administrative and subsequent judicial proceedings with respect to such actions. Any deviations from the plan, identified by the authority, shall be transmitted in writing by the authority to the responsible state agency or local government.

NEW SECTION, Sec. 10. (1) To implement this act, state agencies are authorized to adopt rules that are applicable to actions and activities on a less than state-wide geographic basis. State agencies are encouraged to adopt rules that protect Puget Sound water quality before the adoption of the plan by the authority.

(2) To implement this act, counties, cities, and towns are authorized to adopt ordinances, rules, and regulations that are applicable on less than a county-wide, city-wide, or town-wide basis. Counties, cities, and towns are encouraged to adopt ordinances, rules, and regulations that protect Puget Sound water quality before the adoption of the plan by the authority.

Sec. 11. Section 6, chapter 243, Laws of 1983 and RCW 90.70.900 are each amended to read as follows:

The Puget Sound water quality authority shall cease to exist and this chapter shall expire on June 30, ((1987)) 1991.

NEW SECTION. Sec. 12. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 243, Laws of 1983 and RCW 90.70.010;
- (2) Section 2, chapter 243, Laws of 1983 and RCW 90.70.020;
- (3) Section 3, chapter 243, Laws of 1983 and RCW 90.70.030;
- (4) Section 4, chapter 243, Laws of 1983 and RCW 90.70.040; and
- (5) Section 5, chapter 243, Laws of 1983 and RCW 90.70.050.

NEW SECTION. Sec. 13. Sections 1 through 10 of this act are each added to chapter 90.70 RCW.

NEW SECTION. Sec. 14. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 15. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

Senator Kreidler moved that the Senate do concur in the House amendment to Engrossed Second Substitute Senate Bill No. 3828.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Kreidler that the Senate do concur in the House amendment to Engrossed Second Substitute Senate Bill No. 3828.

The motion by Senator Kreidler carried and the Senate concurred in the House amendment to Engrossed Second Substitute Senate Bill No. 3828.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute Senate Bill No. 3828, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute Senate Bill No. 3828, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; nays, 4; absent, 2; excused, 2.

Voting yea: Senators Bailey, Bauer, Bender, Bluechel, Bottiger, Cantu, Conner, Craswell, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senators Barr, Benitz, Newhouse, Pullen - 4.

Absent: Senators Deccio, Metcalf - 2.

Excused: Senators Granlund, Kiskaddon - 2.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3828, 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 Zimmerman, Senator Metcalf was excused.

On motion of Senator Bender, Senator Owen was excused.

MESSAGE FROM THE HOUSE

April 16, 1985

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4114 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 43, chapter 282, Laws of 1959 as last amended by section 9, chapter 272, Laws of 1981 and RCW 21.20.430 are each amended to read as follows:

(1) Any person, who offers or sells a security in violation of any provisions of RCW 21.20.010 or 21.20.140 through 21.20.230, is liable to the person buying the security from him or her, who may sue either at law or in equity to recover the consideration paid for the security, together

with interest at eight percent per annum from the date of payment, costs, and reasonable attorneys' fees, less the amount of any income received on the security, upon the tender of the security, or for damages if he or she no longer owns the security. Damages are the amount that would be recoverable upon a tender less (a) the value of the security when the buyer disposed of it and (b) interest at eight percent per annum from the date of disposition.

(2) Any person who buys a security in violation of the provisions of RCW 21.20.010 is liable to the person selling the security to him or her, who may sue either at law or in equity to recover the security, together with any income received on the security, upon tender of the consideration received, costs, and reasonable attorneys' fees, or if the security cannot be recovered, for damages. Damages are the value of the security when the buyer disposed of it, and any income received on the security, less the consideration received for the security, plus interest at eight percent per annum from the date of disposition, costs, and reasonable attorneys' fees.

(3) Every person who directly or indirectly controls a seller or buyer liable under subsection (1) or (2) above, every partner, officer, director or person who occupies a similar status or performs a similar function of such seller or buyer, every employee of such a seller or buyer who materially aids in the transaction, and every broker-dealer, salesperson, or person exempt under the provisions of RCW 21.20.040 who materially aids in the transaction is also liable jointly and severally with and to the same extent as the seller or buyer, unless such person sustains the burden of proof that he or she did not know, and in the exercise of reasonable care could not have known, of the existence of the facts by reason of which the liability is alleged to exist. There is contribution as in cases of contract among the several persons so liable.

(4) (a) Every cause of action under this statute survives the death of any person who might have been a plaintiff or defendant.

(b) No person may sue under this section more than three years after the contract of sale for any violation of the provisions of RCW 21.20.140 through 21.20.230, or more than three years after a violation of the provisions of RCW 21.20.010, either was discovered by such person or would have been discovered by him or her in the exercise of reasonable care. No person may sue under this section if the buyer or seller receives a written rescission offer, which has been passed upon by the director before suit and at a time when he or she owned the security, to refund the consideration paid together with interest at eight percent per annum from the date of payment, less the amount of any income received on the security in the case of a buyer, or plus the amount of income received on the security in the case of a seller.

(5) No person who has made or engaged in the performance of any contract in violation of any provision of this chapter or any rule or order hereunder, or who has acquired any purported right under any such contract with knowledge of the facts by reason of which its making or performance was in violation, may base any suit on the contract. Any condition, stipulation, or provision binding any person acquiring any security to waive compliance with any provision of this chapter or any rule or order hereunder is void.

(6) Any tender specified in this section may be made at any time before entry of judgment.

(7) Notwithstanding subsections (1) through (6) of this section, if an initial offer or sale of securities that are exempt from registration under RCW 21.20.310 is made by ~~((the))~~ this state or its agencies, political subdivisions, municipal or quasi-municipal corporations, or other instrumentality of one or more of the foregoing and is in violation of RCW 21.20.010(2), ~~((each))~~ and any such issuer, member of the governing body, committee member, public officer, director, employee, or agent of such issuer acting on its behalf, or person in control of ~~((the state or agency, each))~~ such issuer, member of the governing body, committee member, public officer, ~~((or))~~ director, employee, or agent of such person acting on its behalf, ~~((and each employee thereof who))~~ materially aids in the offer or sale, ~~((are))~~ such person is liable to the purchaser of the security only if the purchaser establishes scienter on the part of the defendant. The word "employee" or the word "agent," as such words are used in this subsection, do not include a bond counsel or an underwriter. Under no circumstances whatsoever shall this subsection be applied to require purchasers to establish scienter on the part of bond counsels or underwriters."

and the same are herewith transmitted.

DENNIS L. HECK, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendment to Substitute Senate Bill No. 4114.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4114, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4114, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; nays, 2; absent, 1; excused, 4.

Voting yea: Senators Bailey, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Cantu, Conner, Deccio, DeJarnatt, Fleming, Garrett, Gaspard, Goltz, Guess, Halsan, Hansen, Hayner, Johnson, Kreidler, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Patterson, Peterson, Rasmussen, Rinehart, Saling, Sellar, Stratton, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Voting nay: Senators Craswell, Pullen - 2.

Absent: Senator Lee - 1.

Excused: Senators Granlund, Kiskaddon, Metcalf, Owen - 4.

SUBSTITUTE SENATE BILL NO. 4114, 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 7:21 p.m., on motion of Senator Vognild, the Senate adjourned until 9:30 a.m., Thursday, April 18, 1985.

JOHN A. CHERBERG, President of the Senate.

SID SNYDER, Secretary of the Senate.

**APPENDIX, HISTORY OF BILLS
AND INDEX
FOLLOWS IN
VOLUME II OF
1985 REGULAR AND FIRST
SPECIAL SESSIONS
OF THE SENATE JOURNAL**

